



College Station, TX

Meeting Agenda City Council

1101 Texas Ave, College Station, TX 77840

*Internet: www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 223 427 023 174 | Passcode: MvPmTr

Phone: 469-480-7460 | Phone Conference: 952 310 468#

August 10, 2023

4:00 PM

City Hall Council Chambers

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.

2. Executive Session Agenda.

Executive Session is closed to the public and will be held in the 1938 Executive Conference Room. The City Council may according to the Texas Open Meetings Act adjourn the Open Meeting during the Consent, Workshop or Regular Agendas and return into Executive Session to seek legal advice from the City Attorney regarding any item on the Workshop, Consent or Regular Agendas under Chapter 551, Texas Government Code.

2.1. Consultation with Attorney {Gov't Code Section 551.071};

Possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Kathryn A. Stever-Harper as Executrix for the Estate of John Wesley Harper v. City of College Station and Judy Meeks; No. 15,977-PC in the County Court No. 1, Brazos County, Texas.
- b. McCrory Investments II, LLC d/b/a Southwest Stor Mor v. City of College Station; Cause No. 17-000914-CV-361; In the 361st District Court, Brazos County, Texas.
- c. Shana Elliott and Lawrence Kalke v. City of College Station, et al., Cause No. 22-001122-CV-85, in the 85th District Court, Brazos County, Texas.
- d. City of College Station v. 47 Oaks, LLC, Cause No. 626-CC, in the County Court at Law No. 2 of Brazos County, Texas.
- e. SOAH Docket No. 473-22-2464 and PUC Docket No. 52728 – Application of the City of College Station to Change Rates for Wholesale Transmission Services.
- f. Legal advice related to Local Government Code Chapter 145 Financial Statements.

2.2. Real Estate {Gov't Code Section 551.072};

Possible action. The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote

taken will be in public. The following subject(s) may be discussed:

- a. Approximately 4 acres of land generally located in the 15000 block of FM 2154 in College Station.
- b. Approximately 4 acres of land south of Greens Prairie Road generally located between Arrington Road and Woodlake Drive in College Station.

2.3. Personnel {Gov't Code Section 551.074};

Possible action. The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed:

- a. City Manager
- b. Council Self-Evaluation

3. The Open Meeting will Reconvene No Earlier than 6:00 PM from Executive Session and City Council will take action, if any.

4. Pledge of Allegiance, Invocation, and Consider Absence Request.

Speaker Protocol

An individual who desires to address the City Council regarding any agenda item other than those items posted for Executive Session must register with the City Secretary two (2) hours before the meeting being called to order. Individuals shall register to speak or provide written comments at <https://forms.cstx.gov/Forms/CSCouncil> or provide a name and phone number by calling 979-764-3500. Upon being called to speak an individual must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Please do not carry purses, briefcases, backpacks, liquids, foods or any other object other than papers or personal electronic communication devices to the lectern, nor advance past the lectern unless you are invited to do so. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Council using a translator may speak for six (6) minutes. The speaker's microphone will mute when the allotted time expires and the speaker must leave the podium.

5. Presentation - Proclamations, Awards, and Recognitions.

5.1. Presentation proclaiming Allison Dohrman Day.

Sponsors: Tanya Smith

Attachments: 1. 23 Allison Dohrman Day

5.2. Presentation proclaiming the period of Spring, March 1st through June 15th and Fall, August 1st through November 30th as Lights Out Nights.

Sponsors: Tanya Smith

Attachments: 1. 23 Lights Out Night

5.3. Presentation proclaiming the week of August 6th through 12th, 2023 as National Health Center Week.

Sponsors: Tanya Smith

Attachments: 1. 23 National Health Center Week

5.4. Presentation of a proclamation celebrating the 60th Anniversary of Twin City Mission.

Sponsors: Tanya Smith

Attachments: 1. 23 Twin City Mission 60th Anniversary 2nd version

6. Hear Visitors.

During Hear Visitors an individual may address the City Council on any item which does not appear on the posted agenda. The City Council will listen and receive the information presented by the speaker, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concern shall be directed to the City Manager.

7. Consent Agenda.

Presentation, discussion, and possible action on consent items which consist of ministerial or "housekeeping" items as allowed by law. A Councilmember may request additional information at this time. Any Councilmember may remove an item from Consent for discussion or a separate vote.

7.1. Presentation, discussion, and possible action of minutes for:

- July 17, 2023 Special Meeting
- July 18, 2023 Special Meeting
- July 27, 2023 Council Meeting

Sponsors: Tanya Smith

- Attachments:
1. SPM071723 DRAFT Minutes
 2. SPM071823 DRAFT Minutes
 3. CCM072723 DRAFT Minutes

7.2. Presentation, discussion, and possible action regarding an annual blanket price agreement for emergency medical supplies with Bound Tree Medical, LLC for an estimated annual expenditure of \$250,000.

Sponsors: Richard Mann

- Attachments:
1. Blanket Price Agreement No. 23300658

7.3. Presentation, discussion, and possible action regarding a resolution adopting the Program Year (PY) 2023 Annual Action Plan and Fiscal Year (FY) 2024 Community Development budget.

Sponsors: Raney Whitwell

- Attachments:
1. Attachment 1 - Resolution
 2. Attachment 2- FY 2024 Proposed Community Development Budget Updated
 3. Attachment 3 - FY 2024 Income Limits
 4. Attachment 4- Community Development Project Descriptions

7.4. Presentation, discussion, and possible action on a Professional Services Contract with Freese and Nichols, Inc. in the amount of \$570,993 for the Carter Creek Wastewater Treatment Plant Effluent Filters Phase 1 Outfall improvements.

Sponsors: Jennifer Cain

- Attachments:
1. Carter Creek Outfall location map
 2. Carter Creek Outfall Design Vendor Signed Contract

7.5. Presentation, discussion, and possible action regarding a Real Estate Contract with Jerry P. Windham and Patricia Windham, for the purchase of 4.0 acres of land on Greens Prairie Road for the purchase price of \$784,080.00 for the development of Fire Station 7.

Sponsors: Jennifer Cain

- Attachments:
1. Current Fire Stations and NEW #7 Site - 07-10-2023
 2. Real Estate Contract Windham 07-27-2023-COCS-Final

7.6. Presentation, discussion, and possible action on an award to Techline Inc. for the purchase of Di-Electric Switchgears for Electric Inventory, not to exceed \$882,766.

Sponsors: Mary Ellen Leonard

Attachments: 1. 23-071 Purchase Of Switchgears Tabulation

- 7.7. Presentation, discussion, and possible action on the purchase of Single and Three Phase Transformers from KBS Electrical Distributors not to exceed \$805,810 and Techline Inc. not to exceed \$854,150 for a total expenditure of \$1,659,960.

Sponsors: Mary Ellen Leonard

Attachments: 1. 23-073 Bid Award Transformers 731

- 7.8. Presentation, discussion, and possible action regarding renewing an Interlocal Agreement with Texas Department of State Health Services (DSHS) for Vital Statistics and Data Use.

Sponsors: Ian Whittenton

Attachments: 1. 23300690 -- TX HHS -- Remote Access

8. Workshop Agenda.

- 8.1. Presentation, discussion, and possible action on City-Initiated Rezoning to MH Middle Housing and potential modifications to the MH Middle Housing zoning district.

Sponsors: Michael Ostrowski

Attachments: 1. Area Maps
2. Findings
3. Public Input Summary

- 8.2. Presentation, discussion, and possible action related to interest in a potential future Recreation Center and Convention Center in College Station.

Sponsors: Bryan Woods

Attachments: None

9. Regular Agenda.

- 9.1. Presentation, discussion, and possible action on the 2023-2024 ad valorem tax rate; and calling a public hearing on a proposed ad valorem tax rate for FY 2023-2024.

Sponsors: Mary Ellen Leonard

Attachments: None

- 9.2. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A "Unified Development Ordinance," Article 1 "General Provisions," Article 2 "Development Review Bodies," Article 3 "Development Review Procedures," Article 4 "Zoning Districts," Article 5 "District Purpose Statements and Supplemental Standards," Article 6 "Use Regulations," Article 7 "General Development Standards," Article 8 "Subdivision Design and Improvements," Article 9 "Nonconformities," Article 10 "Enforcement," and Article 11 "Definitions," of the Code of Ordinances of the City of College Station, Texas, regarding formatting and content edits to the Unified Development Ordinance.

Sponsors: Matthew Ellis

Attachments: 1. Ordinance
2. UDO Clean-up Redlines

- 9.3. Public Hearing, presentation, discussion, and possible action regarding amendments to the Unified Development Ordinance Sections 5.8.B Northgate Districts, 7.2 General Provisions, and 7.3 Off-Street Parking Standards to modify off-street parking and bicycle parking requirements.

Sponsors: Jesse Dimeolo

Attachments: 1. Ordinance

2. Section 5.8. - Redlines
3. Section 7.2 - Redlines
4. Section 7.3 - Redlines

- 9.4. Presentation, discussion, and possible action regarding a Community Development Block Grant funding agreement with Elder Aid, Inc. in the amount of \$170,000 for the acquisition of 700 Pasler and presentation, discussion, and possible action regarding a HOME Investment Partnership Program funding agreement with Elder Aid, Inc. in the amount of \$189,650 for the construction of a single-family house on the lot at 700 Pasler.

Sponsors: Virgil Eric Barton

Attachments:

1. 700 Pasler Funding Agreement - CDBG
2. 700 Pasler Funding Agreement - HOME
3. Location Map - 700 Pasler

- 9.5. Presentation, discussion, and possible action regarding the creation of a Housing Action Plan Steering Committee to advise and provide community input on the Housing Action Plan.

Sponsors: David Brower

Attachments: 1. Housing Action Plan Resolution

- 9.6. Presentation, discussion, and possible action regarding an ordinance prohibiting commercial motor vehicle parking in certain areas by amending Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing, and Parking," Section 38-45 "Parking Regulations for Certain Described Areas," and Section 38-79 "Civil Fines, Costs and Fees," adding, in Chapter 38 "Traffic and Vehicles," Article VI "Traffic Schedules," Section 38-1016 "Traffic Schedule XVI, No Commercial Motor Vehicle or Trailer Parking," to the Code of Ordinances of the City of College Station, Texas, to prohibit commercial motor vehicles and trailers from parking along the south side of Ponderosa Drive, providing a severability clause; declaring a penalty; providing an effective date; and repealing Ordinance 2023-4449.

Sponsors: Emily Fisher

Attachments:

1. Ordinance - No Commercial Motor Vehicle Parking
2. Section 38-45 Revisions
3. Ponderosa Map

10. Council Calendar - Council May Discuss Upcoming Events.

11. Items of Community Interest.

The Council may receive reports from a Council Member or City Staff about items of community interest for which notice has not been given, including: expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognitions of a public official, public employee, or other citizen; reminders of upcoming events organized or sponsored by the City of College Station; information about a social, ceremonial or community event organized or sponsored by an entity other than the City of College Station that is scheduled to be attended by a Council Member, another city official or staff of the City of College Station; and announcements involving an imminent threat to the public health and safety of people in the City of College Station that has arisen after the posting of the agenda.

12. Council Reports on Committees, Boards, and Commissions.

13. Future Agenda Items and Review of Standing List of Council Generated Future Agenda Items.

A Council Member may make a request to City Council to place an item for which no notice has been given on a future agenda or may inquire about the status of an item on the standing list of council generated future agenda items. A Council Member's or City Staff's response to the request or inquiry will be limited to a statement of specific factual information related to the request or inquiry or the recitation of existing policy in response to the request or inquiry. Any deliberation of or decision about the subject of a request will be limited to a proposal to place the subject on the agenda for a subsequent meeting.

14. Adjourn.

The City council 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 August 4, 2023 at 5:00 p.m.



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 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."

August 10, 2023

Item No. 5.1.

Allison Dohrman Day

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation proclaiming Allison Dohrman Day.

Relationship to Strategic Goals:

N/A

Recommendation(s): N/A

Summary: N/A

Budget & Financial Summary: N/A

Attachments:

1. 23 Allison Dohrman Day



Proclamation

WHEREAS, Bicycling is the third most popular outdoor activity in the United States with over 51 million annual participants, and bicycling is an important part of the fabric of life in College Station; and

WHEREAS, College Station citizens have historically embraced bicycling and College Station has long had the highest number of bicycle commuters per capita in Texas, and has also previously ranked in the Top 25 cities nationally for bike commuters per capita; and

WHEREAS, Texas A&M University, a prominent entity in College Station, has figured significantly in the international development of bicycle racing technology with multiple world class bicycle racers venturing to the Oran W. Nicks Low Speed Wind Tunnel for aerodynamic testing of equipment and riders; and

WHEREAS, becoming a successful bicycle racer often requires dedicated training, perseverance, a strong character, the assistance of family and friends, and courage in the face of adversity; and

WHEREAS, The Road Rascals Special Olympics Cycling Team provides an opportunity for local individuals to excel at a high level in the sport of bicycling and improve fitness and have fun through the dedication of team members, family members, and supporters; and

WHEREAS, Allison Dohrman of College Station and The Road Rascals have achieved at a high level by winning two medals, a silver and a bronze, at the Special Olympics World Games in Berlin, Germany, and Allison's family, team, friends, and community are rightfully very proud of this exceptional accomplishment.

NOW, THEREFORE, I, John P. Nichols, as mayor of the City of College Station and on behalf of our community's residents and the College Station City Council, declare today, August 10, 2023, as

Allison Dohrman Day

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 10th Day of August, 2023.


John P. Nichols
Mayor

Attest:


Tanya Smith
City Secretary

August 10, 2023

Item No. 5.2.

Lights Out Nights Proclamation

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation proclaiming the period of Spring, March 1st through June 15th and Fall, August 1st through November 30th as Lights Out Nights.

Relationship to Strategic Goals:

N/A

Recommendation(s): N/A

Summary: N/A

Budget & Financial Summary: N/A

Attachments:

1. 23 Lights Out Night



WHEREAS, birds are present in every environment – urban or rural, wetland or prairie—and they are an ever-present reminder that nature is all around us; and

WHEREAS, twice a year, billions of birds embark on strenuous migrations between wintering and breeding grounds that are many thousand miles apart. In North America, 70 percent of bird species migrate, and, of those, 80 percent migrate at night, using the night sky to help them navigate; and

WHEREAS, more than 600 species can be seen year round as Texas sites in the middle of the Central Migration Flyway; and Texas witnesses the movement of nearly two billion migrating birds through the state. This number represents a quarter and a third of all birds migrating throughout the United States; and migratory birds and bird watchers alike come each spring and fall to enjoy the City of College Station; and

WHEREAS, it is important to recognize this massive migration of birds occurs at night; and these birds must contend with a rapidly increasing but still under-recognized threat: light pollution. Light attracts and disorients these migrating birds, confusing them and making them vulnerable to collisions with buildings and other urban threats. More than one billion birds die in collisions with buildings in the United States annually, according to Lights Out Texas; and

WHEREAS, birds are an important part of the natural ecosystem that we depend on, as well as essential pollinators and seed dispersers. Birds impact our well-being and contribute to the local economy; and

WHEREAS, the City of College Station is a community that cares about protecting wildlife and the environment; and is joining other Texas and U.S. cities with Lights Out programs by implementing a simple solution to protect birds: turning off non-essential lighting during migration season; and

WHEREAS, turning off non-essential lights dramatically reduces hazards to migrating birds, allowing them to safely process with their journeys; and light pollution in Texas and the United States continues to grow each year, more communities, wildlife and birds are impacted; and

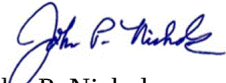
WHEREAS, Lights Out Texas is a statewide initiative that aims to raise awareness of this issue and advance action. This effort is facilitated by a coalition of conservation non-profits, universities, governmental organizations, and Texans dedicated to the conservation of birds; and

WHEREAS, all the City of College Station residents and business owners are encouraged to help protect birds by turning off all non-essential lighting in downtown, parks, yards, and beyond between 11 p.m. and 6 a.m. during the spring and fall migration periods: Spring, March 1 – June 15 and Fall, August 15– November 30.

NOW, THEREFORE, I, John P. Nichols, Mayor of College Station do hereby proclaim the period of Spring, March 1 – June 15 and Fall, August 1 – November 30 as

Light Out Nights

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 10th day of August 2023.


John P. Nichols
Mayor

Attest:

Tanya Smith
City Secretary

August 10, 2023

Item No. 5.3.

National Health Center Week

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation proclaiming the week of August 6th through 12th, 2023 as National Health Center Week.

Relationship to Strategic Goals:

Recommendation(s): N/A

Summary: N/A

Budget & Financial Summary: N/A

Attachments:

1. 23 National Health Center Week



Proclamation

WHEREAS, National Health Center Week is celebrated nationally each year to honor the work of those that provide quality, comprehensive healthcare to patients in our community and increase awareness of community health centers and the services they provide; and

WHEREAS, for the last 50 years, HealthPoint has served the communities of Brazos Valley providing high-quality, affordable, comprehensive primary and preventive health care to the medically underserved; and

WHEREAS, on the front lines of emerging health care, HealthPoint allows patients to overcome barriers to healthcare access, improving health outcomes and reducing healthcare system costs. In 2022, HealthPoint served 7,794 patients at their ABC clinic, 22% of which were uninsured and 63% of which were on Medicaid; and

WHEREAS, HealthPoint has integrated a wide range of services beyond primary and acute care, including dental, behavioral health, and pharmacy services, to meet the needs and challenges of every member of our community; and

WHEREAS, working as part of multi-disciplinary clinical team designed to treat the whole patient, HealthPoint's staff are dedicated individuals with varied interest and strengths united in their passion for and commitment to both their patients and the improvement of the quality of healthcare; and

WHEREAS, through a comprehensive approach to medical and dental needs, HealthPoint seeks to provide evidence-based healthcare utilizing a patient-empowered team approach to achieve individual wellness for all community members; and

WHEREAS, during this week-long observation, we proudly join the National Association of Community Health Centers in declaring this week as "National Health Center Week," showing appreciation for the contributions HealthPoint makes to our city and the health of our community.

NOW, THEREFORE, I, John P. Nichols, Mayor of the City of College Station, Texas, do hereby proclaim August 6-12, 2023, as

National Health Center Week

I encourage all Americans to take part in this week by visiting their local health center and celebrating the important partnership between America's Community Health Centers and the communities they serve.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 10th day of August 2023.

John P. Nichols
Mayor

Attest:

Tanya Smith
City Secretary

August 10, 2023

Item No. 5.4.

60th Anniversary of Twin City Mission

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation of a proclamation celebrating the 60th Anniversary of Twin City Mission.

Relationship to Strategic Goals:

Recommendation(s): N/A

Summary: N/A

Budget & Financial Summary: N/A

Attachments:

1. 23 Twin City Mission 60th Anniversary 2nd version



Proclamation

- Whereas:** Established in 1963, the Twin City Mission began as a homeless shelter providing lodging, meals, and clothing to the homeless; and
- Whereas:** Today, the Twin City Mission serves men, women, and children with a mission to create hope, acceptance, and stability in a safe and caring environment to all in need; and
- Whereas:** The shelter once referred to as The Bridge, changed its name in 2018 after the retirement of CEO Doug Weedon. The Twin City Mission's shelter facility is now affectionally known as the Doug Weedon Shelter for Hope, providing emergency housing and transition to permanent housing; and
- Whereas:** The Rapid Re-Housing program at the Twin City Mission aims to shorten shelter stays with short-term rental assistance, case management, food, eye and dental assistance, educational aid, and work attire; and
- Whereas:** Phoebe's Home, which opened in 1979, provides 24-hour emergency shelter for survivors of domestic violence; and
- Whereas:** For six decades, Twin City Mission has provided for the homeless and hungry, with a positive impact in both College Station and Bryan, helping countless community members in need; and
- Whereas:** The mission continues seeking to restore mental and physical health, rebuild a sense of dignity, and prepare the homeless to meet future challenges; and
- Whereas:** We encourage all citizens and businesses in College Station and Bryan to pay tribute to this valued organization and its services. We also express gratitude to Twin City Mission staff and volunteers that provide personalized attention to those in need, helping them take the essential steps toward a better life.
- Now, Therefore:** I, John P. Nichols, Mayor of the City of College Station and acting on behalf of the College Station City Council, hereby recognize the efforts of the Twin City Mission and its volunteers and proclaim our support and best wishes on the occasion of their

60th Anniversary

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 10th Day of August 2023.

John P. Nichols
Mayor

Attest:

Tanya Smith
City Secretary

August 10, 2023

Item No. 7.1.

Minutes

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action of minutes for:

- July 17, 2023 Special Meeting
- July 18, 2023 Special Meeting
- July 27, 2023 Council Meeting

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Recommends Approval.

Summary: N/A

Budget & Financial Summary: None

Attachments:

1. SPM071723 DRAFT Minutes
2. SPM071823 DRAFT Minutes
3. CCM072723 DRAFT Minutes

MINUTES OF THE CITY COUNCIL SPECIAL (BUDGET) MEETING
IN-PERSON
CITY OF COLLEGE STATION
JULY 17, 2022

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

John P. Nichols, Mayor

Council:

Mark Smith
William Wright
Linda Harvell
Elizabeth Cunha
Bob Yancy
Dennis Maloney

City Staff:

Bryan Woods, City Manager
Jeff Capps, Deputy City Manager
Adam Falco, City Attorney
Leslie Whitten, Deputy City Attorney
Tanya Smith, City Secretary

Council attending Funeral for Former Parks Director prior to the call the of the Special (Budget) Meeting.

1. Call to Order and Announce a Quorum is Present.

With a quorum present, the Special (Budget) Meeting of the College Station City Council was called to order by Mayor John P. Nichols via In-Person at 12:00 p.m. on Monday, July 17, 2023, in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. SPECIAL (BUDGET) ITEMS

2.1. Presentation, discussion, and possible action on the FY 2023-2024 Proposed Budget.

Mary Ellen Leonard, Finance Director, provided a review of the proposed FY23-24 budget and citywide budget issues. The proposed FY24 budget is \$492,013,771; which in this amount, \$357,068,355 is included for the operations and maintenance budget, and \$134,945,416 is included for the capital budget. Compared to FY23, the operating and maintenance budget increased approximately 10% while the capital budget increased 54%. A public hearing is to be scheduled for July 27th, adoption of the budget scheduled for August 24th, and according to the charter, final action on the proposed budget must take place on or before September 27th.

FUND TYPE	AMOUNT
GOVERNMENTAL FUNDS	\$ 146,837,897
ENTERPRISE FUNDS	186,847,052
SPECIAL REVENUE FUNDS	23,383,406
SUBTOTAL OPERATIONS & MAINTENANCE (O&M)	\$ 357,068,355
CASH FOR CAPITAL PROJECTS	9,500,000
CAPITAL PROJECTS	125,445,416
SUBTOTAL CAPITAL PROJECTS	\$ 134,945,416
TOTAL NET BUDGET	\$ 492,013,771

Mrs. Leonard explained that College Station is expected to have a growing population, a low unemployment rate, and increased economic development, making it an attractive place to live and work. Also, Inflation is a key factor in determining the FY24 Budget and failure to attract and retain top talent is predicted to be the number two risk in North America three years from now, aging workforce.

Local Economy

Growth in Population

- The city has grown 28.4% between the 2010 and 2020 Censuses.
 - ✓ A&M is increasing the number of freshmen on campus this fall by ~10K – which puts CS at 76K students.
 - ✓ Students to residents = approx. 60% residents – that will go down with the number of students being added.

Unemployment Rate

- The unemployment rate is expected to be 2.9% which is below the state average of 4.0% and national average of 3.4%.
 - ✓ Unemployment in CS/B in FY22 was about 3.4% - which makes workers hard to find

Economic Development

- The city continues to invest in economic development projects to create more jobs and stimulate the economy.

FY24 Factors Influencing Service Delivery

Inflation

- The cumulative price increase between 2020 and 2024 is 21.03%.

Interest Rates

- Federal policy has a significant impact on the availability of capital funding and can reduce citizens' buying power.

Labor

- Continued marketplace competition for recruiting and retaining a best-in-class workforce.

Regulatory

- Both Federal and State legislative changes as well as policy changes at A&M can affect our service delivery.

Recession

- The risk of a recession can have a negative impact on sales tax collections, a major source of revenue in the General Fund.

Jeff Kersten, Assistant City Manager, stated that City Council should be aware of these factors and take proactive steps to mitigate them for our growing City. The FY24 Budget is a plan to address the most pressing factors influencing service delivery.

Addressing Interest Rates & Recession

- Monitor Federal Funds Rate for an inverted yield curve.
- Continuing to monitor multiple sources of sales tax data analytics for early warning of recession.
- FY25 and FY26 Forecasts prepared assuming lower than average YoY revenue gains to be conservative.

Addressing Regulatory Changes

- Budget includes funding for legislative monitoring in Austin during sessions.
- During State legislative session, CMO Implemented a regulatory risk management system to track, monitor, and analyze proposed legislation and assess their potential impact on the city.
- Continue relationships with Texas A&M related to developments at the University that affect City services.

Addressing Inflation

- FY23 Budgets were increased by \$6.5 Million to address rising inflation in purchased power, contractual obligations, and fixed costs.
- FY24 Budgets were increased by an additional \$6.6 Million to address rising inflation in purchased power, contractual obligations, and fixed costs.
- Vehicles were pre-ordered since FY21 to address supply chain issues. Only long-lead vehicles are planned to be pre-ordered in FY24.

Addressing Labor

FY23 Original Budget = 1,041.5 - FY23 Revised = 1,038.5 (due to reductions in Electric and Water Services)

- Budget includes strategy to address financial and non-financial compensation to reduce the labor shortage.
- Compensation strategy includes Cost of Living, Merit, Time in Position and Specific Position adjustments.
- Indirect Financial Compensation includes no increase in Healthcare Insurance and continued plan to fully fund retirement benefits.

Discussion of the General Fund will include:

- Revenue Overview
- Proposed Property Tax Rate
- Expense Requests
- Fund Balance & Future Years

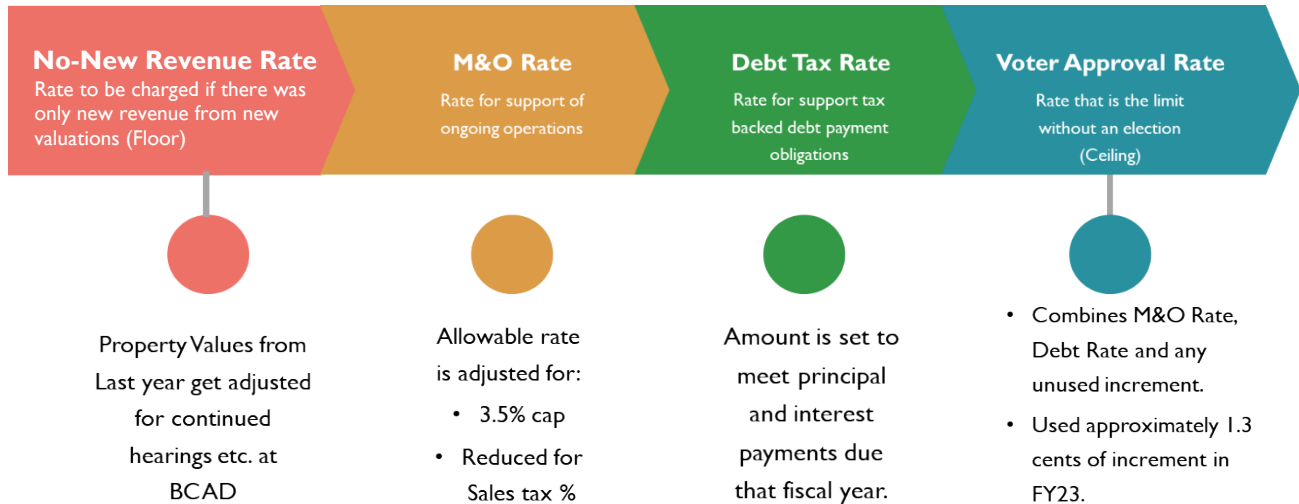
Mr. Kersten stated that the General Fund Revenue is the primary governmental fund of the City of College Station that includes Utility Transfer 14%, Sales Tax 36%, Ad Valorem Taxes 36%, and all other Revenue is 14%.

Preliminary Taxable Values

- Taxable Assessed Value up 19.3%
✓ BCAD reserve estimate 3.0%

- Year over Year category increases
 - ✓ Single Family – 24.3%
 - ✓ Multi Family – 31.0%
 - ✓ Commercial – 21.0%
- Average Taxable Residence value increase limited by law to 10%
- New Value up 2.35%
 - ✓ Includes \$17.5M from Fuji

Tax Rate Calculations



Recommended Tax Rate: No-New Revenue and Voter Approval Rates are *Estimated*.

	Current Rate	Change	Proposed FY24
Debt Service Fund	21.1441	(0.0000)	21.1441
General Fund	31.3172	(1.0187)	30.2985
Total	52.4613	(1.0187)	51.4426
Estimated No New Revenue Rate	47.5470		45.7681
Estimated Voter Approval Rate (after total increment)	53.7996		51.4893

Jeff Kersten, Assistant City Manager, explained the taxable value within the City is determined by this county agency as of January 1 of each year. Market conditions and other factors determine that valuation. For College Station, the Brazos Central Appraisal District (BCAD) provides us with a preliminary property valuation number in April for property within City limits. The information provided by BCAD is then used to prepare the FY24 Proposed Budget. Total estimated taxable values before the freeze adjustment are \$14 billion dollars. New value added to the tax rolls as of January 1, 2023 totaled \$289,823,206 or 2.3%. The valuations on existing property assessed by BCAD increased by 20.3%. The net taxable value estimate reflects an increase of approximately 19.3% over values as of 1/1/2022.

Property Tax Calculation

	FY24 Budget	FY23 Budget	Inc (Dec)	
Property Taxable Valuation	14,216,646,062	11,879,849,929	2,336,796,133	19.67%
FY23 Tax Rate \$.313172	\$44,522,555	\$37,204,364	\$7,318,191	
FY24 Tax Rate change (\$.010187)	(\$1,448,250)		(\$1,448,250)	
Less: Tax Freeze Amounts / repayments	(\$1,811,844)	(\$1,252,004)	(\$559,840)	
Total Property Tax Revenue	\$41,262,461	\$35,952,360	\$5,310,101	14.77%

Mr. Kersten also presented the year over year sales tax changes, which are the Average Sales Tax Growth YoY is 2.18% (Inflation adjusted = Constant Dollar) and the Budget assumes 2.5% over YEE in actual dollars.

At 1:50 p.m., the Mayor recessed the Special (Budget) Workshop.

The Special (Budget) Workshop reconvened at 2:03 p.m.

General Fund – Recurring Expenses

Mary Ellen Leonard, Finance Director, gave a summary on turnover rates which is a company replaces employees over time – negative rates are good, and you are then replacing those employees and filling any new positions. Vacancy is roles that are either vacated and not filled or have been added and not filled over time.

Types of Compensation: Non-Financial Compensation, Direct Financial Compensation, and Indirect Financial Compensation (Benefits)

Monetary Compensation “Buckets”

- Public Safety Specific Pay
 - ✓ As in prior years, uniformed public safety employees receive a budget step increase based on experience and position that equates to approximately 1.5-2% above what non-step employees receive.
- Cost of Living Adjustment
 - ✓ Assuming 6% (scale) increase for both step and non-step employees across the city
- Merit Increase
 - ✓ A pool of recurring funds merit increases for non-step employees.
- Longevity / Tenure Pay (Time in Position)
 - ✓ A pool of recurring funds for length of time at the City
- Specific Position Adjustments
 - ✓ A pool set aside for specific positions needing market compensation adjustments.

General Fund Operating Department

Key General Fund Service Level Requests

- Police 28%
- Fire 23%
- Public Works 7%
- Parks 11%

- Planning 5%
- Support Services 26%

Police – Total Request of (1.3M) for K-9 Officer, Training: Safety Vehicle, Mental Health Solutions, Police Officers & Vehicles (COPS Grants).

Fire – Total Request of (270K) for Paramedic Training, which this SLA covers the overtime and training costs and will assist the department's EMS Response Time.

Public Works – Total Request of (\$734K) for Reaccreditation (APWA), Traffic Calming, Licensed Irrigation Specialist + Truck, Attenuator Truck, Stolen Sign Replacement Funds and Thermoplastic Markings (maintenance).

Parks – Total Request of (\$721K) for Master Plan, Cameras at 7 Operation Shops, Veterans Park Cameras, Compact Utility Loader, Turf Field Mower, Debris Blower O7M Cost and Library Circulation.

Planning – Total Request of (\$218K) for Flood Hazard Assessment, Digitizing Historical Files, City-Initiated Middle Housing, Rezoning Surveying and Advertisement.

General Fund Ancillary Departments

Key General Fund Service Level Requests

- Information Technology 30%
- CIP / Facilities Operations 17%
- Mayor & Council 4%
- Economic Development 6%
- Human Resources 7%
- Finance and Court 21%
- City Manager's Office 7%
- Attorney 4%
- Community Services 4%

IT - Total Request of (\$471K) for Disaster backup and recovery license, 2 Additional Host Servers, and Aerial Imagery.

CIP / Facilities Operations – Total Request of (\$966K) for Facilities Corrective Maintenance, and Facility Maintenance Technicians w/ Service Trucks.

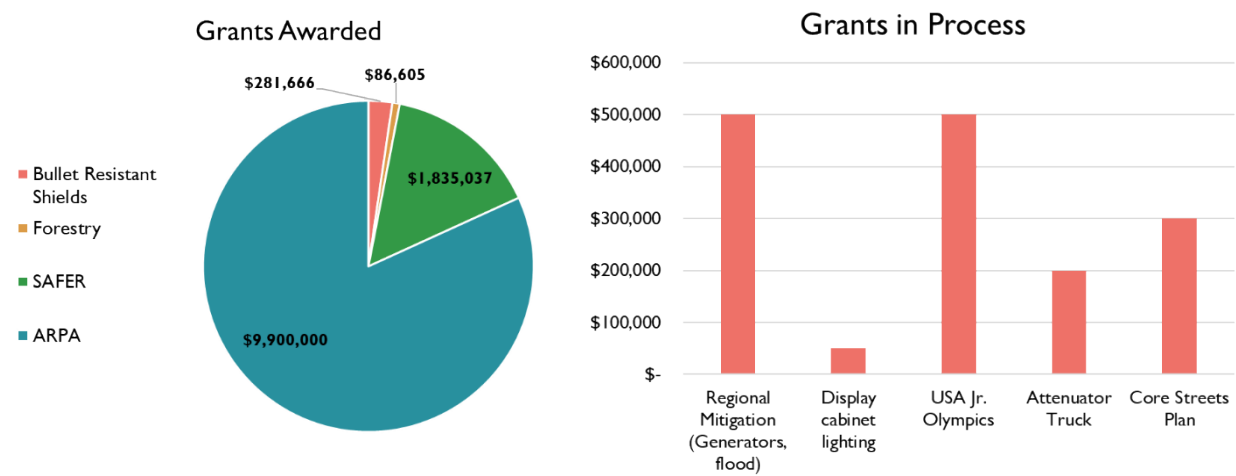
Mayor & Council – Total Request of (\$31K) for Food and Beverages, and Community Sponsorships.

Community Services – Total Request of (\$44K) for Community Development Staff Split Funding with Community Service Administration.

Economic Development – Total Request of (\$100K) for USA Track and Field Junior Olympics Championships (w/ expected revenue).

Human Recourses – Total Request of (\$30K) for Employee Recognition / Event Funding.

Mary Ellen Leonard, Finance Director, presented an overview of the Grant Fund, which this city match on awarded Grants for FY23 is \$516K and city match known so far on applied for Grants is FY24 is \$225K.



General Fund Five Year Forecast

	YEE FY23	FY24 Forecast	FY25 Forecast	FY26 Forecast	FY27 Forecast	FY28 Forecast	FY29 Forecast
Beginning Fund Balance	\$74,690	\$69,370	\$65,830	\$66,960	\$62,980	\$60,570	\$58,770
TOTAL REVENUES	\$111,080	\$113,610	\$118,250	\$120,060	\$123,560	\$127,210	\$130,820
EXPENSES:							
Departmental - Base	\$110,140	\$115,310	\$120,030	\$123,140	\$127,710	\$132,460	\$135,870
Transfers - Base	(11,290)	(10,660)	(12,200)	(11,960)	(12,170)	(12,470)	(13,030)
Other Sources - Base	17,560	5,200	6,970	6,840	6,990	7,040	7,160
Departmental - Recurring SLAs		1,620	190	1,450	1,450	-	-
Other Operational Reserve (incremental amount)	1,732	1,800	1,800	-	-	-	-
TOTAL RECUR EXP:	\$118,142	\$113,270	\$116,790	\$119,470	\$123,980	\$127,030	\$130,000
Inc/(Dec) to FB - Recurring:	(7,062)	340	1,460	590	(420)	180	820

Mary Ellen Leonard, Finance Director, explained that total fund balance at the end of FY24 is anticipated to be \$65,822 – divided into 3 sections, which are Assigned (\$38K), Required (\$22K) and Unassigned (\$6K). At the end of FY24 there will be two GASB pronouncements that will need to be implemented (Compensation Absences and Cloud Computing) and we have estimated that \$8.5 m will be needed for compensated absences and \$1.0M for Cloud Computing

Assigned Fund Balance

Assigned Fund Balances	FY23	FY24	FY25	FY26	FY27	FY28
Reserve for Future Operational Needs	\$1,732	\$3,532	\$5,332	\$ -	\$ -	\$ -
Additional reserve for Bond Rating	6,529	6,310	6,359	6,570	6,807	6,974
Future Economic Development	500	500	500	500	500	500
Council Requests	125	125	125	125	125	125
Special Elections	100	100	100	100	100	100
Budget Amendment Items	405	75	75	75	75	75
Grant Matching	500	500	500	500	500	500
GASB Pronouncements	9,500	9,500	9,500	9,500	9,500	9,500
Future Projects	17,200	17,200	17,200	17,200	17,200	17,200
Assigned Fund Balance	\$36,591	\$37,842	\$39,691	\$34,570	\$34,807	\$34,974

3. Adjournment.

There being no further business, Mayor John P. Nichols adjourned the Special (Budget) Meeting of the City Council at 5:34 p.m. on Monday, July 17, 2022.

John P. Nichols, Mayor

ATTEST:

Tanya Smith, City Secretary

MINUTES OF THE CITY COUNCIL SPECIAL (BUDGET) MEETING
IN-PERSON
CITY OF COLLEGE STATION
JULY 18, 2023

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

John P. Nichols, Mayor

Council:

Mark Smith
William Wright
Linda Harvell
Elizabeth Cunha
Bob Yancy
Dennis Maloney

City Staff:

Bryan Woods, City Manager
Jeff Capps, Deputy City Manager
Adam Falco, City Attorney
Leslie Whitten, Deputy City Attorney
Tanya Smith, City Secretary

1. Call to Order and Announce a Quorum is Present.

With a quorum present, the Special (Budget) Meeting of the College Station City Council was called to order by Mayor John P. Nichols via In-Person at 11:00 a.m. on Tuesday, July 18, 2023, in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. SPECIAL (BUDGET) ITEMS

2.1. Presentation, discussion, and possible action on the FY 2023-2024 Proposed Budget.

Mary Ellen Leonard, Finance Director, provided a brief overview of the outside agency funding requests and the amount of funding received by each agency depends on Council direction and the availability of funds. Agencies are funded by the General Fund, Community Development Fund, Hotel Tax Fund, and Solid Waste Fund. Contract Partners have been identified based on their economic impact and the community services provided to the City. The Contract Partner agencies are Brazos Valley Economic Development Corporation (BVEDC) and Arts Council of the Brazos Valley (ACBV). Department Budget Agencies are agencies whose work directly supports the goals of a City Department.

Outside Agencies and Sponsorship Difference

Outside Agencies

- Provide services City doesn't offer
- Legally required to support
- Limited O&M support provided
- Quarterly financial reporting required
- City has "seat at the table" via Council or Staff

Sponsorships

- Community Events
- Funding supports a sense of place valued in College Station
- City Manager or Council driven
- No additional involvement from City other than the event

OUTSIDE AGENCY FUNDING

Requests from the General Fund amounted for the following:

Agencies with No Requested Increase:

- BV Economic Development Corporation (\$350,000)
- Aggieland Humane Society (\$276,000)
- Brazos County Health District (\$478,029)
- Amber Alert Network Brazos Valley (\$5,000)

Agencies with Requested Increase:

- Noon Lions Club (\$17,500)
 - ✓ \$1,000 increase for a parade in College Station that would end at one of the city's parks where there will be games, concessions, picnicking, and entertainment.
- Brazos County Appraisal District (\$640,700)
 - ✓ \$64,700 increase for personnel services, in the efforts to continue to be competitive with salaries and benefits, they have included a 4.5% cost of living increase as well a 1.5% merit pool, as well as supplies and administrative expenses.
- Never Forget Garden (\$10,000)
 - ✓ New Project - to help build the Tomb of the Unknown Soldier Never Forget Garden Veterans Memorials (NFG)
- Keep Brazos Beautiful / Solid Waste Fund (\$48,230)
 - ✓ \$1,500 increase for Life-Enhancing issues of Environmental quality.

HOTEL TAX FUND AGENCY FUNDING

Agencies with No Requested Increase:

- B/CS Chamber of Commerce (\$25,000)
- Veterans Memorial (\$30,000)
- Arts Council Marketing / Public Art Support (\$35,000)
 - ✓ \$10,000 – Arts Council O&M: These funds will be used for partial support for audit expenses, copier lease and office supplies, and a programs intern.
 - ✓ \$25,000 – Local Arts Marketing: These funds will be used for local marketing and advertising for The Arts Council's events and programs. Please see page 12 for the plans for these funds.

Agencies with Requested Increase:

- Arts Council Affiliate Funding (\$560,953)

- ✓ \$360,000 – Affiliate Pass-through Sub-granting: These funds will 100% pass through to affiliate arts and culture organizations who apply for grants through our Bryan/College Station Annual Program & Marketing Grant.
- ✓ \$15,000 – Art Council’s affiliate marketing: New category of marketing to allow the Arts Council a place to advertise those affiliates who receive grant funds together to gain longer stays for our visitors. This will let our visitors know of the many art and cultural activities they see and partake in during their stay here. Please see page 11-12 for the plans for these funds.
- ✓ \$79,033 – Arts Council O&M: These funds will partially support marketing and grant management staff salaries, tourism marketing interns, and operating expenses for our galleries and grant software.
- ✓ \$44,000 – Arts Tourism Marketing: These funds will be used for marketing and advertising the Brazos Valley and College Station as an arts destination to out-of-market travelers. Please see page 11-12 for the plans for these funds.
- ✓ \$62,920 – Public Art: These funds will be used for repairs and maintenance needed to preserve our current public art to continue growing our mural projects by partnering with city individuals and businesses and starting a one-year Artist in Residence program.

Council discussed the increase to the Sponsorship budget to \$25,000 to incorporate Community Activities listed in the proposed budget book on page 351.

At 12:35 p.m., the Mayor recessed the Special (Budget) Workshop.

The Special (Budget) Workshop reconvened at 1:10 p.m.

CAPITAL BUDGET

Mary Ellen Leonard, Finance Director, stated that the proposed Capital Improvements Project Budget for FY24 totals \$135 million for all funds that include capital projects. This is an increase of approximately 54% increase over the capital budget for FY23 yet reflects some significant capital projects scheduled to be addressed this coming year.

Capital Budget - the majority of this budget is needed utilities projects.

- Utilities CIP 76%
- General Gov’t CIP 20%
- Special Revenue 4%

Proposed CIP Appropriation by Fund

- Wastewater 40%
- Electric 18%
- Water 18%
- Streets 13%
- Facilities 5%
- Drainage 3%
- Parks 2%
- Parkland 1%
- Special Revenue 0%

Mary Ellen Leonard, Finance Director, gave a breakdown of the Key Capital Projects that are underway as follows:

Electric

- Underground System
- New Services
- Transmission
- Distribution

Water

- Rock Prairie South to Wellborn Rd Rehab
- Jones Butler Rehab
- Marion Pugh Rehab
- State Highway 6 Relocates

Wastewater

- CCWWTP Outfall Rehab
- NE Sewer Trunkline Phase IV
- Alum Creek Sewer Trunkline
- College Heights Rehab
- State Highway 6 Relocates

Streets

- Rock Prairie Rd SH6 to Town Lake
- Krenek Tap Rehab
- Marion Pugh Rehab – Luther to GB
- Barron Realignment
- Greens Prairie – County Portion
- Streets Revolver

Facilities & Tech

- Fleet Fuel System Rehab
- Facilities Revolver
- IT Revolver
- Gateway Signs 3 & 4

Parks

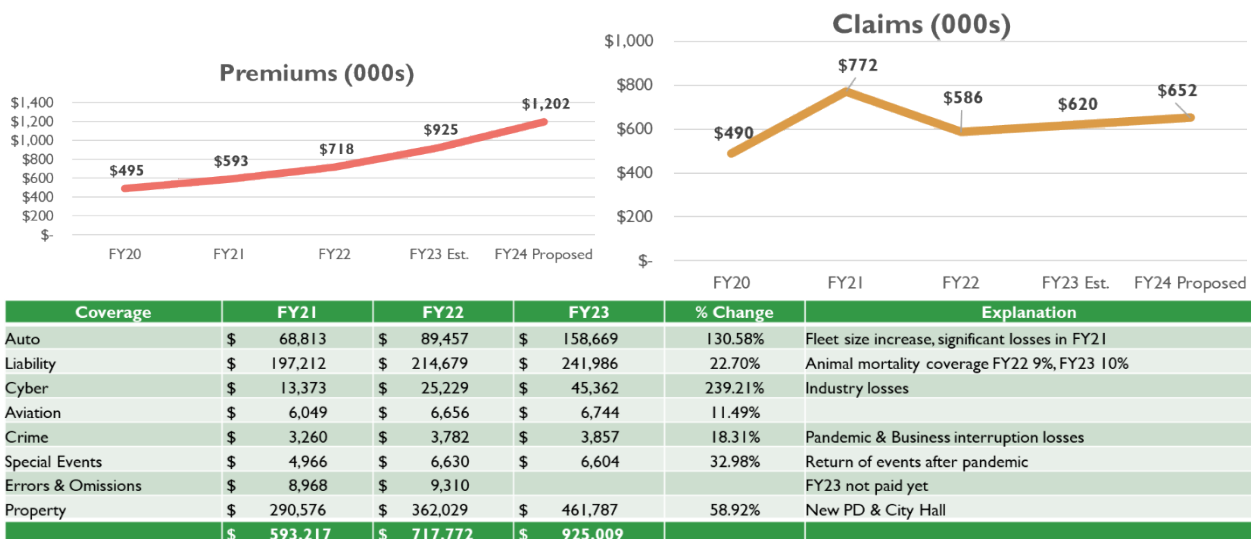
- MC Thomas Park Infrastructure Improv
- VPAC Improv
- Bond Election Projects Design
- Texas Independent Ballpark

Mrs. Leonard continued with the unfunded CIP by Department

Dept	FY24 Future Cost	Notes
Police	\$2,735,000	Covered Parking
Fire	\$82,668,000	Fire Stations #8, #9, equipment, vehicles
Public Works	\$208,368,000	Extensions for William D Fitch, Corporate Pkwy, Roundabouts etc.
Facilities	\$44,979,000	PW Operations Center, Existing Building renovations
Drainage	\$42,579,000	Bee Creek Tributary
Parks	\$90,203,000	Rec Center / Aquatics Center
IT	\$2,275,000	Fiber Optic, Physical Security
Economic Development	\$43,461,000	Phases of Midtown
Northgate	\$8,403,000	Entertainment Pavilion
Water Services	\$112,622,000	Wells 10 & 11 and Land Acquisitions
Electric	\$34,539,000	Projects from Winter storm Uri
Planning	\$472,759,000	Intersections, Shared Use Paths, Comprehensive Plan update
Total Future Cost	\$1,145,591,000	

Mary Ellen Leonard, Finance Director, summarized the Debt Analysis, to include Tax Debt = \$219M, Utility Debt = \$216M total of \$435M thru FY23 Issuance – 50/50 split. The interest rates keep going up from FED, our true interest cost is not increasing as much but our outstanding governmental debt vs. the taxable assessed value in our city is higher by .09 %. Also, on the utility side, we are well under the industry at 57% compared to 73%, only wastewater is above due to two significant capital projects which we discussed this year. Mrs. Leonard explained the estimated debt capacity at current debt rate, typically we have between \$15 and \$25M capacity per year, valuations play a role, but if we keep debt rate steady and that is what generates capacity. Capacity was \$175M at last years' budget.

Premiums are going up and claims have also increased in FY21 (Uri) and FY 23 (Solid Waste)



Utility Funds

- Electric 63%
- Water 11%
- Wastewater 11%

- Solid Waste 7%
- Drainage O&M 3%
- Roadway Maintenance 3%
- Northgate Parking 1%

ENTERPRISE

Electric Fund:

- TCOS
 - ✓ No settlement
 - ✓ Assumed historical amount of revenue in budget currently
 - ✓ Ancillary Costs = \$34,678,000
- Rates
 - ✓ Consumption and Purchased Power have increased significantly
 - ✓ No Rate change foreseen through FY28
 - ✓ Assumed annual TDA rate increase annually to cover pass through costs
- Rick Mitigation
 - ✓ Established a fund for unforeseen events (Uri, Gas Prices, Heat Wave)
 - ✓ Will begin funding at \$6M per year in Sept 2023 until reach ~\$50M
 - ✓ Amount and timing may be impacted by TCOS settlement

Mary Ellen Leonard, Finance Director, provided an overview of the SLAs for Electric.

- Service Level Adjustments (\$315K)
 - ✓ Underground Bore Machine
 - ✓ Cost of Service Study
 - ✓ TextPower Software Monthly Fees
- Future Years
 - ✓ Total FY24 Budget change includes 1-time expenses/transfers. Forecast developed in 2023 - future years are subject to change based on the facts and circumstances at the time of analysis. The forecast does not include any rate changes. The forecast does include possible TDA adjustments based on expected Transmission costs.

Water Capital SLA's:

- Opened New Water Tower
- No Rate Increase planned
- No Rate change foreseen through FY28
- Working Capital at consistent level
- Assumed increase in impact fee revenue as discussed by Council
- Water Services (\$150K)
 - ✓ Increase in Repairs / Maintenance Budget

Wastewater Capital SLA's:

- Significant debt increase needed for planned capital projects
- Assumes 6% rate increase in FY24
- Assumes additional 10% increase in FY26
- Wastewater (\$150K)
 - ✓ Increase in Repairs / Maintenance Budget
- Future Years

- ✓ Includes debt for NE Sewer IV (\$13M) and \$25M for improvements to Carter's Creek needed for TCEQ purposes.

Solid Waste Fund SLA's:

- Solid Waste (\$1.5M)
 - ✓ Rate Study
 - ✓ Commercial Automated Collection Vehicle – Spare
 - ✓ Equipment Operator and Commercial from – End Load Truck
 - ✓ Safety Driver Training Simulator

Northgate Parking SLA's:

- Northgate Parking (\$198K)
 - ✓ Northgate Heavy Duty Truck
 - ✓ Parking Lot Maintenance
 - ✓ Northgate Sanitation Enclosure Cameras
 - ✓ Northgate Garage Elevator Vandal proofing

Drainage (Special Revenue Fund) SLA's:

- Drainage (\$259K)
 - ✓ Attenuator Truck
 - ✓ Drainage Clean Out Equipment

Mary Ellen Leonard, Finance Director, provided an overview of the Roadway Maintenance Fee Fund and noted that the full summary is in the proposed FY23-24 proposed budget.

Roadway Maintenance Fee Fund (Special Revenue Fund) SLA's:

- Fund typically spends entire budget annually – so historical years are actuals with FY23 (year-end estimate) and FY24 (proposed budget) = likely actuals for those years.
 - ✓ 2019 (\$4.7M)
 - ✓ 2020 (\$4.8M)
 - ✓ 2021 (\$5.1M)
 - ✓ 2022 (\$5.0M)
 - ✓ 2023 (\$5.3M)
 - ✓ 2024 (\$6.1M)

Rate Recommendations

- Metered Rates with no increase – 0%
 - ✓ Electric
 - ✓ Water
- Metered Rates with increase – 6%
 - ✓ Wastewater
- Rates tied to the CPI-U index – 6%
 - ✓ Solid Waste
 - ✓ Drainage
 - ✓ Roadway Maintenance

Impact of Rate Increases on Monthly Utility Bill

	Residential	Residential (w/Rate Increase)	Difference		Multi-Family Current	Multi-Family (w/ Rate Increase)	Difference
Electric (usage + svc chg)	101.71	101.71	0.00		93.10	93.10	0.00
Electric (TDA)	13.25	13.32	0.71		11.17	11.23	0.61
Water	26.15	26.15	0.00		0.00	0.00	0.00
Drainage	6.71	7.11	0.40		2.80	2.97	0.17
Sanitation	18.48	19.59	1.11		7.80	8.27	0.47
Roadway	9.13	9.68	0.55		6.50	6.89	0.39
Sewer	25.55	27.08	1.53		27.09	28.72	1.63
AVERAGE BILL	200.98	205.28	4.30		148.46	151.73	3.27

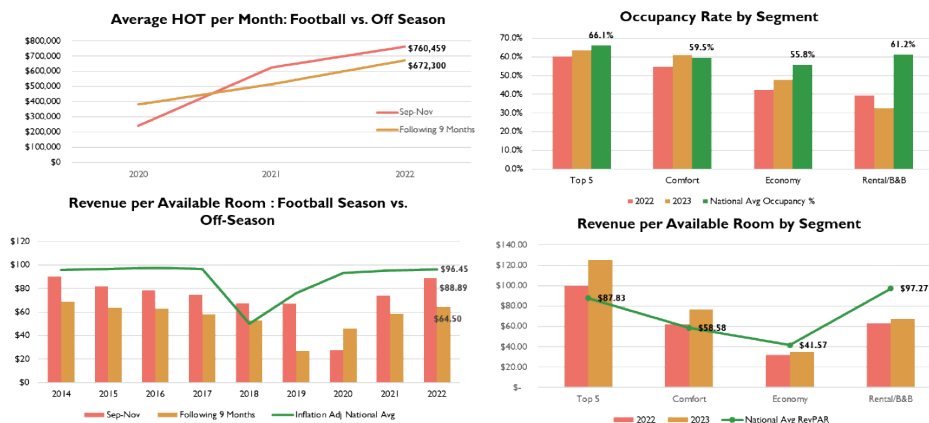
SPECIAL REVENUE FUNDS

- Hotel Tax 31%
- Roadway Maintenance (w/ Utilities) 28%
- Drainage (w/ Utilities) 14%
- Community Development (CDBG) 13%
- Impact Fees 11%
- Federal Relief 2%
- Other 2%

HOT Tax Funds

Mary Ellen Leonard, Finance Director, stated that this tax allows the city to collect up to its current tax rate on rental income of hotels and motels within the city limits. In accordance with Chapter 351 of the Tax Code, expenditures from this fund must directly enhance and promote tourism and the hotel industry in the City. Additions to the FY24 budget are from the Tourism Division and include an increase of three FTEs and parttime non-benefitted staff to help administer large events. There are also increases to help service sports and Christmas events in the city. In FY23, the city reexamined KPIs that are historically collected and began the process of assuring that they could be more succinctly focused on priorities of the City's strategic plan.

Hotel Tax Analysis



HOTEL Tax Fund

- Tourism Sports 18%
- Non-Department 16%
- Tourism Admin 15%
- Tourism Conventions 12%
- Tourism Leisure 15%
- Outside Agencies 12%
- Park Tourism 10%
- Public Comm 2%

Tourism – HOT Fund SLA's (\$420K)

- Meetings and Conventions Commitments
- Economic Impact Study & Strategic Plan
- Digital Marketing & Advertising
- Visitors Guides

HOT Fund Five Year Forecast

	FY 23 YEE	FY24 Budget	FY25	FY26	FY27	FY28
Beginning Fund Balance	\$12,359,179	\$11,720,524	\$11,874,103	\$11,767,630	\$5,610,700	\$5,413,672
Total Revenues	7,265,258	7,310,000	7,250,982	7,318,888	7,389,564	7,530,970
Total Operating Expenditures	4,974,195	5,275,201	4,988,610	5,110,218	5,213,737	5,335,071
Total Transfers (Sources) Uses	213,169	620,467	530,876	541,494	552,324	563,370
Total Other (Sources) Uses	2,716,549	1,260,753	1,837,969	7,824,106	1,820,530	1,822,220
Total Expenditures & Transfers	\$7,903,913	\$7,156,421	\$7,357,455	\$13,475,818	\$7,586,591	\$7,720,661
Total Increase (Decrease)	(\$638,655)	\$153,579	(106,473)	(6,156,930)	(197,027)	(189,691)
Ending Assigned and Unassigned Fund Balance	\$11,720,524	\$11,874,103	\$11,767,630	\$5,610,700	\$5,413,672	\$5,223,981

HOT Tax Uses

- Tourism 60%
- Public Agency 12%
- Parks and Recreation 10%
- G&A Transfer Out 7%
- Contingency 6%
- Other Uses 5%

Fee Resolution

Mary Ellen Leonard, Finance Director, gave a brief overview of the proposed changes to the Ordinance & Policy will enable the City to achieve a long-term stable and positive financial condition.

The watchwords of the City’s financial management include integrity, prudent stewardship, planning, accountability, and full disclosure. The more specific purpose is to provide guidelines regarding the City’s day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

Item 9. Replacement Funds

- 9.1 to 9.3 revised for language clarity. No change in policy.

Item 17. Operating Reserves

- 17.2 revised for language clarity regarding enterprise risk mitigation funds. No change in policy.

Item 18. Capital Project and Debt Service Funds

- 17.2 revised for language clarity regarding enterprise risk mitigation funds. No change in policy.

Fee Ordinance

- Rates tied to the CPI-U index – 6%
 - Planning and Development Services
 - Chapter 2
 - Chapter 14
 - Chapter 34
 - Community Development – Agree with website
 - Chapter 103 – Short Term Rentals
- Utilities (Chapter 40)
 - Electric – TDA increase \$0.0166 to \$0.0175
 - Public Works tied to the CPI-U index – 6%
 - Sec 40.4 – Roadway Maintenance Fee
 - Sec 40-389 to 497 – Solid Waste
 - Sec 40-524 - Drainage
 - Water Services – debt requirement – 6%
 - Sec 40-65 - Sewage

Majority of the Council agree if a plan comes forward to give a one-time commitment of \$5,000 to the \$125,000.

3. Adjournment.

There being no further business, Mayor John P. Nichols adjourned the Special (Budget) Meeting of the City Council at 4:56 p.m. on Tuesday, July 18, 2023.

John P. Nichols, Mayor

ATTEST:

Tanya Smith, City Secretary

MINUTES OF THE CITY COUNCIL MEETING
IN-PERSON WITH TELECONFERENCE PARTICIPATION
CITY OF COLLEGE STATION
JULY 27, 2023

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

John Nichols, Mayor

Council:

Mark Smith
William Wright
Linda Harvell (Absent)
Elizabeth Cunha
Bob Yancy
Dennis Maloney

City Staff:

Bryan Woods, City Manager
Jeff Capps, Deputy City Manager
Adam Falco, City Attorney
Leslie Whitten, Deputy City Attorney
Tanya Smith, City Secretary
Ian Whittenton, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present.

With a quorum present, the meeting of the College Station City Council was called to order by Mayor Nichols via In-Person and Teleconference at 4:00 p.m. on July 27, 2023, in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. Executive Session Agenda.

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, and §551.086-Competitive Matters the College Station City Council convened into Executive Session at 4:00 p.m. on July 27, 2023, to continue discussing matters pertaining to:

2.1. Consultation with Attorney to seek advice regarding pending or contemplated litigation, to wit:

- Kathryn A. Stever-Harper as Executrix for the Estate of John Wesley Harper v. City of College Station and Judy Meeks; No. 15,977-PC in the County Court No. 1, Brazos County, Texas; and
- McCrory Investments II, LLC d/b/a Southwest Stor Mor v. City of College Station; Cause No. 17-000914-CV-361; In the 361st District Court, Brazos County, Texas; and
- Shana Elliott and Lawrence Kalke v. City of College Station, et al., Cause No. 22-001122-CV-85, in the 85th District Court, Brazos County, Texas; and

- City of College Station v. 47 Oaks, LLC, Cause No. 626-CC, in the County Court at Law No. 2 of Brazos County, Texas; and
- SOAH Docket No. 473-22-2464 and PUC Docket No. 52728 – Application of the City of College Station to Change Rates for Wholesale Transmission Services; and
- Legal advice regarding the acquisition of property between Harvey Road, Holleman Drive and Highway 6 for utility relocations required by the Texas Department of Transportation Highway 6 Widening project.

2.2. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- Council Self-Evaluation

2.3 Deliberation on a competitive matter as that term is defined in Gov't Code Section 552.133; to wit:

- Power Supply

3. The Open Meeting Will Reconvene No Earlier than 6:00 PM from Executive Session and City Council will take action, if any.

Executive Session recessed at 6:00 p.m. No action was taken.

4. Pledge of Allegiance, Invocation, consider absence request.

MOTION: Upon a motion made by Councilmember Yancy and a second by Councilmember Maloney, the City Council voted six (6) for and none (0) opposed, to accept Councilmember Harvell's absence request for July 27, 2023. The motion carried unanimously.

5. Hear Visitors Comments.

John Vincent, College Station, came before Council to discuss occupancy initiatives and working with staff on new steps and practices.

6. CONSENT ITEMS

Presentation, discussion, and possible action on consent items which consist of ministerial, or "housekeeping" items as allowed by law: A Councilmember may request additional information at this time. Any Councilmember may remove an item from the Consent Agenda for a separate vote.

No items were pulled for discussion.

6.1. Presentation, discussion, and possible action of minutes for:

- July 11, 2023 Special Meeting
- July 13, 2023 Council Meeting

6.2. Presentation, discussion, and possible action on a contract with McCord Engineering for electric engineering and design services for the new CSU Northwest Substation, not to exceed \$1,090,000.

6.3. Presentation, discussion, and possible action regarding Resolution No. 07-27-23-6.3 to approve an Advance Funding Agreement for \$260,000 with the State of Texas, acting through

the Texas Department of Transportation for constructing a traffic signal at FM 60 (University Drive) and Veterans Parkway.

6.4. Presentation, discussion, and possible action on a construction contract with Elliott Construction, LLC, not to exceed \$6,950,133 for Phase 3 of the Bee Creek Sanitary Sewer Trunk Line, plus \$250,000 in contingency for a total appropriation of \$7,200,133. Approval of this item grants authority for the City Manager to authorize expenditures up to the City's contingency amount.

6.5. Presentation, discussion, and possible action on a construction contract with Teal Services, LLC., not to exceed \$3,075,545 plus the City's contingency amount of \$320,000 for a total appropriation of \$3,395,545 for the Carter's Creek Wastewater Treatment Plant (CCWWTP) Blower Building No. 2 and No. 3 Project. Approval of this item grants authority for the City Manager to authorize expenditures up to the City's contingency amount.

6.6. Presentation, discussion, and possible action on renewing a 2013 Interlocal Agreement (ILA) for sewer use and pretreatment in the College Station city limits and in the City of Bryan's Certificate of Convenience and Necessity (CCN) certificated area.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Smith, the City Council voted six (6) for and none (0) opposed, to approve the Consent Items. The motion carried unanimously.

7. WORKSHOP ITEMS

7.1. Presentation, discussion, and possible action regarding truck and trailer parking.

Randell Smith, Senior Traffic Engineer, presented truck parking within City, including where trucks are currently parking, where we have removed parking, and what options are available to address citizen concerns about truck parking.

Current Ordinance and Procedure

- City ordinance prohibits truck parking on “residential streets in residential areas” (Code of Ord - 38.43(b))
- Trucks allowed on collector streets w/o bike lanes and not in residential areas.
- No current response procedure specifically for truck parking problems,
- Current procedure only allows for complete parking prohibition.

Complaint Locations

- | | |
|--------------------|----------------------|
| • Airline Drive | • Midtown Drive |
| • Balcones Drive | • Pinon Drive |
| • Birmingham Road* | • Ponderosa Drive* |
| • Brazoswood Drive | • Southern Planation |
| • Brentwood Drive | • Valley View Drive* |
| • Hilltop Drive | |

Council Direction – Options

1. Continue to handle case by case – prohibit all parking
 - No change to ordinance

2. Prohibit unattached 18-wheeler trailer / utility trailers from parking on public streets
 - New ordinance adoption, increased enforcement
3. Utilize “No Truck Parking” Signs
 - Ordinance revisions/adoption, enforcement
4. Prohibit all truck / commercial vehicle parking on public streets
 - Similar ordinance to Bryan, Round Rock

Mayor Nichols opened for Citizen Comments.

Amanda Benavdez, College Station, is the owner of Premier Events stated her support of the removal of the truck parking due difficulties with visibility and business access.

Dan Daniel, College Station, owner of Pesky Truck Rental came before Council regarding his issues with total removal of truck parking on Ponderosa. He stated this will be detrimental to his business but proposed an option of removing all commercial vehicles over 26 thousand lbs., that way he can still do business because his trucks are under 26 thousand lbs.

There being no further comments, the Citizen Comments was closed.

A majority indicated a preference for Option 2 but with additional changes on living areas, reaching out to truck drivers parking in specific areas, looking into types of commercial vehicles, and adding no truck parking in specific areas as needed. Also, a majority of council requested public engagement regarding truck and trailer parking.

Council directed staff to bring back amendments to the current ordinance on parking on Ponderosa.

8. REGULAR ITEMS

8.1. Presentation, discussion, and possible action regarding the Fiscal Year 2024 BVSWM, Inc. budget.

Bryan Griesbach, BVSWM Executive Director, stated that the BVSWM, Inc. proposed budget was considered and approved by BVSWM, Inc. Board of Directors on June 28, 2023. According to the BVSWM, Inc., By-Laws, and Operating Agreement, the BVSWM budget will be presented to the College Station and Bryan City Councils for consideration after being approved by the BVSWM Board. The City of Bryan considered and approved this item on July 11, 2023. The FY2024 BVSWM, Inc. Budget Total Revenue is \$12,587,610. The Total Expenses are \$9,341,107 and Capital Expenses are \$4,670,000. The budget also reduces the gate rate for both cities from \$12.00 to \$9.00 per ton.

MOTION: Upon a motion made by Councilmember Smith and a second by Councilmember Wright, the City Council voted six (6) for and none (0) opposed, to approve the Fiscal Year 2024 BVSWM, Inc. budget. The motion carried unanimously.

8.2. Public Hearing, presentation, discussion, and possible action on the City of College Station FY2023-2024 Proposed Budget.

Mary Ellen Leonard, Finance Director, presented the Operations and Maintenance that are proposed at \$357,068,355 and the Capital portion is proposed at \$134,945,416 for a total proposed budget of

\$492,013,771. The FY24 Budget, FY24 Tax Rate and FY24 Fee Ordinance is scheduled to be adopted in Council Chambers on Thursday, August 24th.

At approximately 7:21 p.m., Mayor Nichols opened the Public Hearing.

Lloyd Davis, College Station, came before Council to give his comments and suggestions on the FY24 Budget. Among his suggestions are examining Impact Fees to collect over 50% of them, examining line items in departmental budgets for a “sanity check, look for ways to significantly reduce the 54% increase in the CIP budget, take action on the old Macy’s by creating a revenue neutral run rate in FY24 or sell it, direct staff to find cuts that drop the increase to 6% at the most.

There being no further comments, the Public Hearing was closed at 7:50 p.m.

8.3 Public Hearing, presentation, discussion, and possible action regarding Resolution No. 07-27-23-8.3 to approve a substantial amendment to the Program Year 2022 Annual Action Plan to add Rental Housing Construction as a Goal and Project and reprogram Community Development Block Grant funding in the amount of \$170,000 and HOME Investment Partnership Program funding in the amount of \$189,623.

Raney Whitwell, Community Development Analyst, stated that staff determined that the addition of Rental Housing Construction is necessary to continue to produce affordable housing units for low- and moderate-income residents. Due to the volatility and low supply of affordable real estate in our local real estate market, adding Rental Housing Construction as a project to the Annual Action Plan allows more flexibility and options to non-profit housing partners.

The Substantial Amendment includes:

- The addition of Rental Housing - Construction as a project.
- Reprograms: \$150,369 from HOME Investment Partnership Grant Rental Housing Rehabilitation, \$39,254 from HOME Investment Partnership Grant Down Payment Assistance, and \$170,000 from Community Development Block Grant Rental Housing Rehabilitation to Rental Housing Construction for a total of \$359,623.

Ms. Whitwell explained that a 30-day public review and comment period began June 17, 2023, and ended July 17, 2023. The amendment was available to be viewed on the City of College Station website Community Development Publication page. Citizens could submit comments by mail, email, or by phone. The Rental Housing Construction funds will be reserved for Elder Aid to construct a new one bedroom/one bath rental home located at 700 Pasler St. in College Station. The new rental home will be constructed using sustainable materials that provide energy and water efficiency and will be handicap friendly. Once constructed, the home will be rented to a low-income, elderly household. CDBG in the amount of \$189,623 & HOME funds in the amount of \$170,000 are available in the FY2023 Community Development budget.

At approximately 8:13 p.m., Mayor Nichols opened the Public Hearing.

There being no further comments, the Public Hearing was closed at 8:13 p.m.

MOTION: Upon a motion made by Councilmember Wright and a second by Councilmember Maloney, the City Council voted six (6) for and none (0) opposed, to approve Resolution No. 07-27-23-8.3 a substantial amendment to the Program Year 2022 Annual Action Plan to add Rental Housing Construction as a Goal and Project and reprogram Community Development Block Grant funding in

the amount of \$170,000 and HOME Investment Partnership Program funding in the amount of \$189,623. The motion carried unanimously.

8.4. Presentation, discussion, and possible action regarding a Community Development Block Grant funding agreement with Elder Aid, Inc. in the amount of \$170,000 for the acquisition of 700 Pasler and presentation, discussion, and possible action regarding a HOME Investment Partnership Program funding agreement with Elder Aid, Inc. in the amount of \$189,650 for the construction of a single-family house on the lot at 700 Pasler.

Item pulled to the August 10th agenda.

At 8:14 p.m., the Mayor recessed the Council Meeting.

The Council Meeting reconvened at 8:24 p.m.

8.5. Public Hearing, presentation, discussion, and possible action(s) regarding Ordinance No. 2023-4450 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 as follows:

Area #1

- a. Changing the zoning district boundary from R-4 Multi-Family to MH Middle Housing for approximately 0.28 of an acre being Block 1, Lot 11 of the Cooner Addition, generally located at 207 Cooner Street.
- b. Changing the zoning district boundary from D Duplex to MH Middle Housing for approximately 0.21 of an acre being Block 5, Lot 2 of the Cooner Addition, generally located at 502 Cooner Street.
- c. Changing the zoning district boundary from D Duplex to MH Middle Housing for approximately 0.66 of an acre being Block 5, Lots 6 - 8 of the Cooner Addition, generally located at 510-514 Cooner Street.
- d. Changing the zoning district boundary from D Duplex to MH Middle Housing for approximately 0.27 of an acre being Block 1, Lot 28 of the Cooner Addition, generally located at 511 Cooner Street.

Area #2

- a. Changing the zoning district boundary from D Duplex to MH Middle Housing for approximately 0.17 of an acre being Block E, Lot 6 (10' of) & 7 of the College Vista Subdivision, generally located at 400 Live Oak Street.

Area #3

- a. Changing the zoning district boundary from D Duplex to MH Middle Housing for approximately 5.41 acres being Lots 1-18 of the Little-Knight Addition, generally located at 400-513 Aurora Court.

Area #4

- a. Changing the zoning district boundary from GS General Suburban to MH Middle Housing for approximately 0.18 of an acre being Block 1, Lot 3 and 10' of Lot 2 of the West Park Addition, generally located at 302 Park Place.
- b. Changing the zoning district boundary from GS General Suburban to MH Middle Housing for approximately 0.36 of an acre being Block 1, Lot 1-R2 of the West Park Addition and Block D, Lot 1B & 35' of 2 of the WM Sparks Subdivision, generally located at 306 – 308 Park Place.

- c. **Changing the zoning district boundary from GS General Suburban to MH Middle Housing for approximately 0.35 of an acre being Block 2, Lots 8-R and 9-R of the West Park Addition, generally located at 611 – 613 Highlands Street.**
- d. **Changing the zoning district boundary from GS General Suburban to MH Middle Housing for approximately 0.17 of an acre being Block 3, Lot 17 of the West Park Addition, generally located at 607 Maryem Street.**
- e. **Changing the zoning district boundary from GS General Suburban to MH Middle Housing for approximately 0.16 of an acre being Block 1, Lot 2-R1 of the West Park Addition, generally located at 301 Luther Street.**

Matthew Ellis, Planning and Development, stated that this item combines multiple requests from a single property owner who is applying to rezone multiple lots to MH Middle Housing. The requests are generally located in four areas across College Station:

- Area #1 includes the first four requests along Cooner Street.
- Area #2 includes the request to rezone 400 Live Oak Street.
- Area #3 includes the request to rezone 400-513 Aurora Court.
- Area #4 includes the rest of the requests, which are in the Southside Neighborhood on Park Place, Highlands Street, Maryem Street, and Luther Street.

Each of these requests, save for REZ2023-000011 (207 Cooner Street), is part of a larger area that is being considered for potential City-initiated rezonings to MH Middle Housing. REZ2023-000011 was not considered because the existing zoning on the property is R-4 multi-Family, a retired multi-family zoning district. All the requests in Area #1 (Cooner Street area) would have been in Area B of the City-initiated rezonings, the request in Area #2 (Live Oak) would have been in Area D, the request in Area #3 (Aurora Court) would have been its own Area J, and the requests in Area #4 (Southside) would have been part of Area Y. As we have just finished the public engagement process for the city-initiated rezonings to MH Middle Housing, staff is preparing an upcoming presentation which will reflect the results of that public engagement and will recommend which areas should move forward and be rezoned. Proposed City-initiated areas B, D, J, and Y did not receive significant opposition from the community and each of them aligns with the broader vision in the Comprehensive Plan.

The Planning & Zoning Commission heard this item at their July 6, 2023 meeting and voted 6-0 to recommend approval of each area. Staff recommends approval.

At approximately 8:37 p.m., Mayor Nichols opened the Public Hearing.

Charles Elliott, College Station, came before Council to discuss Cooner Street and supporting the proposed ordinance rezoning the four requests along Cooner Street.

Richard Woodward, College Station, came before Council to ask that the decision Council makes on middle housing be consistently applied to this area and others.

There being no further comments, the Public Hearing was closed at 8:48 p.m.

(Area#1 A-D) MOTION: Upon a motion made by Councilmember Yancy and a second by Councilmember Wright, the City Council voted four (4) for and two (2) opposed, with Councilmember Smith and Maloney voting against, to adopt Ordinance No. 2023-4450, 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 as follows: (Area #1 A-D) 207 Cooner Street, 502 Cooner Street, 510-514 Cooner Street, and 511 Cooner Street. The motion carried.

(Area #2 E) MOTION: Upon a motion made by Councilmember Cunha and a second by Councilmember Yancy, the City Council voted four (4) for and two (2) opposed, with Councilmember Smith and Maloney voting against, to adopt Ordinance No. 2023-4450, 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 as follows: (Area #2 E) 400 Live Oak. The motion carried.

(Area #3 F) MOTION: Upon a motion made by Councilmember Wright and a second by Councilmember Smith, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance No. 2023-4450, 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 as follows: (Area #3 F) 400-513 Aurora Court. The motion carried unanimously.

(Area #4 G-K) MOTION: Upon a motion made by Councilmember Yancy and a second by Mayor Nichols, the City Council voted three (3) for and three (3) opposed, with Councilmember Smith, Wright and Maloney voting against, to adopt Ordinance No. 2023-4450, 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 as follows: (Area #3 G-K) 302 Park Place, 306-308 Park Place, 611-613 Highlands, 607 Maryem Street and 301 Luther Street. The motion failed due to a tie vote.

8.6. Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2023-4451 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 GS General Suburban to MH Middle Housing for approximately 1.05 acres being Lots 5-1 to 5-5 of the D.A. Smith Subdivision and generally located along Avenue A.

Matthew Ellis, Planning and Development, stated that this request is to rezone approximately 1.05 acres of land being five platted lots generally located at 818-826 Avenue A from GS General Suburban to MH Middle Housing. The subject properties were platted in 2001 and are currently developed as single-family houses, constructed in 2002. The applicant intends to redevelop the lots to build duplexes. Nearby properties include single-family homes, two multi-family complexes, and a large-scale shopping center.

The Planning & Zoning Commission heard this item at their July 6, 2023 meeting and recommended approval, with the conditions outlined by staff. Staff recommends approval of this request conditioned on the construction of an approved secondary access drive meeting Fire Department standards no less than 175 feet away from Lincoln Avenue, a 10' right-of-way dedication from each lot along Avenue A, and right-of-way chamfers along the lot that abuts Lincoln Avenue. These conditions are necessary to ensure the safe and effective delivery of services with the increase in potential density.

At approximately 9:50 p.m., Mayor Nichols opened the Public Hearing.

Richard Woodward, College Station, came before Council to state his opinion that many of the homes in this item would be considered low-income housing and that by rezoning this the properties will be redeveloped in to more expensive units.

There being no further comments, the Public Hearing was closed at 9:52 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Yancy, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance No. 2023-4451, 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 GS General Suburban to MH Middle Housing for approximately 1.05 acres being Lots 5-1 to 5-5 of the D.A. Smith Subdivision and generally located along Avenue A, with the conditions on the construction of an approved secondary access drive meeting Fire Department standards no less than 175 feet away from Lincoln Avenue, a 10’ right-of-way dedication from each lot along Avenue A, and right-of-way chamfers along the lot that abuts Lincoln Avenue as staff presented. The motion carried unanimously.

8.7. Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2023-4452 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 GS General Suburban to MH Middle Housing for approximately 1.05 acres being Lots 5-1 to 5-5 of the D.A. Smith Subdivision and generally located along Avenue A.

Carol Cotter, Planning and Development, stated that at the May 15, 2023, City Council Workshop, staff presented potential rate and implementation adjustment alternatives relating to impact fees. City Council provided direction to look at increasing the residential water and roadway collection rates as provided below, but to leave residential wastewater and non-residential land uses for both utilities and roadway at the existing collection rates. As directed, the impact fee residential collection rate for water will be increased to 50% of the maximum assessable rate beginning January 1, 2024, with additional five percentage point increases on January 1, 2025, and 2026. The roadway impact fee for residential uses will be increased to 20% of the maximum recoverable revenue on January 1, 2024, with additional five percentage point increases on January 1, 2025, and 2026. Tables of the current and proposed collection rates, resultant impact fees for new single-family homes, projected revenues, and benchmark comparisons are provided.

Proposed Impact Fee Collection Rates

- ❖ Residential
 - Water (Current rate is 14% of Maximum Fee)
 - 2024 set to 50% of Max Fee
 - 2025 set to 55%
 - 2026 set to 60%
- ❖ Wastewater – No change
- ❖ Roadway (Current rate is 11% of Max Recoverable Revenue)
 - 2024 set to 20% of Max Recoverable Revenue
 - 2025 set to 25%
 - 2026 set to 30%
- ❖ Non-Residential – No change

Proposed Collection Rates

Impact Fee Type	Collection Rate Per Service Unit				
	Residential				Non-Residential
	Current	2024	2025	2026	
Water	\$550	\$1,950	\$2,150	\$2,325	\$500
Wastewater	\$3,300	\$3,300	\$3,300	\$3,300	\$3,000
Roadway Service Area A	\$438.83	\$499	\$499	\$499	\$80
Roadway Service Area B	\$438.83	\$897	\$1,163	\$1,261	\$80
Roadway Service Area C	\$438.83	\$897	\$1,163	\$1,514	\$80
Roadway Service Area D	\$438.83	\$897	\$1,163	\$1,514	\$80

At approximately 10:08 p.m., Mayor Nichols opened the Public Hearing.

Richard Woodward, College Station, came before Council inform them that when he was on the Impact Fee Committee, he was impressed on how substantial the discussion was and encouraged council to consider the number proposed by that body as highly accurate.

There being no further comments, the Public Hearing was closed at 10:12 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Wright, the City Council voted five (5) for and one (1) opposed, with Councilmember Yancy voting against, to adopt Ordinance No. 2023-4452, 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 GS General Suburban to MH Middle Housing for approximately 1.05 acres being Lots 5-1 to 5-5 of the D.A. Smith Subdivision and generally located along Avenue A. The motion carried.

10. Council Calendar

Council reviewed the calendar.

11. Items of Community Interest: The Council may receive reports from a Council Member or City Staff about items of community interest for which notice has not been given, including: expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognitions of a public official, public employee, or other citizen; reminders of upcoming events organized or sponsored by the City of College Station; information about a social, ceremonial or community event organized or sponsored by an entity other than the City of College Station that is scheduled to be attended by a Council Member, another city official or staff of the City of College Station; and announcements involving an imminent threat to the public health and safety of people in the City of College Station that has arisen after the posting of the agenda.

No items of Community Interest to report on at this time.

12. Council Reports on Committees, Boards, and Commission: A Council Member may make a report regarding meetings of City Council boards and commissions or meetings of boards and committees on which a Council Member serves as a representative that have met since the last council meeting. (Committees listed in Coversheet)

Mayor Nichols reported on the BVEDC.

13. Future Agenda Items and Review of Standing List of Council Generated Future Agenda Items: A Council Member may make a request to City Council to place an item for which no notice has been given on a future agenda or may inquire about the status of an item on the standing list of council generated future agenda items. A Council Member's or City Staff's response to the request or inquiry will be limited to a statement of specific factual information related to the request or inquiry or the recitation of existing policy in response to the request or inquiry. Any deliberation of or decision about the subject of a request will be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Councilmember Cunha requested an item on funding for Senior Programing.

Councilmember Maloney requested a report or item on parking on McCollough.

Councilmember Wright requested an update on the Northgate Plan.

14. Adjournment.

There being no further business, Mayor Nichols adjourned the meeting of the City Council at 10:32 p.m. on Thursday, July 27, 2023.

John P. Nichols, Mayor

ATTEST:

Tanya Smith, City Secretary

August 10, 2023

Item No. 7.2.

Annual Purchase of Emergency Medical Supplies

Sponsor: Richard Mann, Chief of Fire and Emergency Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an annual blanket price agreement for emergency medical supplies with Bound Tree Medical, LLC for an estimated annual expenditure of \$250,000.

Relationship to Strategic Goals:

Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the Bound Tree Medical, LLC blanket price agreement.

Summary: On January 14, 2021, City Council approved an Interlocal Agreement (ILA) between the City of College Station and the City of Midlothian. The ILA authorizes the cities to jointly prepare bids and proposals for the purchase of goods and services. It also allows the Cities to piggyback each other's bids and contracts when in our best interest. The City of Midlothian has conducted a formal sealed bid process for emergency medical supplies and executed an annual price agreement with Bound Tree Medical, LLC on February 10, 2021. It is the Fire Department's desire to participate in this agreement, in conjunction with other participating Fire Departments, to obtain the best pricing available for their supply needs. Contingent upon City Council approval, this agreement will become effective for the period of one (1) year beginning August 15, 2023 with a not-to-exceed amount of \$250,000. This amount is based on the average amount spent on emergency medical supplies since August 2021 and Fire's anticipated supply needs, for the duration of one (1) year.

Budget & Financial Summary: Funds are budgeted in the Fire Department budget for EMS expenditures.

Attachments:

1. Blanket Price Agreement No. 23300658



BILL TO

City of College Station
Accounting Division
PO Box 9973
College Station, TX 77842-9973
(979) 764-3569 Fax: (979) 764-3899
VendorInvoiceEntry@cstx.gov

CONTRACT

Fiscal Year 2023

Page 1 of 2

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BOUND TREE MEDICAL LLC
23537 NETWORK PLACE
CHICAGO, IL 60673-1235
USA

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.	
Contract #	23300658
Department	Fire Department
Type	Price Agreement
Sub Type	

Vendor Information			
Vendor Number	Vendor Contact	Vendor Email	Vendor Phone Number
1548	ACCOUNT RECEIVABLE		800-533-0523

Policy	
Start	08/15/2023
Award	
Expire	08/14/2024
Renewal	
Extended	

Notes	
Fiscal Year	2023
Project	
Percent Complete	0.00
By Date	
Encumbered	N

Year	Contract Description	Original Amount	Revised Amount	Liquidated Amount	Remaining Amount
2023	Annual EMS Supplies (Ref ILA 21300175)	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00

Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price
1	Annual EMS Supplies. This purchase contract is between the City of College Station, a Texas Home-Rule Municipal Corporation and Bound Tree Medical, LLC (Bound Tree) according to the Interlocal Purchasing Agreement between the City of Midlothian.	250,000	EACH	\$1.00	\$250,000.00
2	College Station is responsible for issuing its own purchase orders made pursuant to the Midlothian Agreement and shall pay all undisputed invoices within thirty (30) days of receipt	1	EACH	\$0.00	\$0.00
3	Products sold by Bound Tree carry only those warranties provided by their manufacturers. This warranty shall apply to both products and equipment, if any, purchased pursuant to the City of Midlothian Agreement.	1	EACH	\$0.00	\$0.00
4	THERE ARE NO OTHER EXPRESSED OR IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. BOUND TREE'S SOLE OBLIGATION AND COLLEGE STATION'S EXCLUSIVE REMEDY FOR BREACH OF ANY WARRANTY SHALL BE, AT BOUND TREE'S OPTION, TO REPAIR OR REPLACE THE PRODUCT, OR TO ISSUE A REFUND OR CREDIT.	1	EACH	\$0.00	\$0.00

CONTINUED ON
NEXT PAGE

By Josie Urrutia
Buyer

Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price
5	Contingent upon Council Approval 8/10/2023	1	EACH	\$0.00	\$0.00

Total Revised	\$250,000.00
Total Original	\$250,000.00

By Josie Urrutia
Buyer

August 10, 2023

Item No. 7.3.

Program Year (PY) 2023 Annual Action Plan and Fiscal Year (FY) 2023 Community Development budget.

Sponsor: Raney Whitwell, Community Development Analyst

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a resolution adopting the Program Year (PY) 2023 Annual Action Plan and Fiscal Year (FY) 2024 Community Development budget.

Relationship to Strategic Goals:

Core Services & Infrastructure, Neighborhood Integrity, Financial Sustainability, Diverse & Growing Economy

Recommendation(s): Staff recommends that City Council approve a resolution adopting the Program Year (PY) 2023 Annual Action Plan and Fiscal Year (FY) 2023 Community Development budget.

Summary: This item requests approval of the proposed Program Year (PY) 2023 Annual Action Plan and Fiscal Year (FY) 2024 Community Development Budget.

Community development programming for the City of College Station is currently directed by the 2020-2024 Consolidated Plan. The U.S. Department of Housing and Urban Development requires each grantee to develop a Consolidated plan that includes a community needs assessment, housing market analysis, housing conditions analysis, and specific goals and objectives to establish a unified vision for actions that will be carried out for the five years.

The City is required to submit a one-year Annual Action Plan describing projects, activities, and budget to be funded with the community development grants received. Annual Action Plan activities must correspond to the 5-Year Consolidated Plan. The total grant funds available next year are \$3,984,210 and includes Community Development Block Grant (CDBG) funds in the amount of \$2,938,760 and HOME Investment Partnership Grant (HOME) funds in the amount of \$1,045,450. These amounts include carry-over funds from previous years, recaptured funds, and new program year allocations. Program Year 2023 funding will be available on 10/1/2023.

CDBG funds may only be used to: (1) benefit low-and moderate-income persons; (2) aid in the elimination of slum and blight influences; and/or (3) meet an urgent community need. Further, CDBG funds may be used to meet local needs through a wide range of community development activities, while HOME funds may only be used for affordable housing activities.

The PY 2023 Annual Action Plan, that includes the FY 2024 Community Development budget, must be delivered to HUD no later than August 16, 2023. Therefore, this information is a separate process from the Council's consideration of the overall City budget.

A Public Hearing was held on March 21, 2023 to obtain citizen input concerning goals and objectives, community needs, and fair housing to allow staff to develop the plan. Staff presented the proposed plan and budget to City Council at the July 13, 2023 meeting and a Public Hearing was held so that the public had the opportunity to provide comments regarding the proposed plan. Approval of the plan and budget will be considered by Council at the August 10, 2023 meeting.

A public notice was included in The Eagle and La Voz advertising the meetings, the opportunity to review and comment on the plan and budget. The plan will be made available for review electronically on the Community Development web page and copies of the plan are located at the Community Services office, City Secretary's office, and at the Larry J. Ringer Public Library. A public comment period was available beginning June 20, 2023 through August 10, 2023.

Historically, the City has utilized these funds for a variety of programs and activities, including: affordable housing assistance programs (homebuyer assistance, security deposit assistance, rehabilitation, and minor repair); funding for direct services to low-income families through non-profit programs; demolition; economic development; infrastructure improvements to parks, facilities, and streets; and grant administration.

Budget & Financial Summary: The Community Development budget for FY 2024 will include \$3,984,210 of total grant funds. \$2,938,760 in Community Development Block Grant funds and \$1,045,450 in HOME Investment Partnership Program funds. This amount includes carry-over funds, recaptured funds and new program year allocations.

Attachments:

1. Attachment 1 - Resolution
2. Attachment 2- FY 2024 Proposed Community Development Budget Updated
3. Attachment 3 - FY 2024 Income Limits
4. Attachment 4- Community Development Project Descriptions

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE PROGRAM YEAR 2023 (FY 2024) ACTION PLAN AND BUDGET ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS.

WHEREAS, the City of College Station is entitled to receive \$1,180,825 in Community Development Block Grant (CDBG) funds and \$527,205 in Home Investment Partnership Program (HOME) funds from the United States Department of Housing and Urban Development (HUD) in Program Year 2023 and has prepared a Program Year 2023 (FY 2024) Action Plan and Community Development Budget as required to secure these funds; and

WHEREAS, the City of College Station, Texas, has a Five-Year Consolidated Plan that has been approved by both HUD and the City that guides the development of each year's Action Plan and Budget; and

WHEREAS, the City of College Station, Texas, has an established Community Development Program under Chapter 373 of the Texas Local Government Code that (1) identifies areas of the City with concentrations of low- and moderate-income persons; (2) establishes areas in which program activities are proposed; (3) provides a plan under which citizens may publicly comment on activities; and (4) requires public hearings on program activities; and

WHEREAS, the City of College Station has provided adequate information to the citizens and an opportunity to participate in the development of the City's Program Year 2023 (FY 2024) Action Plan and Community Development Budget; and

WHEREAS, the City Council acknowledges that the adoption of the Program Year 2023 (FY 2024) Action Plan and Community Development Budget is in the best interest of the City and is for the purpose of securing additional community development resources for the primary benefit of low and moderate income citizens; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby approves the Program Year 2023 (FY 2024) Action Plan and Community Development Budget which serves as the City's application to HUD for CDBG and HOME funds;

PART 2: That the City Council hereby authorizes and designates the City Manager or his designee to sign all required applications, certifications, evaluations, and other forms required by HUD for all Community Planning and Development Grant Programs for the Program Year 2023 (FY 2024) on behalf of the City of College Station.

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ **day of August 2023.**

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Attachment 1: FY 2024 Proposed Community Development Budget

PROJECT	CDBG & HOME CARRY-OVER	CDBG & HOME NEW ALLOCATIONS	CDBG & HOME TOTAL PROPOSED
Owner-Occupied Rehabilitation (Minor Repair & Owner-Occupied Rehab)	\$24,446	\$82,513	\$106,959
Rehabilitation Administration	\$24,446	\$82,512	\$106,958
Rental Housing Rehabilitation	\$977,676	\$300,188*	\$1,277,864
Rental Housing Rehabilitation (LULAC Oak Hill)	\$94,640	-	\$94,640
Rental Housing Construction	\$189,650	\$352,511	\$542,161
Acquisition/New Construction (Habitat for Humanity)	\$486,705	\$200,000	\$686,705
Homebuyer Assistance	\$42,250	\$87,750	\$130,000
Tenant Based Rental Assistance Deposit	\$3,498	\$18,532**	\$22,030
Public Service Agency (See Attachment 3)	\$35,160	\$177,123	\$212,283
Public Facility	\$265,665	\$250,000	\$515,665
Grant Administration	-	\$288,945***	\$288,945
Total Community Development Budget	\$2,144,136	\$1,840,074	\$3,984,210
<i>*\$127,672 of Down Payment Assistance Repayments included</i> <i>**\$4,312 of Rehabilitation Loan Repayment included</i> <i>***\$60 of Application fees included</i>			

Attachment 4: 2023 Median Income Limits

2023 MEDIAN INCOME LIMITS City of College Station Community Development

This list supersedes all other lists of prior dates.

Household	60%	80%
1	\$33,780	\$45,050
2	\$38,640	\$51,450
3	\$43,440	\$57,900
4	\$48,240	\$64,300
5	\$52,140	\$69,450
6	\$55,980	\$74,600
7	\$59,820	\$79,750
8	\$63,720	\$84,900

The left column (Household) refers to the number of people in the home. The two columns on the right refer to the maximum combined income allowed per year by HUD guidelines in order to qualify for a Community Development program at 60% and 80% of the Area Median Income (AMI). Effective 6/15/2023

Source: [Income Limits](#) | HUD USER

Attachment 8: Community Development Project Descriptions

Acquisition/Rehabilitation:

CDBG and HOME funds may be used to support the acquisition of property for the development of affordable housing units for sale or rent by income-eligible and otherwise qualified households. This can include vacant land for new construction, or existing housing units, often combined with rehabilitation.

Rental Housing Construction:

CDBG and HOME funds will be used to encourage and facilitate the construction of new affordable rental units through nonprofit or for-profit partners.

Homebuyer Assistance:

Down payment and closing cost assistance provided to eligible, qualified homebuyers through deferred no interest loans, which include a shared equity component, with HOME funds.

Community Housing Development Organization:

HOME funds will be made available to an eligible CHDO for the acquisition, development and construction of affordable housing units or the rehabilitation of existing housing units.

New Construction:

Leveraged Development and Non-Profit Partners:

HOME funds will be used to facilitate the development of new affordable housing or the renovation of existing housing for low-income residents. Activities may include the acquisition of land, soft costs, or construction of single-family or multi-family units.

Rental Rehabilitation:

HOME funds will be matched with private funds to rehabilitate rental properties that will maintain affordable rents for low-income households for a specified period of time following the completion of the project. Projects will be selected based on the following priorities: bringing the unit up to City Codes and HUD standards, upgrade systems, energy conservation upgrades, exterior repairs, and other upgrades that increase marketability.

Tenant Based Rental Assistance:

Using HOME funds, CD staff will administer a security deposit assistance program for low-income individuals and families who will reside in housing units located in a HTC property located in College Station. Current properties include The Haven Apartments, The Heritage at Dartmouth, and Santour Court. Other eligible properties include Terrace Pines Apartments and Villas of Rock Prairie. CD staff will work with the Housing Choice Voucher Program to provide security deposit assistance to qualified voucher holders securing housing in College Station. CD Staff will also work with BVCAP, Twin City Mission, and Family Promise, which offers affordable rental units to lower-income households in College Station or assists homeless individual and families to secure housing.

Public Services:

15% of the City's CDBG fund allocation will be used in partnership with CDBG funds from the City of Bryan to fund non-profit social service agencies in the community. The Joint Relief Funding Review Committee, a Citizen Committee comprised of three members from the City of College Station and three from the City of

Bryan, review program proposals from area nonprofits and recommend funding amounts based on their review. Funds are awarded to nonprofit programs who serve primarily low- and moderate-income residents of College Station and Bryan.

Public Facility:

Funds will be used to design, engineer, construct, or rehabilitate streets, sidewalks, parks, water and wastewater utilities, or other infrastructure improvements in College Station.

Program Administration:

HOME and CDBG funds will be used for management, planning and administration of the City's PY 2021 CDBG, HOME and other eligible grant programs for LMI citizens. Staff will provide capacity building and technical assistance as needed to citizens, builders, developers, and service providers. Funds from the administrative budget are made available to Project Unity to provide planning and reporting support to CD staff and coordinate a variety of community meetings to address the needs of low- and moderate-income residents, available services, and resources among local service providers. The City will utilize administrative funds to provide education to the community regarding Federal Fair Housing laws and affirmatively further fair housing in College Station.

August 10, 2023

Item No. 7.4.

Carter Creek Wastewater Treatment Plant Effluent Filters Phase 1 Outfall improvements

Sponsor: Jennifer Cain, Director Capital Projects

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on a Professional Services Contract with Freese and Nichols, Inc. in the amount of \$570,993 for the Carter Creek Wastewater Treatment Plant Effluent Filters Phase 1 Outfall improvements.

Relationship to Strategic Goals:

Core Services and Infrastructure

Recommendation(s): Staff recommends approval.

Summary: The Carter Creek Wastewater Treatment Plant (WWTP) Effluent Filters Phase 1 includes the design and construction of a new outfall based on the preliminary engineering report (PER).

The PER included multiple, phased improvements to optimize the efficiency of the filters, including improvements to the existing outfall. However, while the PER was being developed, there was a significant failure in the existing outfall. The design under this contract will include improvements from the PER while also relocating the outfall.

Budget & Financial Summary: A budget of \$5,329,594 is included in the Wastewater Capital Improvements Projects Fund with \$249,906 expended or committed to date, leaving a balance of \$5,079,688 for this contract and future expenses.

Attachments:

1. Carter Creek Outfall location map
2. Carter Creek Outfall Design Vendor Signed Contract



North Forest Parkway

Carter Creek WWTP

Carter Creek

Appomattox Drive



CONTRACT#: 23300648 PROJECT#: WW2202 BID/RFP/RFP#: N/A

Name of Contractor: Freese and Nichols, Inc.

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**CITY OF COLLEGE STATION
ARCHITECTS & ENGINEERING PROFESSIONAL SERVICES CONTRACT
WITH CONSTRUCTION**

This Contract is between the **City of College Station**, a Texas home-rule municipal corporation, (the “City”) and **Freese and Nichols, Inc.**, a Texas corporation (the “Consultant”), whereby the Consultant agrees to provide the City with certain professional services as described herein and the City agrees to pay the Consultant for those services.

**ARTICLE I
SCOPE OF SERVICES**

1.01 In consideration of the compensation stated in paragraph 2.01 below, the Consultant agrees to provide the City with the professional services as described in **Exhibit “A”**, the Scope of Services, which is incorporated herein by reference for all purposes, and which services may be more generally described as follows (the “Project”): Carter Creek WWTP Effluent Filter Improvements Phase 1 – Outfall Improvements.

**ARTICLE II
PAYMENT**

2.01 In consideration of the Consultant’s provision of the professional services in compliance with all terms and conditions of this Contract, the City shall pay the Consultant according to the terms set forth in **Exhibit “B”**. Except in the event of a duly authorized change order, approved by the City as provided in this Contract, the total cost of all professional services provided under this Contract may not exceed **Five Hundred Seventy Thousand Nine Hundred Ninety-Three and 00/100 Dollars (\$570,993.00).**

**ARTICLE III
TIME OF PERFORMANCE AND CONSTRUCTION COST**

3.01 The Consultant shall perform all professional services necessary for the complete design and construction documentation of the Project within the times set forth below and in Section 3.02. Consultant expressly agrees that such times are as expeditious as is prudent considering the ordinary professional skill and care of a competent engineer or architect. Furthermore, the Consultant shall perform with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license.

- (a) Conceptual Design: ^{N/A} _____ **calendar days** after the authorization to commence planning.
- (b) Preliminary Design: ^{N/A} _____ **calendar days** after authorization to commence PPD.
- (c) Final Design: ²⁴⁰ _____ **calendar days** after authorization to commence final design.

3.02 All design work and other professional services provided under this Contract must be completed by the following days/date(s):

- Draft Tech Memo – 65 calendar days from Notice to Proceed (“NTP”)
- 90% Drawings and Specs – 140 calendar days from NTP
- Signed Sealed Drawings – 35 calendar days from NTP

3.03 Time is of the essence of this Contract. The Consultant shall be prepared to provide the professional services in the most expedient and efficient manner possible in accordance with the applicable professional standard of care and with adequate resources and manpower in order to complete the work by the times specified. Promptly after the execution of this Contract, the Consultant shall prepare and submit for the City to approve in writing, a detailed schedule for the performance of the Consultant’s services to meet the City’s project milestone dates, which are included in this Contract. The Consultant’s schedule shall include allowances for periods of time required for the City’s review and for approval of submissions by authorities having jurisdiction over the Project. The time limits established by this schedule over which Consultant has absolute control shall not be exceeded without written approval from the City. Consultant may request in writing an extension of the contract time due to delays beyond their control. In the event that a deadline provided in this Contract is not met by the Consultant, Consultant shall provide the City with a written narrative setting forth in a reasonable degree of detail a plan of recovery to overcome or mitigate the delay which may include (i) employing additional people, or (ii) accelerating the work by working longer hours on any portion of the Project that is deemed by the City to be behind schedule (“Recovery Plan”). With the City’s approval, Consultant shall execute the Recovery Plan at no additional cost to the City.

(a) Liquidated Damages.

- (1) The time for the completion of all Work described in this Agreement are reasonable times for the completion of each task by the agreed upon days or dates, taking into consideration all conditions, including but not limited to the usual industry conditions prevailing in this locality. The amount of liquidated damages for the Consultant's failure to meet contractual deadlines specifically set forth in the Consultant’s scope of services and schedule are fixed and agreed on by the Consultant because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages that the City would in such an event sustain. The amounts to be charged are agreed to be damages the City would sustain and shall be deducted by the City from current amounts owed to Consultant for payment or from final payment.
- (2) As a result of the difficulty in estimation, calculation and ascertainment of City’s damages due to a failure of Consultant to achieve timely completion of the Work, if the Consultant should neglect, or fail, or refuse to complete the Work within the times specified in the Consultant’s scope of services and schedule, or any proper extension thereof granted by the City's Representative pursuant to this Agreement, then the Consultant does hereby agree as part of

the consideration for the awarding of this Agreement that the City may permanently withhold from the Consultant's total compensation the sum of **TWO HUNDRED FIFTY and 00/100 DOLLARS (\$250.00)** for each and every calendar day that the Consultant shall be in default after the time(s) stipulated completion of the task(s) in question, not as a penalty, but as liquidated damages for the breach of this Agreement. It being specifically understood that the assessment of liquidated damages may be made for any failure to meet any of the deadlines specified in the Consultant's scope of services and schedule for completion in this Agreement.

3.04 The Consultant's services consist of all of the services required to be performed by Consultant, Consultant's employees and Consultant's sub-consultants under the terms of this Contract. Such services include normal civil, structural, mechanical and electrical engineering services, plumbing, food service, acoustical and landscape services, and any other design services that are normally or customarily furnished and reasonably necessary for the Project. The Consultant shall contract and employ at its expense sub-consultants necessary for the design of the Project, and such sub-consultants shall be licensed as required by the State of Texas and approved in writing by the City.

3.05 The Consultant shall designate a principal of the firm reasonably satisfactory to the City who shall, for so long as acceptable to the City, be in charge of Consultant's services to be performed hereunder through to completion, and who shall be available for general consultation throughout the Project. Any replacement of that principal shall be approved in writing (which shall not be unreasonably withheld) by the City, prior to replacement.

3.06 Consultant shall be responsible for the coordination of its services with those of its subconsultants, the City, and the City's consultants, including the coordination of all drawings and design documents relating to Consultant's design and used on the Project, regardless of whether such drawings and documents are prepared by Consultant. Consultant shall be responsible for the completeness and accuracy of all drawings and specifications submitted by or through Consultant and for its compliance with all applicable codes, ordinances, regulations, laws and statutes. Upon receipt from the City, the Consultant shall review the services and information furnished by the City and the City's consultants for accuracy and completeness. The Consultant shall provide prompt written notice to the City if the Consultant becomes aware of any error, omission or inconsistency in such services or information. Once notice has been provided to the City, the Consultant shall not proceed without written instruction from the City to do so.

3.07 Consultant's evaluations of the City's project budget and the preliminary estimates of construction cost and detailed estimates of construction cost, represent the Consultant's best judgment as a design professional familiar with the construction industry.

3.08 The construction budget for this Project, which is established as a condition of this Contract is **\$ 4,377,490**. This construction budget shall not be exceeded unless the amount is changed in writing by the City.

ARTICLE IV CONCEPTUAL DESIGN

4.01 Upon the Consultant's receipt from the City of a letter of authorization to commence planning, the Consultant shall meet with the City for the purpose of determining the nature of the Project. The Consultant shall inquire in writing as to the information it believes the City may have in its possession that is necessary for the Consultant's performance. The City shall provide the information within its possession that it can make available to the Consultant. The City shall designate a representative to act as the contact person on behalf of the City.

4.02 The Consultant shall determine the City's needs with regard to the Project, including, but not limited to, tests, analyses, reports, site evaluations, needs surveys, comparisons with other municipal projects, review of budgetary constraints and other preliminary investigations necessary for the Project. Consultant shall verify the observable existing conditions of the Project and verify any existing as-built drawings. Consultant shall confirm that the Project can be designed and constructed within the time limits outlined in this Contract. Consultant shall prepare a detailed design phase schedule which includes all review and approval periods during the schematic design, design development and construction document phases. Consultant shall confirm that the Project can be designed and constructed for the dollar amount of the Project budget, if applicable.

4.03 The Consultant shall prepare a Conceptual Design that shall include schematic layouts, surveys, sketches and exhibits demonstrating the considerations involved in the Project. The Consultant shall consider environmentally responsible design alternatives, such as material choices and building orientation, together with other considerations based on program and aesthetics, in developing a design that is consistent with the City's Program, the Project Schedule and budget. The Consultant shall reach an understanding with the City regarding the requirements of the Project. The Conceptual Design shall contemplate compliance with all applicable laws, statutes, ordinances, codes and regulations. Upon the City's request, the Consultant shall meet with City staff and the City Council to make a presentation of its report.

ARTICLE V PRELIMINARY DESIGN

5.01 The City shall direct the Consultant to commence work on the Preliminary Design by sending to the Consultant a letter of authorization to begin work on the Preliminary Design pursuant to this Contract. Upon receipt of the letter of authorization to commence Preliminary Design, the Consultant shall meet with the City for the purpose of determining the extent of any revisions to the Conceptual Design.

5.02 The Consultant shall prepare the Preliminary Design of the Project, including, but not limited to, the preliminary drawings and specifications and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate. The Consultant shall submit to the City a detailed estimate of the construction costs of the Project, based on current area, volume, or other unit costs. This estimate shall also indicate both the cost of each category of work involved

in constructing the Project and the time required for construction of the Project from commencement to final completion.

5.03 Upon completion of the Preliminary Design of the Project, the Consultant shall so notify the City. Upon request the Consultant shall meet with the City staff and City Council to make a presentation of its Preliminary Design of the Project. The Consultant shall provide an explanation of the Preliminary Design, including any material changes and deviations that have taken place from the Conceptual Design, a cost estimate, and shall verify that, to the best of Consultant's belief, the Project requirements and construction can be completed within the Project budget and schedule.

ARTICLE VI FINAL DESIGN

6.01 The City shall direct the Consultant to commence work on the Final Design of the Project by sending to the Consultant a letter of authorization to begin work on the Final Design phase of the Project. Upon receipt of the Letter of Authorization to proceed with Final Design of the Project, the Consultant shall immediately prepare the Final Design, including, but not limited to, the bid documents, contract, drawings, and specifications, to fix and describe the size and character of the Project as to structural, mechanical, and electrical systems, materials, and such other elements as may be appropriate. The Final Design of the Project shall comply with all applicable laws, statutes, ordinances, codes and regulations.

6.02 Notwithstanding the City's approval of the Final Design, the Consultant warrants that the Final Design will be sufficient and adequate to fulfill the purposes of the Project.

6.03 The Consultant shall prepare and separately seal the special provisions, the technical specifications, and bid proposal form(s) in conformance with the City's current pre-approved, "Standard Form of Construction Agreement" for the construction contract between the City and the construction contractor. The Consultant hereby agrees that no changes, modifications, supplementations, alterations, or deletions will be made to the City's standard form without the prior written approval of the City.

6.04 The Consultant shall provide the City with complete contract documents sufficient to be advertised for bids by the City. The contract documents shall include the design and specifications and other changes that are required to fulfill the purpose of the Project. Upon completion of the Final Design of the Project, with the submission of the complete contract documents, and upon request of the City, the Consultant shall meet with City staff and the City Council to present the Final Design of the Project. The Consultant shall provide an explanation of the Final Design, including identification of all material changes and deviations that have taken place from the Preliminary Design Documents and a cost estimate. The Consultant shall verify that, to the best of Consultant's belief, the Project requirements and construction can be completed within the Project budget and schedule.

ARTICLE VII BID PREPARATIONS & EVALUATION

7.01 The Consultant shall assist the City in advertising for and obtaining bids or negotiating proposals for the construction of the Project. Upon request, the Consultant shall meet with City staff and the City Council to present, and make recommendations on, the bids submitted for the construction of the Project.

7.02 The Consultant shall review the construction contractors' bids, including subcontractors, suppliers, and other persons required for completion of the Project. The Consultant shall evaluate each bid and provide these evaluations to the City along with a recommendation on each bid. If the lowest bid for the construction of the Project exceeds the final cost estimate set forth in the Final Design of the Project, then the Consultant, at its sole cost and expense, shall revise the construction documents so that the total construction costs of the Project will not exceed the final cost estimate contained in the Final Design of the Project.

7.03 Where substitutions are requested by a construction contractor, the Consultant shall review the substitution requested and shall recommend approval or disapproval of such substitutions.

ARTICLE VIII CONSTRUCTION

8.01 The Consultant shall be a representative of, and shall advise and consult with, the City (1) during construction, and (2) at the City's direction from time to time during the correction, or warranty, period described in the construction contract. The Consultant shall have authority to act on behalf of the City only to the extent provided in this Contract unless modified by written instrument.

8.02 The Consultant shall make visits to the site, to observe the progress and quality of the executed work of the construction contractor and its subcontractors and to determine if such work is proceeding in accordance with the contract documents. The minimum number of site visits and their frequency shall be established by the City and Consultant prior to commencement of construction. Consultant shall periodically review the as-built drawings for accuracy and completeness, and shall report its findings to the City.

8.03 The Consultant shall keep the City informed of the progress and quality of the work. The Consultant shall employ the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license in discovering and promptly reporting to the City any defects or deficiencies in such work and shall disapprove or reject any work failing to conform to the contract documents.

8.04 The Consultant shall review and approve shop drawings and samples, the results of tests and inspections, and other data that each construction contractor or subcontractor is required to provide. The Consultant's review and approval shall include a determination of whether the work

complies with all applicable laws, statutes, ordinances and codes and a determination of whether the work, when completed, will be in compliance with the requirements of the contract documents.

8.05 The Consultant shall determine the acceptability of substitute materials and equipment that may be proposed by construction contractors or subcontractors. The Consultant shall also receive and review maintenance and operating instruction manuals, schedules, guarantees, and certificates of inspection, which are to be assembled by the construction contractor in accordance with the contract documents.

8.06 The Consultant shall issue all instructions of the City to the construction contractor as well as interpretations and clarifications of the contract documents pertaining to the performance of the work. Consultant shall interpret the contract documents and judge the performance thereunder by the contractor constructing the Project, and Consultant shall, within a reasonable time, render such interpretations and clarifications as it may deem necessary for the proper execution and progress of the work. Consultant shall receive no additional compensation for providing clarification of the drawings and specifications.

8.07 The Consultant shall review the amounts owing to the construction contractor and recommend to the City, in writing, payments to the construction contractor of such amounts. The Consultant's recommendation of payment, being based upon the Consultant's on-site inspections and its experience and qualifications as a design professional, shall constitute a recommendation by the Consultant to the City that the quality of such work is in accordance with the contract documents and that the work has progressed to the point reflected in Consultant's recommendation for payment.

8.08 Upon notification from the construction contractor that the Project is substantially complete, the Consultant shall conduct an inspection of the site to determine if the Project is substantially complete. The Consultant shall prepare a checklist of items that shall be completed prior to final acceptance. Upon notification by the construction contractor that the checklist items designated by the Consultant for completion have been completed, the Consultant shall inspect the Project to verify final completion.

8.09 The Consultant shall not be responsible for the work of the construction contractor or any of its subcontractors, except that the Consultant shall be responsible for the construction contractor's schedules or failure to carry out the work in accordance with the contract documents if such failures result from the Consultant's negligent acts or omissions. This provision shall not alter the Consultant's duties to the City arising from the performance of the Consultant's obligations under this Contract.

8.10 The Consultant shall conduct at least one on-site inspection during the warranty period and shall report to the City as to the continued acceptability of the work.

8.11 The Consultant shall not execute change orders on behalf of the City or otherwise alter the financial scope of the Project without an advance, written authorization from the City.

8.12 The Consultant shall perform all of its duties under this Article VIII so as to not cause any delay in the progress of construction of the Project.

8.13 The Consultant shall assist the construction contractor and City in obtaining a Certificate of Occupancy by accompanying governing officials during inspections of the Project if requested to do so by the City.

ARTICLE IX CHANGE ORDERS, DOCUMENTS & MATERIALS

9.01 No changes shall be made, nor will invoices for changes, alterations, modifications, deviations, or extra work or services be recognized or paid except upon the prior written order from authorized personnel of the City. The Consultant shall not execute change orders on behalf of the City or otherwise alter the financial scope of the Project. The schedules, milestones, timelines, and deadlines contained in this Agreement, the Scope of Services, and the Construction Schedule shall not be modified except by written change order. Additional days or changes to the number of days in the Construction Schedule shall also be by written change order. After a written change order is approved and fully executed by all parties, the Consultant shall submit an updated schedule that reflects changes authorized by approved change orders.

9.02 When the original contract amount plus all change orders is \$100,000 or less, the City Manager or his delegate may approve the written change order provided the change order does not increase the total amount set forth in the contract to more than \$100,000. For such contracts, when a change order results in a total contract amount that exceeds \$100,000, the City Council must approve such change order prior to commencement of the services.

9.03 When the original contract amount plus all change orders is equal to or greater than \$100,000, the City Manager or his delegate may approve the written change order provided the change order does not exceed \$50,000 and provided the sum of all change orders does not exceed 25% of the original contract amount. For such contracts, when a change order exceeds \$50,000 or when the sum of all change orders exceeds 25% of the original contract, the City Council must approve such change order prior to commencement of the services or work. Thereafter, any additional change orders exceeding \$50,000 or any additional change orders totaling 25 percent following such council approval, must be approved by City Council.

9.04 Any request by the Consultant for an increase in the Scope of Services and an increase in the amount listed in paragraph two of this Contract shall be made and approved by the City prior to the Consultant providing such services or the right to payment for such additional services shall be waived. If there is a good faith dispute between the Consultant and the City respecting any service provided or to be provided hereunder by the Consultant, including a dispute as to whether such service is additional to the Scope of Services included in this Contract, the Consultant agrees to continue providing on a timely basis all services to be provided by the Consultant hereunder, including any service as to which there is a dispute.

9.05 The Consultant shall furnish the City with both electronic (PDF) and CAD file sets of all plans and specifications. The Consultant shall provide the City one (1) set of reproducible, mylar record drawings that clearly show all the changes made during the construction process, based upon the marked-up prints, drawings, and other data furnished by the construction contractor to the Consultant. The Consultant shall provide copies of Work Product including documents, computer files if available, surveys, notes, and tracings used or prepared by the Consultant. The foregoing documentation, the Consultant's Work Product, and other information in the Consultant's possession concerning the Project shall be the property of the City from the time of preparation. The Consultant shall furnish one set of digital files representing the final record drawings.

ARTICLE X WARRANTY, INDEMNIFICATION & RELEASE

10.01 As an experienced and qualified design professional, the Consultant warrants that the information provided by the Consultant reflects the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license. The Consultant warrants that the design preparation of drawings, the designation or selection of materials and equipment, the selection and supervision of personnel, and the performance of all other services under this Contract are performed with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license. Approval of the City shall not constitute, or be deemed, a release of the responsibility and liability of the Consultant, its employees, agents, or associates for the exercise of skill and diligence to promote the accuracy and competency of their Work Product or any other document, nor shall the City's approval be deemed to be the assumption of responsibility by the City for any defect or error in the aforesaid documents prepared by the Consultant, its employees, associates, agents, or subcontractors.

10.02 The Consultant shall promptly correct any defective Work Product, including designs or specifications, furnished by the Consultant at no cost to the City. The City's approval, acceptance, use of, or payment for, all or any part of the Consultant's services hereunder or of the Project itself shall in no way alter the Consultant's obligations or the City's rights hereunder.

10.03 In all activities or services performed hereunder, the Consultant is an independent contractor and not an agent or employee of the City. The Consultant and its employees are not the agents, servants, or employees of the City. As an independent contractor, the Consultant shall be responsible for the professional services and the final Work Product contemplated under this Contract. Except for materials furnished by the City, the Consultant shall supply all materials, equipment, and labor required for the professional services to be provided under this Contract. The Consultant shall have ultimate control over the execution of the services it is to provide under this Contract. The Consultant shall have the sole obligation to employ, direct, control, supervise, manage, discharge, and compensate all of its employees or subcontractors, and the City shall have no control of or supervision over the employees of the Consultant or any of the Consultant's subcontractors.

10.04 The Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, employees, agents, subcontractors, licensees, and other persons, as well as its personal property, while in the vicinity of the Project or any of the work being done on or for the Project. It is expressly understood and agreed that the City shall not be liable or responsible for the negligence of the Consultant, its officers, employees, agents, subcontractors, invitees, licensees, and other persons.

10.05 Indemnity.

- (a)** To the fullest extent permitted by law, Consultant agrees to indemnify and hold harmless the City, its Council members, officials, officers, agents, employees, and volunteers (separately and collectively referred to in this paragraph as “Indemnatee”) from and against all claims, damages losses and expenses (including but not limited to attorney’s fees) arising out of or resulting from any negligent act, error or omission, intentional tort or willful misconduct, intellectual property infringement or including failure to pay a subconsultant, subcontractor, or supplier pursuant to this Contract by Consultant, its employees, subcontractors, subconsultants, or others for whom Consultant may be legally liable (“Consultant Parties”), but only to the extent caused in whole or in part by the Consultant Parties. IF THE CLAIMS, ETC. ARE CAUSED IN PART BY CONSULTANT PARTIES, AND ALSO IN PART BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OR ALL OF THE INDEMNITEES OR ANY OTHER THIRD PARTY, THEN CONSULTANT SHALL ONLY INDEMNIFY ON A COMPARATIVE BASIS, AND ONLY FOR THE AMOUNT FOR WHICH CONSULTANT PARTIES ARE FOUND LIABLE AND NOT FOR ANY AMOUNT FOR WHICH ANY OR ALL INDEMNITEES OR OTHER THIRD PARTIES ARE LIABLE.
- (b)** To the fullest extent permitted by law, Consultant agrees to defend the Indemnitees where the indemnifiable acts listed in Article 10 above occur outside the course of performance of professional services (i.e. non-professional services) and the claim is not based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency’s agent, employee, or other entity over which the governmental agency exercises control, other than the Consultant or Consultant Parties.
- (c)** Consultant shall procure liability insurance covering its obligations under this section.
- (d)** It is mutually understood and agreed that the indemnification provided for in this section 10.05 shall indefinitely survive any expiration, completion or termination of this Contract. There shall be no additional indemnification other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

10.06 Release. The Consultant releases, relinquishes, and discharges the City, its Council members, officials, officers, agents, employees, and volunteers from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to, sickness or death of the Consultant or its employees and any loss of or damage to any property of the Consultant or its employees that is caused by or alleged to be caused by, arises out of, or is in connection with the Consultant's work to be performed hereunder. Both the City and the Consultant expressly intend that this release shall apply regardless of whether said claims, demands, and causes of action are covered, in whole or in part, by insurance and in the event of injury, sickness, death, loss, or damage suffered by the Consultant or its employees, but not otherwise, this release shall apply regardless of whether such loss, damage, injury, or death was caused in whole or in part by the City, any other party released hereunder, the Consultant, or any third party. There shall be no additional release or hold harmless provision other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

10.07 It is agreed with respect to any legal limitations now or hereafter in effect and affecting the validity or enforceability of the indemnification, release or other obligations under Paragraphs 10.05 and 10.06, such legal limitations are made a part of the obligations and shall operate to amend same to the minimum extent necessary to bring the provision(s) into conformity with the requirements of such limitations, and as so modified, the obligations set forth therein shall continue in full force and effect.

ARTICLE XI INSURANCE

11.01 General. The Consultant shall procure and maintain at its sole cost and expense for the duration of this Contract insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, volunteers, employees or subcontractors. The policies, limits and endorsements required are as set forth on below.

During the term of this Contract Consultant's insurance policies shall meet the minimum requirements of this section:

11.02 Types. Consultant shall have the following types of insurance:

- (a) Commercial General Liability.
- (b) Business Automobile Liability.
- (c) Workers' Compensation/Employer's Liability.
- (d) Professional Liability.

11.03 Certificates of Insurance. For each of these policies, the Consultant's insurance coverage shall be primary insurance with respect to the City, its officials, agents, employees and volunteers. Any self-insurance or insurance policies maintained by the City, its officials, agents, employees and volunteers, shall be considered in excess of the Consultant's insurance and shall not contribute to it. No term or provision of the indemnification provided by the Consultant to the City pursuant

to this Contract shall be construed or interpreted as limiting or otherwise affecting the terms of the insurance coverage. All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Contract, attached hereto as Exhibit C, and approved by the City before any letter of authorization to commence planning will issue or any work on the Project commences.

11.04 General Requirements Applicable to All Policies. The following General Requirements to all policies shall apply:

- (a) Only licensed insurance carriers authorized to do business in the State of Texas will be accepted.
- (b) Deductibles shall be listed on the Certificate of Insurance.
- (c) "Claims made" policies will not be accepted, except for Professional Liability insurance.
- (d) Coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits of liability except after thirty (30) calendar days prior written notice has been given to the City of College Station.
- (e) The Certificates of Insurance shall be prepared and executed by the insurance carrier or its authorized agent on the most current State of Texas Department of Insurance-approved forms.

11.05 Commercial General Liability Requirements. The following Commercial General Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- (b) Minimum Limit of \$1,000,000 per occurrence for bodily injury and property damage with a \$2,000,000 annual aggregate.
- (c) No coverage shall be excluded from the standard policy without notification of individual exclusions being attached for review and acceptance.
- (d) The coverage shall not exclude premises/operations; independent contracts, products/completed operations, contractual liability (insuring the indemnity provided herein), and where exposures exist, Explosion Collapse and Underground coverage.
- (e) The City shall be included as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non-contributory.

11.06 Business Automobile Liability Requirements. The following Business Automobile Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- (b) Minimum Combined Single Limit of \$1,000,000 per occurrence for bodily injury and property damage.

- (c) The Business Auto Policy must show Symbol 1 in the Covered Autos portion of the liability section in Item 2 of the declarations page.
- (d) The coverage shall include owned autos, leased or rented autos, non-owned autos, any autos and hired autos.
- (e) The City shall be included as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non-contributory.

11.07 Workers' Compensation/Employers Liability Insurance Requirements. The following Workers' Compensation Insurance requirements shall apply; and the term "contractor" shall be construed to mean "consultant" as identified in this Contract:

- (a) Pursuant to the requirements set forth in Title 28, Section 110.110 of the Texas Administrative Code, all employees of the Consultant, the Consultant, all employees of any and all subcontractors, and all other persons providing services on the Project must be covered by a workers' compensation insurance policy: either directly through their employer's policy (the Consultant's, or subcontractor's policy) or through an executed coverage agreement on an approved Texas Department of Insurance Division of Workers Compensation (DWC) form. Accordingly, if a subcontractor does not have his or her own policy and a coverage agreement is used, Consultants and subcontractors must use that portion of the form whereby the hiring contractor agrees to provide coverage to the employees of the subcontractor. The portion of the form that would otherwise allow them not to provide coverage for the employees of an independent contractor may not be used.
- (b) The workers' compensation/Employer's Liability insurance shall include the following terms:
 - i. Employer's Liability limits of \$1,000,000 for each accident is required.
 - ii. "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.
 - iii. Texas must appear in Item 3A of the Worker's Compensation coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.
- (c) Pursuant to the explicit terms of Title 28, Section 110.110(c)(7) of the Texas Administrative Code, this Contract, the bid specifications, this Contract, and all subcontracts on this Project must include the terms and conditions set forth below, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation:
 - i. Definitions:

Certificate of coverage ("certificate") - A copy of a certificate of insurance, a certificate of authority to self-insure issued by the Division of Workers Compensation, or a coverage agreement (DWC-81, DWC-83, or DWC-84), showing statutory workers' compensation insurance coverage for the

person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the Contractor's/person's work on the project has been completed and accepted by the governmental entity.

Persons providing services on the project ("subcontractors" in § 406.096 [of the Texas Labor Code]) - includes all persons or entities performing all or part of the services the Contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the Contractor and regardless of whether that person has employees. This includes, without limitation, independent Contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

- ii. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Contractor providing services on the project, for the duration of the project.
- iii. The Contractor must provide a certificate of coverage to the governmental entity prior to being awarded the contract.
- iv. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the governmental entity showing that coverage has been extended.
- v. The Contractor shall obtain from each person providing services on a project, and provide to the governmental entity:
 - 1. a certificate of coverage, prior to that person beginning work on the project, so the governmental entity will have on file certificates of coverage showing coverage for all persons providing services on the project; and
 - 2. no later than seven calendar days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.
- vi. The Contractor shall retain all required certificates of coverage for the duration of the project and for one year thereafter.

- vii. The Contractor shall notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the Contractor knew or should have known, or any change that materially affects the provision of coverage of any person providing services on the project.
- viii. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Division of Workers Compensation, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- ix. The Contractor shall contractually require each person with whom it contracts to provide services on a project, to:
 - 1. provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
 - 2. provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;
 - 3. provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - 4. obtain from each other person with whom it contracts, and provide to the Contractor:
 - A. a certificate of coverage, prior to the other person beginning work on the project; and
 - B. a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - 5. retain all required certificates of coverage on file for the duration of the project and for one year thereafter;
 - 6. notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and
 - 7. Contractually require each person with whom it contracts, to perform as required by paragraphs (a) - (g), with the certificates of

coverage to be provided to the person for whom they are providing services.

- x. By signing this contract, or providing, or causing to be provided a certificate of coverage, the Contractor is representing to the governmental entity that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the Commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- xi. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor that entitles the governmental entity to declare the contract void if the Contractor does not remedy the breach within ten calendar days after receipt of notice of breach from the governmental entity."

11.08 Professional Liability Requirements. The following Professional Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A.M. Best Key Rating Guide.
- (b) Minimum of \$1,000,000 per claim and \$2,000,000 aggregate, with a maximum deductible of \$500,000. Financial statements shall be furnished to the City of College Station when requested.
- (c) Consultant must continuously maintain professional liability insurance with prior acts coverage for a minimum of two years after completion of the Project or termination of this Contract, as may be amended, whichever occurs later. Coverage under any renewal policy form shall include a retroactive date that precedes the earlier of the effective date of this Contract or the first performance of services for the Project. The purchase of an extended discovery period or an extended reporting period on this policy will not be sufficient to comply with the obligations hereunder.
- (d) Retroactive date must be shown on certificate.

ARTICLE XII

USE OF DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS

12.01 Any and all drawings, specifications and other documents prepared, furnished, or both prepared and furnished by Consultant or any Subconsultant or other designer contracted under Consultant pursuant to this Contract (including, without limitation, the Construction Documents) ("Work Product"), shall be the exclusive property of the City, whether the Project is completed or not. Upon completion or termination of this Contract, Consultant shall promptly deliver to the City all records, notes, data, memoranda, models, and equipment of any nature that are within Consultant's possession or control and that are the City's property or relate to the City or its

business. The City shall be furnished and permitted to retain reproducible copies and electronic versions of Consultant's Work Product and related documents and information relating to the Project.

12.02 Consultant warrants to City that (i) Consultant has the full power and authority to enter into this Contract, (ii) Consultant has not previously assigned, transferred or otherwise encumbered the rights conveyed herein, (iii) Work Product is an original work of authorship created by Consultant's employees during the course of their employment by Consultant, and does not infringe on any copyright, patent, trademark, trade secret, contractual right, or any other proprietary right of any person or entity, (iv) Consultant has not published the Work Product (including any derivative works) or any portion thereof outside of the United States, and (v) to the best of the Consultant's knowledge, no other person or entity, except City, has any claim of any right, title, or interest in or to the Work Product.

12.03 Consultant shall not seek to invalidate, attack, or otherwise do anything either by act of omission or commission which might impair, violate, or infringe the title and rights assigned to City by Consultant in this Article 12 of the Contract.

12.04 The documents prepared by Consultant may be used as a prototype for other facilities by the City. The City may elect to use the Consultant to perform the site adaptation and other architectural or engineering services involved in reuse of the prototype. If so, the Consultant is obligated to perform the work for an additional compensation that will fairly compensate the Consultant and its sub-consultants only for the additional work involved. It is reasonable to expect that the fair additional compensation will be significantly less than the fee provided for under this Contract. If the City elects to employ a different architect or engineer to perform the site adaptation and other architectural or engineering services involved in reuse of the prototype, that architect or engineer will be entitled to use Consultant's sub-consultants on the same basis that Consultant would have been entitled to use them for the work on the reuse of the prototype, and such architect or engineer will be entitled, to the extent allowed by law, to duplicate the design and review and refer to the construction documents, approved shop drawings and calculations, and change order drawings in performing its work. The Consultant will not be responsible for errors and omissions of a subsequent architect or engineer. The Consultant shall commit its subconsultants to the terms of this subparagraph. The provisions of this section shall survive termination of this Contract.

12.05 In the event of termination of this Contract for any reason, the City shall receive all Work Product and original documents prepared to the date of termination and shall have the right to use those documents and any reproductions in any way necessary to complete the Project.

12.06 Only the details of the drawings relating to this Project may be used by the Consultant on other projects, but they shall not be used as a whole without written authorization by the City. The City-furnished forms, conditions, and other written documents shall not be used on other projects by the Consultant.

ARTICLE XIII TERMINATION

13.01 The City may terminate this Contract at any time upon **thirty (30)** calendar days written notice. Upon the Consultant's receipt of such notice, the Consultant shall cease work immediately. The Consultant shall be compensated for the services satisfactorily performed prior to the termination date.

13.02 If, through any cause, the Consultant fails to fulfill its obligations under this Contract, or if the Consultant violates any of the agreements of this Contract, the City has the right to terminate this Contract by giving the Consultant **five (5)** calendar days written notice. The Consultant will be compensated for the services satisfactorily performed prior to the termination date.

13.03 No term or provision of this Contract shall be construed to relieve the Consultant of liability to the City for damages sustained by the City because of any breach of contract and/or negligence by the Consultant. The City may withhold payments to the Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

ARTICLE XIV MISCELLANEOUS TERMS

14.01 This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Brazos County, Texas.

14.02 Notices shall be mailed to the addresses designated herein or as may be designated in writing by the parties from time to time and shall be deemed received when sent postage prepaid U.S. Mail to the following addresses:

City of College Station

Attn: CIP – Casey Rhodes
PO BOX 9960
1101 Texas Ave
College Station, TX 77842
crhodes@cstx.gov

Freese and Nichols, Inc.

Attn: Gennady Boksiner
2711 North Haskell Ave.
Suite 3300
Dallas, Texas 75204
gb@freese.com

14.03 No action or failure to act by the City shall constitute a waiver of a right or duty afforded them under the Contract, nor shall such action or failure to act constitute approval of or acquiescence in a breach there under, except as may be specifically agreed in writing. No waiver of any provision of the Contract shall be of any force or effect, unless such waiver is in writing, expressly stating to be a waiver of a specified provision of the Contract and is signed by the party to be bound thereby. In addition, no waiver by either party hereto of any term or condition of this

Contract shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition and shall not in any way limit or waive that party's right thereafter to enforce or compel strict compliance with the Contract or any portion or provision or right under the Contract.

14.04 This Contract represents the entire and integrated contract between the City and the Consultant and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.

14.05 This Contract and all rights and obligations contained herein may not be assigned by the Consultant without the prior written approval of the City.

14.06 Invalidity. If any provision of this Contract shall be held to be invalid, illegal or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Contract with legal terms and conditions approximating the original intent of the parties.

14.07 Prioritization. Contractor and City agree that City is a political subdivision of the State of Texas and is thus subject to certain laws. Because of this there may be documents or portions thereof added by Contractor to this Contract as exhibits that conflict with such laws, or that conflict with the terms and conditions herein excluding the additions by Contractor. In either case, the applicable law or the applicable provision of this Contract excluding such conflicting addition by Contractor shall prevail. The parties understand this section comprises part of this Contract without necessity of additional consideration.

14.08 The Consultant, its agents, employees, and subconsultants must comply with all applicable federal and state laws, the charter and ordinances of the City of College Station, and with all applicable rules and regulations promulgated by local, state, and national boards, bureaus, and agencies. The Consultant must obtain all necessary permits and licenses required in completing the services required by this Contract.

14.09 The parties acknowledge that they have read, understood, and intend to be bound by the terms and conditions of this Contract. If there is a conflict between a provision in any documents provided by Consultant made a part of this Contract and any other provision in this Contract, the latter controls.

14.10 This Contract goes into effect when duly approved by all the parties hereto.

14.11 Notice of Indemnification. City and Consultant hereby acknowledge and agree that this Contract contains certain indemnification obligations and covenants.

14.12 Verification No Boycott of Israel. To the extent this Contract is considered a contract for goods or services subject to §2270.002 Texas Government Code, Consultant verifies that it (i) does not boycott Israel and (ii) will not boycott Israel during the term of this Contract.

14.13 Verification No Boycott of Firearms. If this Contract is for goods and services subject to § 2274.002 Texas Government Code, Contractor verifies that it (i) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (ii) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and

14.14 Verification No Boycott of Energy Companies. Subject to § 2274.002 Texas Government Code Consultant herein verifies that it (i) does not boycott energy companies; and (ii) will not boycott energy companies during the term of this Contract.

14.15 Force Majeure. Force majeure shall be any acts of God or the public enemy; compliance with any order, rule, regulation, decree, or request of any governmental authority or agency or person purporting to act therefore; acts of war, public disorder, rebellion, terrorism, or sabotage; floods, hurricanes, or other storms; strikes or labor disputes; or any other cause, whether or not of the class of kind specifically named or referred to herein, not within the reasonable control of the Party affected. A delay in or failure of performance of either Party shall not constitute a default hereunder nor be the basis for, or give rise to, any claim for damages, if and to the extent such delay or failure is caused by force majeure.

List of Exhibits

- A.** Scope of Services
- B.** Payment Schedule
- C** Certificates of Insurance

FREESE AND NICHOLS, INC.

CITY OF COLLEGE STATION

By: Gennady Boksiner

By: _____

Printed Name: Gennady Boksiner

City Manager

Date: _____

Title: Vice President

Date: 7/28/2023

APPROVED:

John A. Haislet

City Attorney

Date: 7/28/2023

Jim Gustafson

Assistant City Manager/CFO

Date: 7/28/2023

EXHIBIT A SCOPE OF SERVICES

Reference Scope of Services attached as part of Exhibit A for Carter Creek WWTP Effluent Filter Improvements
Phase 1 - Outfall Improvements.

EXHIBIT A – ENGINEERING SCOPE OF SERVICES

City of College Station

Carters Creek WWTP Effluent Filter Improvements Phase 1 - Outfall Improvements

PROJECT UNDERSTANDING AND ASSUMPTIONS:

In July of 2022, the City of College Station (City), retained Freese and Nichols, Inc. (FNI) to conduct an evaluation of the addition of cloth media effluent filters at the Carters Creek wastewater treatment plant (WWTP). To minimize pumping cost, improve the disinfection process and protect critical treatment facilities from flooding, FNI recommended implementing Alternative 3. This alternative included a new cloth media effluent filter facility, followed by a new ultraviolet (UV) disinfection system and an effluent pump station in a common-wall structure. Additionally, a new outfall piping and structure would be required to be constructed as part of this alternative to convey the effluent flows to Carters Creek at a lower discharge elevation. Coincidentally, in February of 2023, the existing parallel 60" outfall piping and structure experienced a catastrophic failure. The City implemented temporary repair measures to the existing outfall facilities, but requested FNI to expedite the design and implementation of a permanent outfall solution that would accommodate connection to Alternative 3. The improvement included in this contract could be considered a Phase 1 project of the effluent filter implementation.

The major project components that will be included in the design, in general, include the following elements:

- New 60" parallel outfall lines
- New concrete headwall structure
- New junction box structure
- New 60" connection stub-out for future connection to the 60" outfall pipe from the Effluent Filters & UV structure.
- Demolition of existing Outfall structure.

ARTICLE I - BASIC SERVICES: FNI shall render the following professional services for the development of the Project:

A. Phase 1 – Design Development:

1. Perform general administrative duties associated with the Project, including progress monitoring and monthly progress reporting, scheduling, general correspondence, documentation, office administration, project team management, and implementation of a Quality Assurance (QA) and Quality Control (QC) program for the project, and invoicing for the scope items identified below. Documentation shall be in accordance with City requirements for the Project. These duties include maintaining regular communication with the City to help meet the needs of the City in a timely manner and executing work per the work plan, budget, and schedule.
2. Manage efforts of internal design team and sub-consultants on the Project and perform Quality Control reviews of all deliverables. Quality Control Reviews will include use of FNI's Disciplinary QC checklists, provision of QC Plan Documentation and provision of comment/response forms for documenting and responding to City comments on all submittals.

3. Prepare a Microsoft Project schedule and provide monthly updates including necessary revisions to bring the Project back on schedule if needed. The project schedule will not be resource loaded.
4. Prepare monthly project reporting including status report, recent activities, upcoming activities, action items log, decisions made log, budget updates, schedule updates, and scope changes. Prepare and submit monthly invoices.
5. Conduct a kickoff meeting to review scope, schedule, and budget; to determine any special conditions that may affect the project; to discuss administrative requirements of City; and to review project criteria and the City's goals and expectations for the project. After the kickoff meeting, conduct one site visit by the engineering team to the WWTP, for field evaluation, and coordination of design needs for completion of the project.
6. Technical Memorandum – Outfall Improvements.
 - a. Prepare a TM to document the goals of the project and to discuss recommendations for the proposed Outfall Improvements. Submit a draft electronic copy to OWNER for review and a final electronic copy to City upon incorporation of review comments. Electronic copy submitted will be in a PDF format.
 - b. Conduct a workshop with the City to review the contents of the TM. The workshop will be conducted via Teams channel.
7. Opinions of Probable Construction Cost:
 - a. Opinions of probable construction cost (OPCC) will be developed for the various project completion levels as described below.
 - b. FNI has adopted the Association for the Advancement of Cost Engineers (AACE, now AACE International) definitions for opinions of probable construction cost for treatment plant projects. AACE International defines five classes of cost estimates for a project in their Recommended Practice No. 18R 97. The classifications are widely accepted guidelines within the engineering/architecture community for the defining levels of project maturity and the expected range of accuracy for associated project cost opinions. The classifications range from Class 5 to Class 1 for the lowest to the highest level of the project definition. The purpose of these classifications is to improve communication among the project stakeholders involved with preparing, evaluating, and using cost opinions. FNI design services typically fall within Class 5 to Class 3 estimates. Classes 2 and 1 are reserved for bid phase and construction phase pricing coordination by a contractor. The classification definitions are summarized in the table below.

Estimate Class	Level of Project Definition	End-Use	Expected Accuracy Range
Class 5	0% to 2%	Screening or feasibility	Low: -20% to -50% High: +30% to +100%
Class 4	1% to 15%	Concept Study or Feasibility	Low: -15% to -30% High: +20% to +50%
Class 3	10% to 40%	Budget Authorization or Control	Low: -10% to -20% High: +10% to +30%
Class 2	30% to 75%	Control or Bid/Tender	Low: -5% to -15% High: +5% to +20%
Class 1	65% to 100%	Check Estimate or Bid/Tender	Low: -3% to -10% High: +3% to +15%

- c. In providing opinions of costs, financial analysis, economic feasibility projections, and schedules for the Project, the City recognizes that FNI has no control over: cost or price of labor and materials from contractors and suppliers; unknown conditions of existing equipment or structures that may affect operations and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by third parties; quality, type, management, or direction of operation personnel; and other market, economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, the City recognizes that FNI makes no warranty or guarantee that the actual project cost, financial aspects, economic feasibility, or schedules will not vary from FNI's opinions, analyses, projections, or estimates.
8. Prepare drawings, specifications, Construction Contract Documents, designs, and layouts of improvements to be constructed for the milestone submittal described below and for the final construction contract documents. Detailed design elements shall be developed using AutoCAD software based on the layout recommended in the Technical Memorandum for the development of plan sheets for bidding purposes.
 9. Conduct progress review and QC workshops with the City. FNI will submit relevant drawings, specifications, and detailed data for each review workshop two weeks prior to the workshop dates to allow the City adequate time for review and comment.
 - a. Review Submittal (90-100% Design Level): The review will include a single day workshop to provide detailed review of all final design plans and specifications, final constructability reviews, final disciplinary cross-check reviews and disciplinary QC documentation. FNI will document and address City's comments before developing final plans and specifications for construction.
 - b. Conduct a single day Maintenance of Plant Operations (MOPO) and Construction Sequencing workshop at the 90% level to discuss the finalized sequence of construction and MOPO plans for the plant improvements.
 - c. All workshops will be conducted in the OWNER's designated offices.
 10. Assist the City in preparing a Texas Pollutant Discharge Elimination System (TPDES) permit minor amendment application required for outfall relocation.

- a. Compile Existing Information and Meet with the City. FNI will utilize the current TPDES permit application forms provided by the TCEQ. We will utilize as much data and information as possible from the previously submitted application. Following meeting with the City virtually, FNI staff may also visit the facility to make observations and take photographs.
 - b. Prepare Permit Application and Transmittal Letter. FNI will prepare the draft permit application and provide one (1) electronic copy for the City's review. We will finalize the application based on the City's comments and submit a final original application and three copies to TCEQ on the City's behalf. We will also provide up to three copies of the final application for the City's files.
 - c. Post Application Follow-up and Draft Permit Review. Following submittal of the application, FNI will answer questions and respond to requests for additional information, if any. FNI will review the draft TPDES permit issued by the TCEQ following TCEQ's review of the renewal application. We will provide these follow-up services based upon rates described in Attachment CO. We estimate that it may take approximately 20 hours of follow-up to address questions raised during the TCEQ application review period.
11. Furnish City three (3) half-size sets and one electronic PDF copy of drawings, specifications, and bid proposals for each submittal review and workshop above, for review and approval by City. Upon final approval by City, FNI will provide five (5) half-size sets and one electronic PDF copy of "Final" sealed drawings and in CAD file format.

E. Phase 2 – Bid and Procurement Services:

Upon completion of the design services and approval of "Final" drawings and specifications by the City, FNI will proceed with the performance of services in this phase as follows:

1. Submit electronic copies of plans, specifications, and bidding documents to the City's website. Prospective bidders may download and print documents from the City's website, who will maintain plan holder list and post addenda.
2. Assist the City by responding to questions and interpreting bid documents. Prepare and issue up to two (2) addenda to the bid documents to plan holders, if necessary, following the City's standard bid process.
3. Assist the City in conducting a pre-bid conference for the construction project and coordinate responses to questions with City. Responses to the pre-bid conference questions will be in the form of addenda issued after the conference. Attend the tour of the project site after the pre-bid conference.
4. Develop an example "Construction Sequence" presentation, demonstrating to potential Contractors possible methodologies for sequencing construction events. FNI will also provide special procedures and construction constraints, clearly identified in the plans, specs and in the presentation, to define limitations for the Contractor to take any unit process or plant facility out of service for construction. Present the sample construction sequence at the pre-bid conference.

5. In coordination with the City, assist the City with evaluating bids for compliance with the Contract Documents.
6. Assist City in the preparation of "Issued for Construction" Construction Contract Documents. "Issued for Construction" plans and specifications shall incorporate any changes from addendum into the final electronic documents and the documents shall be reprinted with the appropriate changes notated and clouded per FNI record drawing standards. Provide four (4) sets of "Issued for Construction" Construction Contract Documents which include information from the apparent low bidders bid documents, legal documents, addenda, and directions for the execution of these documents for execution by the construction Contractor and the City. Distribute two (2) bound copies of Executed documents to the Contractor with a notice of award. Provide the City with one (1) bound copy of these documents. Additional sets of Executed documents can be provided as an additional service.
7. Furnish the City three (3) copies and the Contractor two (2) copies of the half-sized drawings and Conformed specifications as well as PDF copies for construction pursuant to the General Conditions of the Construction Contract. Additional sets of Conformed documents can be provided as an additional service.

F. Phase 3 – Construction Phase Services:

Upon completion of the bid phase services, FNI will proceed with the performance of construction phase services as described below. FNI will endeavor to protect the City in providing these services. However, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor, or any safety precautions and programs relating in any way to the condition of the premises, the work of the Contractor or any Subcontractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project.

1. Assist the City in conducting a preconstruction conference with the selected Contractor, review construction schedules prepared by the Contractor pursuant to the requirements of the construction contract, and proposed construction.
2. Participate in six (6) Monthly Construction Progress Meetings with the City and Contractor. Assist City in establishing an agenda for these meetings, facilitate meeting discussion and provide minutes for each meeting for City and Contractor comment. Meetings to be held via Teams call.
3. Establish communication procedures with the City and Contractor. Submit twelve (12) monthly reports of construction progress. Reports will describe construction progress in general terms and summarize project costs, payments made, construction schedule and pending and approved contract modifications.
4. Establish and maintain a project documentation system using FNI's FNIManager Project Document System, consistent with the requirements of the construction contract documents. Monitor the processing of contractor's submittals and provide for filing and retrieval of project documentation. Produce monthly reports indicating the status of all submittals in the review process. Review and respond to contractor's submittals, including requests for information,

modification requests, shop drawings, schedules, and other submittals in accordance with the requirements of the construction contract documents for the project. Monitor the progress of the contractor in sending and processing submittals to see that documentation is being processed in accordance with schedules.

5. Based on FNI's observations as an experienced and qualified design professional and review of the Payment Requests and supporting documentation submitted by Contractor, determine the amount that FNI recommends Contractor be paid on monthly and final estimates, pursuant to the General Conditions of the Construction Contract. Project assumes twelve (12) monthly pay requests will be processed by FNI.
6. Make up to four (4) visits to the construction site to observe the progress and the quality of work and to attempt to determine, in general, if the work is proceeding in accordance with the Construction Contract Documents. In this effort FNI will endeavor to protect the City against defects and deficiencies in the work of Contractors and will report any observed deficiencies to City. Visits to the site in excess of the specified number are an additional service.
7. Notify the contractor of non-conforming work observed on site visits. Recommend actions to correct defective work and recommend to the City any special materials tests or performance tests needed.
8. Interpret the drawings and specifications for City and Contractor(s). Investigations, analyses, and studies requested by the Contractor(s) and approved by the City, for substitutions of equipment and/or materials or deviations from the drawings and specifications is an additional service.
9. Review up to sixteen (16) quality related documents provided by the contractor such as test reports, equipment installation reports or other documentation required by the Construction Contract Documents. Number of quality documents identified is estimated by FNI based on performance on similar projects and number of documents identified in the plans and specifications. Review of contractor submittals in excess of this amount is an Additional Service.
10. Provide for Review of Contractor's requests for information (RFI's). Maintain document control systems, review Contractor RFI's and prepare responses in accordance with the Contract Documents. Provide interpretation and communicate engineering intent if information is not explicitly addressed in the Contract Documents. It is anticipated that FNI will review and respond to up to a total of four (4) RFI's. Review of RFI's in excess of the specified number is an additional service.
11. Provide for review of contractor submittals including shop drawings, operation and maintenance manuals and other documentation required by the construction contract documents. It is anticipated that FNI will review and respond to up to a total of 15 (fifteen) submittals and resubmittals. Review of submittals in excess of the specified number is an additional service.
12. Establish procedures for administering constructive changes to the construction contracts. Process contract modifications and negotiate with the contractor on behalf of the City to determine the cost and time impacts of these changes. Prepare change order documentation for approved changes for execution by the City. Documentation of field orders, where completion schedule or cost to the City is not impacted, will also be prepared. Investigations, analyses,

studies, or design for substitutions of equipment or materials, corrections of defective or deficient work of the Contractor or other deviations from the construction contract documents requested by the contractor and approved by the City are an additional service. Substitutions of materials or equipment or design modifications requested by the City are an additional service. FNI will process up to two (2) requests for cost proposal (RCP) from the Contractor, two (2) cost proposals (CP), one (1) change orders (CO) and one (1) field orders (FO) during the construction phase. Providing these services to review or evaluate construction contractor(s) claim(s) or City initiated changes, supported by causes not within the control of FNI, above these amounts are an additional service.

13. Conduct, in company with City's representative, one (1) substantial completion walkthrough of the project to establish final punchlists for project completion and review of the Project for conformance with the design concept of the Project and general compliance with the Construction Contract Documents. Prepare a list of deficiencies to be corrected by the Contractor before recommendation of final payment. Assist the City in obtaining legal releases, permits, warranties, spare parts, and keys from the Contractor. Review and comment on the certificate of completion and the recommendation for final payment to the Contractor. Visiting the site to review completed work more than one (1) trip are an additional service.
14. Revise the construction drawings in accordance with the information furnished by construction Contractor reflecting changes in the Project made during construction. Three (3) half-size sets of prints of "Record Drawings" and an electronic copy in PDF format shall be provided by FNI to the City. All digital record drawing and model files will be provided to the City via electronic submission.

ARTICLE II - SPECIAL SERVICES: FNI shall render the following special services for the development of the Project:

1. Provide detailed Topographic Surveying of the plant site required for the design phase.
2. Provide a Geotechnical Investigation and Geotechnical Engineering Report of the plant site required for the final design phase.
3. Provide easement surveys for the new Outfall and pipe.
4. Environmental Survey:
 - a. Conduct one site visit and up to one follow-up site visit to document existing conditions. The locations of potential waters of the U.S., including wetlands, and potential federally listed threatened/endangered species habitat will be identified within the proposed project area. An Environmental Permitting Memorandum will be prepared and submitted to the City describing environmental issues related to the project along with recommendations for minimizing impacts and compliance with state and federal regulations.
 - b. It is anticipated that any impacts to waters of the U.S. from this project will be within the allowable limits of Nationwide Permit (NWP) 58 – Utility Line Activities for Water and Other Substances without triggering the requirement to prepare and submit a pre-construction notification (PCN) to the U.S. Army Corps of Engineers (USACE). However, if a PCN is required, a NWP 58 PCN including a jurisdictional determination report will be prepared in

- lieu of the environmental permitting memo for City review and then submitted to the USACE.
- c. Address USACE comments/requests, if any, for additional information or clarification. One (1) meeting with the Fort Worth District USACE and one (1) round of written responses to USACE comments/questions are included in this task.
 - d. Projects sponsored by political subdivision of the State (such as a city) that affect a cumulative area greater than five acres or that disturb more than 5,000 cubic yards require advance consultation with the Texas Historical Commission (THC) according to Section 191.0525 (d) of the Antiquities Code of Texas. If project activities are such that THC consultation is required, a consultation letter describing the project will be submitted to the THC for review.
5. Provide for Construction Materials Testing for purposes of OWNER quality control during construction. Coordinate the work of testing laboratories and inspection bureaus required for the testing or inspection of materials, witnessed tests, factory testing, etc. for quality control of the Project. An allowance of \$10,000 is assumed for this effort. Materials Testing beyond this allowance is an additional service.

ARTICLE III - ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by City, which are not included in the above described Basic or Special Services, are described as follows:

- A. GIS mapping services or assistance with these services.
- B. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.
- C. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by City.
- D. Revising drawings, specifications, or other documents when such revisions are 1) not consistent with approvals or instructions previously given by City or 2) due to other causes not solely within the control of FNI.
- E. Providing consultation concerning the replacement of any Work damaged by fire or other cause during the construction and providing services as may be required regarding the replacement of such Work.
- F. Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by City.
- G. Providing shop, mill, field or laboratory inspection of materials and equipment.
- H. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.
- I. Conducting pilot plant studies or tests.
- J. Preparing data and reports for assistance to City in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- K. Furnishing Special Inspections required under the International Building Code. These Special Inspections are often continuous, requiring an inspector dedicated to inspection of the individual work item, and they are in addition to General Representation and Resident

- Representation services noted elsewhere in the contract.
- L. Assisting City in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings in the defense or prosecution of claims disputes with Contractor(s).
 - M. Performing investigations, studies and analyses of substitutions of equipment and/or materials or deviations from the drawings and specifications.
 - N. Assisting City in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.
 - O. Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.
 - P. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.
 - Q. Services required to resolve bid protests or to rebid the projects for any reason.
 - R. Visits to the site more than the number of trips included in Basic Services for periodic site visits, coordination meetings, or contract completion activities.
 - S. Any services required because of default of the contractor(s) or the failure, for any reason, of the contractor(s) to complete the work within the contract time.
 - T. Providing services after the completion of the construction phase not specifically listed in Basic Services.
 - U. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the City.
 - V. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.
 - W. Providing services to review or evaluate construction contractor(s) claim(s), provided said claims are supported by causes not within the control of FNI.
 - X. Providing value engineering studies or reviews of cost savings proposed by construction contractors after bids have been submitted.
 - Y. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services agreement.
 - Z. Provide follow-up professional services during Contractor's warranty period.
 - AA. Providing data, reports or briefings to City Councils or governing boards on the status of the project.
 - BB. Design for additional facilities beyond those identified in basic services.
 - CC. The scope of services for this project assumes that the NPDES applications will be processed by as uncontested, routine NPDES permit applications that would not require additional effort beyond that defined in Basic Services. Effort associated with any contested NPDES permits is an additional service.
 - DD. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) for the project.
 - EE. Providing services for pre-qualification of prospective bidders and issuing a list of eligible bidders prior to bid opening.
 - FF. Preparation of an Individual Section 404 permit application.
 - GG. Preparation of a mitigation plan or coordinating the purchase of mitigation bank credits for impacts to waters of the U.S. or other natural resources.
 - HH. Conducting function or condition assessments (e.g., TXRAM) of waters of the U.S. potentially impacted by the proposed project.

- II. Presence/absence surveys for federally listed threatened/endangered species.
- JJ. Formal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.
- KK. Conducting cultural resources studies or surveys.
- LL. Phase I/II Environmental Site Assessment.
- MM. Identification of tree species and/or preparation of a tree mitigation plan required due to tree ordinance compliance.
- NN. Other environmental services not specifically defined in this scope of services.

ARTICLE IV - TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services in accordance with the following schedule:

<u>Phase 1 - Final Design Services</u>	<u>8 months from NTP</u>
<u>Phase 2 - Bid and Procurement Phase Services</u>	<u>2 Months from Final Design Completion</u>
<u>Phase 3 - Construction Phase Services</u>	<u>12 Months from Contractor NTP</u>

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in Attachment CO.

ARTICLE V - RESPONSIBILITIES OF OWNER: OWNER shall perform the following in a timely manner so as not to delay the services of FNI:

- A. City recognizes and expects that certain Change Orders may be required. FNI recommends that the OWNER budget a minimum of 5% of the estimated project cost for construction change orders.

Further, City recognizes and expects that certain Change Orders may be required to be issued as the result in whole or part of imprecision, incompleteness, errors, omission, ambiguities, or inconsistencies in the Drawings, Specifications, and other design documentation furnished by FNI or in the other professional services performed or furnished by FNI under this Agreement ("Covered Change Orders"). Accordingly, the City agrees to pay for Change Orders and otherwise to make no claim directly or indirectly against FNI on the basis of professional negligence, breach of contract, or otherwise with respect to the costs of approved Covered Change Orders unless the aggregate costs of all such approved Covered Change Orders exceed 5% for new construction and reconstruction. Any responsibility of FNI for the costs of Covered Changed Orders in excess of such percentage will be determined on the basis of applicable contractual obligations and professional liability standards. For purposes of this paragraph, the cost of Covered Change Orders will not include:

- any costs that City would have incurred if the Covered Change Order work had been included originally in the Contract Documents and without any other error or omission of FNI related thereto,
- Any costs that are due to unforeseen site conditions, or
- Any costs that are due to changes made by the City.
- Any costs that are due to the Contractor

Nothing in this provision creates a presumption that, or changes the professional liability standard for determining if, FNI is liable for the cost of Covered Change Orders in excess of the percent of Construction Cost stated above or for any other Change Order. Wherever used in this document, the term FNI includes FNI's officers, directors, partners, employees, agents, and FNI's Consultants.

- B. The City will designate in writing a person to act as City's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret, and define City's policies and decisions with respect to FNI's services for the Project.
- C. The City will provide all criteria and full information as to City's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which City will require to be included in the drawings and specifications.
- D. The City will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.
- E. The City will arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- F. The City will examine all studies, reports, sketches, drawings, specifications, proposals, and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as City deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.
- G. The City will submit such documents, plans and specification to appropriate regulating agencies and request the required approvals as expeditiously as is reasonable.
- H. The City will provide such accounting and independent cost estimating services as may be required for the Project, such legal services as City may require, such auditing service as City may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as City may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.
- I. If the City designates a person to serve in the capacity of Resident Project Representative who is not FNI or FNI's agent or employee, the duties, responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in an Attachment RPR attached to and made a part of this Agreement before the Construction Phase of the Project begins. Said attachment shall also set forth appropriate modifications of the Construction Phase services as defined in Article I, Phase 3, together with such adjustment of compensation as appropriate.
- J. The City will attend the pre-bid conference, bid opening, preconstruction conferences, construction progress and other job-related meetings and substantial completion inspections.

- K. The City will give prompt written notice to FNI whenever City observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services, or any defect or nonconformance of the work of any Contractor.
- L. The City will assist Freese and Nichols by placing at Freese and Nichols' disposal all available information including previous reports and any other data relative to the Project.
- M. The City shall provide the NPDES application fee and submit the final application, copies, and the fee to regulatory agencies. The City shall also provide for advertisement and notification of permit application, if required by the regulatory agencies.
- N. The City shall bear all costs incident to compliance with the requirements of this Article IV.

ARTICLE VI - DESIGNATED REPRESENTATIVES: FNI and OWNER designate the following representatives:

City's Designated Representative –	Casey Rhodes 300 Krenek Tap Road College Station, TX, 77845 979-764-6248 crhodes@cstx.gov
FNI's Designated Representative –	Gennady Boksiner 2711 N. Haskell Avenue Dallas, TX, 75204 214-217-2224 gb@freese.com
FNI's Accounting Representative –	Lisa Broussard 2711 N. Haskell Avenue Dallas, TX 972-331-6021 email address

EXHIBIT B
PAYMENT TERMS

☐ Compensation is based on **actual** hours of work/time devoted to providing the described professional services. The Consultant will be paid at a rate of \$_____ per hour, or at the rates per service or employee shown below. The City will reimburse the Consultant for **actual**, non-salary expenses at the rate of _____ percent (____%) above the Consultant's actual costs, or at the rates set forth below. Unless amended by a duly authorized written change order, the total payment for all invoices on this job, including both salary and non-salary expenses, shall not exceed the amount set forth in paragraph 2.01 of this Contract: (\$_____).

The Consultant must submit **monthly** invoices to the City, accompanied by an explanation of charges, professional fees, services, and expenses. The City will pay such invoices according to its normal payment procedures.

-OR-

☒ Payment is a fixed fee in the amount listed in paragraph 2.01 of this Contract. This amount shall be payable by the City pursuant to the schedule listed below and upon completion of the services and written acceptance by the City.

The Consultant may submit **monthly** invoices to the City, accompanied by an explanation of charges, professional fees, services, and expenses. The City will pay such invoices according to its normal payment procedures.

Schedule of Payment for each phase:

Not to Exceed: \$570,993.00

EXHIBIT C
CERTIFICATE(S) OF INSURANCE



FREEAND-02

KSUTTON

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/17/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ames & Gough 8300 Greensboro Drive Suite 980 McLean, VA 22102	CONTACT NAME:		
	PHONE (A/C, No, Ext): (703) 827-2277	FAX (A/C, No): (703) 827-2279	
	E-MAIL ADDRESS: admin@amesgough.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Hartford Underwriters Insurance Company A+ (XV)		30104
INSURED Freese and Nichols, Inc. 801 Cherry Street, Suite 2800 Fort Worth, TX 76102	INSURER B : Hartford Casualty Insurance Company A+ (XV)		29424
	INSURER C : Hartford Accident and Indemnity Company A+ (XV)		22357
	INSURER D : Continental Casualty Company (CNA) A, XV		20443
	INSURER E :		
	INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☒ LOC OTHER:			42UUNOL5238	10/23/2022	10/23/2023	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
	PRODUCTS - COMP/OP AGG	\$ 2,000,000						
							\$	
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			42UENOL5558	10/23/2022	10/23/2023	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			42 XHU OL 5836	10/23/2022	10/23/2023	EACH OCCURRENCE	\$ 10,000,000
							AGGREGATE	\$ 10,000,000
								\$
								\$
								\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☒ N / A			42WBOL6H3F	10/23/2022	10/23/2023	☒ PER STATUTE ☐ OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
D	Professional Liab.			AEH008214422	10/23/2022	10/23/2023	Per Claim	5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
PROFESSIONAL LIABILITY AGGREGATE LIMIT: \$10,000,000

RE: Carter Creek WWTP Effluent Filter Improvements Phase 1 - Outfall Improvements Contract No. 23300648

City of College Station, its officials, agents, employees and volunteers are included as Additional Insured with respect to General Liability, Auto Liability, and Umbrella Liability when required by written contract. General Liability, Auto Liability and Umbrella Liability are primary and non-contributory over any existing insurance and limited to liability arising out of the operations of the named insured and when required by written contract. General Liability, Auto Liability, SEE ATTACHED ACORD 101

CERTIFICATE HOLDER

CANCELLATION

City of College Station, TX 1101 Texas Ave College Station, TX 77842	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



ADDITIONAL REMARKS SCHEDULE

AGENCY Ames & Gough		NAMED INSURED Freese and Nichols, Inc. 801 Cherry Street, Suite 2800 Fort Worth, TX 76102	
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1		
		EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:

Umbrella Liability and Workers Compensation policies include a Waiver of Subrogation in favor of the Additional Insured where permissible by state law and when required by written contract. 30-day Notice of Cancellation will be issued for the General Liability, Auto Liability, Umbrella Liability, Workers Compensation and Professional Liability policies in accordance with policy terms and conditions. The General Liability policy does not contain an exclusion for Explosion, Collapse or Underground hazard.

Retro Date for the Professional Liability Policy is: 11/01/1965.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - OPTION I

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Designated Project(s) Or Location(s) Of Covered Operations:
ANY PERSON OR ORGANIZATION THAT YOU HAVE AGREED TO NAME AS AN ADDITIONAL INSURED IN A WRITTEN CONTRACT OR WRITTEN AGREEMENT PROVIDED THAT THE INJURY OR DAMAGE OCCURS SUBSEQUENT TO THE EXECUTION OF THE CONTRACT OR AGREEMENT. A PERSON OR ORGANIZATION	IS INLCUDED AS AN ADDITIONAL INSURED UNDER THIS ENDORSEMENT ONLY FOR THAT TIME PERIOD REQUIRED BY THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. With respect to those person(s) or organization(s) shown in the Schedule above when you have agreed in a written contract or written agreement to provide insurance such as is afforded under this policy to them, Subparagraph **f.**, **Any Other Party**, under the **Additional Insureds When Required By Written Contract, Written Agreement Or Permit** Paragraph of **Section II – Who Is An Insured** is replaced with the following:

f. Any Other Party

Any other person or organization who is not an insured under Paragraphs **a.** through **e.** above, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- (1) In the performance of your ongoing operations for such additional insured at the project(s) or location(s) designated in the Schedule;
- (2) In connection with your premises owned by or rented to you and shown in the Schedule; or

(3) In connection with "your work" for the additional insured at the project(s) or location(s) designated in the Schedule and included within the "products-completed operations hazard", but only if:

- (a) The written contract or written agreement requires you to provide such coverage to such additional insured at the project(s) or location(s) designated in the Schedule; and
- (b) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

The insurance afforded to the additional insured shown in the Schedule applies:

(1) Only if the "bodily injury" or "property damage" occurs, or the "personal and advertising injury" offense is committed:

- (a) During the policy period; and
- (b) Subsequent to the execution of such written contract or written agreement; and

- (c) Prior to the expiration of the period of time that the written contract or written agreement requires such insurance be provided to the additional insured.

- (2) Only to the extent permitted by law; and
- (3) Will not be broader than that which you are required by the written contract or written agreement to provide for such additional insured.

With respect to the insurance afforded to the person(s) or organization(s) that are additional insureds under this endorsement, the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

- (1) The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or specifications; or
- (2) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to the additional insured shown in the Schedule are described in the Limits Of Insurance section.

How this insurance applies when other insurance is available to the additional insured is described in the Other Insurance Condition in **Section IV – Commercial General Liability Conditions**, except as otherwise amended below.

- B.** With respect to insurance provided to the person(s) or organization(s) that are additional insureds under this endorsement, the **When You Add Others As An Additional Insured To This Insurance** subparagraph, under the **Other Insurance** Condition of **Section IV – Commercial General Liability Conditions** is replaced with the following:

When You Add Others As An Additional Insured To This Insurance

(a) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Paragraph (c) below. This insurance does not apply to other insurance to which the additional insured in the Schedule has been added as an additional insured.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (i) The additional insured in the Schedule is a Named Insured under such other insurance; and
- (ii) You have agreed in a written contract or written agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured in the Schedule.

(c) Method Of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

All other terms and conditions in the policy remain unchanged.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

ANY PERSON OR ORGANIZATION FROM WHOM YOU ARE REQUIRED BY WRITTEN CONTRACT OR WRITTEN AGREEMENT TO OBTAIN THIS WAIVER OF RIGHTS FROM US.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

NOTICE OF CANCELLATION OR NONRENEWAL TO DESIGNATED GOVERNMENTAL ENTITY

Number of Days Notice:	SCHEDULE	Name of Governmental Entity: PER WRITTEN CONTRACT
Part A: <u>30</u>		
Part B: <u>10</u>		
Part C: <u>30</u>		
Part D: <u>30</u>		Mailing Address:

This policy is subject to the following additional Conditions when a number of days are shown in the Schedule for any of the above Parts.

- A.** If this policy is cancelled by the Company, other than for nonpayment of premium, or if coverages or limits are reduced below the minimum level contractually required by the governmental entity, notice of such cancellation or reduction in coverage will be provided to the governmental entity in the Schedule, at least the number of days in advance of the cancellation effective date, as shown in Part A.
- B.** If this policy is cancelled by the Company for nonpayment of premium, notice of such cancellation will be provided to the governmental entity in the Schedule within the number of days notice of the cancellation effective date, as shown in Part B.
- C.** If this policy is cancelled by the insured, notice of such cancellation will be provided to the governmental entity in the Schedule, within the number of days notice of the cancellation effective date, as shown in Part C.

- D.** If this policy is nonrenewed by the Company, notice of such nonrenewal will be provided to the governmental entity in the Schedule, at least the number of days in advance of the nonrenewal effective date, as shown in Part D.

If notice is mailed, proof of mailing notice to the governmental entity's mailing address as shown in the Schedule will be sufficient proof of notice. If the number of days notice in the Schedule for any Part is left blank or is shown as zero, no notice will be provided to the Scheduled governmental entity under that Part.

Any notification rights provided by this endorsement apply to the governmental entity in the Schedule so long as it was issued a certificate of insurance applicable to this policy's term.

Failure to provide such notice to the governmental entity in the Schedule will not amend or extend the date the cancellation becomes effective, nor will it negate cancellation of the policy. Failure to send notice shall impose no liability of any kind upon the Company or its agents or representatives.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

To the extent that the provisions of this endorsement provide broader benefits to the "insured" than other provisions of the Coverage Form, the provisions of this endorsement apply.

1. BROAD FORM INSURED

A. Subsidiaries and Newly Acquired or Formed Organizations

The Named Insured shown in the Declarations is amended to include:

- (1) Any legal business entity other than a partnership or joint venture, formed as a subsidiary in which you have an ownership interest of more than 50% on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.
- (2) Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
 - (a) That is a partnership or joint venture,
 - (b) That is an "insured" under any other policy,
 - (c) That has exhausted its Limit of Insurance under any other policy, or
 - (d) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation.

Coverage does not apply to "bodily injury" or "property damage" that results from an "accident" that occurred before you formed or acquired the organization.

B. Employees as Insureds

Paragraph A.1. - WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add:

- d. Any "employee" of yours while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

C. Lessors as Insureds

Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:

- e. The lessor of a covered "auto" while the "auto" is leased to you under a written agreement if:
 - (1) The agreement requires you to provide direct primary insurance for the lessor and
 - (2) The "auto" is leased without a driver.

Such a leased "auto" will be considered a covered "auto" you own and not a covered "auto" you hire.

D. Additional Insured if Required by Contract

(1) Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:

- f. When you have agreed, in a written contract or written agreement, that a person or organization be added as an additional insured on your business auto policy, such person or organization is an "insured", but only to the extent such person or organization is liable for "bodily injury" or "property damage" caused by the conduct of an "insured" under paragraphs a. or b. of Who Is An Insured with regard to the ownership, maintenance or use of a covered "auto."

The insurance afforded to any such additional insured applies only if the "bodily injury" or "property damage" occurs:

- (1) During the policy period, and
- (2) Subsequent to the execution of such written contract, and
- (3) Prior to the expiration of the period of time that the written contract requires such insurance be provided to the additional insured.

(2) How Limits Apply

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the most we will pay on behalf of such additional insured is the lesser of:

- (a) The limits of insurance specified in the written contract or written agreement; or
- (b) The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to Limits of Insurance shown in the Declarations and described in this Section.

(3) Additional Insureds Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance.

(4) Duties in The Event Of Accident, Claim, Suit or Loss

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the additional insured shall be required to comply with the provisions in LOSS CONDITIONS 2. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS – OF SECTION IV – BUSINESS AUTO CONDITIONS, in the same manner as the Named Insured.

E. Primary and Non-Contributory if Required by Contract

Only with respect to insurance provided to an additional insured in 1.D. - Additional Insured If Required by Contract, the following provisions apply:

(3) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Other Insurance 5.d.

(4) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (3) and (4) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, by the method described in Other Insurance 5.d.

2. AUTOS RENTED BY EMPLOYEES

Any "auto" hired or rented by your "employee" on your behalf and at your direction will be considered an "auto" you hire.

The OTHER INSURANCE Condition is amended by adding the following:

If an "employee's" personal insurance also applies on an excess basis to a covered "auto" hired or rented by your "employee" on your behalf and at your direction, this insurance will be primary to the "employee's" personal insurance.

3. AMENDED FELLOW EMPLOYEE EXCLUSION

EXCLUSION 5. - FELLOW EMPLOYEE - of SECTION II - LIABILITY COVERAGE does not apply if you have workers' compensation insurance in-force covering all of your "employees".

Coverage is excess over any other collectible insurance.

4. HIRED AUTO PHYSICAL DAMAGE COVERAGE

If hired "autos" are covered "autos" for Liability Coverage and if Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form for any "auto" you own, then the Physical Damage Coverages provided are extended to "autos" you hire or borrow, subject to the following limit.

The most we will pay for "loss" to any hired "auto" is:

- (1) \$100,000;
- (2) The actual cash value of the damaged or stolen property at the time of the "loss"; or
- (3) The cost of repairing or replacing the damaged or stolen property,

whichever is smallest, minus a deductible. The deductible will be equal to the largest deductible applicable to any owned "auto" for that coverage. No deductible applies to "loss" caused by fire or lightning. Hired Auto Physical Damage coverage is excess over any other collectible insurance. Subject to the above limit, deductible and excess provisions, we will provide coverage equal to the broadest coverage applicable to any covered "auto" you own.

We will also cover loss of use of the hired "auto" if it results from an "accident", you are legally liable and the lessor incurs an actual financial loss, subject to a maximum of \$1000 per "accident".

This extension of coverage does not apply to any "auto" you hire or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company), or members of their households.

5. PHYSICAL DAMAGE - ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE

Paragraph A.4.a. of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to provide a limit of \$50 per day and a maximum limit of \$1,000.

6. LOAN/LEASE GAP COVERAGE

Under SECTION III - PHYSICAL DAMAGE COVERAGE, in the event of a total "loss" to a covered "auto", we will pay your additional legal obligation for any difference between the actual cash value of the "auto" at the time of the "loss" and the "outstanding balance" of the loan/lease.

"Outstanding balance" means the amount you owe on the loan/lease at the time of "loss" less any amounts representing taxes; overdue payments; penalties, interest or charges resulting from overdue payments; additional mileage charges; excess wear and tear charges; lease termination fees; security deposits not returned by the lessor; costs for extended warranties, credit life Insurance, health, accident or disability insurance purchased with the loan or lease; and carry-over balances from previous loans or leases.

7. AIRBAG COVERAGE

Under Paragraph B. EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

The exclusion relating to mechanical breakdown does not apply to the accidental discharge of an airbag.

8. ELECTRONIC EQUIPMENT - BROADENED COVERAGE

a. The exceptions to Paragraphs B.4 - EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE are replaced by the following:

Exclusions 4.c. and 4.d. do not apply to equipment designed to be operated solely by use of the power from the "auto's" electrical system that, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto";
- (2) Removable from a housing unit which is permanently installed in or upon the covered "auto";
- (3) An integral part of the same unit housing any electronic equipment described in Paragraphs (1) and (2) above; or

- (4) Necessary for the normal operation of the covered "auto" or the monitoring of the covered "auto's" operating system.

b. Section III – Version CA 00 01 03 10 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C.2 and Version CA 00 01 10 01 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C are each amended to add the following:

\$1,500 is the most we will pay for "loss" in any one "accident" to all electronic equipment (other than equipment designed solely for the reproduction of sound, and accessories used with such equipment) that reproduces, receives or transmits audio, visual or data signals which, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto" in a housing, opening or other location that is not normally used by the "auto" manufacturer for the installation of such equipment;
- (2) Removable from a permanently installed housing unit as described in Paragraph 2.a. above or is an integral part of that equipment; or
- (3) An integral part of such equipment.

c. For each covered "auto", should loss be limited to electronic equipment only, our obligation to pay for, repair, return or replace damaged or stolen electronic equipment will be reduced by the applicable deductible shown in the Declarations, or \$250, whichever deductible is less.

9. EXTRA EXPENSE - BROADENED COVERAGE

Under Paragraph A. - COVERAGE - of SECTION III - PHYSICAL DAMAGE COVERAGE, we will pay for the expense of returning a stolen covered "auto" to you.

10. GLASS REPAIR - WAIVER OF DEDUCTIBLE

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

11. TWO OR MORE DEDUCTIBLES

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

If another Hartford Financial Services Group, Inc. company policy or coverage form that is not an automobile policy or coverage form applies to the same "accident", the following applies:

- (1) If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived;
- (2) If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

12. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS

The requirement in LOSS CONDITIONS 2.a. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - of SECTION IV - BUSINESS AUTO CONDITIONS that you must notify us of an "accident" applies only when the "accident" is known to:

- (1) You, if you are an individual;
- (2) A partner, if you are a partnership;
- (3) A member, if you are a limited liability company; or
- (4) An executive officer or insurance manager, if you are a corporation.

13. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Form because of such failure.

14. HIRED AUTO - COVERAGE TERRITORY

Paragraph e. of GENERAL CONDITIONS 7. - POLICY PERIOD, COVERAGE TERRITORY - of SECTION IV - BUSINESS AUTO CONDITIONS is replaced by the following:

- e. For short-term hired "autos", the coverage territory with respect to Liability Coverage is anywhere in the world provided that if the "insured's" responsibility to pay damages for "bodily injury" or "property damage" is determined in a "suit," the "suit" is brought in the United States of America, the territories and possessions of the United States of America, Puerto Rico or Canada or in a settlement we agree to.

15. WAIVER OF SUBROGATION

TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US - of SECTION IV - BUSINESS AUTO CONDITIONS is amended by adding the following:

We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

16. RESULTANT MENTAL ANGUISH COVERAGE

The definition of "bodily injury" in SECTION V-DEFINITIONS is replaced by the following:

"Bodily injury" means bodily injury, sickness or disease sustained by any person, including mental anguish or death resulting from any of these.

17. EXTENDED CANCELLATION CONDITION

Paragraph 2. of the COMMON POLICY CONDITIONS - CANCELLATION - applies except as follows:

If we cancel for any reason other than nonpayment of premium, we will mail or deliver to the first Named Insured written notice of cancellation at least 60 days before the effective date of cancellation.

18. HYBRID, ELECTRIC, OR NATURAL GAS VEHICLE PAYMENT COVERAGE

In the event of a total loss to a "non-hybrid" auto for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended as follows:

- a.If the auto is replaced with a "hybrid" auto or an auto powered solely by electricity or natural gas, we will pay an additional 10%, to a maximum of \$2,500, of the "non-hybrid" auto's actual cash value or replacement cost, whichever is less,
- b.The auto must be replaced and a copy of a bill of sale or new lease agreement received by us within 60 calendar days of the date of "loss,"

- c.Regardless of the number of autos deemed a total loss, the most we will pay under this Hybrid, Electric, or Natural Gas Vehicle Payment Coverage provision for any one "loss" is \$10,000.

For the purposes of the coverage provision,

- a.A "non-hybrid" auto is defined as an auto that uses only an internal combustion engine to move the auto but does not include autos powered solely by electricity or natural gas.
- b.A "hybrid" auto is defined as an auto with an internal combustion engine and one or more electric motors; and that uses the internal combustion engine and one or more electric motors to move the auto, or the internal combustion engine to charge one or more electric motors, which move the auto.

19. VEHICLE WRAP COVERAGE

In the event of a total loss to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended to add the following:

In addition to the actual cash value of the "auto", we will pay up to \$1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of total loss. Regardless of the number of autos deemed a total loss, the most we will pay under this Vehicle Wrap Coverage provision for any one "loss" is \$5,000. For purposes of this coverage provision, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY CHANGES



This endorsement forms a part of the Policy numbered below:

Policy Number 42 UEN 0L5558	Named Insured FREESE AND NICHOLS INC SEE FORM IH1204	
Policy Change Effective Date 06/21/23	Change No. 006	Agent or Broker AMES & GOUGH INS RISK MGMNT INC - 641288

CHANGE(S)
HARTFORD CASUALTY INSURANCE COMPANY

IN CONSIDERATION OF NO CHANGE IN PREMIUM, IT IS HEREBY AGREED AND UNDERSTOOD THAT THE POLICY IS CHANGED AS FOLLOWS:

FORM IH 03 12 06 11 ADDED.

ANY CHANGES IN YOUR PREMIUM WILL BE REFLECTED IN YOUR NEXT BILLING STATEMENT. IF YOU ARE ENROLLED IN REPETITIVE EFT DRAWS FROM YOUR BANK ACCOUNT, CHANGES IN PREMIUM WILL CHANGE FUTURE DRAW AMOUNTS. THIS IS NOT A BILL.

	Additional	Return
Due at Policy Change effective date:	\$	\$

Installment Premium Schedule

Due Dates	Prior to this change	Result of Change		*Revised Installment
		Additional	Return	
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Revised installments, if not shown on this endorsement, will be shown in the Declarations or on Form HM 99 01.

*If Future Annual Installments, this excludes Automobile Premium.

This endorsement does not change the policy except as shown.

Policy Expiration Date

10/23/2023

Countersigned by _____
(Where required by law) Authorized Representative Date



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

NOTICE OF CANCELLATION OR NONRENEWAL TO DESIGNATED GOVERNMENTAL ENTITY

Number of Days Notice:	SCHEDULE	Name of Governmental Entity: PER WRITTEN CONTRACT
Part A: <u>30</u>		
Part B: <u>10</u>		
Part C: <u>30</u>		
Part D: <u>30</u>		Mailing Address:

This policy is subject to the following additional Conditions when a number of days are shown in the Schedule for any of the above Parts.

- A.** If this policy is cancelled by the Company, other than for nonpayment of premium, or if coverages or limits are reduced below the minimum level contractually required by the governmental entity, notice of such cancellation or reduction in coverage will be provided to the governmental entity in the Schedule, at least the number of days in advance of the cancellation effective date, as shown in Part A.
- B.** If this policy is cancelled by the Company for nonpayment of premium, notice of such cancellation will be provided to the governmental entity in the Schedule within the number of days notice of the cancellation effective date, as shown in Part B.
- C.** If this policy is cancelled by the insured, notice of such cancellation will be provided to the governmental entity in the Schedule, within the number of days notice of the cancellation effective date, as shown in Part C.

- D.** If this policy is nonrenewed by the Company, notice of such nonrenewal will be provided to the governmental entity in the Schedule, at least the number of days in advance of the nonrenewal effective date, as shown in Part D.

If notice is mailed, proof of mailing notice to the governmental entity's mailing address as shown in the Schedule will be sufficient proof of notice. If the number of days notice in the Schedule for any Part is left blank or is shown as zero, no notice will be provided to the Scheduled governmental entity under that Part.

Any notification rights provided by this endorsement apply to the governmental entity in the Schedule so long as it was issued a certificate of insurance applicable to this policy's term.

Failure to provide such notice to the governmental entity in the Schedule will not amend or extend the date the cancellation becomes effective, nor will it negate cancellation of the policy. Failure to send notice shall impose no liability of any kind upon the Company or its agents or representatives.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

TEXAS WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

Policy Number: 42 WB OL6H3F

Endorsement Number:

Effective Date 10/23/22 Effective hour is the same as stated on the Information Page of the policy.

Named Insured and Address: FREESE AND NICHOLS, INC.
801 CHERRY STREET, SUITE 2800
FORT WORTH TX 76102

This endorsement applies only to the insurance provided by the policy because Texas is shown in Item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule, but this waiver applies only with

respect to bodily injury arising out of the operations described in the Schedule where you are required by a written contract to obtain this waiver from us.

This endorsement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

The premium for this endorsement is shown in the Schedule.

Schedule

1. ☐ Special Waiver
 Name of person or organization

 ☒ Blanket Waiver
 Any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.
2. Operations:
 All Texas Operations
3. Premium:
 The premium charge for this endorsement shall be 2 percent of the premium developed on payroll in connection with work performed for the above person(s) or organization(s) arising out of the operations described.
4. Advance Premium:



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

NOTICE OF CANCELLATION TO CERTIFICATE HOLDER(S)

Policy Number: 42 WB OL6H3F

Endorsement Number:

Effective Date: 10/23/22

Effective hour is the same as stated on the Information Page of the policy.

Named Insured and Address: FREESE AND NICHOLS, INC.
801 CHERRY STREET, SUITE 2800
FORT WORTH TX 76102

This policy is subject to the following additional Conditions:

- A. If this policy is cancelled by the Company, other than for non-payment of premium, notice of such cancellation will be provided at least thirty (30) days in advance of the cancellation effective date to the certificate holder(s) with mailing addresses on file with the agent of record or the Company.
- B. If this policy is cancelled by the Company for non-payment of premium, or by the insured, notice of such cancellation will be provided within ten (10) days of the cancellation effective date to the certificate holder(s) with mailing addresses on file with the agent of record or the Company.

If notice is mailed, proof of mailing to the last known mailing address of the certificate holder(s) on file with the agent of record or the Company will be sufficient proof of notice.

Any notification rights provided by this endorsement apply only to active certificate holder(s) who were issued a certificate of insurance applicable to this policy's term.

Failure to provide such notice to the certificate holder(s) will not amend or extend the date the cancellation becomes effective, nor will it negate cancellation of the policy. Failure to send notice shall impose no liability of any kind upon the Company or its agents or representatives.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

NOTICE OF CANCELLATION OR NONRENEWAL TO DESIGNATED GOVERNMENTAL ENTITY

SCHEDULE	
Number of Days Notice:	Name of Governmental Entity:
Part A: <u>30</u>	PER WRITTEN CONTRACT
Part B: <u>10</u>	
Part C: <u>30</u>	Mailing Address:
Part D: <u>30</u>	

This policy is subject to the following additional Conditions when a number of days are shown in the Schedule for any of the above Parts.

- A.** If this policy is cancelled by the Company, other than for nonpayment of premium, or if coverages or limits are reduced below the minimum level contractually required by the governmental entity, notice of such cancellation or reduction in coverage will be provided to the governmental entity in the Schedule, at least the number of days in advance of the cancellation effective date, as shown in Part A.
- B.** If this policy is cancelled by the Company for nonpayment of premium, notice of such cancellation will be provided to the governmental entity in the Schedule within the number of days notice of the cancellation effective date, as shown in Part B.
- C.** If this policy is cancelled by the insured, notice of such cancellation will be provided to the governmental entity in the Schedule, within the number of days notice of the cancellation effective date, as shown in Part C.

- D.** If this policy is nonrenewed by the Company, notice of such nonrenewal will be provided to the governmental entity in the Schedule, at least the number of days in advance of the nonrenewal effective date, as shown in Part D.

If notice is mailed, proof of mailing notice to the governmental entity's mailing address as shown in the Schedule will be sufficient proof of notice. If the number of days notice in the Schedule for any Part is left blank or is shown as zero, no notice will be provided to the Scheduled governmental entity under that Part.

Any notification rights provided by this endorsement apply to the governmental entity in the Schedule so long as it was issued a certificate of insurance applicable to this policy's term.

Failure to provide such notice to the governmental entity in the Schedule will not amend or extend the date the cancellation becomes effective, nor will it negate cancellation of the policy. Failure to send notice shall impose no liability of any kind upon the Company or its agents or representatives.



NOTICE ENDORSEMENT - NOTICE OF CANCELLATION, NON-RENEWAL OR REDUCTION IN LIMITS
WHERE REQUIRED BY WRITTEN CONTRACT

It is understood and agreed that if the **Named Insured** has agreed in a written contract with its client to provide such client with notice of cancellation or non-renewal of this Policy, or notice of a reduction in the Limits of Liability of this Policy by endorsement during the **policy term**, the Insurer will provide such notice of cancellation, non-renewal or reduction in Limits to the client as set forth herein.

Within ten (10) business days of the Insurer's request, the **Named Insured** will deliver to the Insurer, or cause to be delivered by the broker or agent of record, a list acceptable to the Insurer containing the names and addresses of all entities entitled to receive notice. If the list is not provided to the Insurer within such time period, the Insurer will not provide notification. The Insurer will assume that the list provided to the Insurer by the **Named Insured** or the broker is a complete and accurate list of certificate holders. Only those persons or entities listed on the schedule will receive notification. The Insurer will keep no other record of any certificate holders in the Insurer's file. Such notice will be delivered to such client at the address recorded by certificate on file with the broker or agent of record and provided to the Insurer.

With respect to cancellation or non-renewal of this Policy, the Insurer will provide the **Named Insured's** client with the greater of:

- (1) thirty (30) days' notice; or
- (2) the number of days' notice set forth in the applicable State Provisions endorsement attached to this Policy in accordance with the Cancellation/Non-Renewal condition of the Policy.

With respect to a reduction in the Limits of Liability of this Policy by endorsement during the **policy term**, the Insurer will provide the **Named Insured's** client with the lesser of:

- (1) sixty (60) days' notice; or
- (2) the number of days' notice required in the **Named Insured's** contract with such client.

The Insurer's failure to provide such notification will not extend the Policy cancellation date, negate cancellation or non-renewal of the Policy, invalidate any endorsement to the Policy or be cause for legal action against the Insurer.

All other terms and conditions of the policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the policy issued by the designated Insurers, takes effect on the Policy Effective date of said policy at the hour stated in said policy, unless another effective date (the Endorsement Effective Date) is shown below, and expires concurrently with said policy unless another expiration date is shown below.

August 10, 2023

Item No. 7.5.

Real Estate Contract for Fire Station 7

Sponsor: Jennifer Cain, Director Capital Projects

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a Real Estate Contract with Jerry P. Windham and Patricia Windham, for the purchase of 4.0 acres of land on Greens Prairie Road for the purchase price of \$784,080.00 for the development of Fire Station 7.

Relationship to Strategic Goals:

Core Services and Infrastructure

Recommendation(s): Staff recommends that the City Council approve and the Mayor sign the Real Estate Contract. Approval will authorize the City Attorney to complete the purchase.

Summary: This property is for the development of a new fire station. Fire Station #7 was part of the 2022 Bond Program approved by voters in November 2022.

The property being considered for purchase is 4.0 acres of land on Greens Prairie Road, across from its intersection with Dalton Drive.

The contract is on file with the City Secretary's Office.

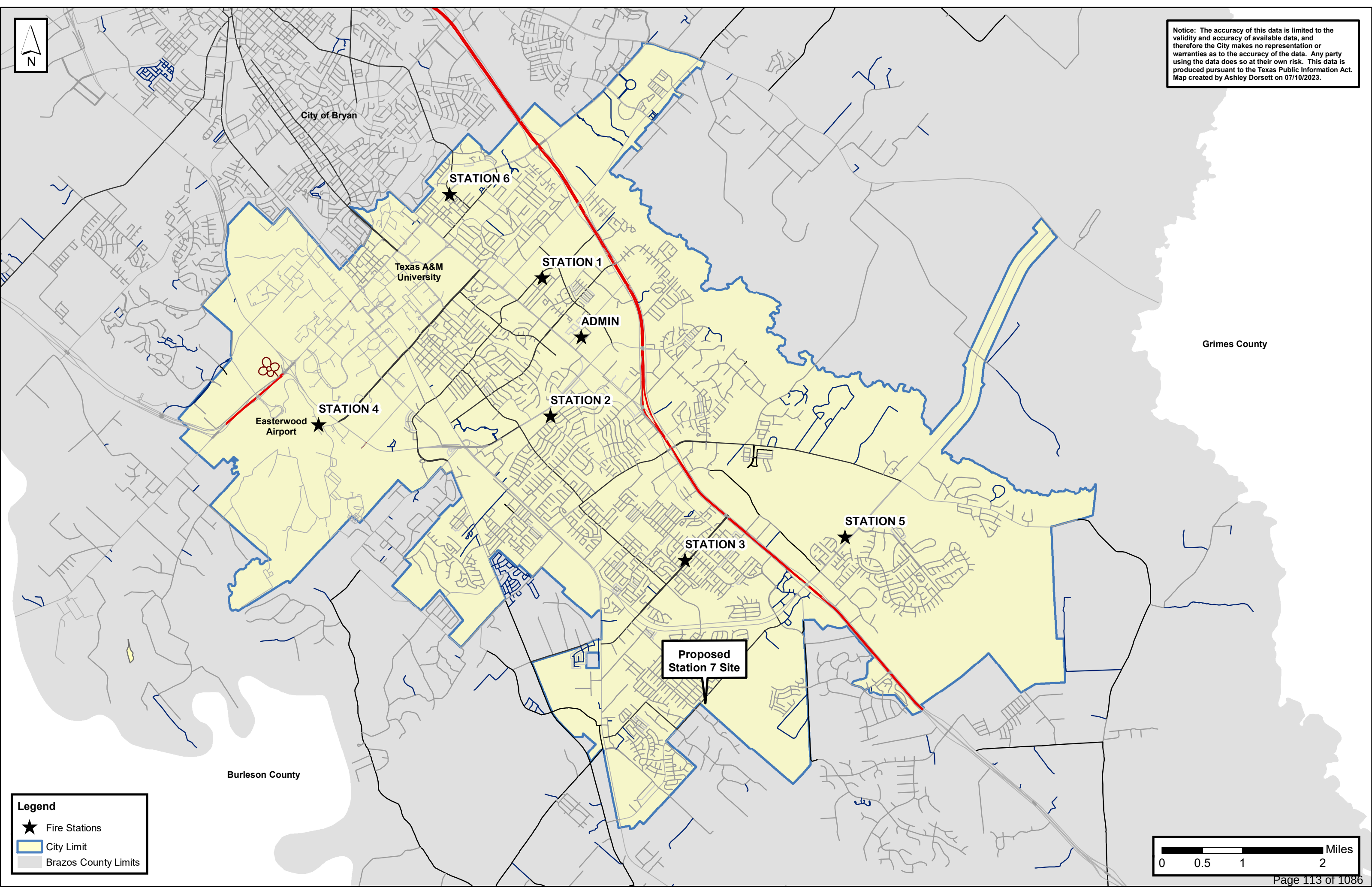
Budget & Financial Summary: The purchase price is \$784,080.00, which is 13% more than the appraised value of \$696,960.00.

A budget of \$18,000,000 is included in the General Government Capital Improvements Projects Fund with \$32,883 expended or committed to date, leaving a balance of \$17,967,117 for this contract and future expenses.

Attachments:

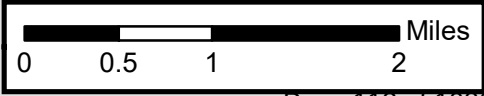
1. Current Fire Stations and NEW #7 Site - 07-10-2023
2. Real Estate Contract Windham 07-27-2023-COCS-Final

Notice: The accuracy of this data is limited to the validity and accuracy of available data, and therefore the City makes no representation or warranties as to the accuracy of the data. Any party using the data does so at their own risk. This data is produced pursuant to the Texas Public Information Act. Map created by Ashley Dorsett on 07/10/2023.



Legend

- ★ Fire Stations
- City Limit
- Gray Box Brazos County Limits



REAL ESTATE CONTRACT

THIS CONTRACT OF SALE (the “Real Estate Contract”) is made by and between JERRY P. WINDHAM and wife PATRICIA WINDHAM (“SELLER”), and the CITY OF COLLEGE STATION, TEXAS, a Texas Home Rule Municipal Corporation, whose mailing address is P. O. Box 9960, College Station, Brazos County, Texas 77842 (“BUYER”), upon the terms and conditions set forth herein:

ARTICLE I PURCHASE AND SALE

1.1 Property. SELLER agrees to sell and convey by Special Warranty Deed, and BUYER agrees to purchase and pay for:

a fee simple interest in and to all that certain tract or parcel of land containing approximately 4.00 acres of land (to be determined by a new survey), more or less, lying and being situated in the Jesse Bledsoe Survey, Abstract No. 71 in College Station, Brazos County, Texas, being out of and a part of that certain 230.13 acre tract described in the deed to Jerry P. Windham, recorded in Volume 763, Page 656, of the Official Records of Brazos County, Texas; said approximate 4.00 acre tract of land being more particularly depicted on diagram marked **EXHIBIT A** attached hereto and made a part hereof for all intents and purposes, together with: (i) all and singular, the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances therein or in anywise appertaining to such real property; (ii) all air, water, riparian, and solar rights related thereto; and, (iii) all and singular the rights and appurtenances pertaining thereto, including all right, title and interest of SELLER in and to adjacent roads, streets, alleys, or rights-of-way, (all of such real property, rights, and appurtenances being herein referred to as the "PROPERTY"), for the consideration and subject to the terms, provisions, and conditions set forth herein.

1.2 City Council Approval. This Real Estate Contract to sell and purchase the PROPERTY is subject to approval by vote of the City Council of the City of College Station, Texas; such approval reflected by the signature of BUYER’s representatives to this Real Estate Contract.

1.3 Title Commitment. SELLER has requested LAWYERS TITLE COMPANY OF BRAZOS COUNTY (the “Title Company”) to furnish a Commitment for Title Insurance (“Title Commitment”) to insure title to the BUYER for BUYER’s review together with legible copies of all instruments referred to in the Title Commitment. SELLER shall request the title company to furnish these items to BUYER within fifteen (15) calendar days of the date of this Real Estate Contract.

1.4 Title Review. BUYER shall have a period of fifteen (15) business days (the “Title Review Period”) following the Effective Date of this Real Estate Contract or following the receipt of the Title Commitment and all copies of the instruments referred to in Schedules B and C, whichever

occurs last, to make exceptions by notifying SELLER of BUYER's objection to any item shown on or referenced by those documents ("Title Reviewable Matters"). Any Title Reviewable Matter to which BUYER does not object within the Title Review Period shall be deemed to be accepted by BUYER. If BUYER objects to any such Title Reviewable Matter and gives notice to SELLER as provided herein, SELLER may at SELLER's election, on or before closing, attempt to cure same. If SELLER fails to cure same by the Closing Date, or is unwilling to cure same, the Closing Date shall be extended for five (5) business days for BUYER to either:

- (a) waive such objections and accept such title as SELLER is able to convey; or
- (b) terminate this Real Estate Contract by written notice to the Title Company and to SELLER, in which case BUYER shall receive a prompt refund of the Earnest Money and neither SELLER nor BUYER shall have any further rights or obligations under this Real Estate Contract.

1.5 Survey. BUYER, at its expense, will provide a survey of PROPERTY, showing, without limitation, all adjacent property lines, record ownership of adjoining properties, encroachments, easements, rights-of-way and other encumbrances of record. The survey will reflect any encroachments onto or by PROPERTY onto adjoining properties.

(a) **Survey Review Period.** BUYER shall have a period of fifteen (15) business days ("Survey Review Period") following the Effective Date of this Real Estate Contract or following the receipt of the Survey, whichever comes last, within which to notify SELLER of BUYER's objection to any item shown on or referenced on the Survey ("Survey Reviewable Matter"). Any Survey Reviewable Matter to which BUYER does not object within the Survey Review Period shall be deemed to be accepted by BUYER. If BUYER objects to any such Reviewable Matter and gives notice to SELLER as provided herein, SELLER may at SELLER's election, on or before closing, attempt to cure same. If SELLER fails to cure same by the Closing Date, or is unwilling to cure same, the Closing Date shall be extended for five (5) business days for BUYER to either:

(i) waive such objections and accept such title as SELLER is able to convey;
or

(ii) terminate this Real Estate Contract by written notice to the Title Company and to SELLER, in which case BUYER shall receive a prompt refund of the Earnest Money and neither SELLER nor BUYER shall have any further rights or obligations under this Real Estate Contract.

(b) **Survey Requirements.** The survey drawing shall be addressed to and certified in favor of BUYER and LAWYERS TITLE COMPANY OF BRAZOS COUNTY. The field note description along with the survey plat or diagram of PROPERTY as prepared by the surveyor shall be used in the respective conveyance document.

1.6 Environmental Site Assessment. BUYER and BUYER's representatives have SELLER's permission, at BUYER's risk and expense, to enter the PROPERTY at any reasonable time before

closing to inspect the PROPERTY and conduct any and all investigations BUYER deems necessary, including surveys, environmental site assessments, and appraisals. No inspections, assessments or surveys of the PROPERTY by BUYER shall be conducted in a manner which disturbs or interferes with SELLER use of the PROPERTY.

1.7 Taxes. The parties agree that general real estate taxes on the PROPERTY for the then current year and all prior years, interest on any existing indebtedness, and rents, if any, shall be prorated as of the Closing Date and shall be adjusted in cash at closing. SELLER alone shall be liable for any taxes assessed and levied for prior years resulting from any change in use subsequent to the conveyance to BUYER. If the closing shall occur before the tax rate is fixed for the current year, the apportionment of taxes shall be upon the basis of the tax rate for the next preceding year applied to the latest assessed valuation. SELLER agrees and understands that BUYER assumes no responsibility for rollback taxes, if any. BUYER is a tax-exempt entity.

1.8 Feasibility Period.

- (a) BUYER requires adequate time to complete due diligence. As such, BUYER shall have a feasibility period of sixty (60) calendar days from the Effective Date as set forth below (the “Feasibility Period”). BUYER shall have through the last day of the Feasibility Period in which to examine, inspect, and investigate the PROPERTY and, in BUYER’s sole and absolute judgment and discretion, to determine whether the PROPERTY is acceptable to BUYER and to obtain all necessary internal approvals. Notwithstanding anything to the contrary in this Real Estate Contract, BUYER may terminate this Real Estate Contract for any reason whatsoever by giving notice of termination to SELLER on or before the last day of the Feasibility Period. If BUYER does not give the notice of termination, this Real Estate Contract shall continue in full force and effect. If this Real Estate Contract terminates pursuant to this Section 1.8, the Earnest Money shall be refunded to BUYER immediately upon request, and all further rights and obligations of the parties under this Real Estate Contract shall terminate except for all indemnity obligations of the parties hereto or other provisions of this Real Estate Contract that expressly survive the termination of this Real Estate Contract.
- (b) During the pendency of this Real Estate Contract, BUYER shall have reasonable access to the PROPERTY for the purpose of conducting surveys, architectural, engineering, geotechnical, and environmental inspections, and tests (including intrusive inspection and sampling) and any other inspections, studies, or tests reasonably required by BUYER. SELLER shall cooperate with BUYER in connection with BUYER’S due diligence as reasonably requested by BUYER. To the extent allowed under applicable law, the BUYER agrees to indemnify SELLER and to hold harmless and defend SELLER from and against any and all claims, demands, causes of action, damages, liabilities, costs, and expenses including, without limitation, reasonable attorneys’ fees and court costs, which are asserted against, suffered, or incurred by SELLER as a result of any inspection, testing, or examination of the Property by BUYER or its agents or representatives; provided, however, that in no event shall such indemnity apply to either: (i) matters merely discovered by BUYER or any of BUYER’s representatives or agents, but not originally caused or exacerbated by any of BUYER or BUYER’s representatives or agents; or, (ii) to

the extent caused by the gross negligence or willful misconduct of SELLER or any of its representatives or agents. BUYER further agrees that it shall be solely responsible for any and all costs associated with the inspections described in this Section 1.8 and agrees to promptly discharge or contest (after first depositing adequate security therefor with Seller) any liens that are filed against the PROPERTY as a result of such inspections. Promptly following each such inspection, BUYER shall restore the PROPERTY to substantially the same condition as existed prior to such inspections. In the course of its inspections BUYER may make inquiries to third parties including, without limitation, lenders, contractors, parties to service contracts, and municipal, local, and other government officials and representatives, and SELLER consents to such inquiries. The terms of this Section 1.8 shall survive the Closing and any termination of this Real Estate Contract.

(c) The Feasibility Period cannot be extended without the written consent of both parties.

1.9 Conveyance Documents. The sale of the PROPERTY shall be made by the Special Warranty Deed conveying PROPERTY from SELLER to BUYER in the form prepared by BUYER as substantially set forth in **EXHIBIT B**.

ARTICLE II PURCHASE PRICE

2.1 The purchase price for said PROPERTY shall be the sum of SEVEN HUNDRED EIGHTY FOUR THOUSAND EIGHTY AND NO/100 DOLLARS (\$784,080.00).

2.2 The purchase price shall be payable in full at closing.

ARTICLE III EARNEST MONEY AND FEASIBILITY FEE

3.1 Earnest Money. BUYER agrees to deposit with LAWYERS TITLE COMPANY OF BRAZOS COUNTY at 1450 Copperfield Parkway, Suite 100, College Station, Texas 77845-7343 (the "Title Company") as an earnest money deposit, the sum of **TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00)** in cash (the "Earnest Money"). Within seven (7) business days after the full execution of this Real Estate Contract by BUYER and SELLER, BUYER will deposit the sum of **TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00)** with the Title Company. The Title Company shall be directed to invest the Earnest Money in an interest-bearing account mutually acceptable to SELLER and BUYER. Any interest earned on this account shall be added to the Earnest Money and considered a part of the Earnest Money. The Earnest Money shall be credited to the Purchase Price at Closing.

If BUYER terminates this Real Estate Contract at any time for any reason in BUYER's sole discretion by written notice to SELLER on or before the end of the Feasibility Period hereinafter defined, or if the transaction contemplated by this Real Estate Contract fails to close by reason of default or breach of SELLER (or the failure of a condition precedent), the Earnest

Money shall be returned to BUYER. Should BUYER determine not to go forward with purchasing the PROPERTY, BUYER's sole recourse shall be to terminate this Real Estate Contract prior to the expiration of the Feasibility Period and receive the return of the Earnest Money as provided above. If the transaction contemplated by this Real Estate Contract fails to close by reason of default or breach of BUYER, then SELLER shall be entitled to receive and retain from BUYER the Earnest Money as liquidated damages and as SELLER's sole and exclusive remedy against BUYER. Upon BUYER and SELLER'S joint written notice to the Title Company of the termination of this Real Estate Contract, the Title Company shall disburse such Earnest Money and any accrued interest thereon to BUYER and/or SELLER as instructed therein.

3.2 Feasibility Fee. Within seven (7) business days after the full execution of this Real Estate Contract by BUYER and SELLER, BUYER will deliver to SELLER the sum of **TEN AND NO/100 DOLLARS (\$10.00)** in cash ("Feasibility Fee") as the required fee for the sixty (60) day Feasibility Period as defined herein above. This Feasibility Fee is non-refundable, and it will not be a credit to the purchase price.

ARTICLE IV REPRESENTATIONS AND WARRANTIES OF SELLER

4.1 SELLER hereby represents and warrants to BUYER as follows:

(a) SELLER has the full right, power, and authority to enter into and perform SELLER's obligations under this Contract.

(b) SELLER has no actual knowledge of any third parties in possession of any portion of the PROPERTY, either as lessees, tenants at sufferance, trespassers, or other persons in possession (excepting utility providers). Additionally, SELLER has no actual knowledge of any action by adjacent landowners, or any natural or artificial conditions upon the PROPERTY, or any significant adverse fact or condition relating to the PROPERTY, which has not been disclosed in writing to BUYER by SELLER, which would prevent, limit, impede or render more costly BUYER's contemplated acquisition and use of the PROPERTY.

(c) SELLER has no actual knowledge of any pending or threatened condemnation or similar proceedings or assessment affecting the PROPERTY or any part thereof. SELLER has no actual knowledge of any such proceedings or assessments contemplated by any governmental entity.

(d) SELLER has no actual knowledge that the PROPERTY does not have full and free access to and from public highways, streets, or roads. SELLER has no actual knowledge that there are pending or threatened governmental proceedings that would impair or result in the termination of such access. If SELLER obtains actual knowledge of any such matter subsequent to the date of this Real Estate Contract that would make any of the representations or warranties untrue if made as of closing, SELLER shall notify BUYER, and BUYER shall have the election of terminating the Real Estate Contract, in which case neither party shall have any further obligation to the other.

(e) The PROPERTY has not been illegally subdivided or otherwise held, managed, or maintained in violation of any federal, state, or local law.

(f) SELLER has no actual knowledge that SELLER has not complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions relating to the PROPERTY or any part thereof.

(g) If SELLER obtains actual knowledge of any such matter subsequent to the date of this Real Estate Contract that would make any of the representations or warranties untrue if made as of closing, SELLER shall notify BUYER, and BUYER shall have the election of terminating the Real Estate Contract, in which case neither party shall have any further obligation to the other.

(h) SELLER has no actual knowledge that the PROPERTY contains any environmental hazard.

(i) SELLER is not a “foreign person” within the meaning of the Internal Revenue Code of 1986, as amended, Sections 1445 and 7701 (i.e., SELLER is not a non-resident alien, a foreign corporation, foreign partnership, foreign trust or foreign estate as those terms are defined in the Code and regulations promulgated thereunder).

(j) To the best of SELLER’s knowledge there are no unpaid charges, debts, liabilities, claims or obligations arising from any construction, occupancy, ownership, use or operation of the PROPERTY, or the business operated thereon, if any, which could give rise to any mechanic’s or materialmen’s or other statutory lien against the PROPERTY, or any part thereof, or for which BUYER will be responsible.

ARTICLE V REPRESENTATIONS AND WARRANTIES OF BUYER

4.1 BUYER represents and warrants to SELLER as of the Effective Date and as of the Closing Date that:

(a) BUYER has the full right, power, and authority to purchase the PROPERTY from SELLER as provided in this Real Estate Contract and to carry out BUYER’s obligations under this Real Estate Contract, and all requisite action necessary to authorize BUYER to enter into this Real Estate Contract and to carry out BUYER’s obligations hereunder has been obtained or on or before closing will have been obtained.

ARTICLE VI CLOSING

6.1 The closing shall be held at LAWYERS TITLE COMPANY OF BRAZOS COUNTY, on or before October 20, 2023 (the “Closing Date”). SELLER and BUYER may mutually agree, in writing, to extend the Closing Date. The City Manager is authorized to extend the Closing Date on behalf of the BUYER.

6.2 At the closing, SELLER shall:

- (a) Deliver to BUYER the duly executed and acknowledged Special Warranty Deed prepared by BUYER conveying good and indefeasible title in the PROPERTY, free and clear of any and all liens, encumbrances, except for the Title Reviewable Matters and subject to the BUYER's election to terminate this Real Estate Contract in the event BUYER disapproves of any Title Reviewable Matter, which objection may be cured by SELLER on or prior to the closing as provided by Article I of this Real Estate Contract.
- (b) Deliver possession of the PROPERTY to BUYER.
- (c) Deliver to BUYER, at SELLER'S expense, a Title Policy insuring indefeasible title issued by LAWYERS TITLE COMPANY OF BRAZOS COUNTY, in BUYER's favor in the full amount of the purchase price, insuring BUYER's interest in the PROPERTY subject only to such exceptions as shown on the Title Commitment and not objected to by BUYER prior to closing.
- (d) Pay any and all required property taxes for all prior years and prorated taxes for the current year up to the date of closing.
- (e) Pay any and all homeowner's or maintenance fees, if any, for all prior years and for the current year prorated up to the date of closing.
- (f) Pay the costs to obtain, deliver and record any documents necessary to clear title associated with co-ownership, if any, required at closing.
- (g) Pay the costs to obtain and deliver releases or partial releases of all liens, if any, to be released at closing.
- (h) Pay the title insurance premium.
- (i) Pay the SELLER's expenses and attorney fees.
- (j) Pay all other closing costs customary to SELLER.

6.3 Upon such performance by SELLER at closing, BUYER shall:

- (a) Pay the purchase price.
- (b) Pay the cost of the survey of the PROPERTY and pay the additional premium for the survey/boundary deletion in the title policy, if the deletion is requested by BUYER.
- (c) Pay the cost for any and all environmental assessments and other inspections of the PROPERTY, if any.
- (d) Prepare, at its cost, the Special Warranty Deed and pay the cost to record same, provided however the SELLER shall have the right to approve the Deed.

- (e) Pay the escrow fees of the title company and costs of tax certificates.
- (f) Pay the costs to record releases or partial releases of all liens, if any, to be released at closing.
- (f) Pay the costs to obtain, deliver and record all documents other than those to be recorded at SELLER's expense, specifically those associated with clearing title objections related to oil and gas surface waivers and pipeline easements, if any.
- (g) Pay the BUYER's expenses or attorney fees.
- (h) Pay all other closing costs customary to BUYER.

ARTICLE VII SPECIAL CONDITIONS

7.1 The Special Warranty Deed will contain the following reservation and information:

GRANTORS hereby reserves unto themselves, their successors and assigns, any and all oil, gas and other minerals in, on or under the premises described on the attached **EXHIBIT A**; provided that there shall never in any event be any ingress or egress on or across the surface of the above described premises for the purposes of exploration, development, production or transportation of such oil, gas or other minerals, it being expressly contemplated by the parties to this instrument that any production of such minerals shall be from the surface of other adjacent property and that there shall be no development of any minerals that would require mining, shaft mining, pit mining or any other kind of mining that would require utilization of the surface of the PROPERTY, or through the pooling of such mineral interests for the development with adjacent parcels.

GRANTORS waive all rights with respect to the surface and no owner of the mineral estate shall ever have rights of ingress or egress except as may have been reserved by GRANTORS under the reservations and exceptions expressly listed in this deed or its predecessors in title.

7.2 In the event the sale of the PROPERTY is finalized, BUYER agrees to construct and maintain, at BUYER's expense, an ornamental wood, block or metal fence to screen the remainder of SELLER's property bordering the PROPERTY. BUYER may choose to construct a temporary fence of a different material before constructing the ornamental wood, block or metal fence described above. Before the BUYER opens an entrance on the Greens Prairie Road from the PROPERTY, the BUYER shall complete the construction of the above referenced temporary or permanent fence to prevent the SELLER'S livestock located on the SELLER'S remaining PROPERTY from escaping onto Greens Prairie Road. The design of, and material used in, the construction of any fence constructed on the PROPERTY by BUYER will be at BUYER's sole discretion so long as it prevents the SELLER's livestock located on SELLER's remaining PROPERTY from escaping onto Greens Prairie Road.

**ARTICLE VIII
DEFAULT BY SELLER**

8.1 If this transaction fails to close as a result of SELLER's default, then BUYER shall be entitled, as its sole and exclusive remedy, to: (i) terminate this Real Estate Contract, receive the Earnest Money, and recover from SELLER all of BUYER's out-of-pocket costs and expenses incurred in connection with this Real Estate Contract; or, (ii) enforce specific performance of SELLER's obligations hereunder.

**ARTICLE IX
DEFAULT BY BUYER**

9.1 If this transaction fails to close due to the default of BUYER, then SELLER's sole and exclusive remedy shall be to terminate this Real Estate Contract and retain the Earnest Money as agreed liquidated damages, SELLER waiving all other rights or remedies in the event of such default by BUYER. The parties acknowledge that SELLER's actual damages in the event of such default by BUYER under this Real Estate Contract will be difficult to ascertain, and that such liquidated damages represent the parties' best estimate of such damages. BUYER shall not refuse to consent to the release of the Earnest Money to SELLER if required to do so by the terms of this Real Estate Contract.

**ARTICLE X
MISCELLANEOUS**

10.1 Survival of Covenants. Any of the representations, warranties, covenants, and agreements of the parties, as well as any rights and benefits of the parties, pertaining to the period of time following the Closing Date, shall survive the closing and shall not be merged by deed or otherwise be extinguished.

10.2 Notice. Any notice required or permitted to be delivered by this Real Estate Contract shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to SELLER or BUYER, as the case may be, at the addresses set forth below:

SELLER: JERRY P. WINDHAM and PATRICIA WINDHAM
2000 Windham Ranch Road
College Station, Texas 77845
Telephone: 979-820-0091
Email: windham.ranch@verizon.net

COPY TO: JAY DON WATSON
WATSON LAW FIRM
1450 Copperfield Pkwy, Suite 300
College Station, Texas 77845
Telephone: 979-703-4044
Email: jwatson@watsonlawyers.com

BUYER: City of College Station
City Attorney's Office

P. O. Box 9960
College Station, Texas 77842
Telephone: 979-764-3507
Facsimile: 979-764-3481
Email: alongoria@cstx.gov

10.3 Texas Law to Apply. This Real Estate Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created by this Real Estate Contract are to be performed in Brazos County, Texas.

10.4 Parties Bound. Neither party may assign this Real Estate Contract without the prior written consent of the other. Subject to the foregoing, this Real Estate Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns. The persons executing this Real Estate Contract do so in their capacities as set forth below and in no other capacity whatsoever, and such persons shall have no personal liability for executing this Real Estate Contract in a representative capacity. All such liability is limited to the principal for which they execute this document as a representative.

10.5 Invalid Provision. In case any one or more of the provisions contained in this Real Estate Contract shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Real Estate Contract, and this Real Estate Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in the Real Estate Contract. In lieu of such illegal, invalid or unenforceable provision, there shall be added automatically as part of this Real Estate Contract a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

10.6 Construction. The parties acknowledge that each party and its counsel have reviewed and revised this Real Estate Contract and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Real Estate Contract or any amendments or exhibits hereto.

10.7 Prior Agreements Superseded. This Real Estate Contract embodies the entire agreement of the parties and supersedes any and all prior understandings or written or oral agreements between the parties respecting subject matter within and may only be amended or supplemented by an instrument in writing executed by the party against whom enforcement is sought.

10.8 Time. Time is of the essence to this Real Estate Contract. However, if this Real Estate Contract requires any act to be done or action to be taken on a date which is a Saturday, Sunday, legal holiday, City holiday for City staff, the Friday after Thanksgiving, or Christmas Eve, such act or action shall be deemed to have been validly done or taken if done or taken on the next succeeding day which is not a Saturday, Sunday, legal holiday, the Friday after Thanksgiving, or Christmas Eve, and the successive periods shall be deemed extended accordingly. The term "business day" excludes Saturdays, Sundays, legal holidays, the Friday after Thanksgiving, and Christmas Eve.

10.9 Insurance Requirements. If and when this Real Estate Contract requires insurance coverage, then the SELLER shall obtain and to cause all of its agents to obtain comprehensive liability insurance coverage, including workers' compensation or a self-insurance plan in lieu thereof, at all times during the term of this Real Estate Contract in the amounts acceptable to the BUYER, with the BUYER to be named as additional insured on certain coverages on a primary and non-contributory basis due to any damage, injury, or death attributed to the SELLER or its agents while performing this Real Estate Contract, and with the SELLER providing waivers of subrogation in favor of the BUYER on all coverages. The SELLER shall submit copies of the endorsements required in this provision with its certificate of insurance.

10.10 No Waiver of Immunity. THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS REAL ESTATE CONTRACT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY EITHER PARTY OF ANY IMMUNITIES FROM SUIT OR LIABILITY THAT EITHER PARTY MAY HAVE BY OPERATION OF LAW. THE BUYER SHALL RETAIN ANY AND ALL GOVERNMENTAL IMMUNITIES IT HAS, OR MAY OBTAIN, SUBSEQUENT TO THE EXECUTION OF THIS REAL ESTATE CONTRACT.

10.11 Gender. Words of any gender used in this Real Estate Contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

10.12 Multiple Counterparts. This Real Estate Contract may be executed in a number of identical counterparts. If so executed, each of the counterparts shall, collectively, constitute but one agreement. In making proof of this Real Estate Contract, it shall not be necessary to produce or account for more than one counterpart.

10.13 Real Estate Contract Execution. This Real Estate Contract by BUYER to purchase the PROPERTY is subject to approval by the City Council of the City of College Station, Texas; such approval indicated by signature of BUYER's representative to this Real Estate Contract. Once this Real Estate Contract is executed by the SELLER, the Effective Date shall be the date this Real Estate Contract is approved by the City Council.

[Signatures Follow on Next Page]

FULLY EXECUTED on this the _____ day of _____, 2023 (“Effective Date”).

SELLER:

JERRY P. WINDHAM

Date: _____

PATRICIA WINDHAM

Date: _____

BUYER:

CITY OF COLLEGE STATION, TEXAS
a Texas Home Rule Municipal Corporation

By: _____

JOHN P. NICHOLS, Mayor

Date: _____

ATTEST:

City Secretary

APPROVED:

BRYAN C. WOODS, City Manager

Date: _____

Assistant City Manager/CFO

Date: _____

City Attorney

Date: _____

Attached Exhibits:

EXHIBIT A – Property Depiction

EXHIBIT B – Special Warranty Deed

THE STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF BRAZOS §

 This instrument was acknowledged before me on the ____ day of _____, 2023,
by JERRY P. WINDHAM.

NOTARY PUBLIC in and for the State of Texas

THE STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF BRAZOS §

 This instrument was acknowledged before me on the ____ day of _____, 2023,
by PATRICIA WINDHAM.

NOTARY PUBLIC in and for the State of Texas

THE STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF BRAZOS §

 This instrument was acknowledged before me on the ____ day of _____, 2023,
by JOHN P. NICHOLS, Mayor of the CITY OF COLLEGE STATION, TEXAS, a Texas Home
Rule Municipal Corporation, on behalf of said municipality.

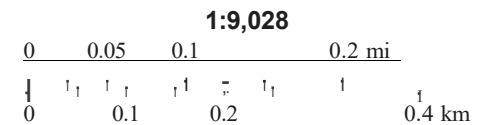
NOTARY PUBLIC in and for the State of Texas

Exhibit "A" - 4.0 acres



2/7/2023, 10:46:04 AM

D Abstracts
D Parcels



Maxar

EXHIBIT B - SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: _____, 2023

GRANTORS: JERRY P. WINDHAM and PATRICIA WINDHAM

GRANTORS' MAILING ADDRESS: 2000 Windham Ranch Road
(including County) Brazos County
College Station, Texas 77845

GRANTEE: CITY OF COLLEGE STATION, TEXAS

GRANTEE'S MAILING ADDRESS: P. O. Box 9960
(including county) Brazos County
College Station, Texas 77842

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration.

PROPERTY:

Being all that certain tract or parcel of land containing 4.00 acres of land, more or less, lying and being situated in the Jesse Bledsoe Survey, Abstract No. 71 in College Station, Brazos County, Texas, being out of and a part of that certain 230.13 acre tract described in the deed to Jerry P. Windham, recorded in Volume 763, Page 656, of the Official Records of Brazos County, Texas, said 4.00 acre tract being more particularly described by metes and bounds and shown on survey diagram marked **EXHIBIT A** attached hereto and made a part hereof for all intents and purposes.

PROPERTY DESCRIPTION will be amended to reflect the new survey.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. Right of Way Easement dated March 10, 1947, from Fred L. Cavitt to Sinclair Refining Company, recorded in Volume 132, Page 90, Deed Records of Brazos County, Texas. ASSIGNED by ARCO Transportation Alaska, Inc. formerly known as ARCO Pipe Line Company to ARCO Pipe Line Company, in Assignment of Right of Way Easements dated effective March 1, 1991, recorded in Volume 1559, Page 175, Official Public Records of Brazos County, Texas. ASSIGNED by ARCO Pipe Line Company to CITGO Products Pipeline Company, in Assignment and Assumption Agreement dated effective September 30, 1994, recorded in Volume 2217, Page 231, Official Public Records of Brazos County, Texas. AMENDED by Amendment to Right of Way Agreement dated May 9, 2000, executed by and between CITGO Products Pipeline Company and Jerry P. Windham and Patricia Windham, recorded in Volume 3820, Page 3, of the Official Public Records of Brazos County, Texas.
2. Easement and Right of Way Agreement dated October 19, 1999, from Jerry P. Windham and Patricia Windham to Williams Communications, Inc. dba Vyvx, Inc. in Texas, recorded in Volume 3638, Page 42, of the Official Public Records of Brazos County, Texas. AMENDED by Amendment of Easement and Right of Way Agreement dated May 8, 2000, executed by Jerry P. Windham and Patricia Windham, recorded in Volume 3803, Page 335, Official Public Records of Brazos County, Texas.
3. Right of Way Easement dated September 29, 1999, from Jerry P. Windham to Wellborn Special Utility District, recorded in Volume 3645, Page 282, Official Public Records of Brazos County, Texas.
4. Public Utility Easement dated March 16, 2021, from Jerry P. Windham and Patricia Windham to City of College Station, Texas recorded in Volume 16820, Page 171, Official Public Records of Brazos County, Texas.
5. Temporary Construction Easement dated March 16, 2021, from Jerry P. Windham and Patricia Windham to City of College Station, Texas recorded in Volume 16820, Page 181, Official Public Records of Brazos County, Texas.
6. Mineral reservation set out in Warranty Deed dated December 10, 1981, from Nelson D. Durst and Henry Bl Clay, Joint Independent Executors of the Estate of Edith Cavitt, Deceased, and Ethel Cavitt, Deceased, conveying the surface estate to Bernath Concrete Products Company and the mineral estate to Jerry Windham, Individually, recorded in Volume 502, Page 672, Deed Records of Brazos County, Texas.

7. Oil, Gas and Mineral Lease dated August 15, 1977, from Nelson D. Durst, Guardian of the Estates and Persons of Edith Cavitt and Ethel Cavitt to Cayuga Exploration, Inc., recorded in Volume 27, Page 530, Oil and Gas Lease Records of Brazos County, Texas.
8. Oil, Gas and Mineral Lease dated September 21, 1990 from Jerry P. Windham and wife, Patricia A. Windham, Brian Neil Windham, Ray Allen Windham, Sandra Gail Windham and James Stegall, Trust Officer for First City, Texas of Bryan, Custodian for Ray Allen Windham, Brian Neil Windham and Sandra Gail Windham to Union Pacific Resources Company, recorded in Volume 1222, Page 822, Official Records of Brazos County, Texas.
9. Oil, Gas and Mineral Lease dated December 21, 1993 from Jerry P. Windham and wife, Patricia A. Windham, Brian Neil Windham, Ray Allen Windham, Sandra Gail Windham and James Stegall for Victoria Bank & Trust, Custodian for Ray Allen Windham, Brian Neil Windham and Sandra Gail Windham to Heritage Energy Corporation, recorded in Volume 1996, Page 246, Official Public Records of Brazos County, Texas.
10. Oil, Gas and Mineral Lease dated December 10, 1993, from First Presbyterian Church of Bryan to Heritage Energy Corporation, recorded in Volume 2032, Page 291, Official Public Records of Brazos County, Texas.
11. Oil, Gas and Mineral Lease dated December 10, 1993, from Brazos Valley Rehabilitation Center, Inc. to Heritage Energy Corporation, recorded in Volume 2032, Page 295, Official Public Records of Brazos County, Texas.
12. Oil, Gas and Mineral Lease dated December 10, 1993, from Boy's Club of Bryan, Inc. to Heritage Energy Corporation, recorded in Volume 2032, Page 299, Official Public Records of Brazos County, Texas.
13. Oil, Gas and Mineral Lease dated December 10, 1993, from Austin College to Heritage Energy Corporation, recorded in Volume 2084, Page 279, Official Public Records of Brazos County, Texas.
14. Oil, Gas and Mineral Lease dated November 10, 1994, from Presbyterian Children's Home and Service Agency to Apache Corp., recorded in Volume 2278, Page 144, Official Public Records of Brazos County, Texas.
15. Oil, Gas and Mineral Lease dated November 10, 1994, from Methodist Retirement Services, Inc. to Apache Corp., recorded in Volume 2337, Page 152, Official Public Records of Brazos County, Texas.
16. Oil, Gas and Mineral Lease dated November 10, 1994, from Methodist Retirement Communities to Apache Corp., recorded in Volume 2831, Page 279, Official Public Records of Brazos County, Texas.

17. Memorandum of Oil and Gas Lease dated June 15, 2015, from Jerry Windham and wife, Patricia Windham to Juneau Energy, LLC, recorded in Volume 12795, Page 249, Official Public Records of Brazos County, Texas.
18. Memorandum of Oil and Gas Lease dated April 1, 2019, from Jerry Windham and wife, Patricia Windham to JETX Energy, LLC, recorded in Volume 15668, Page 206, Official Public Records of Brazos County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY may be amended to delete or add exceptions once the new survey is received and delivered to the title company for review and an updated title commitment is issued based on the new survey.

GRANTORS hereby reserves unto themselves, their successors and assigns, any and all oil, gas and other minerals in, on or under the premises described on the attached **EXHIBIT A**; provided that there shall never in any event be any ingress or egress on or across the surface of the above described premises for the purposes of exploration, development, production or transportation of such oil, gas or other minerals, it being expressly contemplated by the parties to this instrument that any production of such minerals shall be from the surface of other adjacent property and that there shall be no development of any minerals that would require mining, shaft mining, pit mining or any other kind of mining that would require utilization of the surface of the **PROPERTY**, or through the pooling of such mineral interests for the development with adjacent parcels.

GRANTORS waive all rights with respect to the surface and no owner of the mineral estate shall ever have rights of ingress or egress except as may have been reserved by GRANTORS under the reservations and exceptions expressly listed in this deed or its predecessors in title.

GRANTORS, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANT, SELL, and CONVEY to GRANTEE the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE and GRANTEE's successors and assigns forever. GRANTORS binds themselves, their successors and assigns, to warrant and forever defend all and singular the property to GRANTEE and GRANTEE's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under GRANTOR but not otherwise, and except as to the reservations from and exceptions to conveyance and warranty recited above.

When the context requires, singular nouns and pronouns include the plural.

JERRY P. WINDHAM

PATRICIA WINDHAM

THE STATE OF TEXAS

§

ACKNOWLEDGMENT

COUNTY OF BRAZOS

§

§

This instrument was acknowledged before me on this the ____ day of _____, 2023, by JERRY P. WINDHAM.

NOTARY PUBLIC in and for the State of Texas

THE STATE OF TEXAS

§

ACKNOWLEDGMENT

COUNTY OF BRAZOS

§

§

This instrument was acknowledged before me on this the ____ day of _____, 2023, by PATRICIA WINDHAM.

NOTARY PUBLIC in and for the State of Texas

PREPARED IN THE OFFICE OF:

City of College Station
City Attorney's Office
P. O. Box 9960
College Station, Texas 77842-9960

RETURN ORIGINAL DOCUMENT TO:

City of College Station
City Attorney's Office
P. O. Box 9960
College Station, Texas 77842-9960

August 10, 2023

Item No. 7.6.

Presentation, discussion, and possible action regarding an award of ITB #23-071 to Techline Inc. for the purchase of Di-Electric Switchgears for Electric Inventory in the amount not to exceed \$882,766.00.

Sponsor: Mary Ellen Leonard, Director of Fiscal Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on an award to Techline Inc. for the purchase of Di-Electric Switchgears for Electric Inventory, not to exceed \$882,766.

Relationship to Strategic Goals:

Core Services and Infrastructure
Financially Sustainable City

Recommendation(s): Staff recommends award of this purchase with Techline Inc. for an amount not to exceed \$882,766. This purchase aligns with historical years' activity for Electrical warehouse needs.

Summary: Staff issued Bid #23-071 on June 12, 2023, for Electric Di-Electric Switchgears and the Bid was opened on July 6, 2023. Two (2) sealed proposals were received and were reviewed by Electric Staff for compliance with College Station Utilities specifications. Techline Inc., was awarded based upon meeting College Station Utility specifications, delivery dates, and pricing.

Upon Council approval, staff will issue a purchase order to Techline, Inc. for a one-time purchase.

Budget & Financial Summary: Funds are available and budgeted within the Electrical Fund. Various projects will be expensed as supplies are requisitioned by staff and issued from inventory.

Attachments:

1. 23-071 Purchase Of Switchgears Tabulation

ITB#23-071 PURCHASE OF DI-ELECTRIC SWITCHGEARS RESPONSES

City of College Station - College Station Utilities Electric Department ITB#23-071: Solid Dielectric Switchgear Bid Sheet					
Item	Quantity	Description	KBS RESPONSE	TECHLINE RESPONSE	TECHLINE RESPONSE
A-1	5	Pad-Mounted Solid Dielectric Switchgear, (2) Source (2) Load ways with Front and Back Access, 15 kV, 95 kV BIL. Source way switches to be 600 ampere continuous and load-break amps and consist of six (6) standard 600 ampere bushings, rated 20 kA asymmetrical momentary amperes, and 12.5 kA symmetrical short time amperes. Each load way to consist of three (3) 200 ampere (continuous and load-break amps) single-phase interrupter switches. Each load way entrance shall consist of three (3) standard 200 ampere bushings rated 10 kA symmetrical short time amperes with removable threaded studs, and 1.3 kA asymmetrical short time amperes. The load side interrupter shall be a non-reclosing, manual reset device. Switching unit shall have a selectable singe-phase or three-phase trip on load side interrupter, and selectable time-current settings to emulate and preset to the Kearney T fuse characteristics.	Stainless Steel	Stainless Steel	Mild Steel
			EATON ISG	ABB	ABB
			Catalog No.	P422066ZZ-10X-AOX-PO	ESD314-TTKK-6622
			304 Stainless Steel Delivery Time (weeks)	52-54WEEKS	26-30 WEEKS
			Mild Steel Delivery Time (weeks)		26-30 WEEKS
			304 Stainless Steel Unit Price (\$)	\$ 90,698.00	\$ 103,610.00
			Mild Steel Unit Price (\$)	\$ -	\$ 87,398.00
			304 Stainless Steel Extended Price (\$)	\$ 453,490.00	\$ 518,050.00
			Mild Steel Extended Price (\$)	\$ -	\$ 436,990.00

ITB#23-071 PURCHASE OF DI-ELECTRIC SWITCHGEARS RESPONSES

**City of College Station - College Station Utilities Electric Department
ITB#23-071: Solid Dielectric Switchgear Bid Sheet**

Item	Quantity	Description	KBS RESPONSE	TECHLINE RESPONSE	TECHLINE RESPONSE
A-2	5	Pad-Mounted Solid Dielectric Switchgear, (3) Source (1) Load ways with Front and Back Access, 15 kV, 95 kV BIL. Source way switches to be 600 ampere continuous and load-break amps and consist of nine (9) standard 600 ampere bushings, rated 20 kA asymmetrical momentary amperes, and 12.5 kA symmetrical short time amperes. Load way to consist of three (3) 200 ampere (continuous and load-break amps), single-phase interrupter switches. Load way entrance shall consist of three (3) standard 200 ampere bushings rated 10 kA symmetrical short time amperes with removable threaded studs, and 1.3 kA asymmetrical short time amperes. The load side interrupter shall be a non-re-closing, manual reset device. Switching unit shall have a selectable single-phase or three-phase trip on load side interrupter, and selectable time-current settings to emulate and preset to the Kearney T fuse characteristics. SCADA interface provisions are required for this switchgear. Switch shall be in full and complete conformance with the Detailed Specifications for 15 kV Solid Dielectric Pad-Mounted Switchgear attached with these specifications.	Stainless Steel	Stainless Steel	Mild Steel
		Manufacturer	EATON ISG	ABB	ABB
		Catalog No.	P431066Z6-101-AOX-PO	ESD314-TTTK-6662	ESD314-TTTK-6662
		304 Stainless Steel Delivery Time (weeks)	52-54WEEKS	26-30 WEEKS	
		Mild Steel Delivery Time (weeks)			26-30 WEEKS
		304 Stainless Steel Unit Price (\$)	\$ 85,720.00	\$ 91,100.00	
		Mild Steel Unit Price (\$)	\$ -		\$ 76,260.00
		304 Stainless Steel Extended Price (\$)	\$ 428,600.00	\$ 455,500.00	\$ -
		Mild Steel Extended Price (\$)	\$ -	\$ -	\$ 381,300.00

ITB#23-071 PURCHASE OF DI-ELECTRIC SWITCHGEARS RESPONSES

City of College Station - College Station Utilities Electric Department									
ITB#23-071: Solid Dielectric Switchgear Bid Sheet									
Item	Quantity	Description		KBS RESPONSE	TECHLINE RESPONSE	TECHLINE RESPONSE			
A-3	1	Pad-Mounted Solid Dielectric Switchgear, (4) Source ways with Front and Back Access, 15 kV, 95 kV BIL.		Stainless Steel	Stainless Steel	Mild Steel			
		Source way switches to be 600 ampere continuous and load-break amps and consist of twelve (12) standard 600 ampere bushings, rated 20 kA asymmetrical momentary amperes, and 12.5 kA symmetrical short time amperes.							
		SCADA interface provisions are required for this switchgear. Switch shall be in full and complete conformance with the Detailed Specifications for 15 kV Solid Dielectric Pad-Mounted Switchgear attached with these specifications.							
			Manufacturer				EATON ISG	ABB	ABB
			Catalog No.				P40406666-10X-AOX-PO	ESD314-TTTT-6666	ESD314-TTTT-6666
			304 Stainless Steel Delivery Time (weeks)				52-54WEEKS	28-34 WEEKS	
			Mild Steel Delivery Time (weeks)						28-34 WEEKS
			304 Stainless Steel Unit Price (\$)				\$ 83,760.00	\$ 78,200.00	
			Mild Steel Unit Price (\$)				\$ -		\$ 64,476.00
			304 Stainless Steel Extended Price (\$)				\$ 83,760.00	\$ 78,200.00	
			Mild Steel Extended Price (\$)				\$ -	\$ -	\$ 64,476.00
							Bid Grand Total for 304 Stainless Steel:	\$ 965,850.00	\$ 1,051,750.00
		Bid Grand Total for Mild Steel:	\$ -	\$ -	\$ 882,766.00				
		Name of Vendor	Eaton ISG	ABB	ABB				
		Company Responding	KBS Electrical Dist	TECHLINE	TECHLINE				
		Date of Response		6/22/2023	6/22/2023				

August 10, 2023

Item No. 7.7.

Single & Three Phase Transformers

Sponsor: Mary Ellen Leonard, Director of Fiscal Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on the purchase of Single and Three Phase Transformers from KBS Electrical Distributors not to exceed \$805,810 and Techline Inc. not to exceed \$854,150 for a total expenditure of \$1,659,960.

Relationship to Strategic Goals:

Core Services and Infrastructure

Financially Sustainable City

Recommendation(s): Staff recommends award of this purchase with KBS Electrical Distributors for an amount not to exceed \$805,810, and Techline Inc. for \$854,150. This purchase aligns with historical years' activity for Electrical warehouse needs.

Summary: Staff issued Bid #23-073 on June 13, 2023, for Electric Single and Three Phase Transformers and the Bid was opened on July 7, 2023. Nine (9) sealed proposals were received and were reviewed by Electric Staff to ensure the compliance of needed specifications. KBS Electrical Distributors and Techline Inc., were awarded based upon delivery dates, meeting College Station Utility specifications, and pricing. The quotes from the other vendors provided alternatives that did not meet specifications or were considered invalid bids response.

Upon Council approval, staff will issue a purchase order to KBS Electrical Distributors and Techline Inc., for a one-time purchase.

Budget & Financial Summary: Funds are available and budgeted within the Electrical Fund. Various projects will be expensed as supplies are requisitioned by staff and issued from inventory.

Attachments:

1. 23-073 Bid Award Transformers 731

BID#23-073 SINGLE and THREE PHASE TRANSFORMER AWARD

Bid#23-073 Single Phase Transformers Award

					KBS ELECTRICAL DIST.		TECHLINE INC.	
Item	Inventory Number	QTY	Transformer kVA	Secondary Voltage	Unit Bid Price	Total Cost	Unit	Extended
Item #1	285-086-00031	5	25	240/120	\$ 6,500.00	\$ 32,500.00	\$ 7,910.00	
Item #2	285-086-00059	15	37.5	240/120	\$ 7,000.00	\$ 105,000.00	\$ 9,115.00	
Item #3	285-086-00032	10	50	240/120	\$ 7,995.00	\$ 79,950.00	\$ 10,105.00	
Item #4	285-086-00033	10	75	240/120	\$ 8,795.00	\$ 87,950.00	\$ 12,371.00	
Item #5	285-086-00034	10	100	240/120	\$ 10,495.00	\$ 104,950.00	\$ 15,106.00	
TOTAL Per Vendor						\$ 410,350.00		\$ -
					KBS ELECTRICAL DIST.		TECHLINE INC.	

Bid#23-073 Three (3) Phase Transformers

STAINLESS STEEL					KBS ELECTRICAL DIST.		TECHLINE INC.	
Item	Inventory Number	QTY	Transformer kVA	Secondary Voltage	Unit Bid Price	Total Cost	Unit	Extended
Item #1	285-086-00037	5	75	208/120	\$ 34,930.00		\$ 27,100.00	\$ 135,500.00
Item #2	285-086-00048	6	300	480/277	\$ 49,795.00		\$ 42,300.00	\$ 253,800.00
Item #3	285-086-00049	2	500	480/277	\$ 61,800.00		\$ 59,350.00	\$ 118,700.00
Item #4	285-086-00050	3	750	480/277	\$ 80,095.00		\$ 68,250.00	\$ 204,750.00
Item #5	285-086-00051	2	1000	480/277	\$ 81,895.00	\$ 163,790.00	\$ 83,600.00	
Item #6	285-086-00052	2	1500	480/277	\$ 115,835.00	\$ 231,670.00	\$ 117,800.00	
Item #7	285-086-00053	1	2000	480/277	\$ 143,050.00		\$ 141,400.00	\$ 141,400.00
TOTAL Per Vendor						\$ 395,460.00		\$ 854,150.00
					KBS ELECTRICAL DIST.		TECHLINE INC.	

Suggested Award

Grand Total by VENDOR

\$ 805,810.00	\$ 854,150.00
KBS ELECTRICAL DIST.	TECHLINE INC.

Grand Total AWARD

\$ 1,659,960.00

August 10, 2023

Item No. 7.8.

(DSHS), Vital Statistics, Data Use Agreement

Sponsor: Ian Whittenton, Deputy City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding renewing an Interlocal Agreement with Texas Department of State Health Services (DSHS) for Vital Statistics and Data Use.

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Staff recommends approval.

Summary: DSHS, Vital Statistics, notified the City to renew the Data Use Agreement (DUA) for access to the state's Vital Event Electronic Registration System, currently known as the TxEVER System. Within the DUA was a Security and Privacy Initial Inquiry (SPI) form. The SPI form is something new this year that is required in order to execute the contract. This is a generic form that is used by the state's IT Division for all IT connected contracts. The term of this contract will begin on September 1, 2023 and end August 31, 2029.

Budget & Financial Summary: N/A

Attachments:

1. 23300690 -- TX HHS -- Remote Access



CITY OF COLLEGE STATION
Home of Texas A&M University®

CONTRACT & AGREEMENT ROUTING FORM

CONTRACT#: 23300690 PROJECT#: _____ BID/RFP/RFQ#: _____

Project Name / Contract Description: Data Use Agreement between Department of State Health Services and City of College Station (TxEver renewal to DSHS)

Name of Contractor: Texas Department of State Health Services

CONTRACT TOTAL VALUE: \$ N/A

Grant Funded ☐ Yes ☒ No
If yes, what is the grant number:

Debarment Check ☐ Yes ☒ No ☐ N/A

Davis Bacon Wages Used ☐ Yes ☒ No ☐ N/A

Section 3 Plan Incl. ☐ Yes ☒ No ☐ N/A

Buy America Required ☐ Yes ☒ No ☐ N/A

Transparency Report ☐ Yes ☒ No ☐ N/A

☒ **NEW CONTRACT** ☐ **RENEWAL #** _____ ☐ **CHANGE ORDER #** _____ ☐ **OTHER** _____

BUDGETARY AND FINANCIAL INFORMATION (Include number of bids solicited, number of bids received, funding source, budget vs. actual cost, summary tabulation)

COCS agrees to pay \$1.83 to DSHS for each certification of Vital Records printed as a result of searches of the database. This agreement is for the period September 1, 2023 and will end on August 31, 2027.

Dept. of State Health Services Vital Statistics Section Remote Birth Access Contract.

CRC Approval Date*: N/A *(If required)** **Council Approval Date*:** 08.10.23 **Agenda Item No*:** ----

--Section to be completed by Risk, Purchasing or City Secretary's Office Only--

Insurance Certificates: N/A **Performance Bond:** N/A **Payment Bond:** N/A **Info Tech:** N/A

SIGNATURES RECOMMENDING APPROVAL

DEPARTMENT DIRECTOR/ADMINISTERING CONTRACT

8/4/2023

DATE

LEGAL DEPARTMENT

8/4/2023

DATE

ASST CITY MGR – CFO

DATE

APPROVED & EXECUTED

N/A
CITY MANAGER

DATE

MAYOR (if applicable)

DATE

CITY SECRETARY (if applicable)

DATE

Original(s) sent to CSO on _____

Scanned into Laserfiche on _____

Original(s) sent to Fiscal on _____

CITY OF COLLEGE STATION INTERLOCAL COOPERATION CONTRACT
DEPARTMENT OF STATE HEALTH SERVICES
CONTRACT NO.

The **DEPARTMENT OF STATE HEALTH SERVICES** (“**DSHS**” or “**SYSTEM AGENCY**”) and City of College Station (“**LOCAL GOVERNMENT**”), each a “Party” and collectively the “Parties,” enter into the following contract for Local Government access to the Texas Electronic Vital Events Registrar (“TxEVER”) (the “Contract”) pursuant to the provisions of the “Interlocal Cooperation Act,” *Tex. Gov’t Code* Chapter 791.

I. CONTRACT REPRESENTATIVES

The following will act as the representative authorized to administer activities under the Contract on behalf of its respective Party.

<u>DSHS</u>	<u>Local Government</u>
Name: Department of State Health Services	Name: City of College Station
Attn: Contract Management Section	Attn: City Secretary
Address: 1100 W 49 th Street, MC-1990	Address: P O Box 9960
City, State, and Zip: Austin, TX 78776-2679756	City, State Zip: College Station, Tx 77842
Contact Person: Gretchen Wells	Contact Person: Tanya D Smith
Telephone: (512) 776-2679	Telephone: (979) 764-3541
E-Mail: Gretchen.wells@dshs.texas.gov	E-Mail: cso@cstx.gov
Agency Number: 537	

II. STATEMENT OF SERVICES TO BE PROVIDED

The Parties agree to cooperate to provide necessary and authorized services and resources in accordance with the terms of the Contract. Specific services provided are described in **ATTACHMENT A, STATEMENT OF WORK**.

III. CONTRACT PERIOD AND RENEWAL

The Contract is effective on the signature date of the latter of the Parties to sign the Contract and expires **August 31, 2027**, unless renewed, extended, or terminated pursuant to the terms and conditions of the Contract. DSHS, at its sole discretion, may renew the Contract for up to one (1) additional year for a maximum Contract term of 5 years. Notwithstanding the limitation in the preceding sentence, and with at least 30 calendar days’ advance written notice to Local Government, at the end of the initial term or any renewal period, DSHS, at its sole discretion, may extend the Contract as necessary to ensure continuity of service, for purposes of transition, or as otherwise determined by DSHS to serve the best interest of the state of Texas for up to 12 months, in one-month intervals, at the then-current Contract rate or rates (if applicable) as modified during the term of the Contract.

IV. AMENDMENT

The Parties to the Contract may modify the Contract only through the execution of a written amendment signed by both Parties.

V. FEES AND PAYMENT FOR SERVICES

All payments made by Local Government to DSHS in connection with the Contract, including the manner in which payments to DSHS by Local Government will be rendered, are stated in **ATTACHMENT C, STATEMENT OF WORK**.

VI. NOTICE REQUIREMENTS

- A.** All notices given by Local Government shall be in writing, include the Contract number, comply with all terms and conditions of the Contract, and be delivered to DSHS's Contract Representative identified above.
- B.** Local Government shall send legal notices to DSHS at the address below and provide a copy to DSHS's Contract Representative:

**Health and Human Services Commission
Attn: Office of the Chief Counsel
4601 W Guadalupe St. MC-1100
Austin, Texas 78751**

with copy to

**Department of State Health Services
Attn: Office of General Counsel
1100 W. 49th Street, MC-1919
Austin, TX 78756**

- C.** DSHS shall send legal notices to Local Government at the address below:

**City of College Station – City Secretary
P O Box 9960
College Station, Texas 77842
(979) 764-3500
cso@cstx.gov**

- D.** Notices given by DSHS to Local Government may be emailed, mailed or sent by common carrier. Email notices shall be deemed delivered when sent by DSHS. Notices sent by mail shall be deemed delivered when deposited by DSHS in the United States mail, postage paid, certified, return receipt requested. Notices sent by common carrier shall be deemed delivered when deposited by DSHS with a common carrier, overnight, signature required.

DSHS Contract No.

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- E.** Notices given by Local Government to DSHS shall be deemed delivered when received by DSHS.
- F.** Either Party may change its Contract Representative or Legal Notice contact by providing written notice to the other Party.

VII. CONTRACT DOCUMENTS

The following documents are incorporated by reference and made a part of the Contract for all purposes. In the event of a conflict, ambiguity, or inconsistency between the terms and conditions set forth in the documents that comprise the Contract, the controlling document shall be this Signature Document, then the remaining documents in the following list in the order stated:

ATTACHMENT A: HHS DATA USE AGREEMENT - GOVERNMENTAL ENTITY (VERSION 8.5);
ATTACHMENT B: HHS CONTRACT AFFIRMATIONS (VERSION 2.2); and
ATTACHMENT C: STATEMENT OF WORK.

VIII. MISCELLANEOUS TERMS AND CONDITIONS

- A. Exchange of Personal Identifying Information.** The Contract concerns the exchange of Confidential Information. Except as prohibited by applicable law or regulation, Local Government and DSHS may exchange such information in accordance with *Tex. Health and Safety Code* Chapter 191.
- B. Suspension of Services or Contract Termination.** Use of services under the Contract by Local Government for purposes inconsistent with the Contract or applicable law or regulation may result in suspension of services or termination of the Contract for cause by DSHS.
- C. Governing Law and Venue.** The Contract shall be governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under the Contract is fixed in any court of competent jurisdiction of Travis County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to DSHS.
- D. Confidentiality.** Local Government shall maintain as confidential and shall not disclose to third parties without DSHS's prior written consent, any DSHS information including but not limited to DSHS Data, DSHS's business activities, practices, systems, conditions, and services. This section shall survive termination or expiration of the Contract. This requirement must be included in all subcontracts awarded by Local Government. The Parties shall comply with all applicable state and federal laws relating to the privacy and confidentiality of data and records provided under the Contract, including, but not limited to, *Tex. Gov't Code* Section 552.115.
- E. Record Maintenance and Retention**
 - 1. Local Government shall keep and maintain under GAAP or GASB, as applicable, full, true, and complete records necessary to fully disclose to DSHS, the Texas State Auditor's Office, the United States Government, and their authorized representatives sufficient information to determine compliance with the terms and

DSHS Contract No.

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conditions of the Contract and all state and federal rules, regulations, and statutes.

2. Local Government shall maintain and retain legible copies of the Contract and all records relating to the performance of the Contract, including supporting fiscal documents adequate to ensure that claims for Contract funds are in accordance with applicable state of Texas requirements. These records shall be maintained and retained by Local Government for a minimum of seven (7) years after the Contract expiration date or seven (7) years after the completion of all audit, claim, litigation, or dispute matters involving the Contract are resolved, whichever is later.

F. Dispute Resolution. To the extent that *Tex. Gov't Code* Chapter 2260 is applicable to the Contract, the dispute resolution process provided for in Chapter 2260, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by DSHS and Local Government to attempt to resolve any claim for breach of contract made by Local Government that cannot be resolved in the ordinary course of business.

G. Entire Agreement. The Contract contains all the terms and conditions between DSHS and Local Government relating to the matters set forth herein and no prior or contemporaneous agreement or understanding pertaining to the same shall be of any force or effect.

H. Force Majeure. Neither Local Government nor DSHS shall be liable to the other for any delay in, or failure of performance of, any requirement included in the Contract caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing Party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either Party and that by exercise of due foresight such Party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such Party is unable to overcome.

I. INDEMNIFICATION

1. **TO THE EXTENT ALLOWED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, LOCAL GOVERNMENT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS, DSHS, AND HHSC, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF OR RESULTING FROM ANY ACTS OR OMISSIONS OF LOCAL GOVERNMENT OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR**

DSHS Contract No.

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**PERFORMANCE OF THE CONTRACT AND ANY PURCHASE ORDERS
ISSUED UNDER THE CONTRACT.**

- 2. THIS PARAGRAPH IS NOT INTENDED TO AND WILL NOT BE CONSTRUED TO REQUIRE LOCAL GOVERNMENT TO INDEMNIFY OR HOLD HARMLESS THE STATE OF TEXAS, DSHS, OR HHSC FOR ANY CLAIMS OR LIABILITIES RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF THE STATE OF TEXAS, DSHS, OR HHSC OR ITS EMPLOYEES.**
- 3. FOR THE AVOIDANCE OF DOUBT, NEITHER THE STATE OF TEXAS, DSHS, NOR HHSC SHALL INDEMNIFY LOCAL GOVERNMENT OR ANY OTHER ENTITY UNDER THE CONTRACT.**

J. No Waiver of Sovereign Immunity. Nothing in the Contract shall be construed as a waiver of DSHS's, HHSC's, or the state of Texas' sovereign immunity. Neither the Contract nor any action or inaction of DSHS shall constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to the State of Texas, DSHS, or HHSC. The failure to enforce, or any delay in the enforcement of, any privileges, rights, defenses, remedies, or immunities available to the State of Texas, DSHS, or HHSC under the Contract or under applicable law or regulation shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel. Neither the State of Texas, DSHS, nor HHSC waives any privileges, rights, defenses, or immunities available to the State of Texas, DSHS, or HHSC by entering into the Contract or by its conduct prior to or subsequent to entering into the Contract. Notwithstanding the forgoing, if Local Government is a state of Texas agency or department, district, authority, county, municipality, or other political subdivision of the state of Texas, then nothing in the Contract will be construed to abrogate any rights or affirmative defenses available to Local Government under doctrines of sovereign and official immunity.

K. Severability. If any provision of the Contract is construed to be illegal or invalid, the illegal or invalid provision shall be deemed stricken and deleted to the same extent and effect as if never incorporated, but all other provisions shall continue.

L. Waiver. The failure of either Party to object to or to take affirmative action with respect to any conduct of either Party which is in violation or breach of the terms of the Contract shall not be construed as a waiver of the violation or breach, or of any future violation or breach.

M. Termination

- 1. Convenience.** Either Party may terminate the Contract without cause by giving 30 days' written notice of its intent to terminate to the non-terminating Party. The termination will be effective on the date specified in the terminating Party's notice of termination.

1. **Cause resulting from Material Breach.** Except as otherwise provided by the U.S. Bankruptcy Code, or any successor law, either Party may terminate the Contract, in whole or in part, upon the following condition:
 - i. Material Breach
If a Party determines, in its sole discretion, the other Party has materially breached the Contract or has failed to adhere to any laws, ordinances, rules, regulations or orders of any public authority having jurisdiction and such violation prevents or substantially impairs performance of the other Party's duties under the Contract.
2. **Cause resulting from Failure to Maintain Financial Viability.** DSHS may terminate the Contract if, in its sole discretion, DSHS has a good faith belief that Local Government no longer maintains the financial viability to fully perform its obligations under the Contract.

IX. CERTIFICATIONS

The undersigned contracting Parties certify that:

- A. The services specified above are necessary and essential for activities that are properly within the statutory functions and programs of each Party;
- B. Each Party executing the Contract on its behalf has full power and authority to enter into the Contract;
- C. The proposed arrangements serve the interest of efficient and economical administration of state and local government; and
- D. The services contracted for are not required by Section 21, Article XVI of the Constitution of Texas to be supplied under a contract awarded to the lowest responsible bidder.

DSHS further certifies that it has statutory authority to contract for the services described in the Contract under *Tex. Health and Safety Code* Chapter 191 and *Tex. Gov't Code* Chapter 791.

Local Government further certifies that it has statutory authority to contract for the services described in the Contract under *Tex. Health and Safety Code* Chapter 191 and *Tex. Gov't Code* Chapter 791.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE FOR DSHS CONTRACT NO.

DEPARTMENT OF STATE HEALTH SERVICES

CITY OF COLLEGE STATION

Signature

Manda Hall, MD

Printed Name

Associate Commissioner for Community Health
Improvement

Title

Date

Signature

John P. Nichols

Printed Name

Mayor

Title

Date

HHS DATA USE AGREEMENT

This Data Use Agreement (“DUA”), effective as of the date the Base Contract into which it is incorporated is signed (“Effective Date”), is entered into by and between a Texas Health and Human Services Enterprise agency (“HHS”), and the Contractor identified in the Base Contract, a political subdivision of the State of Texas (“CONTRACTOR”).

ARTICLE 1.

PURPOSE; APPLICABILITY; ORDER OF PRECEDENCE

The purpose of this DUA is to facilitate creation, receipt, maintenance, use, disclosure or access to Confidential Information with CONTRACTOR, and describe CONTRACTOR’s rights and obligations with respect to the Confidential Information. **45 CFR 164.504(e)(1)-(3)**. This DUA also describes HHS’s remedies in the event of CONTRACTOR’s noncompliance with its obligations under this DUA. This DUA applies to both Business Associates and contractors who are not Business Associates who create, receive, maintain, use, disclose or have access to Confidential Information on behalf of HHS, its programs or clients as described in the Base Contract.

As of the Effective Date of this DUA, if any provision of the Base Contract, including any General Provisions or Uniform Terms and Conditions, conflicts with this DUA, this DUA controls.

ARTICLE 2.

DEFINITIONS

For the purposes of this DUA, capitalized, underlined terms have the meanings set forth in the following: Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (42 U.S.C. §1320d, *et seq.*) and regulations thereunder in 45 CFR Parts 160 and 164, including all amendments, regulations and guidance issued thereafter; The Social Security Act, including Section 1137 (42 U.S.C. §§ 1320b-7), Title XVI of the Act; The Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. § 552a and regulations and guidance thereunder; Internal Revenue Code, Title 26 of the United States Code and regulations and publications adopted under that code, including IRS Publication 1075; OMB Memorandum 07-18; Texas Business and Commerce Code Ch. 521; Texas Government Code, Ch. 552, and Texas Government Code §2054.1125. In addition, the following terms in this DUA are defined as follows:

“Authorized Purpose” means the specific purpose or purposes described in the Statement of Work of the Base Contract for CONTRACTOR to fulfill its obligations under the Base Contract, or any other purpose expressly authorized by HHS in writing in advance.

“Authorized User” means a Person:

(1) Who is authorized to create, receive, maintain, have access to, process, view, handle, examine, interpret, or analyze Confidential Information pursuant to this DUA;

(2) For whom CONTRACTOR warrants and represents has a demonstrable need to create, receive, maintain, use, disclose or have access to the Confidential Information; and

(3) Who has agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information as required by this DUA.

“Confidential Information” means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) provided to or made available to CONTRACTOR, or that CONTRACTOR may, for an Authorized Purpose, create, receive, maintain, use, disclose or have access to, that consists of or includes any or all of the following:

(1) Client Information;

(2) Protected Health Information in any form including without limitation, Electronic Protected Health Information or Unsecured Protected Health Information (herein “PHI”);

(3) Sensitive Personal Information defined by Texas Business and Commerce Code Ch. 521;

(4) Federal Tax Information;

(5) Individually Identifiable Health Information as related to HIPAA, Texas HIPAA and Personal Identifying Information under the Texas Identity Theft Enforcement and Protection Act;

(6) Social Security Administration Data, including, without limitation, Medicaid information;

(7) All privileged work product;

(8) All information designated as confidential under the constitution and laws of the State of Texas and of the United States, including the Texas Health & Safety Code and the Texas Public Information Act, Texas Government Code, Chapter 552.

“Legally Authorized Representative” of the Individual, as defined by Texas law, including as provided in 45 CFR 435.923 (Medicaid); 45 CFR 164.502(g)(1) (HIPAA); Tex. Occ. Code § 151.002(6); Tex. H. & S. Code §166.164; and Estates Code Ch. 752.

ARTICLE 3.

CONTRACTOR'S DUTIES REGARDING CONFIDENTIAL INFORMATION

3.01 Obligations of CONTRACTOR

CONTRACTOR agrees that:

(A) CONTRACTOR will exercise reasonable care and no less than the same degree of care CONTRACTOR uses to protect its own confidential, proprietary and trade secret information to prevent any portion of the Confidential Information from being used in

HHS Data Use Agreement

TACCHO VERSION (Local City and County Entities) **October 23**, 2019

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a manner that is not expressly an Authorized Purpose under this DUA or as Required by Law. **45 CFR 164.502(b)(1); 45 CFR 164.514(d)**

(B) Except as Required by Law, CONTRACTOR will not disclose or allow access to any portion of the Confidential Information to any Person or other entity, other than Authorized User's Workforce or Subcontractors (as defined in **45 C.F.R. 160.103**) of CONTRACTOR who have completed training in confidentiality, privacy, security and the importance of promptly reporting any Event or Breach to CONTRACTOR's management, to carry out CONTRACTOR's obligations in connection with the Authorized Purpose.

HHS, at its election, may assist CONTRACTOR in training and education on specific or unique HHS processes, systems and/or requirements. CONTRACTOR will produce evidence of completed training to HHS upon request. **45 C.F.R. 164.308(a)(5)(i); Texas Health & Safety Code §181.101**

All of CONTRACTOR's Authorized Users, Workforce and Subcontractors with access to a state computer system or database will complete a cybersecurity training program certified under Texas Government Code Section 2054.519 by the Texas Department of Information Resources or offered under Texas Government Code Sec. 2054.519(f).

(C) CONTRACTOR will establish, implement and maintain appropriate sanctions against any member of its Workforce or Subcontractor who fails to comply with this DUA, the Base Contract or applicable law. CONTRACTOR will maintain evidence of sanctions and produce it to HHS upon request. **45 C.F.R. 164.308(a)(1)(ii)(C); 164.530(e); 164.410(b); 164.530(b)(1)**

(D) CONTRACTOR will not, except as otherwise permitted by this DUA, disclose or provide access to any Confidential Information on the basis that such act is Required by Law without notifying either HHS or CONTRACTOR's own legal counsel to determine whether CONTRACTOR should object to the disclosure or access and seek appropriate relief. CONTRACTOR will maintain an accounting of all such requests for disclosure and responses and provide such accounting to HHS within 48 hours of HHS' request. **45 CFR 164.504(e)(2)(ii)(A)**

(E) CONTRACTOR will not attempt to re-identify or further identify Confidential Information or De-identified Information, or attempt to contact any Individuals whose records are contained in the Confidential Information, except for an Authorized Purpose, without express written authorization from HHS or as expressly permitted by the Base Contract. **45 CFR 164.502(d)(2)(i) and (ii)** CONTRACTOR will not engage in prohibited marketing or sale of Confidential Information. **45 CFR 164.501, 164.508(a)(3) and (4); Texas Health & Safety Code Ch. 181.002**

(F) CONTRACTOR will not permit, or enter into any agreement with a Subcontractor to, create, receive, maintain, use, disclose, have access to or transmit Confidential Information to carry out CONTRACTOR's obligations in connection with the Authorized Purpose on behalf of CONTRACTOR, unless Subcontractor agrees to comply

with all applicable laws, rules and regulations. **45 CFR 164.502(e)(1)(ii); 164.504(e)(1)(i) and (2).**

(G) CONTRACTOR is directly responsible for compliance with, and enforcement of, all conditions for creation, maintenance, use, disclosure, transmission and Destruction of Confidential Information and the acts or omissions of Subcontractors as may be reasonably necessary to prevent unauthorized use. **45 CFR 164.504(e)(5); 42 CFR 431.300, et seq.**

(H) If CONTRACTOR maintains PHI in a Designated Record Set which is Confidential Information and subject to this Agreement, CONTRACTOR will make PHI available to HHS in a Designated Record Set upon request. CONTRACTOR will provide PHI to an Individual, or Legally Authorized Representative of the Individual who is requesting PHI in compliance with the requirements of the HIPAA Privacy Regulations. CONTRACTOR will release PHI in accordance with the HIPAA Privacy Regulations upon receipt of a valid written authorization. CONTRACTOR will make other Confidential Information in CONTRACTOR's possession available pursuant to the requirements of HIPAA or other applicable law upon a determination of a Breach of Unsecured PHI as defined in HIPAA. CONTRACTOR will maintain an accounting of all such disclosures and provide it to HHS within 48 hours of HHS' request. **45 CFR 164.524 and 164.504(e)(2)(ii)(E).**

(I) If PHI is subject to this Agreement, CONTRACTOR will make PHI as required by HIPAA available to HHS for review subsequent to CONTRACTOR's incorporation of any amendments requested pursuant to HIPAA. **45 CFR 164.504(e)(2)(ii)(E) and (F).**

(J) If PHI is subject to this Agreement, CONTRACTOR will document and make available to HHS the PHI required to provide access, an accounting of disclosures or amendment in compliance with the requirements of the HIPAA Privacy Regulations. **45 CFR 164.504(e)(2)(ii)(G) and 164.528.**

(K) If CONTRACTOR receives a request for access, amendment or accounting of PHI from an individual with a right of access to information subject to this DUA, it will respond to such request in compliance with the HIPAA Privacy Regulations. CONTRACTOR will maintain an accounting of all responses to requests for access to or amendment of PHI and provide it to HHS within 48 hours of HHS' request. **45 CFR 164.504(e)(2).**

(L) CONTRACTOR will provide, and will cause its Subcontractors and agents to provide, to HHS periodic written certifications of compliance with controls and provisions relating to information privacy, security and breach notification, including without limitation information related to data transfers and the handling and disposal of Confidential Information. **45 CFR 164.308; 164.530(c); 1 TAC 202.**

(M) Except as otherwise limited by this DUA, the Base Contract, or law applicable to the Confidential Information, CONTRACTOR may use PHI for the proper management and administration of CONTRACTOR or to carry out CONTRACTOR's

legal responsibilities. Except as otherwise limited by this DUA, the Base Contract, or law applicable to the Confidential Information, CONTRACTOR may disclose PHI for the proper management and administration of CONTRACTOR, or to carry out CONTRACTOR's legal responsibilities, if: **45 CFR 164.504(e)(4)(A)**.

(1) Disclosure is Required by Law, provided that CONTRACTOR complies with Section 3.01(D); or

(2) CONTRACTOR obtains reasonable assurances from the person or entity to which the information is disclosed that the person or entity will:

(a) Maintain the confidentiality of the Confidential Information in accordance with this DUA;

(b) Use or further disclose the information only as Required by Law or for the Authorized Purpose for which it was disclosed to the Person; and

(c) Notify CONTRACTOR in accordance with Section 4.01 of any Event or Breach of Confidential Information of which the Person discovers or should have discovered with the exercise of reasonable diligence. **45 CFR 164.504(e)(4)(ii)(B)**.

(N) Except as otherwise limited by this DUA, CONTRACTOR will, if required by law and requested by HHS, use commercially reasonable efforts to use PHI to provide data aggregation services to HHS, as that term is defined in the HIPAA, 45 C.F.R. §164.501 and permitted by HIPAA. **45 CFR 164.504(e)(2)(i)(B)**

(O) CONTRACTOR will, on the termination or expiration of this DUA or the Base Contract, at its expense, send to HHS or Destroy, at HHS's election and to the extent reasonably feasible and permissible by law, all Confidential Information received from HHS or created or maintained by CONTRACTOR or any of CONTRACTOR's agents or Subcontractors on HHS's behalf if that data contains Confidential Information. CONTRACTOR will certify in writing to HHS that all the Confidential Information that has been created, received, maintained, used by or disclosed to CONTRACTOR, has been Destroyed or sent to HHS, and that CONTRACTOR and its agents and Subcontractors have retained no copies thereof. Notwithstanding the foregoing, HHS acknowledges and agrees that CONTRACTOR is not obligated to send to HHS and/or Destroy any Confidential Information if federal law, state law, the Texas State Library and Archives Commission records retention schedule, and/or a litigation hold notice prohibit such delivery or Destruction. If such delivery or Destruction is not reasonably feasible, or is impermissible by law, CONTRACTOR will immediately notify HHS of the reasons such delivery or Destruction is not feasible, and agree to extend indefinitely the protections of this DUA to the Confidential Information and limit its further uses and disclosures to the purposes that make the return delivery or Destruction of the Confidential Information not feasible for as long as CONTRACTOR maintains such Confidential Information. **45 CFR 164.504(e)(2)(ii)(J)**

(P) CONTRACTOR will create, maintain, use, disclose, transmit or Destroy Confidential Information in a secure fashion that protects against any reasonably anticipated threats or hazards to the security or integrity of such information or unauthorized uses. **45 CFR 164.306; 164.530(c)**

(Q) If CONTRACTOR accesses, transmits, stores, and/or maintains Confidential Information, CONTRACTOR will complete and return to HHS at infosecurity@hhsc.state.tx.us the HHS information security and privacy initial inquiry (SPI) at Attachment 1 . The SPI identifies basic privacy and security controls with which CONTRACTOR must comply to protect HHS Confidential Information. CONTRACTOR will comply with periodic security controls compliance assessment and monitoring by HHS as required by state and federal law, based on the type of Confidential Information CONTRACTOR creates, receives, maintains, uses, discloses or has access to and the Authorized Purpose and level of risk. CONTRACTOR's security controls will be based on the National Institute of Standards and Technology (NIST) Special Publication 800-53. CONTRACTOR will update its security controls assessment whenever there are significant changes in security controls for HHS Confidential Information and will provide the updated document to HHS. HHS also reserves the right to request updates as needed to satisfy state and federal monitoring requirements. **45 CFR 164.306.**

(R) CONTRACTOR will establish, implement and maintain reasonable procedural, administrative, physical and technical safeguards to preserve and maintain the confidentiality, integrity, and availability of the Confidential Information, and with respect to PHI, as described in the HIPAA Privacy and Security Regulations, or other applicable laws or regulations relating to Confidential Information, to prevent any unauthorized use or disclosure of Confidential Information as long as CONTRACTOR has such Confidential Information in its actual or constructive possession. **45 CFR 164.308 (administrative safeguards); 164.310 (physical safeguards); 164.312 (technical safeguards); 164.530(c)(privacy safeguards).**

(S) CONTRACTOR will designate and identify, a Person or Persons, as Privacy Official **45 CFR 164.530(a)(1)** and Information Security Official, each of whom is authorized to act on behalf of CONTRACTOR and is responsible for the development and implementation of the privacy and security requirements in this DUA. CONTRACTOR will provide name and current address, phone number and e-mail address for such designated officials to HHS upon execution of this DUA and prior to any change. If such persons fail to develop and implement the requirements of the DUA, CONTRACTOR will replace them upon HHS request. **45 CFR 164.308(a)(2).**

(T) CONTRACTOR represents and warrants that its Authorized Users each have a demonstrated need to know and have access to Confidential Information solely to the minimum extent necessary to accomplish the Authorized Purpose pursuant to this DUA and the Base Contract, and further, that each has agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information contained in this DUA. **45 CFR 164.502; 164.514(d).**

(U) CONTRACTOR and its Subcontractors will maintain an updated, complete, accurate and numbered list of Authorized Users, their signatures, titles and the date they agreed to be bound by the terms of this DUA, at all times and supply it to HHS, as directed, upon request.

(V) CONTRACTOR will implement, update as necessary, and document reasonable and appropriate policies and procedures for privacy, security and Breach of Confidential Information and an incident response plan for an Event or Breach, to comply with the privacy, security and breach notice requirements of this DUA prior to conducting work under the Statement of Work. **45 CFR 164.308; 164.316; 164.514(d); 164.530(i)(1).**

(W) CONTRACTOR will produce copies of its information security and privacy policies and procedures and records relating to the use or disclosure of Confidential Information received from, created by, or received, used or disclosed by CONTRACTOR for an Authorized Purpose for HHS's review and approval within 30 days of execution of this DUA and upon request by HHS the following business day or other agreed upon time frame. **45 CFR 164.308; 164.514(d).**

(X) CONTRACTOR will make available to HHS any information HHS requires to fulfill HHS's obligations to provide access to, or copies of, PHI in accordance with HIPAA and other applicable laws and regulations relating to Confidential Information. CONTRACTOR will provide such information in a time and manner reasonably agreed upon or as designated by the Secretary of the U.S. Department of Health and Human Services, or other federal or state law. **45 CFR 164.504(e)(2)(i)(I).**

(Y) CONTRACTOR will only conduct secure transmissions of Confidential Information whether in paper, oral or electronic form, in accordance with applicable rules, regulations and laws. A secure transmission of electronic Confidential Information in motion includes, but is not limited to, Secure File Transfer Protocol (SFTP) or Encryption at an appropriate level. If required by rule, regulation or law, HHS Confidential Information at rest requires Encryption unless there is other adequate administrative, technical, and physical security. All electronic data transfer and communications of Confidential Information will be through secure systems. Proof of system, media or device security and/or Encryption must be produced to HHS no later than 48 hours after HHS's written request in response to a compliance investigation, audit or the Discovery of an Event or Breach. Otherwise, requested production of such proof will be made as agreed upon by the parties. De-identification of HHS Confidential Information is a means of security. With respect to de-identification of PHI, "secure" means de-identified according to HIPAA Privacy standards and regulatory guidance. **45 CFR 164.312; 164.530(d).**

(Z) For each type of Confidential Information CONTRACTOR creates, receives, maintains, uses, discloses, has access to or transmits in the performance of the Statement of Work, CONTRACTOR will comply with the following laws rules and regulations, only to the extent applicable and required by law:

- Title 1, Part 10, Chapter 202, Subchapter B, Texas Administrative Code;

- The Privacy Act of 1974;
- OMB Memorandum 07-16;
- The Federal Information Security Management Act of 2002 (FISMA);
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) as defined in the DUA;
- Internal Revenue Publication 1075 – Tax Information Security Guidelines for Federal, State and Local Agencies;
- National Institute of Standards and Technology (NIST) Special Publication 800-66 Revision 1 – An Introductory Resource Guide for Implementing the Health Insurance Portability and Accountability Act (HIPAA) Security Rule;
- NIST Special Publications 800-53 and 800-53A – Recommended Security Controls for Federal Information Systems and Organizations, as currently revised;
- NIST Special Publication 800-47 – Security Guide for Interconnecting Information Technology Systems;
- NIST Special Publication 800-88, Guidelines for Media Sanitization;
- NIST Special Publication 800-111, Guide to Storage of Encryption Technologies for End User Devices containing PHI; and

Any other State or Federal law, regulation, or administrative rule relating to the specific HHS program area that CONTRACTOR supports on behalf of HHS.

(AA) Notwithstanding anything to the contrary herein, CONTRACTOR will treat any Personal Identifying Information it creates, receives, maintains, uses, transmits, destroys and/or discloses in accordance with Texas Business and Commerce Code, Chapter 521 and other applicable regulatory standards identified in Section 3.01(Z), and Individually Identifiable Health Information CONTRACTOR creates, receives, maintains, uses, transmits, destroys and/or discloses in accordance with HIPAA and other applicable regulatory standards identified in Section 3.01(Z).

ARTICLE 4.

BREACH NOTICE, REPORTING AND CORRECTION REQUIREMENTS

4.01 Breach or Event Notification to HHS. 45 CFR 164.400-414.

(A) CONTRACTOR will cooperate fully with HHS in investigating, mitigating to the extent practicable and issuing notifications directed by HHS, for any Event or Breach of Confidential Information to the extent and in the manner determined by HHS.

(B) CONTRACTOR'S obligation begins at the Discovery of an Event or Breach and continues as long as related activity continues, until all effects of the Event are mitigated to HHS's reasonable satisfaction (the "incident response period"). **45 CFR 164.404.**

(C) Breach Notice:

(1) Initial Notice.

(a) For federal information, including without limitation, Federal Tax Information, Social Security Administration Data, and Medicaid Client Information, within the first, consecutive clock hour of Discovery, and for all other types of Confidential Information not more than 24 hours after Discovery, or in a timeframe otherwise approved by HHS in writing, initially report to HHS's Privacy and Security Officers via email at: privacy@HHSC.state.tx.us and to the HHS division responsible for this DUA; and IRS Publication 1075; Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. § 552a; OMB Memorandum 07-16 as cited in HHSC-CMS Contracts for information exchange.

(b) Report all information reasonably available to CONTRACTOR about the Event or Breach of the privacy or security of Confidential Information. **45 CFR 164.410.**

(c) Name, and provide contact information to HHS for, CONTRACTOR's single point of contact who will communicate with HHS both on and off business hours during the incident response period.

(2) Formal Notice. No later than two business days after the Initial Notice above, provide formal notification to privacy@HHSC.state.tx.us and to the HHS division responsible for this DUA, including all reasonably available information about the Event or Breach, and CONTRACTOR's investigation, including without limitation and to the extent available: **For (a) - (m) below: 45 CFR 164.400-414.**

(a) The date the Event or Breach occurred;

(b) The date of CONTRACTOR's and, if applicable, Subcontractor's Discovery;

(c) A brief description of the Event or Breach; including how it occurred and who is responsible (or hypotheses, if not yet determined);

(d) A brief description of CONTRACTOR's investigation and the status of the investigation;

(e) A description of the types and amount of Confidential Information involved;

(f) Identification of and number of all Individuals reasonably believed to be affected, including first and last name of the Individual and if applicable the, Legally Authorized Representative, last known address, age, telephone number, and email address if it is a preferred contact method, to the extent known or can be reasonably determined by CONTRACTOR at that time;

(g) CONTRACTOR's initial risk assessment of the Event or Breach demonstrating whether individual or other notices are required by applicable law or this DUA for HHS approval, including an analysis of whether there is a low probability of compromise of the Confidential Information or whether any legal exceptions to notification apply;

(h) CONTRACTOR's recommendation for HHS's approval as to the steps Individuals and/or CONTRACTOR on behalf of Individuals, should take to protect the Individuals from potential harm, including without limitation CONTRACTOR's provision of notifications, credit protection, claims monitoring, and any specific protections for a Legally Authorized Representative to take on behalf of an Individual with special capacity or circumstances;

(i) The steps CONTRACTOR has taken to mitigate the harm or potential harm caused (including without limitation the provision of sufficient resources to mitigate);

(j) The steps CONTRACTOR has taken, or will take, to prevent or reduce the likelihood of recurrence of a similar Event or Breach;

(k) Identify, describe or estimate the Persons, Workforce, Subcontractor, or Individuals and any law enforcement that may be involved in the Event or Breach;

(l) A reasonable schedule for CONTRACTOR to provide regular updates during normal business hours to the foregoing in the future for response to the Event or Breach, but no less than every three (3) business days or as otherwise directed by HHS, including information about risk estimations, reporting, notification, if any, mitigation, corrective action, root cause analysis and when such activities are expected to be completed; and

(m) Any reasonably available, pertinent information, documents or reports related to an Event or Breach that HHS requests following Discovery.

4.02 Investigation, Response and Mitigation. 45 CFR 164.308, 310 and 312; 164.530

(A) CONTRACTOR will immediately conduct a full and complete investigation, respond to the Event or Breach, commit necessary and appropriate staff and resources to expeditiously respond, and report as required to and by HHS for incident response purposes and for purposes of HHS's compliance with report and notification requirements, to the reasonable satisfaction of HHS.

(B) CONTRACTOR will complete or participate in a risk assessment as directed by HHS following an Event or Breach, and provide the final assessment, corrective actions and mitigations to HHS for review and approval.

(C) CONTRACTOR will fully cooperate with HHS to respond to inquiries and/or proceedings by state and federal authorities, Persons and/or Individuals about the Event or Breach.

(D) CONTRACTOR will fully cooperate with HHS's efforts to seek appropriate injunctive relief or otherwise prevent or curtail such Event or Breach, or to recover or protect any Confidential Information, including complying with reasonable corrective action or measures, as specified by HHS in a Corrective Action Plan if directed by HHS under the Base Contract.

4.03 Breach Notification to Individuals and Reporting to Authorities. Tex. Bus. & Comm. Code §521.053; 45 CFR 164.404 (Individuals), 164.406 (Media); 164.408 (Authorities)

(A) HHS may direct CONTRACTOR to provide Breach notification to Individuals, regulators or third-parties, as specified by HHS following a Breach.

(B) CONTRACTOR shall give HHS an opportunity to review and provide feedback to CONTRACTOR and to confirm that CONTRACTOR's notice meets all regulatory requirements regarding the time, manner and content of any notification to Individuals, regulators or third-parties, or any notice required by other state or federal authorities, including without limitation, notifications required by Texas Business and Commerce Code, Chapter 521.053(b) and HIPAA. HHS shall have ten (10) business days to provide said feedback to CONTRACTOR. Notice letters will be in CONTRACTOR's name and on CONTRACTOR's letterhead, unless otherwise directed by HHS, and will contain contact information, including the name and title of CONTRACTOR's representative, an email address and a toll-free telephone number, if required by applicable law, rule, or regulation, for the Individual to obtain additional information.

(C) CONTRACTOR will provide HHS with copies of distributed and approved communications.

(D) CONTRACTOR will have the burden of demonstrating to the reasonable satisfaction of HHS that any notification required by HHS was timely made. If there are delays outside of CONTRACTOR's control, CONTRACTOR will provide written documentation of the reasons for the delay.

(E) If HHS delegates notice requirements to CONTRACTOR, HHS shall, in the time and manner reasonably requested by CONTRACTOR, cooperate and assist with CONTRACTOR's information requests in order to make such notifications and reports.

ARTICLE 5. STATEMENT OF WORK

“Statement of Work” means the services and deliverables to be performed or provided by CONTRACTOR, or on behalf of CONTRACTOR by its Subcontractors or agents for HHS that are described in detail in the Base Contract. The Statement of Work, including any future amendments thereto, is incorporated by reference in this DUA as if set out word-for-word herein.

ARTICLE 6. GENERAL PROVISIONS

6.01 Oversight of Confidential Information

CONTRACTOR acknowledges and agrees that HHS is entitled to oversee and monitor CONTRACTOR's access to and creation, receipt, maintenance, use, disclosure of the Confidential Information to confirm that CONTRACTOR is in compliance with this DUA.

6.02 HHS Commitment and Obligations

HHS will not request CONTRACTOR to create, maintain, transmit, use or disclose PHI in any manner that would not be permissible under applicable law if done by HHS.

6.03 HHS Right to Inspection

At any time upon reasonable notice to CONTRACTOR, or if HHS determines that CONTRACTOR has violated this DUA, HHS, directly or through its agent, will have the right to inspect the facilities, systems, books and records of CONTRACTOR to monitor compliance with this DUA. For purposes of this subsection, HHS's agent(s) include, without limitation, the HHS Office of the Inspector General or the Office of the Attorney General of Texas, outside consultants or legal counsel or other designee.

6.04 Term; Termination of DUA; Survival

This DUA will be effective on the date on which CONTRACTOR executes the DUA, and will terminate upon termination of the Base Contract and as set forth herein. If the Base Contract is extended or amended, this DUA shall be extended or amended concurrent with such extension or amendment.

(A) HHS may immediately terminate this DUA and Base Contract upon a material violation of this DUA.

(B) Termination or Expiration of this DUA will not relieve CONTRACTOR of its obligation to return or Destroy the Confidential Information as set forth in this DUA and to continue to safeguard the Confidential Information until such time as determined by HHS.

(C) If HHS determines that CONTRACTOR has violated a material term of this DUA; HHS may in its sole discretion:

(1) Exercise any of its rights including but not limited to reports, access and inspection under this DUA and/or the Base Contract; or

(2) Require CONTRACTOR to submit to a Corrective Action Plan, including a plan for monitoring and plan for reporting, as HHS may determine necessary to maintain compliance with this DUA; or

(3) Provide CONTRACTOR with a reasonable period to cure the violation as determined by HHS; or

(4) Terminate the DUA and Base Contract immediately, and seek relief in a court of competent jurisdiction in Texas.

Before exercising any of these options, HHS will provide written notice to CONTRACTOR describing the violation, the requested corrective action CONTRACTOR may take to cure the alleged violation, and the action HHS intends to take if the alleged violation is not timely cured by CONTRACTOR.

(D) If neither termination nor cure is feasible, HHS shall report the violation to the Secretary of the U.S. Department of Health and Human Services.

(E) The duties of CONTRACTOR or its Subcontractor under this DUA survive the expiration or termination of this DUA until all the Confidential Information is Destroyed or returned to HHS, as required by this DUA.

6.05 Governing Law, Venue and Litigation

(A) The validity, construction and performance of this DUA and the legal relations among the Parties to this DUA will be governed by and construed in accordance with the laws of the State of Texas.

(B) The Parties agree that the courts of Texas, will be the exclusive venue for any litigation, special proceeding or other proceeding as between the parties that may be brought, or arise out of, or in connection with, or by reason of this DUA.

6.06 Injunctive Relief

(A) CONTRACTOR acknowledges and agrees that HHS may suffer irreparable injury if CONTRACTOR or its Subcontractor fails to comply with any of the terms of this DUA with respect to the Confidential Information or a provision of HIPAA or other laws or regulations applicable to Confidential Information.

(B) CONTRACTOR further agrees that monetary damages may be inadequate to compensate HHS for CONTRACTOR's or its Subcontractor's failure to comply. Accordingly, CONTRACTOR agrees that HHS will, in addition to any other remedies available to it at law or in equity, be entitled to seek injunctive relief without posting a bond and without the necessity of demonstrating actual damages, to enforce the terms of this DUA.

6.07 Responsibility.

To the extent permitted by the Texas Constitution, laws and rules, and without waiving any immunities or defenses available to CONTRACTOR as a governmental entity, CONTRACTOR shall be solely responsible for its own acts and omissions and the acts and omissions of its employees, directors, officers, Subcontractors and agents. HHS shall be solely responsible for its own acts and omissions.

6.08 Insurance

(A) As a governmental entity, and in accordance with the limits of the Texas Tort Claims Act, Chapter 101 of the Texas Civil Practice and Remedies Code, CONTRACTOR either maintains commercial insurance or self-insures with policy limits in an amount sufficient to cover CONTRACTOR's liability arising under this DUA. CONTRACTOR will request that HHS be named as an additional insured. HHSC reserves the right to consider alternative means for CONTRACTOR to satisfy CONTRACTOR's financial responsibility under this DUA. Nothing herein shall relieve CONTRACTOR of its financial obligations set forth in this DUA if CONTRACTOR fails to maintain insurance.

(B) CONTRACTOR will provide HHS with written proof that required insurance coverage is in effect, at the request of HHS.

6.08 Fees and Costs

Except as otherwise specified in this DUA or the Base Contract, if any legal action or other proceeding is brought for the enforcement of this DUA, or because of an alleged dispute, contract violation, Event, Breach, default, misrepresentation, or injunctive action, in connection with any of the provisions of this DUA, each party will bear their own legal expenses and the other cost incurred in that action or proceeding.

6.09 Entirety of the Contract

This DUA is incorporated by reference into the Base Contract as an amendment thereto and, together with the Base Contract, constitutes the entire agreement between the parties. No change, waiver, or discharge of obligations arising under those documents will be valid unless in writing and executed by the party against whom such change, waiver, or discharge is sought to be

enforced. If any provision of the Base Contract, including any General Provisions or Uniform Terms and Conditions, conflicts with this DUA, this DUA controls.

6.10 Automatic Amendment and Interpretation

If there is (i) a change in any law, regulation or rule, state or federal, applicable to HIPPA and/or Confidential Information, or (ii) any change in the judicial or administrative interpretation of any such law, regulation or rule,, upon the effective date of such change, this DUA shall be deemed to have been automatically amended, interpreted and read so that the obligations imposed on HHS and/or CONTRACTOR remain in compliance with such changes. Any ambiguity in this DUA will be resolved in favor of a meaning that permits HHS and CONTRACTOR to comply with HIPAA or any other law applicable to Confidential Information.



Texas HHS System - Data Use Agreement - Attachment 2
SECURITY AND PRIVACY INQUIRY (SPI)

If you are a bidder for a new procurement/contract, in order to participate in the bidding process, you must have corrected any "No" responses (except A9a) prior to the contract award date. If you are an applicant for an open enrollment, you must have corrected any "No" answers (except A9a and A11) prior to performing any work on behalf of any Texas HHS agency.

For any questions answered "No" (except A9a and A11), an *Action Plan for Compliance with a Timeline* must be documented in the designated area below the question. The timeline for compliance with HIPAA-related requirements for safeguarding Protected Health Information is 30 calendar days from the date this form is signed. Compliance with requirements related to other types of Confidential Information must be confirmed within 90 calendar days from the date the form is signed.

SECTION A: APPLICANT/BIDDER INFORMATION (To be completed by Applicant/Bidder)

1. Does the applicant/bidder access, create, disclose, receive, transmit, maintain, or store Texas HHS Confidential Information in electronic systems (e.g., laptop, personal use computer, mobile device, database, server, etc.)? IF NO, STOP. THE SPI FORM IS NOT REQUIRED.	☒ Yes ☐ No
2. Entity or Applicant/Bidder Legal Name	Legal Name: City of College Station Legal Entity Tax Identification Number (TIN) (Last Four Numbers Only): 534 Procurement/Contract#: TBD Address: PO BOx 9960 City: College Station State: Texas ZIP: 77842 Telephone #: (979) 764-3541 Email Address: cso@cstx.gov
3. Number of Employees, at all locations, in Applicant/Bidder's Workforce "Workforce" means all employees, volunteers, trainees, and other Persons whose conduct is under the direct control of Applicant/Bidder, whether or not they are paid by Applicant/Bidder. If Applicant/Bidder is a sole proprietor, the workforce may be only one employee.	Total Employees: 5
4. Number of Subcontractors (if Applicant/Bidder will not use subcontractors, enter "0")	Total Subcontractors: 0
5. Name of Information Technology Security Official and Name of Privacy Official for Applicant/Bidder (Privacy and Security Official may be the same person.)	A. Security Official: Legal Name: Timothy Van Aken Address: 1101 Texas Ave City: College Station State: TX ZIP: 77845 Telephone #: (979) 764-3406 Email Address: tvanaken@cstx.gov B. Privacy Official: Legal Name: Same as above Address: City: State: ZIP: Telephone #: Email Address:

6. Type(s) of Texas HHS Confidential Information the Applicant/Bidder will create, receive, maintain, use, disclose or have access to: (Check all that apply) • Health Insurance Portability and Accountability Act (HIPAA) data • Criminal Justice Information Services (CJIS) data • Internal Revenue Service Federal Tax Information (IRS FTI) data • Centers for Medicare & Medicaid Services (CMS) • Social Security Administration (SSA) • Personally Identifiable Information (PII)	HIPAA ☒	CJIS ☐	IRS FTI ☐	CMS ☐	SSA ☐	PII ☒
Other (Please List)						
7. Number of Storage Devices for Texas HHS Confidential Information (as defined in the Texas HHS System Data Use Agreement (DUA)) Cloud Services involve using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer. A Data Center is a centralized repository, either physical or virtual, for the storage, management, and dissemination of data and information organized around a particular body of knowledge or pertaining to a particular business.						Total # (Sum a-d) 5
a. Devices. Number of personal user computers, devices or drives, including mobile devices and mobile drives.						5
b. Servers. Number of Servers that are not in a data center or using Cloud Services.						0
c. Cloud Services. Number of Cloud Services in use.						0
d. Data Centers. Number of Data Centers in use.						0
8. Number of unduplicated individuals for whom Applicant/Bidder reasonably expects to handle Texas HHS Confidential Information during one year:						Select Option (a-d)
a. 499 individuals or less b. 500 to 999 individuals c. 1,000 to 99,999 individuals d. 100,000 individuals or more						☒ a. ☐ b. ☐ c. ☐ d.
9. HIPAA Business Associate Agreement						
a. Will Applicant/Bidder use, disclose, create, receive, transmit or maintain protected health information on behalf of a HIPAA-covered Texas HHS agency for a HIPAA-covered function?						☒ Yes ☐ No
b. Does Applicant/Bidder have a Privacy Notice prominently displayed on a Webpage or a Public Office of Applicant/Bidder's business open to or that serves the public? (This is a HIPAA requirement. Answer "N/A" if not applicable, such as for agencies not covered by HIPAA.)						☒ Yes ☐ No ☐ N/A
<u>Action Plan for Compliance with a Timeline:</u>						<u>Compliance Date:</u>
10. Subcontractors. If the Applicant/Bidder responded "0" to Question 4 (indicating no subcontractors), check "N/A" for both 'a.' and 'b.'						
a. Does Applicant/Bidder require subcontractors to execute the DUA Attachment 1 Subcontractor Agreement Form?						☐ Yes ☐ No ☒ N/A
<u>Action Plan for Compliance with a Timeline:</u>						<u>Compliance Date:</u>

b. Will Applicant/Bidder agree to require subcontractors who will access Confidential Information to comply with the terms of the DUA, not disclose any Confidential Information to them until they have agreed in writing to the same safeguards and to discontinue their access to the Confidential Information if they fail to comply?	☐ Yes ☐ No ☒ N/A
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
11. Does Applicant/Bidder have any Optional Insurance currently in place? Optional Insurance provides coverage for: (1) Network Security and Privacy; (2) Data Breach; (3) Cyber Liability (lost data, lost use or delay/suspension in business, denial of service with e-business, the Internet, networks and informational assets, such as privacy, intellectual property, virus transmission, extortion, sabotage or web activities); (4) Electronic Media Liability; (5) Crime/Theft; (6) Advertising Injury and Personal Injury Liability; and (7) Crisis Management and Notification Expense Coverage.	☒ Yes ☐ No ☐ N/A

SECTION B: PRIVACY RISK ANALYSIS AND ASSESSMENT (To be completed by Applicant/Bidder)

For any questions answered "No," an Action Plan for Compliance with a Timeline must be documented in the designated area below the question. The timeline for compliance with HIPAA-related requirements for safeguarding Protected Health Information is 30 calendar days from the date this form is signed. Compliance with requirements related to other types of Confidential Information must be confirmed within 90 calendar days from the date the form is signed.

1. Written Policies & Procedures. Does Applicant/Bidder have current written privacy and security policies and procedures that, at a minimum:	Yes or No
a. Does Applicant/Bidder have current written privacy and security policies and procedures that identify Authorized Users and Authorized Purposes (as defined in the DUA) relating to creation, receipt, maintenance, use, disclosure, access or transmission of Texas HHS Confidential Information?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
b. Does Applicant/Bidder have current written privacy and security policies and procedures that require Applicant/Bidder and its Workforce to comply with the applicable provisions of HIPAA and other laws referenced in the DUA, relating to creation, receipt, maintenance, use, disclosure, access or transmission of Texas HHS Confidential Information on behalf of a Texas HHS agency?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
c. Does Applicant/Bidder have current written privacy and security policies and procedures that limit use or disclosure of Texas HHS Confidential Information to the minimum that is necessary to fulfill the Authorized Purposes?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
d. Does Applicant/Bidder have current written privacy and security policies and procedures that respond to an actual or suspected breach of Texas HHS Confidential Information, to include at a minimum (if any responses are "No" check "No" for all three): i. Immediate breach notification to the Texas HHS agency, regulatory authorities, and other required Individuals or Authorities, in accordance with Article 4 of the DUA; ii. Following a documented breach response plan, in accordance with the DUA and applicable law; & iii. Notifying Individuals and Reporting Authorities whose Texas HHS Confidential Information has been breached, as directed by the Texas HHS agency?	☒ Yes ☐ No

<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
e. Does Applicant/Bidder have current written privacy and security policies and procedures that conduct annual workforce training and monitoring for and correction of any training delinquencies?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
f. Does Applicant/Bidder have current written privacy and security policies and procedures that permit or deny individual rights of access, and amendment or correction, when appropriate?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
g. Does Applicant/Bidder have current written privacy and security policies and procedures that permit only Authorized Users with up-to-date privacy and security training, and with a reasonable and demonstrable need to use, disclose, create, receive, maintain, access or transmit the Texas HHS Confidential Information, to carry out an obligation under the DUA for an Authorized Purpose, unless otherwise approved in writing by a Texas HHS agency?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
h. Does Applicant/Bidder have current written privacy and security policies and procedures that establish, implement and maintain proof of appropriate sanctions against any Workforce or Subcontractors who fail to comply with an Authorized Purpose or who is not an Authorized User, and used or disclosed Texas HHS Confidential Information in violation of the DUA, the Base Contract or applicable law?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
i. Does Applicant/Bidder have current written privacy and security policies and procedures that require updates to policies, procedures and plans following major changes with use or disclosure of Texas HHS Confidential Information within 60 days of identification of a need for update?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>

j. Does Applicant/Bidder have current written privacy and security policies and procedures that restrict permissions or attempts to re-identify or further identify de-identified Texas HHS Confidential Information, or attempt to contact any Individuals whose records are contained in the Texas HHS Confidential Information, except for an Authorized Purpose, without express written authorization from a Texas HHS agency or as expressly permitted by the Base Contract?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
k. If Applicant/Bidder intends to use, disclose, create, maintain, store or transmit Texas HHS Confidential Information outside of the United States, will Applicant/Bidder obtain the express prior written permission from the Texas HHS agency and comply with the Texas HHS agency conditions for safeguarding offshore Texas HHS Confidential Information?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
l. Does Applicant/Bidder have current written privacy and security policies and procedures that require cooperation with Texas HHS agencies' or federal regulatory inspections, audits or investigations related to compliance with the DUA or applicable law?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
m. Does Applicant/Bidder have current written privacy and security policies and procedures that require appropriate standards and methods to destroy or dispose of Texas HHS Confidential Information?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
n. Does Applicant/Bidder have current written privacy and security policies and procedures that prohibit disclosure of Applicant/Bidder's work product done on behalf of Texas HHS pursuant to the DUA, or to publish Texas HHS Confidential Information without express prior approval of the Texas HHS agency?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
2. Does Applicant/Bidder have a current Workforce training program? Training of Workforce must occur at least once every year, and within 30 days of date of hiring a new Workforce member who will handle Texas HHS Confidential Information. Training must include: (1) privacy and security policies, procedures, plans and applicable requirements for handling Texas HHS Confidential Information, (2) a requirement to complete training before access is given to Texas HHS Confidential Information, and (3) written proof of training and a procedure for monitoring timely completion of training.	☒ Yes ☐ No

<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
3. Does Applicant/Bidder have Privacy Safeguards to protect Texas HHS Confidential Information in oral, paper and/or electronic form? "Privacy Safeguards" means protection of Texas HHS Confidential Information by establishing, implementing and maintaining required Administrative, Physical and Technical policies, procedures, processes and controls, required by the DUA, HIPAA (45 CFR 164.530), Social Security Administration, Medicaid and laws, rules or regulations, as applicable. Administrative safeguards include administrative protections, policies and procedures for matters such as training, provision of access, termination, and review of safeguards, incident management, disaster recovery plans, and contract provisions. Technical safeguards include technical protections, policies and procedures, such as passwords, logging, emergencies, how paper is faxed or mailed, and electronic protections such as encryption of data. Physical safeguards include physical protections, policies and procedures, such as locks, keys, physical access, physical storage and trash.	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
4. Does Applicant/Bidder and all subcontractors (if applicable) maintain a current list of Authorized Users who have access to Texas HHS Confidential Information, whether oral, written or electronic?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
5. Does Applicant/Bidder and all subcontractors (if applicable) monitor for and remove terminated employees or those no longer authorized to handle Texas HHS Confidential Information from the list of Authorized Users?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>

SECTION C: SECURITY RISK ANALYSIS AND ASSESSMENT (to be completed by Applicant/Bidder)

This section is about your electronic system. If your business **DOES NOT** store, access, or transmit Texas HHS Confidential Information in electronic systems (e.g., laptop, personal use computer, mobile device, database, server, etc.) select the box to the right, and "YES" will be entered for all questions in this section.

No Electronic Systems

☐

For any questions answered "No," an Action Plan for Compliance with a Timeline must be documented in the designated area below the question. The timeline for compliance with HIPAA-related items is 30 calendar days, PII-related items is 90 calendar days.

1. Does the Applicant/Bidder ensure that services which access, create, disclose, receive, transmit, maintain, or store Texas HHS Confidential Information are maintained **IN** the United States (no offshoring) unless **ALL** of the following requirements are met?
- a. The data is encrypted with FIPS 140-2 validated encryption
 - b. The offshore provider does not have access to the encryption keys
 - c. The Applicant/Bidder maintains the encryption key within the United States
 - d. The Application/Bidder has obtained the express prior written permission of the Texas HHS agency

☒ Yes

☐ No

For more information regarding FIPS 140-2 encryption products, please refer to:

<http://csrc.nist.gov/publications/fips>

Action Plan for Compliance with a Timeline:

Compliance Date:

2. Does Applicant/Bidder utilize an IT security-knowledgeable person or company to maintain or oversee the configurations of Applicant/Bidder's computing systems and devices?

☒ Yes

☐ No

Action Plan for Compliance with a Timeline:

Compliance Date:

3. Does Applicant/Bidder monitor and manage access to Texas HHS Confidential Information (e.g., a formal process exists for granting access and validating the need for users to access Texas HHS Confidential Information, and access is limited to Authorized Users)?

☒ Yes

☐ No

Action Plan for Compliance with a Timeline:

Compliance Date:

4. Does Applicant/Bidder a) have a system for changing default passwords, b) require user password changes at least every 90 calendar days, and c) prohibit the creation of weak passwords (e.g., require a minimum of 8 characters with a combination of uppercase, lowercase, special characters, and numerals, where possible) for all computer systems that access or store Texas HHS Confidential Information.

☒ Yes

☐ No

If yes, upon request must provide evidence such as a screen shot or a system report.

Action Plan for Compliance with a Timeline:

Compliance Date:

5. Does each member of Applicant/Bidder's Workforce who will use, disclose, create, receive, transmit or maintain Texas HHS Confidential Information have a unique user name (account) and private password?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
6. Does Applicant/Bidder lock the password after a certain number of failed attempts and after 15 minutes of user inactivity in all computing devices that access or store Texas HHS Confidential Information?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
7. Does Applicant/Bidder secure, manage and encrypt remote access (including wireless access) to computer systems containing Texas HHS Confidential Information? (e.g., a formal process exists for granting access and validating the need for users to remotely access Texas HHS Confidential Information, and remote access is limited to Authorized Users). <i>Encryption is required for all Texas HHS Confidential Information. Additionally, FIPS 140-2 validated encryption is required for Health Insurance Portability and Accountability Act (HIPAA) data, Criminal Justice Information Services (CJIS) data, Internal Revenue Service Federal Tax Information (IRS FTI) data, and Centers for Medicare & Medicaid Services (CMS) data.</i> <i>For more information regarding FIPS 140-2 encryption products, please refer to:</i> http://csrc.nist.gov/publications/fips	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
8. Does Applicant/Bidder implement computer security configurations or settings for all computers and systems that access or store Texas HHS Confidential Information? (e.g., non-essential features or services have been removed or disabled to reduce the threat of breach and to limit exploitation opportunities for hackers or intruders, etc.)	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
9. Does Applicant/Bidder secure physical access to computer, paper, or other systems containing Texas HHS Confidential Information from unauthorized personnel and theft (e.g., door locks, cable locks, laptops are stored in the trunk of the car instead of the passenger area, etc.)?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>

10. Does Applicant/Bidder use encryption products to protect Texas HHS Confidential Information that is <u>transmitted</u> over a public network (e.g., the Internet, WiFi, etc.)? If yes, upon request must provide evidence such as a screen shot or a system report. <i>Encryption is required for all HHS Confidential Information. Additionally, FIPS 140-2 validated encryption is required for Health Insurance Portability and Accountability Act (HIPAA) data, Criminal Justice Information Services (CJIS) data, Internal Revenue Service Federal Tax Information (IRS FTI) data, and Centers for Medicare & Medicaid Services (CMS) data.</i> <i>For more information regarding FIPS 140-2 encryption products, please refer to: http://csrc.nist.gov/publications/fips</i>	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
11. Does Applicant/Bidder use encryption products to protect Texas HHS Confidential Information <u>stored</u> on end user devices (e.g., laptops, USBs, tablets, smartphones, external hard drives, desktops, etc.)? If yes, upon request must provide evidence such as a screen shot or a system report. <i>Encryption is required for all Texas HHS Confidential Information. Additionally, FIPS 140-2 validated encryption is required for Health Insurance Portability and Accountability Act (HIPAA) data, Criminal Justice Information Services (CJIS) data, Internal Revenue Service Federal Tax Information (IRS FTI) data, and Centers for Medicare & Medicaid Services (CMS) data.</i> <i>For more information regarding FIPS 140-2 encryption products, please refer to: http://csrc.nist.gov/publications/fips</i>	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u> USB is not included in encryption policy, but we are in the process of reviewing process and policy and w	<u>Compliance Date:</u> 10/1/23
12. Does Applicant/Bidder require Workforce members to formally acknowledge rules outlining their responsibilities for protecting Texas HHS Confidential Information and associated systems containing HHS Confidential Information before their access is provided?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
13. Is Applicant/Bidder willing to perform or submit to a criminal background check on Authorized Users?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
14. Does Applicant/Bidder prohibit the access, creation, disclosure, reception, transmission, maintenance, and storage of Texas HHS Confidential Information with a subcontractor (e.g., cloud services, social media, etc.) unless Texas HHS has approved the subcontractor agreement which must include compliance and liability clauses with the same requirements as the Applicant/Bidder?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>

15. Does Applicant/Bidder keep current on security updates/patches (including firmware, software and applications) for computing systems that use, disclose, access, create, transmit, maintain or store Texas HHS Confidential Information?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
16. Do Applicant/Bidder's computing systems that use, disclose, access, create, transmit, maintain or store Texas HHS Confidential Information contain up-to-date anti-malware and antivirus protection?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
17. Does the Applicant/Bidder review system security logs on computing systems that access or store Texas HHS Confidential Information for abnormal activity or security concerns on a regular basis?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
18. Notwithstanding records retention requirements, does Applicant/Bidder's disposal processes for Texas HHS Confidential Information ensure that Texas HHS Confidential Information is destroyed so that it is unreadable or undecipherable?	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>
19. Does the Applicant/Bidder ensure that all public facing websites and mobile applications containing Texas HHS Confidential Information meet security testing standards set forth within the Texas Government Code (TGC), Section 2054.516; including requirements for implementing vulnerability and penetration testing and addressing identified vulnerabilities? <i>For more information regarding TGC, Section 2054.516 DATA SECURITY PLAN FOR ONLINE AND MOBILE APPLICATIONS, please refer to: https://legiscan.com/TX/text/HB8/2017</i>	☒ Yes ☐ No
<u>Action Plan for Compliance with a Timeline:</u>	<u>Compliance Date:</u>

SECTION D: SIGNATURE AND SUBMISSION (to be completed by Applicant/Bidder)

Please sign the form digitally, if possible. If you can't, provide a handwritten signature.

1. I certify that all of the information provided in this form is truthful and correct to the best of my knowledge. If I learn that any such information was not correct, I agree to notify Texas HHS of this immediately.

2. Signature

3. Title

4. Date:

To **submit** the completed, signed form:

- Email the form as an attachment to the appropriate Texas HHS Contract Manager(s).

Section E: To Be Completed by Texas HHS Agency Staff:

Agency(s):

HHSC: ☐

DFPS: ☐

DSHS: ☐

Requesting Department(s):

Legal Entity Tax Identification Number (TIN) (Last four Only):

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PO/Contract(s) #:

Contract Manager:

Contract Manager Email Address:

Contract Manager Telephone #:

Contract Manager:

Contract Manager Email Address:

Contract Manager Telephone #:

Contract Manager:

Contract Manager Email Address:

Contract Manager Telephone #:

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INSTRUCTIONS FOR COMPLETING THE SECURITY AND PRIVACY INQUIRY (SPI)

Below are instructions for Applicants, Bidders and Contractors for Texas Health and Human Services requiring the Attachment 2, Security and Privacy Inquiry (SPI) to the Data Use Agreement (DUA). Instruction item numbers below correspond to sections on the SPI form.

If you are a bidder for a new procurement/contract, in order to participate in the bidding process, you must have corrected any "No" responses (except A9a) prior to the contract award date. If you are an applicant for an open enrollment, you must have corrected any "No" answers (except A9a and A11) prior to performing any work on behalf of any Texas HHS agency.

For any questions answered "No" (except A9a and A11), an *Action Plan for Compliance with a Timeline* must be documented in the designated area below the question. The timeline for compliance with HIPAA-related requirements for safeguarding Protected Health Information is 30 calendar days from the date this form is signed. Compliance with requirements related to other types of Confidential Information must be confirmed within 90 calendar days from the date the form is signed.

SECTION A. APPLICANT /BIDDER INFORMATION

Item #1. *Only contractors that access, transmit, store, and/or maintain Texas HHS Confidential Information will complete and email this form as an attachment to the appropriate Texas HHS Contract Manager.*

Item #2. Entity or Applicant/Bidder Legal Name. *Provide the legal name of the business (the name used for legal purposes, like filing a federal or state tax form on behalf of the business, and is not a trade or assumed named "dba"), the legal tax identification number (last four numbers only) of the entity or applicant/bidder, the address of the corporate or main branch of the business, the telephone number where the business can be contacted regarding questions related to the information on this form and the website of the business, if a website exists.*

Item #3. Number of Employees, at all locations, in Applicant/Bidder's workforce. *Provide the total number of individuals, including volunteers, subcontractors, trainees, and other persons who work for the business. If you are the only employee, please answer "1."*

Item #4. Number of Subcontractors. *Provide the total number of subcontractors working for the business. If you have none, please answer "0" zero.*

Item #5. Number of unduplicated individuals for whom Applicant/Bidder reasonably expects to handle HHS Confidential Information during one year. *Select the radio button that corresponds with the number of clients/consumers for whom you expect to handle Texas HHS Confidential Information during a year. Only count clients/consumers once, no matter how many direct services the client receives during a year.*

Item #5. Name of Information Technology Security Official and Name of Privacy Official for Applicant/Bidder. *As with all other fields on the SPI, this is a required field. This may be the same person and the owner of the business if such person has the security and privacy knowledge that is required to implement the requirements of the DUA and respond to questions related to the SPI. In 4.A. provide the name, address, telephone number, and email address of the person whom you have designated to answer any security questions found in Section C and in 4.B. provide this information for the person whom you have designated as the person to answer any privacy questions found in Section B. The business may contract out for this expertise; however, designated individual(s) must have knowledge of the business's devices, systems and methods for use, disclosure, creation, receipt, transmission and maintenance of Texas HHS Confidential Information and be willing to be the point of contact for privacy and security questions.*

Item #6. Type(s) of HHS Confidential Information the Entity or Applicant/Bidder Will Create, Receive, Maintain, Use, Disclose or Have Access to: *Provide a complete listing of all Texas HHS Confidential Information that the Contractor will create, receive, maintain, use, disclose or have access to. The DUA section Article 2, Definitions, defines Texas HHS Confidential Information as:*

"Confidential Information" means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) provided to or made available to CONTRACTOR or that CONTRACTOR may create, receive, maintain, use, disclose or have access to on behalf of Texas HHS that consists of or includes any or all of the following:

- (1) Client Information;*
- (2) Protected Health Information in any form including without limitation, Electronic Protected Health Information or Unsecured Protected Health Information;*
- (3) Sensitive Personal Information defined by Texas Business and Commerce Code Ch. 521;*

- (4) Federal Tax Information;
- (5) Personally Identifiable Information;
- (6) Social Security Administration Data, including, without limitation, Medicaid information;
- (7) All privileged work product;
- (8) All information designated as confidential under the constitution and laws of the State of Texas and of the United States, including the Texas Health & Safety Code and the Texas Public Information Act, Texas Government Code, Chapter 552.

Definitions for the following types of confidential information can be found the following sites:

- Health Insurance Portability and Accountability Act (HIPAA) - <http://www.hhs.gov/hipaa/index.html>
- Criminal Justice Information Services (CJIS) - <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>
- Internal Revenue Service Federal Tax Information (IRS FTI) - <https://www.irs.gov/pub/irs-pdf/p1075.pdf>
- Centers for Medicare & Medicaid Services (CMS) - <https://www.cms.gov/Regulations-and-Guidance/Regulations-and-Guidance.html>
- Social Security Administration (SSA) - <https://www.ssa.gov/regulations/>
- Personally Identifiable Information (PII) - <http://csrc.nist.gov/publications/nistpubs/800-122/sp800-122.pdf>

Item #7. Number of Storage devices for Texas HHS Confidential Information. The total number of devices is automatically calculated by exiting the fields in lines a - d. Use the <Tab> key when exiting the field to prompt calculation, if it doesn't otherwise sum correctly.

- **Item 7a. Devices.** Provide the number of personal user computers, devices, and drives (including mobile devices, laptops, USB drives, and external drives) on which your business stores or will store Texas HHS Confidential Information.
- **Item 7b. Servers.** Provide the number of servers not housed in a data center or "in the cloud," on which Texas HHS Confidential Information is stored or will be stored. A server is a dedicated computer that provides data or services to other computers. It may provide services or data to systems on a local area network (LAN) or a wide area network (WAN) over the Internet. If none, answer "0" (zero).
- **Item 7c. Cloud Services.** Provide the number of cloud services to which Texas HHS Confidential Information is stored. Cloud Services involve using a network of remote servers hosted on the Internet to store, manage, and process data, rather than on a local server or a personal computer. If none, answer "0" (zero).
- **Item 7d. Data Centers.** Provide the number of data centers in which you store Texas HHS Confidential Information. A Data Center is a centralized repository, either physical or virtual, for the storage, management, and dissemination of data and information organized around a particular body of knowledge or pertaining to a particular business. If none, answer "0" (zero).

Item #8. Number of unduplicated individuals for whom the Applicant/Bidder reasonably expects to handle Texas HHS Confidential Information during one year. Select the radio button that corresponds with the number of clients/consumers for whom you expect to handle Confidential Information during a year. Only count clients/consumers once, no matter how many direct services the client receives during a year.

Item #9. HIPAA Business Associate Agreement.

- **Item #9a.** Answer "Yes" if your business will use, disclose, create, receive, transmit, or store information relating to a client/consumer's healthcare on behalf of the Department of State Health Services, the Department of Disability and Aging Services, or the Health and Human Services Commission for treatment, payment, or operation of Medicaid or Medicaid clients. If your contract does not include HIPAA covered information, respond "no." If "no," a compliance plan is not required.
- **Item #9b.** Answer "Yes" if your business has a notice of privacy practices (a document that explains how you protect and use a client/consumer's healthcare information) displayed either on a website (if one exists for your business) or in your place of business (if that location is open to clients/consumers or the public). If your contract does not include HIPAA covered information, respond "N/A."

Item #10. Subcontractors. If your business responded "0" to question 4 (number of subcontractors), Answer "N/A" to Items 10a and 10b to indicate not applicable.

- **Item #10a.** Answer "Yes" if your business requires that all subcontractors sign Attachment 1 of the DUA.
- **Item #10b.** Answer "Yes" if your business obtains Texas HHS approval before permitting subcontractors to handle Texas HHS Confidential Information on your business's behalf.

Item #11. Optional Insurance. Answer "yes" if applicant has optional insurance in place to provide coverage for a Breach or any

other situations listed in this question. If you are not required to have this optional coverage, answer "N/A" A compliance plan is not required.

SECTION B. PRIVACY RISK ANALYSIS AND ASSESSMENT

Reasonable and appropriate written Privacy and Security policies and procedures are required, even for sole proprietors who are the only employee, to demonstrate how your business will safeguard Texas HHS Confidential Information and respond in the event of a Breach of Texas HHS Confidential Information. To ensure that your business is prepared, all of the items below must be addressed in your written Privacy and Security policies and procedures.

Item #1. Answer "Yes" if you have written policies in place for each of the areas (a-o).

- **Item #1a.** Answer "yes" if your business has written policies and procedures that identify everyone, including subcontractors, who are authorized to use Texas HHS Confidential Information. The policies and procedures should also identify the reason why these Authorized Users need to access the Texas HHS Confidential Information and this reason must align with the Authorized Purpose described in the Scope of Work or description of services in the Base Contract with the Texas HHS agency.
- **Item #1b.** Answer "Yes" if your business has written policies and procedures that require your employees (including yourself), your volunteers, your trainees, and any other persons whose work you direct, to comply with the requirements of HIPAA, if applicable, and other confidentiality laws as they relate to your handling of Texas HHS Confidential Information. Refer to the laws and rules that apply, including those referenced in the DUA and Scope of Work or description of services in the Base Contract.
- **Item #1c.** Answer "Yes" if your business has written policies and procedures that limit the Texas HHS Confidential Information you disclose to the minimum necessary for your workforce and subcontractors (if applicable) to perform the obligations described in the Scope of Work or service description in the Base Contract. (e.g., if a client/consumer's Social Security Number is not required for a workforce member to perform the obligations described in the Scope of Work or service description in the Base Contract, then the Social Security Number will not be given to them.) If you are the only employee for your business, policies and procedures must not include a request for, or use of, Texas HHS Confidential Information that is not required for performance of the services.
- **Item #1d.** Answer "Yes" if your business has written policies and procedures that explain how your business would respond to an actual or suspected breach of Texas HHS Confidential Information. The written policies and procedures, at a minimum, must include the three items below. If any response to the three items below are no, answer "no."
 - **Item #1di.** Answer "Yes" if your business has written policies and procedures that require your business to immediately notify Texas HHS, the Texas HHS Agency, regulatory authorities, or other required Individuals or Authorities of a Breach as described in Article 4, Section 4 of the DUA.
Refer to Article 4, Section 4.01:
***Initial Notice of Breach** must be provided in accordance with Texas HHS and DUA requirements with as much information as possible about the Event/Breach and a name and contact who will serve as the single point of contact with HHS both on and off business hours. Time frames related to Initial Notice include:*
 - *within one hour of Discovery of an Event or Breach of Federal Tax Information, Social Security Administration Data, or Medicaid Client Information*
 - *within 24 hours of all other types of Texas HHS Confidential Information* **48-hour Formal Notice** must be provided no later than 48 hours after Discovery for protected health information, sensitive personal information or other non-public information and must include applicable information as referenced in Section 4.01 (C) 2. of the DUA.
 - **Item #1dii.** Answer "Yes" if your business has written policies and procedures require you to have and follow a written breach response plan as described in Article 4 Section 4.02 of the DUA.
 - **Item #1diii.** Answer "Yes" if your business has written policies and procedures require you to notify Reporting Authorities and Individuals whose Texas HHS Confidential Information has been breached as described in Article 4 Section 4.03 of the DUA.
- **Item #1e.** Answer "Yes" if your business has written policies and procedures requiring annual training of your entire workforce on matters related to confidentiality, privacy, and security, stressing the importance of promptly reporting any Event or Breach, outlines the process that you will use to require attendance and track completion for employees who failed to complete annual training.

- **Item #1f.** Answer "Yes" if your business has written policies and procedures requiring you to allow individuals (clients/consumers) to access their individual record of Texas HHS Confidential Information, and allow them to amend or correct that information, if applicable.
- **Item #1g.** Answer "Yes" if your business has written policies and procedures restricting access to Texas HHS Confidential Information to only persons who have been authorized and trained on how to handle Texas HHS Confidential Information
- **Item #1h.** Answer "Yes" if your business has written policies and procedures requiring sanctioning of any subcontractor, employee, trainee, volunteer, or anyone whose work you direct when they have accessed Texas HHS Confidential Information but are not authorized to do so, and that you have a method of proving that you have sanctioned such an individuals. If you are the only employee, you must demonstrate how you will document the noncompliance, update policies and procedures if needed, and seek additional training or education to prevent future occurrences.
- **Item #1i.** Answer "Yes" if your business has written policies and procedures requiring you to update your policies within 60 days after you have made changes to how you use or disclose Texas HHS Confidential Information.
- **Item #1j.** Answer "Yes" if your business has written policies and procedures requiring you to restrict attempts to take de-identified data and re-identify it or restrict any subcontractor, employee, trainee, volunteer, or anyone whose work you direct, from contacting any individuals for whom you have Texas HHS Confidential Information except to perform obligations under the contract, or with written permission from Texas HHS.
- **Item #1k.** Answer "Yes" if your business has written policies and procedures prohibiting you from using, disclosing, creating, maintaining, storing or transmitting Texas HHS Confidential Information outside of the United States.
- **Item #1l.** Answer "Yes" if your business has written policies and procedures requiring your business to cooperate with HHS agencies or federal regulatory entities for inspections, audits, or investigations related to compliance with the DUA or applicable law.
- **Item #1m.** Answer "Yes" if your business has written policies and procedures requiring your business to use appropriate standards and methods to destroy or dispose of Texas HHS Confidential Information. Policies and procedures should comply with Texas HHS requirements for retention of records and methods of disposal.
- **Item #1n.** Answer "Yes" if your business has written policies and procedures prohibiting the publication of the work you created or performed on behalf of Texas HHS pursuant to the DUA, or other Texas HHS Confidential Information, without express prior written approval of the HHS agency.

Item #2. Answer "Yes" if your business has a current training program that meets the requirements specified in the SPI for you, your employees, your subcontractors, your volunteers, your trainees, and any other persons under you direct supervision.

Item #3. Answer "Yes" if your business has privacy safeguards to protect Texas HHS Confidential Information as described in the SPI.

Item #4. Answer "Yes" if your business maintains current lists of persons in your workforce, including subcontractors (if applicable), who are authorized to access Texas HHS Confidential Information. If you are the only person with access to Texas HHS Confidential Information, please answer "yes."

Item #5. Answer "Yes" if your business and subcontractors (if applicable) monitor for and remove from the list of Authorized Users, members of the workforce who are terminated or are no longer authorized to handle Texas HHS Confidential Information. If you are the only one with access to Texas HHS Confidential Information, please answer "Yes."

SECTION C. SECURITY RISK ANALYSIS AND ASSESSMENT

This section is about your electronic systems. If you DO NOT store Texas HHS Confidential Information in electronic systems (e.g., laptop, personal computer, mobile device, database, server, etc.), select the "No Electronic Systems" box and respond "Yes" for all questions in this section.

Item #1. Answer "Yes" if your business does not "offshore" or use, disclose, create, receive, transmit or maintain Texas HHS Confidential Information outside of the United States. If you are not certain, contact your provider of technology services (application, cloud, data center, network, etc.) and request confirmation that they do not offshore their data.

Item #2. Answer "Yes" if your business uses a person or company who is knowledgeable in IT security to maintain or oversee the configurations of your business's computing systems and devices. You may be that person, or you may hire someone who can provide that service for you.

Item #3. Answer "Yes" if your business monitors and manages access to Texas HHS Confidential Information (i.e., reviews systems to ensure that access is limited to Authorized Users; has formal processes for granting, validating, and reviews the need for remote access to Authorized Users to Texas HHS Confidential Information, etc.). If you are the only employee, answer "Yes" if you have implemented a process to periodically evaluate the need for accessing Texas HHS Confidential Information to fulfill your Authorized Purposes.

Item #4. Answer "Yes" if your business has implemented a system for changing the password a system initially assigns to the user (also known as the default password), and requires users to change their passwords at least every 90 days, and prohibits the creation of weak passwords for all computer systems that access or store Texas HHS Confidential Information (e.g., a strong password has a minimum of 8 characters with a combination of uppercase, lowercase, special characters, and numbers, where possible). If your business uses a Microsoft Windows system, refer to the Microsoft website on how to do this, see example: <https://docs.microsoft.com/en-us/windows/security/threat-protection/security-policy-settings/password-policy>

Item #5. Answer "Yes" if your business assigns a unique user name and private password to each of your employees, your subcontractors, your volunteers, your trainees and any other persons under your direct control who will use, disclose, create, receive, transmit or maintain Texas HHS Confidential Information.

Item #6. Answer "Yes" if your business locks the access after a certain number of failed attempts to login and after 15 minutes of user inactivity on all computing devices that access or store Texas HHS Confidential Information. If your business uses a Microsoft Windows system, refer to the Microsoft website on how to do this, see example: <https://docs.microsoft.com/en-us/windows/security/threat-protection/security-policy-settings/account-lockout-policy>

Item #7. Answer "Yes" if your business secures, manages, and encrypts remote access, such as: using Virtual Private Network (VPN) software on your home computer to access Texas HHS Confidential Information that resides on a computer system at a business location or, if you use wireless, ensuring that the wireless is secured using a password code. If you do not access systems remotely or over wireless, answer "Yes."

Item #8. Answer "Yes" if your business updates the computer security settings for all your computers and electronic systems that access or store Texas HHS Confidential Information to prevent hacking or breaches (e.g., non-essential features or services have been removed or disabled to reduce the threat of breach and to limit opportunities for hackers or intruders to access your system). For example, Microsoft's Windows security checklist: <https://docs.microsoft.com/en-us/windows/security/threat-protection/security-policy-settings/how-to-configure-security-policy-settings>

Item #9. Answer "Yes" if your business secures physical access to computer, paper, or other systems containing Texas HHS Confidential Information from unauthorized personnel and theft (e.g., door locks, cable locks, laptops are stored in the trunk of the car instead of the passenger area, etc.). If you are the only employee and use these practices for your business, answer "Yes."

Item #10. Answer "Yes" if your business uses encryption products to protect Texas HHS Confidential Information that is transmitted over a public network (e.g., the Internet, WIFI, etc.) or that is stored on a computer system that is physically or electronically accessible to the public (FIPS 140-2 validated encryption is required for Health Insurance Portability and Accountability Act (HIPAA) data, Criminal Justice Information Services (CJIS) data, Internal Revenue Service Federal Tax Information (IRS FTI) data, and Centers for Medicare & Medicaid Services (CMS) data.) For more information regarding FIPS 140-2 encryption products, please refer to: <http://csrc.nist.gov/publications/fips>.

Item #11. Answer "Yes" if your business stores Texas HHS Confidential Information on encrypted end-user electronic devices (e.g., laptops, USBs, tablets, smartphones, external hard drives, desktops, etc.) and can produce evidence of the encryption, such as, a screen shot or a system report (FIPS 140-2 encryption is required for Health Insurance Portability and Accountability Act (HIPAA) data, Criminal Justice Information Services (CJIS) data, Internal Revenue Service Federal Tax Information (IRS FTI) data, and Centers for Medicare & Medicaid Services (CMS) data). For more information regarding FIPS 140-2 validated encryption products, please refer to: <http://csrc.nist.gov/publications/fips>). If you do not utilize end-user electronic devices for storing Texas HHS Confidential Information, answer "Yes."

Item #12. Answer "Yes" if your business requires employees, volunteers, trainees and other workforce members to sign a document that clearly outlines their responsibilities for protecting Texas HHS Confidential Information and associated systems containing Texas HHS Confidential Information before they can obtain access. If you are the only employee answer "Yes" if you have signed or are willing to sign the DUA, acknowledging your adherence to requirements and responsibilities.

Item #13. Answer "Yes" if your business is willing to perform a criminal background check on employees, subcontractors, volunteers, or trainees who access Texas HHS Confidential Information. If you are the only employee, answer "Yes" if you are willing to submit to a background check.

Item #14. Answer "Yes" if your business prohibits the access, creation, disclosure, reception, transmission, maintenance, and storage of Texas HHS Confidential Information on Cloud Services or social media sites if you use such services or sites, and there is a Texas HHS approved subcontractor agreement that includes compliance and liability clauses with the same requirements as the Applicant/Bidder. If you do not utilize Cloud Services or media sites for storing Texas HHS Confidential Information, answer "Yes."

Item #15. Answer "Yes" if your business keeps current on security updates/patches (including firmware, software and applications) for computing systems that use, disclose, access, create, transmit, maintain or store Texas HHS Confidential Information. If you use a Microsoft Windows system, refer to the Microsoft website on how to ensure your system is automatically updating, see example:

<https://portal.msrc.microsoft.com/en-us/>

Item #16. Answer "Yes" if your business's computing systems that use, disclose, access, create, transmit, maintain or store Texas HHS Confidential Information contain up-to-date anti-malware and antivirus protection. If you use a Microsoft Windows system, refer to the Microsoft website on how to ensure your system is automatically updating, see example:

<https://docs.microsoft.com/en-us/windows/security/threat-protection/>

Item #17. Answer "Yes" if your business reviews system security logs on computing systems that access or store Texas HHS Confidential Information for abnormal activity or security concerns on a regular basis. If you use a Microsoft Windows system, refer to the Microsoft website for ensuring your system is logging security events, see example:

<https://docs.microsoft.com/en-us/windows/security/threat-protection/auditing/basic-security-audit-policies>

Item #18. Answer "Yes" if your business disposal processes for Texas HHS Confidential Information ensures that Texas HHS Confidential Information is destroyed so that it is unreadable or undecipherable. Simply deleting data or formatting the hard drive is not enough; ensure you use products that perform a secure disk wipe. Please see NIST SP 800-88 R1, *Guidelines for Media Sanitization* and the applicable laws and regulations for the information type for further guidance.

Item #19. Answer "Yes" if your business ensures that all public facing websites and mobile applications containing HHS Confidential Information meet security testing standards set forth within the Texas Government Code (TGC), Section 2054.516

SECTION D. SIGNATURE AND SUBMISSION

Click on the signature area to digitally sign the document. Email the form as an attachment to the appropriate Texas HHS Contract Manager.

HEALTH AND HUMAN SERVICES
Contract Number **TBD**
Attachment **B CONTRACT AFFIRMATIONS**

For purposes of these Contract Affirmations, HHS includes both the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS). System Agency refers to HHSC, DSHS, or both, that will be a party to this Contract. These Contract Affirmations apply to all Contractors and Grantees (referred to as “Contractor”) regardless of their business form (e.g., individual, partnership, corporation).

By entering into this Contract, Contractor affirms, without exception, understands, and agrees to comply with the following items through the life of the Contract:

1. Contractor represents and warrants that these Contract Affirmations apply to Contractor and all of Contractor's principals, officers, directors, shareholders, partners, owners, agents, employees, subcontractors, independent contractors, and any other representatives who may provide services under, who have a financial interest in, or otherwise are interested in this Contract and any related Solicitation.

2. **Complete and Accurate Information**

Contractor represents and warrants that all statements and information provided to HHS are current, complete, and accurate. This includes all statements and information in this Contract and any related Solicitation Response.

3. **Public Information Act**

Contractor understands that HHS will comply with the Texas Public Information Act (Chapter 552 of the Texas Government Code) as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation, and other material prepared and submitted in connection with this Contract or any related Solicitation may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Section 2252.907 of the Texas Government Code, Contractor is required to make any information created or exchanged with the State pursuant to the Contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.

4. **Contracting Information Requirements**

Contractor represents and warrants that it will comply with the requirements of Section 552.372(a) of the Texas Government Code. Except as provided by Section 552.374(c) of the Texas Government Code, the requirements of Subchapter J (Additional Provisions Related to Contracting Information), Chapter 552 of the Government Code, may apply to the Contract and the Contractor agrees that the Contract can be terminated if the Contractor knowingly or intentionally fails to comply with a requirement of that subchapter.

5. Assignment

- A. Contractor shall not assign its rights under the Contract or delegate the performance of its duties under the Contract without prior written approval from System Agency. Any attempted assignment in violation of this provision is void and without effect.
- B. Contractor understands and agrees the System Agency may in one or more transactions assign, pledge, or transfer the Contract. Upon receipt of System Agency's notice of assignment, pledge, or transfer, Contractor shall cooperate with System Agency in giving effect to such assignment, pledge, or transfer, at no cost to System Agency or to the recipient entity.

6. Terms and Conditions

Contractor accepts the Solicitation terms and conditions unless specifically noted by exceptions advanced in the form and manner directed in the Solicitation, if any, under which this Contract was awarded. Contractor agrees that all exceptions to the Solicitation, as well as terms and conditions advanced by Contractor that differ in any manner from HHS' terms and conditions, if any, are rejected unless expressly accepted by System Agency in writing.

7. HHS Right to Use

Contractor agrees that HHS has the right to use, produce, and distribute copies of and to disclose to HHS employees, agents, and contractors and other governmental entities all or part of this Contract or any related Solicitation Response as HHS deems necessary to complete the procurement process or comply with state or federal laws.

8. Release from Liability

Contractor generally releases from liability and waives all claims against any party providing information about the Contractor at the request of System Agency.

9. Dealings with Public Servants

Contractor has not given, has not offered to give, and does not intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with this Contract or any related Solicitation, or related Solicitation Response.

10. Financial Participation Prohibited

Under Section 2155.004, Texas Government Code (relating to financial participation in preparing solicitations), Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive this Contract and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

11. Prior Disaster Relief Contract Violation

Under Sections 2155.006 and 2261.053 of the Texas Government Code (relating to convictions and penalties regarding Hurricane Rita, Hurricane Katrina, and other disasters), the Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive this Contract

and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

12. Child Support Obligation

Under Section 231.006(d) of the Texas Family Code regarding child support, Contractor certifies that the individual or business entity named in this Contract and any related Solicitation Response is not ineligible to receive the specified payment and acknowledges that the Contract may be terminated and payment may be withheld if this certification is inaccurate. If the certification is shown to be false, Contractor may be liable for additional costs and damages set out in 231.006(f).

13. Suspension and Debarment

Contractor certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the *State of Texas Debarred Vendor List* maintained by the Texas Comptroller of Public Accounts and the *System for Award Management (SAM)* maintained by the General Services Administration. This certification is made pursuant to the regulations implementing Executive Order 12549 and Executive Order 12689, Debarment and Suspension, 2 C.F.R. Part 376, and any relevant regulations promulgated by the Department or Agency funding this project. This provision shall be included in its entirety in Contractor's subcontracts, if any, if payment in whole or in part is from federal funds.

14. Excluded Parties

Contractor certifies that it is not listed in the prohibited vendors list authorized by Executive Order 13224, "*Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism*," published by the United States Department of the Treasury, Office of Foreign Assets Control.'

15. Foreign Terrorist Organizations

Contractor represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Texas Government Code.

16. Executive Head of a State Agency

In accordance with Section 669.003 of the Texas Government Code, relating to contracting with the executive head of a state agency, Contractor certifies that it is not (1) the executive head of an HHS agency, (2) a person who at any time during the four years before the date of this Contract was the executive head of an HHS agency, or (3) a person who employs a current or former executive head of an HHS agency.

17. Human Trafficking Prohibition

Under Section 2155.0061 of the Texas Government Code, Contractor certifies that the individual or business entity named in this Contract is not ineligible to receive this Contract and acknowledges that this Contract may be terminated and payment withheld if this certification is inaccurate.

18. Franchise Tax Status

Contractor represents and warrants that it is not currently delinquent in the payment of any franchise taxes owed the State of Texas under Chapter 171 of the Texas Tax Code.

19. Debts and Delinquencies

Contractor agrees that any payments due under this Contract shall be applied towards any debt or delinquency that is owed to the State of Texas.

20. Lobbying Prohibition

Contractor represents and warrants that payments to Contractor and Contractor's receipt of appropriated or other funds under this Contract or any related Solicitation are not prohibited by Sections 556.005, 556.0055, or 556.008 of the Texas Government Code (relating to use of appropriated money or state funds to employ or pay lobbyists, lobbying expenses, or influence legislation).

21. Buy Texas

Contractor agrees to comply with Section 2155.4441 of the Texas Government Code, requiring the purchase of products and materials produced in the State of Texas in performing service contracts.

22. Disaster Recovery Plan

Contractor agrees that upon request of System Agency, Contractor shall provide copies of its most recent business continuity and disaster recovery plans.

23. Computer Equipment Recycling Program

If this Contract is for the purchase or lease of computer equipment, then Contractor certifies that it is in compliance with Subchapter Y, Chapter 361 of the Texas Health and Safety Code related to the Computer Equipment Recycling Program and the Texas Commission on Environmental Quality rules in 30 TAC Chapter 328.

24. Television Equipment Recycling Program

If this Contract is for the purchase or lease of covered television equipment, then Contractor certifies that it is compliance with Subchapter Z, Chapter 361 of the Texas Health and Safety Code related to the Television Equipment Recycling Program.

25. Cybersecurity Training

- A. Contractor represents and warrants that it will comply with the requirements of Section 2054.5192 of the Texas Government Code relating to cybersecurity training and required verification of completion of the training program.
- B. Contractor represents and warrants that if Contractor or Subcontractors, officers, or employees of Contractor have access to any state computer system or database, the Contractor, Subcontractors, officers, and employees of Contractor shall complete cybersecurity training pursuant to and in accordance with Government Code, Section 2054.5192.

26. Restricted Employment for Certain State Personnel

Contractor acknowledges that, pursuant to Section 572.069 of the Texas Government Code, a former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving Contractor may not accept employment from Contractor before the second anniversary of the date the Contract is signed or the procurement is terminated or withdrawn.

27. No Conflicts of Interest

- A. Contractor represents and warrants that it has no actual or potential conflicts of interest in providing the requested goods or services to System Agency under this Contract or any related Solicitation and that Contractor's provision of the requested goods and/or services under this Contract and any related Solicitation will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.
- B. Contractor agrees that, if after execution of the Contract, Contractor discovers or is made aware of a Conflict of Interest, Contractor will immediately and fully disclose such interest in writing to System Agency. In addition, Contractor will promptly and fully disclose any relationship that might be perceived or represented as a conflict after its discovery by Contractor or by System Agency as a potential conflict. System Agency reserves the right to make a final determination regarding the existence of Conflicts of Interest, and Contractor agrees to abide by System Agency's decision.

28. Fraud, Waste, and Abuse

Contractor understands that HHS does not tolerate any type of fraud, waste, or abuse. Violations of law, agency policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. Pursuant to Texas Government Code, Section 321.022, if the administrative head of a department or entity that is subject to audit by the state auditor has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to the Texas State Auditor's Office (SAO). All employees or contractors who have reasonable cause to believe that fraud, waste, or abuse has occurred (including misconduct by any HHS employee, Grantee officer, agent, employee, or subcontractor that would constitute fraud, waste, or abuse) are required to immediately report the questioned activity to the Health and Human Services Commission's Office of Inspector General. Contractor agrees to comply with all applicable laws, rules, regulations, and System Agency policies regarding fraud, waste, and abuse including, but not limited to, HHS Circular C-027.

A report to the SAO must be made through one of the following avenues:

- SAO Toll Free Hotline: 1-800-TX-AUDIT
- SAO website: <http://sao.fraud.state.tx.us/>

All reports made to the OIG must be made through one of the following avenues:

- OIG Toll Free Hotline 1-800-436-6184
- OIG Website: ReportTexasFraud.com
- Internal Affairs Email: InternalAffairsReferral@hhsc.state.tx.us
- OIG Hotline Email: OIGFraudHotline@hhsc.state.tx.us.
- OIG Mailing Address: Office of Inspector General
Attn: Fraud Hotline
MC 1300
P.O. Box 85200
Austin, Texas 78708-5200

29. Antitrust

The undersigned affirms under penalty of perjury of the laws of the State of Texas that:

- A. in connection with this Contract and any related Solicitation Response, neither I nor any representative of the Contractor has violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus. & Comm. Code Chapter 15;
- B. in connection with this Contract and any related Solicitation Response, neither I nor any representative of the Contractor has violated any federal antitrust law; and
- C. neither I nor any representative of the Contractor has directly or indirectly communicated any of the contents of this Contract and any related Solicitation Response to a competitor of the Contractor or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Contractor.

30. Legal and Regulatory Actions

Contractor represents and warrants that it is not aware of and has received no notice of any court or governmental agency proceeding, investigation, or other action pending or threatened against Contractor or any of the individuals or entities included in numbered paragraph 1 of these Contract Affirmations within the five (5) calendar years immediately preceding execution of this Contract or the submission of any related Solicitation Response that would or could impair Contractor's performance under this Contract, relate to the contracted or similar goods or services, or otherwise be relevant to System Agency's consideration of entering into this Contract. If Contractor is unable to make the preceding representation and warranty, then Contractor instead represents and warrants that it has provided to System Agency a complete, detailed disclosure of any such court or governmental agency proceeding, investigation, or other action that would or could impair Contractor's performance under this Contract, relate to the contracted or similar goods or services, or otherwise be relevant to System Agency's consideration of entering into this Contract. In addition, Contractor acknowledges this is a continuing disclosure requirement. Contractor represents and warrants that Contractor shall notify System Agency in writing within five (5) business days of any changes to the representations or warranties in this clause and understands that failure to so timely update System Agency shall constitute breach of contract and may result in immediate contract termination.

31. No Felony Criminal Convictions

Contractor represents that neither Contractor nor any of its employees, agents, or representatives, including any subcontractors and employees, agents, or representative of such subcontractors, have been convicted of a felony criminal offense or that if such a conviction has occurred Contractor has fully advised System Agency in writing of the facts and circumstances surrounding the convictions.

32. Unfair Business Practices

Contractor represents and warrants that it has not been the subject of allegations of Deceptive Trade Practices violations under Chapter 17 of the Texas Business and Commerce Code, or allegations of any unfair business practice in any administrative hearing or court suit and that Contractor has not been found to be liable for such practices in such proceedings. Contractor certifies that it has no officers who have served as officers of other entities who have been the subject of allegations of Deceptive Trade Practices violations or allegations of any unfair business practices in an administrative hearing or court suit and that such officers have not been found to be liable for such practices in such proceedings.

33. Entities that Boycott Israel

Contractor represents and warrants that (1) it does not, and shall not for the duration of the Contract, boycott Israel or (2) the verification required by Section 2271.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

34. E-Verify

Contractor certifies that for contracts for services, Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system during the term of this Contract to determine the eligibility of:

1. all persons employed by Contractor to perform duties within Texas; and
2. all persons, including subcontractors, assigned by Contractor to perform work pursuant to this Contract within the United States of America.

35. Former Agency Employees – Certain Contracts

If this Contract is an employment contract, a professional services contract under Chapter 2254 of the Texas Government Code, or a consulting services contract under Chapter 2254 of the Texas Government Code, in accordance with Section 2252.901 of the Texas Government Code, Contractor represents and warrants that neither Contractor nor any of Contractor's employees including, but not limited to, those authorized to provide services under the Contract, were former employees of an HHS Agency during the twelve (12) month period immediately prior to the date of the execution of the Contract.

36. Disclosure of Prior State Employment – Consulting Services

If this Contract is for consulting services,

- A. In accordance with Section 2254.033 of the Texas Government Code, a Contractor providing consulting services who has been employed by, or employs an individual who has been employed by, System Agency or another State of Texas agency at any time during the two years preceding the submission of Contractor's offer to provide services must disclose the following information in its offer to provide services. Contractor hereby certifies that this information was provided and remains true, correct, and complete:
1. Name of individual(s) (Contractor or employee(s));
 2. Status;
 3. The nature of the previous employment with HHSC or the other State of Texas agency;
 4. The date the employment was terminated and the reason for the termination; and
 5. The annual rate of compensation for the employment at the time of its termination.
- B. If no information was provided in response to Section A above, Contractor certifies that neither Contractor nor any individual employed by Contractor was employed by System Agency or any other State of Texas agency at any time during the two years preceding the submission of Contractor's offer to provide services.

37. Abortion Funding Limitation

Contractor understands, acknowledges, and agrees that, pursuant to Article IX of the General Appropriations Act (the Act), to the extent allowed by federal and state law, money appropriated by the Texas Legislature may not be distributed to any individual or entity that, during the period for which funds are appropriated under the Act:

1. performs an abortion procedure that is not reimbursable under the state's Medicaid program;
2. is commonly owned, managed, or controlled by an entity that performs an abortion procedure that is not reimbursable under the state's Medicaid program; or
3. is a franchise or affiliate of an entity that performs an abortion procedure that is not reimbursable under the state's Medicaid program.

The provision does not apply to a hospital licensed under Chapter 241, Health and Safety Code, or an office exempt under Section 245.004(2), Health and Safety Code. Contractor represents and warrants that it is not ineligible, nor will it be ineligible during the term of this Contract, to receive appropriated funding pursuant to Article IX.

38. Funding Eligibility

Contractor understands, acknowledges, and agrees that, pursuant to Chapter 2272 (eff. Sept. 1, 2021, Ch. 2273) of the Texas Government Code, except as exempted under that Chapter, HHSC cannot contract with an abortion provider or an affiliate of an abortion provider. Contractor certifies that it is not ineligible to contract with HHSC under the terms of Chapter 2272 (eff. Sept. 1, 2021, Ch. 2273) of the Texas Government Code.

39. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (2 CFR 200.216)

Contractor certifies that the individual or business entity named in this Response or Contract is not ineligible to receive the specified Contract or funding pursuant to 2 CFR 200.216.

40. COVID-19 Vaccine Passports

Pursuant to Texas Health and Safety Code, Section 161.0085(c), Contractor certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the Contractor's business. Contractor acknowledges that such a vaccine or recovery requirement would make Contractor ineligible for a state-funded contract.

41. Entities that Boycott Energy Companies

In accordance with Senate Bill 13, Acts 2021, 87th Leg., R.S., pursuant to Section 2274.002 of the Texas Government Code (relating to prohibition on contracts with companies boycotting certain energy companies), Contractor represents and warrants that: (1) it does not, and will not for the duration of the Contract, boycott energy companies or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

42. Entities that Discriminate Against Firearm and Ammunition Industries

In accordance with Senate Bill 19, Acts 2021, 87th Leg., R.S., pursuant to Section 2274.002 of the Texas Government Code (relating to prohibition on contracts with companies that discriminate against firearm and ammunition industries), Contractor verifies that: (1) it does not, and will not for the duration of the Contract, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. If circumstances relevant to this provision change during the course of the Contract, Contractor shall promptly notify System Agency.

43. Security Controls for State Agency Data

In accordance with Senate Bill 475, Acts 2021, 87th Leg., R.S., pursuant to Texas Government Code, Section 2054.138, Contractor understands, acknowledges, and agrees that if, pursuant to this Contract, Contractor is or will be authorized to access, transmit, use, or store data for System Agency, Contractor is required to meet the security controls the System Agency determines are proportionate with System Agency's risk under the Contract based on the sensitivity of System Agency's data and that Contractor must periodically provide to System Agency evidence that Contractor meets the security controls required under the Contract.

44. Cloud Computing State Risk and Authorization Management Program (TX-RAMP)

In accordance with Senate Bill 475, Acts 2021, 87th Leg., R.S., pursuant to Texas Government Code, Section 2054.0593, Contractor acknowledges and agrees that, if providing cloud computing services for System Agency, Contractor must comply with the requirements of the state risk and authorization management program and that System Agency may not enter or renew a contract with Contractor to purchase cloud computing services for the agency that are subject to the state risk and authorization management program unless Contractor demonstrates compliance with program requirements. If providing cloud computing services for System Agency that are subject to the state risk and authorization management program, Contractor certifies it will maintain program compliance and certification throughout the term of the Contract.

45. Office of Inspector General Investigative Findings Expert Review

In accordance with Senate Bill 799, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 531.102(m-1)(2) is applicable to this Contract, Contractor affirms that it possesses the necessary occupational licenses and experience.

46. Contract for Professional Services of Physicians, Optometrists, and Registered Nurses

In accordance with Senate Bill 799, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 2254.008(a)(2) is applicable to this Contract, Contractor affirms that it possesses the necessary occupational licenses and experience.

47. Foreign-Owned Companies in Connection with Critical Infrastructure

If Texas Government Code, Section 2274.0102(a)(1) (relating to prohibition on contracts with certain foreign-owned companies in connection with critical infrastructure) is applicable to this Contract, pursuant to Government Code Section 2274.0102, Contractor certifies that neither it nor its parent company, nor any affiliate of Contractor or its parent company, is: (1) majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Government Code Section 2274.0103, or (2) headquartered in any of those countries.

48. Critical Infrastructure Subcontracts

For purposes of this Paragraph, the designated countries are China, Iran, North Korea, Russia, and any countries lawfully designated by the Governor as a threat to critical infrastructure. Pursuant to Section 113.002 of the Business and Commerce Code, Contractor shall not enter into a subcontract that will provide direct or remote access to or control of critical infrastructure, as defined by Section 113.001 of the Texas Business and Commerce Code, in this state, other than access specifically allowed for product warranty and support purposes to any subcontractor unless (i) neither the subcontractor nor its parent company, nor any affiliate of the subcontractor or its parent company, is majority owned or controlled by citizens or governmental entities of a designated country; and (ii) neither the subcontractor nor its parent company, nor any affiliate of the subcontractor or its parent company, is headquartered in a designated country. Contractor will notify the System Agency before entering into any subcontract that will provide direct or remote

access to or control of critical infrastructure, as defined by Section 113.001 of the Texas Business & Commerce Code, in this state.

49. Enforcement of Certain Federal Firearms Laws Prohibited

In accordance with House Bill 957, Acts 2021, 87th Leg., R.S., if Texas Government Code, Section 2.101 is applicable to Contractor, Contractor certifies that it is not ineligible to receive state grant funds pursuant to Texas Government Code, Section 2.103.

50. Prohibition on Abortions

Contractor understands, acknowledges, and agrees that, pursuant to Article II of the General Appropriations Act, (1) no funds shall be used to pay the direct or indirect costs (including marketing, overhead, rent, phones, and utilities) of abortion procedures provided by contractors of HHSC; and (2) no funds appropriated for Medicaid Family Planning, Healthy Texas Women Program, or the Family Planning Program shall be distributed to individuals or entities that perform elective abortion procedures or that contract with or provide funds to individuals or entities for the performance of elective abortion procedures. Contractor represents and warrants that it is not ineligible, nor will it be ineligible during the term of this Contract, to receive appropriated funding pursuant to Article II.

51. False Representation

Contractor understands, acknowledges, and agrees that any false representation or any failure to comply with a representation, warranty, or certification made by Contractor is subject to all civil and criminal consequences provided at law or in equity including, but not limited to, immediate termination of this Contract.

52. False Statements

Contractor represents and warrants that all statements and information prepared and submitted by Contractor in this Contract and any related Solicitation Response are current, complete, true, and accurate. Contractor acknowledges any false statement or material misrepresentation made by Contractor during the performance of this Contract or any related Solicitation is a material breach of contract and may void this Contract. Further, Contractor understands, acknowledges, and agrees that any false representation or any failure to comply with a representation, warranty, or certification made by Contractor is subject to all civil and criminal consequences provided at law or in equity including, but not limited to, immediate termination of this Contract.

53. Permits and License

Contractor represents and warrants that it will comply with all applicable laws and maintain all permits and licenses required by applicable city, county, state, and federal rules, regulations, statutes, codes, and other laws that pertain to this Contract.

54. Equal Employment Opportunity

Contractor represents and warrants its compliance with all applicable duly enacted state and federal laws governing equal employment opportunities.

55. Federal Occupational Safety and Health Law

Contractor represents and warrants that all articles and services shall meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Act of 1970, as amended (29 U.S.C. Chapter 15).

56. Signature Authority

Contractor represents and warrants that the individual signing this Contract Affirmations document is authorized to sign on behalf of Contractor and to bind the Contractor.

Signature Page Follows

Authorized representative on behalf of Contractor must complete and sign the following:

Legal Name of Contractor

Assumed Business Name of Contractor, if applicable (d/b/a or ‘doing business as’)

Texas County(s) for Assumed Business Name (d/b/a or ‘doing business as’)
Attach Assumed Name Certificate(s) filed with the Texas Secretary of State and Assumed Name Certificate(s), if any, for each Texas County Where Assumed Name Certificate(s) has been filed.

Signature of Authorized Representative

Date Signed

Printed Name of Authorized Representative
First, Middle Name or Initial, and Last Name

Title of Authorized Representative

Physical Street Address

City, State, Zip Code

Mailing Address, if different

City, State, Zip Code

Phone Number

Fax Number

Email Address

DUNS Number

Federal Employer Identification Number

Texas Identification Number (TIN)

Texas Franchise Tax Number

Texas Secretary of State Filing Number

SAM.gov Unique Entity Identifier (UEI)

ATTACHMENT C STATEMENT OF WORK

I. Responsibilities of the Parties

- A. Local Government shall use the Texas Electronic Registration Remote System (“TxEVER”) to search DSHS databases, locate data, and issue Certifications of Birth (“Birth Certificates”) only to authorized individuals or entities requesting such data. The Birth Certificates shall be provided to authorized individuals or entities in a format formally approved by DSHS. Local Government shall implement appropriate measures to ensure its use of TxEVER is not abused or misused by its personnel.
- B. DSHS will allow Local Government to access TxEVER during the hours of 7:00 a.m. to 6:00 p.m. Central Time, Monday through Friday, except national holidays as identified in *Tex. Gov’t Code* Section 662.003(a). In the event of an emergency or computer application error, DSHS may temporarily suspend TxEVER access without advance notice.
- C. Local Government shall acquire and retain at its own expense, the necessary data processing equipment, communications, hardware or software, and paper products in accordance with the requirements set out in *Tex. Admin. Code* Title 25, Section 181.28 and as specified by DSHS. If necessary, DSHS will provide technical assistance to Local Government to enable Local Government’s computer equipment to connect to TxEVER.
- D. Local Government acknowledges that TxEVER records may not be located or contain errors resulting from the following unintentional occurrences:
 - 1. Key-entry errors in spelling;
 - 2. Failure on the part of DSHS to update a file for an amendment or paternity determination; or
 - 3. The event year does not exist in TxEVER.
- E. Local Government shall provide DSHS with monthly written notification of errors or suspected errors discovered by Local Government in TxEVER.
- F. Local Government shall use TxEVER in conformance with *Tex. Health and Safety Code* Chapters 191, 192, and 195, as well as *Tex. Admin. Code* Title 25, Part 1, Chapter 181, and in the format formally approved by DSHS.

II. Fees, Invoicing, and Payment

- A. **Fees.** Local Government shall pay DSHS **\$1.83** for each birth certificate issued to Local Government from TxEVER. Local Government agrees to charge the same base search fee for a birth certificate as DSHS charges to Local Government. Additional fees may only be charged as authorized by *Tex. Health and Safety Code* Chapter 191 and *Tex. Admin. Code* Title 25, Part 1, Chapter 181.

DSHS acknowledges that Local Government’s payment obligations to DSHS are payable only from funds appropriated for the then current Local Government’s fiscal year and available for the purpose of the Contract. Local Government shall provide DSHS with prompt notice of failure of Local Government to receive adequate appropriations or otherwise sufficient revenue to satisfy its obligations under the Contract.

ATTACHMENT C STATEMENT OF WORK

- B. Invoicing.** DSHS will send itemized invoices to Local Government on the 1st of every month for all birth certificates provided to Local Government by DSHS in the prior month. Invoicing will be sent through the U.S. Postal Service to Local Government at:

Name: Tanya D Smith
City of College Station
P O Box 9960
College Station, Texas 77842

Local Government shall direct any invoicing inquiries to DSHS either by phone at 512-776-2953 or email to yssbusinessservices@dshs.texas.gov.

- C. Payment.** Local Government shall remit payment in full to DSHS within thirty (30) days of its receipt of a DSHS invoice. Payment shall be remitted via mail or electronic fund transfer. Payment by Local Government shall be considered complete on the date received by DSHS.

Local Government shall send payments to DSHS at:

Texas Department of State Health Services Cash Receipts Branch
MC-2096
P.O. Box 149347
Austin, TX 78714-9347

or

JPMorgan Chase
Bank Acct # 0135371118
Bank Rt # 021409169
TIN # 320113643

August 10, 2023

Item No. 8.1.

City-Initiated Rezonings to MH Middle Housing

Sponsor: Michael Ostrowski, Director of Planning and Development

Reviewed By CBC: N/A

Agenda Caption: Presentation, discussion, and possible action on City-Initiated Rezonings to MH Middle Housing and potential modifications to the MH Middle Housing zoning district.

Relationship to Strategic Goals:

- Good Governance
- Financial Sustainability
- Core Services & Infrastructure
- Neighborhood Integrity
- Diverse & Growing Economy

Recommendation(s): To hear the presentation and provide direction to staff.

Summary: Staff has done several public input sessions on the areas that are being considered for City-initiated rezoning to MH Middle Housing. Valuable feedback has been provided, and staff will present the results of those input sessions, along with the other input that has been received.

In addition to the specific areas being considered, staff has identified some potential ordinance amendments relating to the MH Middle Housing zoning district standards based on public feedback. Concerns were identified relating to allowing Shared Housing uses (a use that allows more than one family to reside in a single dwelling unit) within all the areas being considered for City-initiated MH Middle Housing. Staff will present an option that would include creating an overlay district that would allow Shared Housing in specific areas only, and removing the use out of the permitted uses within the MH Middle Housing. Therefore, a property that is zoned MH Middle Housing would also need the overlay district to allow Shared Housing.

Another concern that has been raised is not allowing at least four (4) parking spaces per dwelling unit in the front yard. The current district standards require that parking be located in the rear yard when the required number of parking spaces exceeds three (3). While the intent of the district is to create a more walkable pattern of lots, with buildings lining the streets, this standard may limit an applicant's desire to rezone a property to MH Middle Housing, when a property's current zoning district would allow four (4) spaces in the front yard. Staff would propose amending the district standard to increase the maximum number of parking spaces in the front yard to no more than four (4). This would allow single-family uses to park in the front yard, if they choose, and require Shared Housing uses and other larger multiplex developments to park in the rear yard.

Budget & Financial Summary: N/A

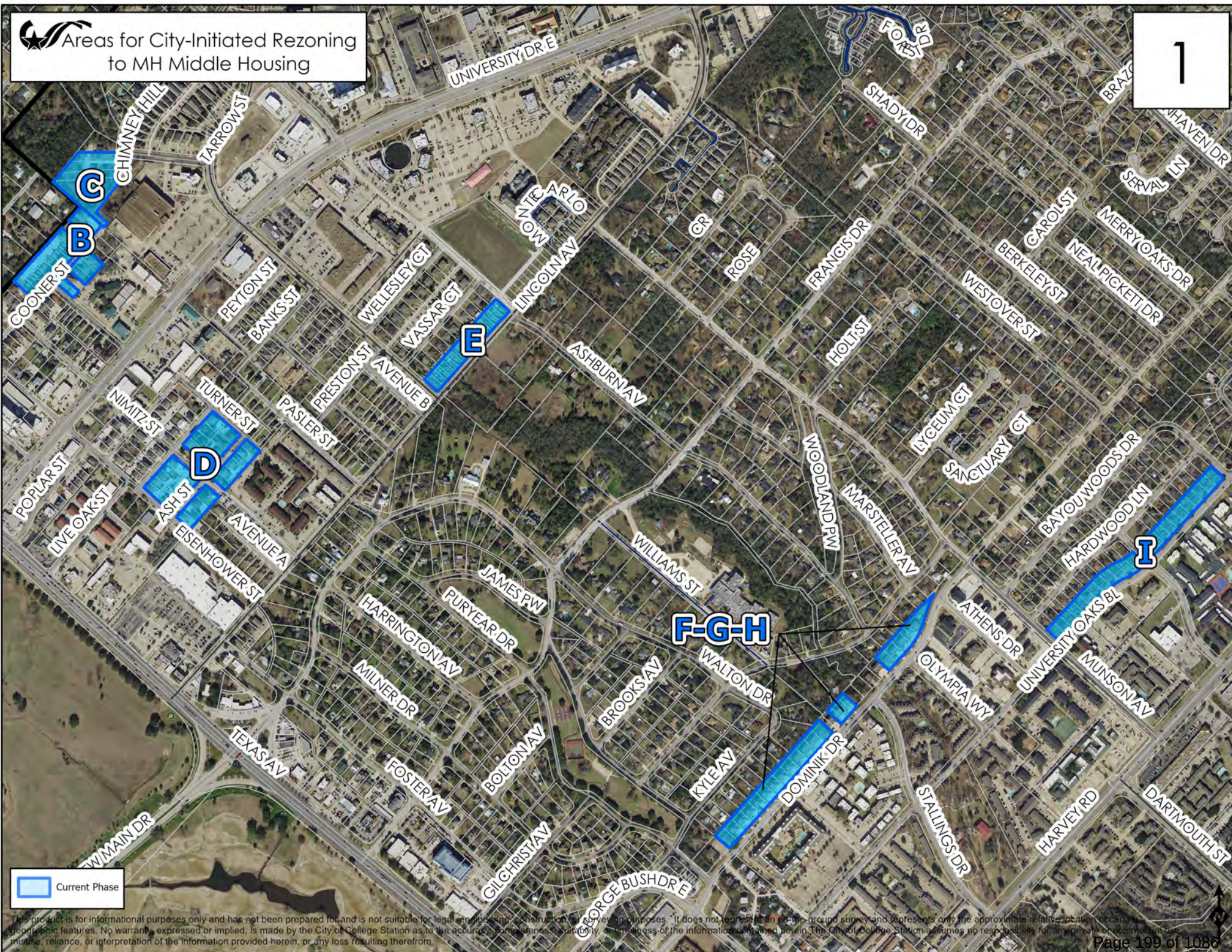
Attachments:

1. Area Maps
2. Findings
3. Public Input Summary



Areas for City-Initiated Rezoning to MH Middle Housing

1



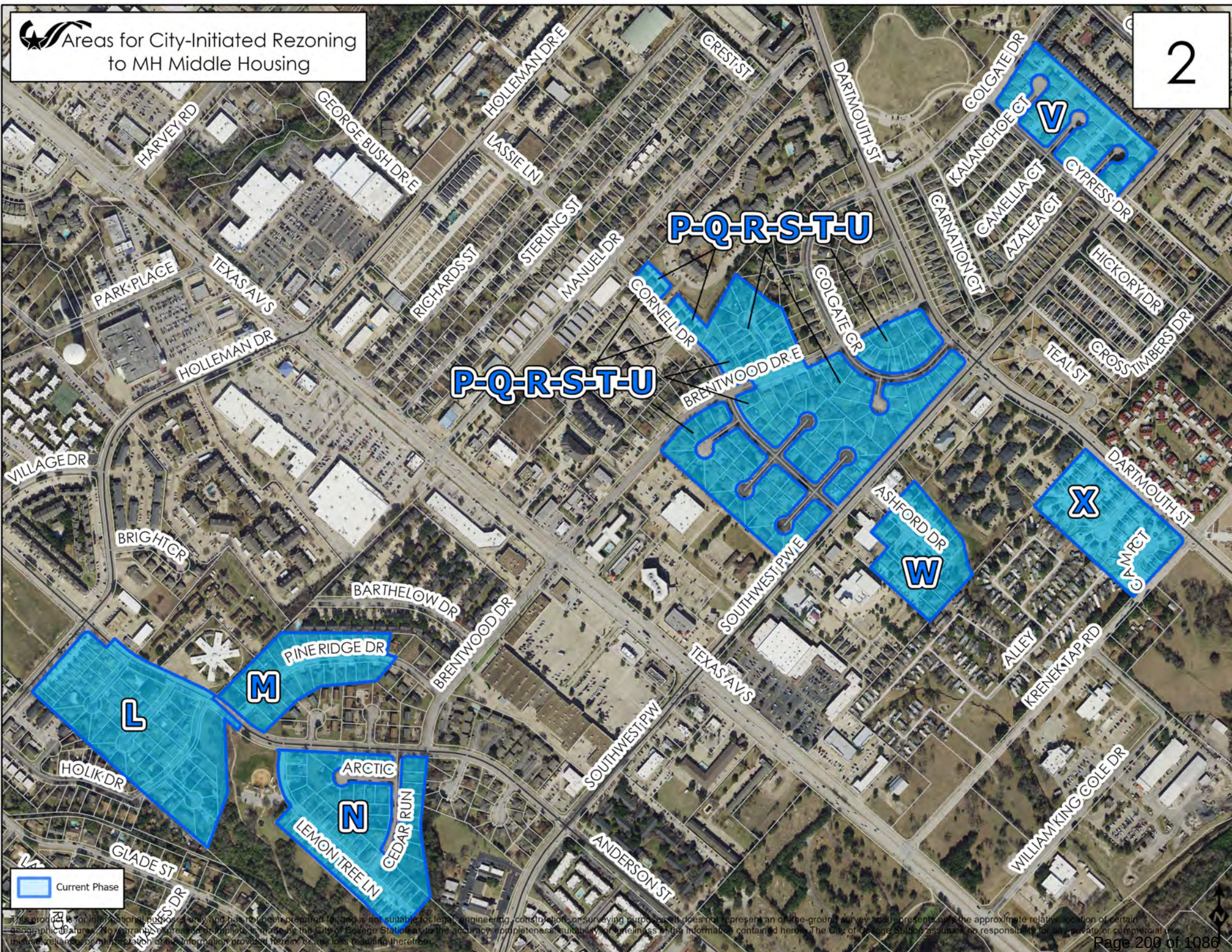
Current Phase

This product is for informational purposes only and has not been prepared for and is not suitable for legal engineering, construction, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of certain geographic features. No warranty, expressed or implied, is made by the City of College Station as to the accuracy, completeness, suitability, or timeliness of the information contained herein. The City of College Station assumes no responsibility for any private or commercial use, misuse, reliance, or interpretation of the information provided herein, or any loss resulting therefrom.



Areas for City-Initiated Rezoning to MH Middle Housing

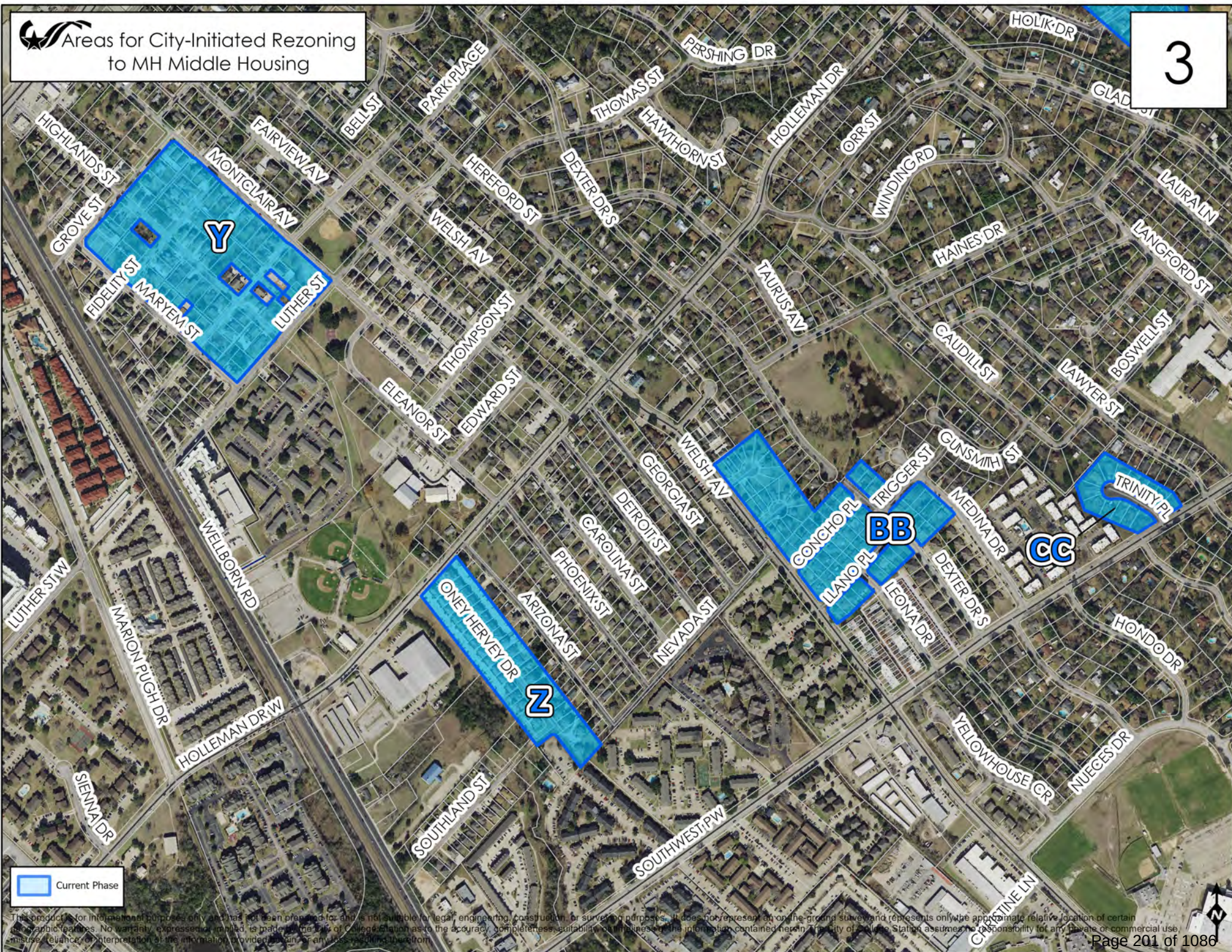
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Areas for City-Initiated Rezoning to MH Middle Housing

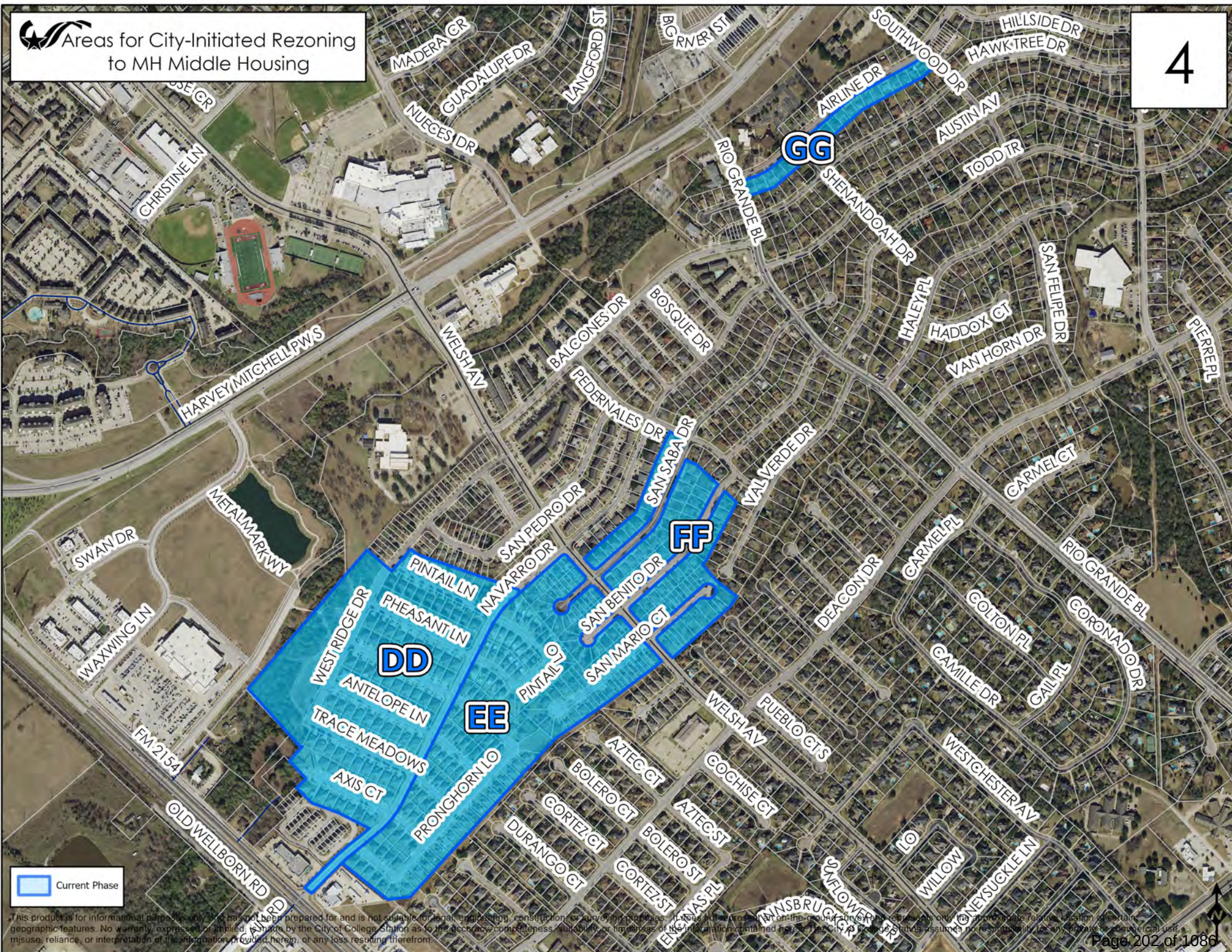
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Areas for City-Initiated Rezoning to MH Middle Housing

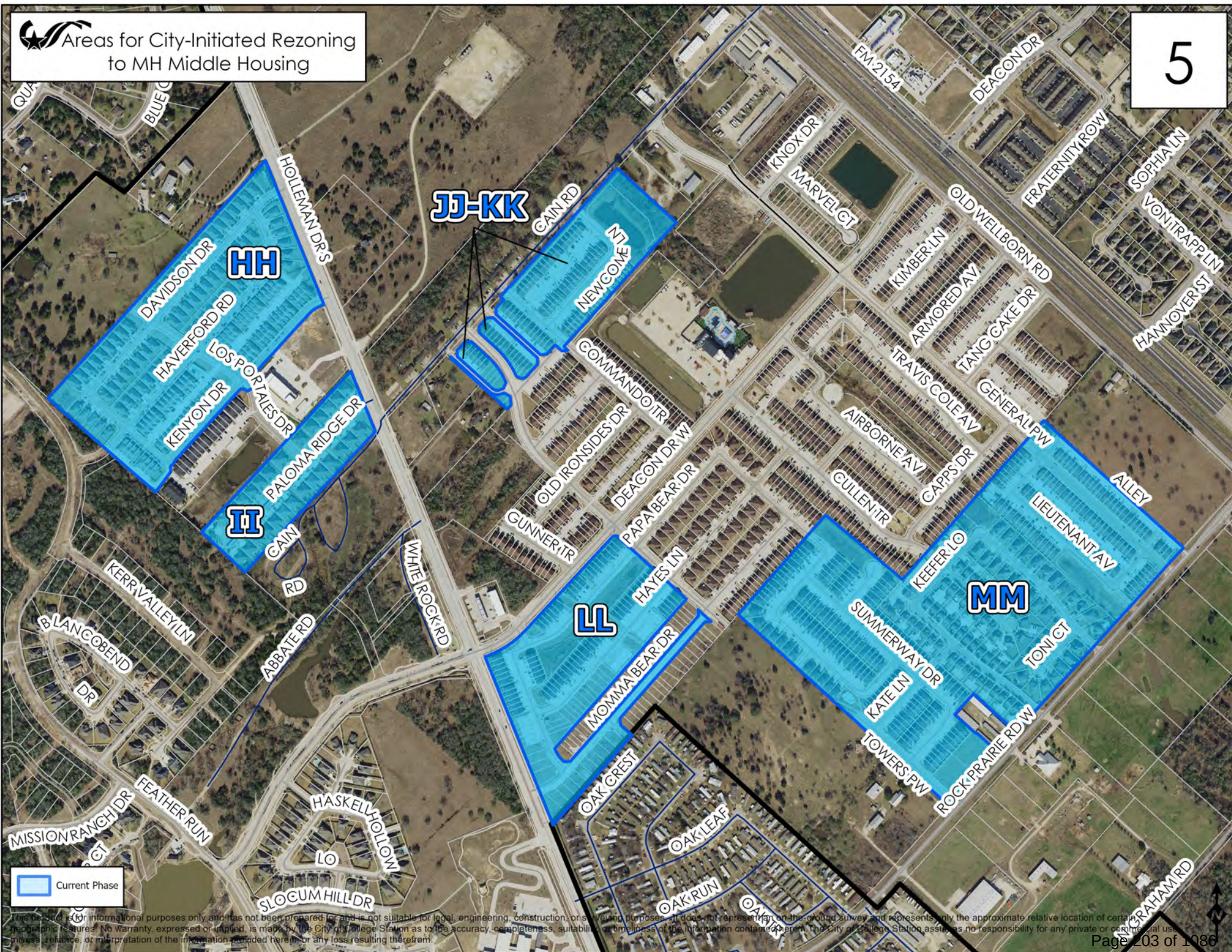
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Areas for City-Initiated Rezoning to MH Middle Housing

5



City-Initiated Middle Housing - Summer 2023 Staff Findings

Map	Area Label	Area Label & Description	Acres	# Lots	Existing Conditions	Staff Findings
1	B	B - Cooner St.	3.5	14	A mix of housing types including duplexes with rear parking and single-family homes, zoned D Duplex	Public Input: Received one comment in opposition with concerns about potential property tax impacts. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses. Parking issues along Cooner St. can be mitigated with additional on-street parking removal.
1	C	C - Chimney Hill Dr.	2.8	4	Existing properties zoned GS General Suburban located between duplexes on Cooner St. and townhouses along Chimney Hill Dr.	Public Input: Received many comments in opposition, one comment in support. Those in opposition expressed concerns with changing the character of the Chimney Hill neighborhood and potential property tax impacts. Staff Findings: While the area is generally appropriate for Middle Housing zoning, it is not appropriate for Shared Housing uses. The proposed area is isolated from the remainder of Chimney Hill Dr. and has floodplain on one lot that needs surveying work before being rezoned. This area may be more appropriate for privately-initiated rezoning at a future date that also includes the floodplain area. Due to the magnitude of public opposition, staff recommends that this area not move forward for City-initiated Middle Housing rezoning.
1	D	D - Live Oak St. & Ash St. area	5.3	29	A mix of housing types including duplexes and single-family homes, zoned D Duplex	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
1	E	E - Lincoln Ave.	2.0	17	Existing alley-fed single-family homes zoned GS General Suburban	Public Input: Received a general question, no direct comments in opposition or support. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
1	F-G-H	F-G-H - Dominik Dr.	4.9	23	Existing duplexes zoned D Duplex	Public Input: Received a few comments in opposition with concerns about adjacent area impacts. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
1	I	I - University Oaks Blvd.	4.1	23	Existing duplexes zoned D Duplex	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.

Map	Area Label	Area Label & Description	Acres	# Lots	Existing Conditions	Staff Findings
2	L	L - Holik Dr. area	15.5	51	A mix of housing types including townhouses and single-family homes, zoned T Townhouse and GS General Suburban	Public Input: Received a few comments in opposition and a few general inquiries. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses.
2	M	M - Pine Ridge Dr.	6.7	27	Existing duplexes zoned D Duplex	Public Input: Received a few comments in opposition. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
2	N	N - Lemon Tree Ln. area	12.6	55	A mix of housing types, zoned T Townhouse and GS General Suburban	Public Input: Received a few comments in opposition. Staff Findings: Appropriate for Middle Housing, but not appropriate for Sharing Housing uses. The 1600 block of Lemon Tree Ln. does not meet current fire standards for turnarounds and staff will remove that area from the boundary to be rezoned.
2	P-Q-R-S-T-U	P-Q-R-S-T-U - Cornell Dr. area	26.4	114	A mix of housing types including duplexes and single-family homes, zoned D Duplex and GS General Suburban	Public Input: Received a few comments in opposition with concerns about parking, increased density, and height protection. Staff Findings: Appropriate for Middle Housing zoning and most areas are appropriate for Shared Housing uses. Colgate Circle and Stanford Circle are exceptions that are appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the character of the surrounding area and the limited access points into nearby areas that would allow Shared Housing uses.
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	6.8	30	Existing duplexes with rear parking, zoned T Townhouse	Public Input: Equal comments in support and opposition. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the character of the surrounding area and limited access points into nearby areas that would allow Shared Housing uses.
2	W	W - Ashford Dr. area	5.8	19	Existing duplexes with some rear parking, zoned D Duplex	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	7.4	47	Existing single-family with mostly rear parking, zoned T Townhouse	Public Input: Equal comments in support and opposition. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the character of the surrounding area and limited access points into nearby areas that would allow Shared Housing uses.

Map	Area Label	Area Label & Description	Acres	# Lots	Existing Conditions	Staff Findings
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	19.4	76	A mix of housing types, zoned GS General Suburban	Public Input: Received some comments in opposition with concerns about adjacent area impacts and potential property tax/value impacts. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
3	Z	Z - Oney Hervey Dr.	8.2	35	Existing duplexes with mostly rear parking, zoned D Duplex	Public Input: Received one comment in opposition. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	11.6	66	A mix of housing types including duplexes and single-family homes, zoned D Duplex and GS General Suburban	Public Input: Received many comments in opposition. Those in opposition expressed concerns with changing the character of areas around Gabbard Park, potential Shared Uses and/or student-oriented development, and displacing current residents. Staff Findings: While the area is generally appropriate for Middle Housing zoning, it is not appropriate for Shared Housing uses. Due to the magnitude of public opposition, staff recommend revising the boundaries to only include properties on Swiss Court and Chalet Court for City-initiated rezoning to Middle Housing. These cul-de-sacs access directly from Welsh Avenue, are adjacent to existing duplex and townhouse developments, contain vacant properties that are prime for redevelopment, and are isolated from the surrounding area and Gabbard Park. These cul-de-sacs are appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses.
3	CC	CC - Trinity Pl.	2.9	14	Existing duplexes zoned D Duplex	Public Input: Received many comments in opposition. Those in opposition expressed concerns with changing the character of areas around Gabbard Park, potential Shared Uses and/or student-oriented development, and displacing current residents. Staff Findings: While the area is generally appropriate for Middle Housing zoning, it is not appropriate for Shared Housing uses. Due to the magnitude of public opposition, staff recommends that this area not move forward for City-initiated Middle Housing rezoning.
4	DD	DD - Navarro Dr. area (north)	43.6	117	A mix of housing types including duplexes and single-family homes, all zoned D Duplex	Public Input: Received a few comments in opposition, one in support. No direct concerns mentioned. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus

Map	Area Label	Area Label & Description	Acres	# Lots	Existing Conditions	Staff Findings
4	EE	EE - Navarro Dr. area (south)	38.1	196	A mix of housing types including duplex and single-family homes, zoned D Duplex, GS General Suburban, and R1-B Single-Family (a retired district)	Public Input: Received many comments in opposition. Those in opposition expressed concerns with changing the character of the neighborhood, increasing density, and property tax/values. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus.
4	FF	FF - Welsh Ave. & San Saba Dr. area	14.6	84	A mix of housing types including duplex and single-family homes, zoned D Duplex	Public Input: Received many comments in opposition. Those in opposition expressed concerns with changing the character of the neighborhood, increasing density, and potential property tax/value impacts. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus.
4	GG	GG - Airline Dr.	3.7	20	Existing duplexes zoned D Duplex	Public Input: Received one comment in opposition. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus.
5	HH	HH - Kenyon Dr. area	28.4	151	A mix of housing types including detached and attached single-family homes, zoned GS General Suburban and T Townhouse	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus.
5	II	II - Paloma Ridge Dr.	8.8	27	Existing duplexes zoned R Rural	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning, but not appropriate for Shared Housing uses due to the surrounding neighborhood context and the farther distance from the TAMU campus.
5	JJ-KK	JJ-KK - Cain Rd. area	12.8	92	Existing townhouses zoned T Townhouse	Public Input: No comments. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.
5	LL	LL - Papa Bear & Momma Bear Dr. area	18.8	119	Existing townhouses zoned T Townhouse	Public Input: Received a few comments in support. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.

Map	Area Label	Area Label & Description	Acres	# Lots	Existing Conditions	Staff Findings
5	MM	MM - Keefer Loop & Summerway Dr. area	55.5	353	A mix of housing types including townhouses and single-family homes, zoned T Townhouse and GS General Suburban	Public Input: Received a few comments in support. Staff Findings: Appropriate for Middle Housing zoning and Shared Housing uses.

City-Initiated Middle Housing - Summer 2023 public input from online website, virtual and in-person meetings, and calls/emails					
Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
1	B	B - Cooner St.	Yes - I own property that is included	Disagree - I have concerns about this change	Concerns regarding the tax implications and shared housing
1	C	C - Chimney Hill Dr.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	Concerns regarding loud noise, racing down Chimney Hill and reduced property values. This is a family oriented neighborhood where shared housing and increased density does not belong.
1	C	C - Chimney Hill Dr.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	Middle Housing is not appropriate for this area as it is family oriented.
1	C	C - Chimney Hill Dr.	Yes - I own property that is included	Agree - I like this change	I would like to discuss our property type on Chimney Hill today and product type potential given easement and creeks bordering our property.
1	C	C - Chimney Hill Dr.	No - I do not own property that is included nor adjacent to a proposed area	Disagree - I have concerns about this change	Property closest to the old grocery store seems incompatible for the other properties in that area.
1	C	C - Chimney Hill Dr.	Not sure	Agree - I like this change	Tenant wondering when rezoning will this occur, voting will happen in early fall
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill Drive -- it's R-1 now- should not change
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill Drive -- Stay R-1 -> should not change
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill Drive -- Stay R-1
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill Drive -- Stay R-1
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill Dr -- Stay R-1
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Chimney Hill -- Remove C

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Section C is too close to a nicer, established area + needs to be removed.
1	C	C - Chimney Hill Dr.	Not sure	Disagree - I have concerns about this change	Section C -- It does not meet the intent of driving development away from residential areas
1	C	C - Chimney Hill Dr.	Not sure	Not sure	How would this change the roads in the surrounding area
1	E	E - Lincoln Ave.	No - I do not own property that is included nor adjacent to a proposed area	Not sure	Seems odd to pick one line of properties along the street. Seems like it will create a domino effect all along the street. How are the single family homes across the street buffered from that?
1	F-G-H	F-G-H - Dominik Dr.	No - I own adjacent property (within 200-feet)	Not sure	Concerns regarding the buffering to the adjacent single family neighborhood
1	F-G-H	F-G-H - Dominik Dr.	No - I do not own property that is included nor adjacent to a proposed area	Disagree - I have concerns about this change	I live on James Parkway near Thomas Park beyond the 200 foot limit. My concern is that the city think through the impacts on those who live in the adjoining neighborhood and school children attending College Hills. We don't want unruly behavior .
1	F-G-H	F-G-H - Dominik Dr.	No - I do not own property that is included nor adjacent to a proposed area	Not sure	It is unclear how the adjoining single family homes across the fence on very small lots will be impacted if someone buys up a swath of these and wants to build multi story homes there. Duplexes that already exist are compatible, but more than that is bad. How are you going to protect the adjoining properties? That area is already overparked with the sororities. Noise will also be a problem.

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
2	L	L - Holik Dr. area	Not sure	Disagree - I have concerns about this change	Remove L
2	L	L - Holik Dr. area	Not sure	Disagree - I have concerns about this change	Not in favor of L
2	M	M - Pine Ridge Dr.	Not sure	Disagree - I have concerns about this change	Remove M
2	M	M - Pine Ridge Dr.	Not sure	Disagree - I have concerns about this change	Not in favor of M
2	N	N - Lemon Tree Ln. area	Yes - I own property that is included	Disagree - I have concerns about this change	I am a home owner in this area. I just been informed of this plan via letter. I have not been provided with enough detail about this plan to make an informed decision and am greatly concerned about being "down zoned" as termed by planning officials.
2	N	N - Lemon Tree Ln. area	Not sure	Disagree - I have concerns about this change	Remove N
2	N	N - Lemon Tree Ln. area	Not sure	Disagree - I have concerns about this change	Not in favor of N
2	P-Q-R-S-T-U	P-Q-R-S-T-U - Cornell Dr. area	Not sure	Disagree - I have concerns about this change	Completely against it. worried about parking and streets. against ag shacks and short term rentals
2	P-Q-R-S-T-U	P-Q-R-S-T-U - Cornell Dr. area	Yes - I own property that is included		Concerns about density, parking and single family height protection
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	No - I do not own property that is included nor adjacent to a proposed area	Agree - I like this change	
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	Not sure	Disagree - I have concerns about this change	

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	Yes - I own property that is included	Disagree - I have concerns about this change	Received a CSAN flyer, not sure what it was about, but they don't want any change to their property.
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	No - I do not own property that is included nor adjacent to a proposed area	Agree - I like this change	Parkland is valuable and this site is adjacent to a large public park. A medium density "Middle Housing" zone will allow development of the land that makes the most use of this valuable land and allows access to many citizens.
2	V	V - Kalanchoe Ct., Camelia Ct., & Azalea Ct. area	Not sure	Disagree - I have concerns about this change	
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	Yes - I own property that is included	Disagree - I have concerns about this change	
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	Yes - I own property that is included	Agree - I like this change	
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	Yes - I own property that is included	Disagree - I have concerns about this change	
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	Yes - I own property that is included	Agree - I like this change	
2	X	X - Nelson Ln., Thornton Ct. & Camp Ct. area	Not sure	Not sure	What changes are being proposed? general inquiry
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	Not sure	Not sure	When are the public hearings for her property, does she need to attend in person, when will they receive letters alerting them to the public hearings

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	1-We are deeply concerned that this will devalue our property 2-We are concerned that we will have increased noise and other activity levels. 3-We are concerned that we will be restricted on future improvements even if not in the zone.
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	Do NOT approve of this proposal. It will devalue my home , don't need anymore traffic. You want to help the people of CSTAT, then repeal the short term housing ban and let people Air bnb their houses
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	Yes - I own property that is included	Disagree - I have concerns about this change	104 Grove St -- NO. This could result in property value decrease if done as affordable housing!
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	Y	Y - Grove St., Maryem St., Luther St. & Montclair Ave. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	Z	Z - Oney Hervey Dr.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	Not sure	Disagree - I have concerns about this change	Remove BB
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	Not sure	Disagree - I have concerns about this change	No Agshacks. Period. We want our neighborhood preserved for families. We want our Gabbard Park to be a family park. That is why my dad petitioned for the park in the first place. We don't need any more expensive housing built around our area. NO!
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	Yes - I own property that is included	Disagree - I have concerns about this change	I strongly oppose the proposed rezoning of my properties in zone BB and FF to Middle Housing zone.
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	No - I do not own property that is included nor adjacent to a proposed area	Disagree - I have concerns about this change	I rent in a duplex on Llano, and it's the only place that I can afford to live by myself in College Station in a nice neighborhood. In my old neighborhood (middle housing) I had to break my lease and move due to being assaulted. PLEASE don't take my home.
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	No - I do not own property that is included nor adjacent to a proposed area	Disagree - I have concerns about this change	Have TIAs been done for these proposed rezonings? Per the UDO TIA guidelines the maximum units per acre for GS is 8 and for MH it is 24. That is more comparable to the MF zoning classification where wider streets and off street parking is required.
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	BB	BB - Swiss Ct., Concho Pl. & Trigger St. area	Not sure	Disagree - I have concerns about this change	I oppose Middle Housing in the BB area. My reason for opposing is that I feel we have areas that are already in existence that can be renovated and improved and made affordable for families. We are on Winding Rd. and do not want large numbers of kids squeezing into places. Zone/occupancy enforcement is also needed, please.
3	CC	CC - Trinity Pl.	Not sure	Disagree - I have concerns about this change	We all know that "middle housing" really means ag shacks with near-unlimited occupancy. The current duplexes house many working families that will be displaced and development will decrease the desirability of the remaining duplexes and adjacent homes.
3	CC	CC - Trinity Pl.	Not sure	Disagree - I have concerns about this change	Remove CC
3	CC	CC - Trinity Pl.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	CC	CC - Trinity Pl.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	
3	CC	CC - Trinity Pl.	No - I own adjacent property (within 200-feet)	Disagree - I have concerns about this change	

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
4	DD	DD - Navarro Dr. area (north)	No - I do not own property that is included nor adjacent to a proposed area	Agree - I like this change	Support area DD
4	DD	DD - Navarro Dr. area (north)	Not sure	Disagree - I have concerns about this change	I do not want to open the door for this future opportunity in my DD neighborhood
4	DD	DD - Navarro Dr. area (north)	Not sure	Disagree - I have concerns about this change	Remove DD
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included	Disagree - I have concerns about this change	Does not want to include area EE. They bought in this neighborhood because it was single family and want to keep it that way. You can still get into this area at a reasonable cost. If it is rezoned, you change the original intent of the area.
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included	Disagree - I have concerns about this change	Does not want to include area EE
4	EE	EE - Navarro Dr. area (south)	Not sure	Disagree - I have concerns about this change	Want to keep area EE the same, do not include it
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included	Disagree - I have concerns about this change	As a property owner in EE making this change and allowing larger or more densely populated residential structures is not acceptable. Maintaining small single family dwellings with full front and back yards as the neighborhood was built must be a priority.
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included	Disagree - I have concerns about this change	My family has owned 2444 Pintail Loop since the Steeple Chase subdivision was built in early 2000s. The intent was to build a community with single family homes where a family could feel at home. This re-zoning would threaten that intent.

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included	Disagree - I have concerns about this change	The affordable family homes will NO longer be affordable. Also the traffic on Welsh needs to be looked at. Too many children walk home from surrounding schools. College students can barely drive as it is.
4	EE	EE - Navarro Dr. area (south)	Not sure	Disagree - I have concerns about this change	Remove EE
4	EE	EE - Navarro Dr. area (south)	Yes - I own property that is included		Wondering if property would qualify, a site plan would be needed and reviewed to verify
4	FF	FF - Welsh Ave. & San Saba Dr. area	Yes - I own property that is included	Disagree - I have concerns about this change	Disagree- I own 1 home in EE and 12 in FF I don't agree with the rezoning. You are pushing out the families who rent in single family homes
4	FF	FF - Welsh Ave. & San Saba Dr. area	Not sure	Disagree - I have concerns about this change	Traffic, density, expectations
4	FF	FF - Welsh Ave. & San Saba Dr. area	Not sure	Disagree - I have concerns about this change	Ag shacks, single-family homes should be removed, discrepancies
4	FF	FF - Welsh Ave. & San Saba Dr. area	Yes - I own property that is included	Disagree - I have concerns about this change	As a personal home owner in this area, and a one income family, I am concerned about what this rezoning will do to our property taxes and if a drastic rise in our monthly mortgage payment will occur as a result. Is there a way to estimate/prepare for it?
4	FF	FF - Welsh Ave. & San Saba Dr. area	Not sure	Disagree - I have concerns about this change	Remove FF
4	FF	FF - Welsh Ave. & San Saba Dr. area	Yes - I own property that is included	Disagree - I have concerns about this change	I strongly oppose the proposed rezoning of my properties in zone BB and FF to Middle Housing zone
4	GG	GG - Airline Dr.	Not sure	Disagree - I have concerns about this change	Remove GG

Map	Area Label	Area Label & Description	Property Ownership	Do you support this area being zoned Middle Housing?	Comments / Summary
5	LL	LL - Papa Bear & Momma Bear Dr. area	Not sure	Agree - I like this change	This is an appropriate area for Middle Housing and it should be pursued for rezoning.
5	MM	MM - Keefer Loop & Summerway Dr. area	Not sure	Agree - I like this change	This is an appropriate area for Middle Housing and it should be pursued for rezoning.
5	MM	MM - Keefer Loop & Summerway Dr. area	Not sure	Not sure	Curious about the different housing types and shared housing use
5	MM & LL	MM - Keefer Loop & Summerway Dr. area; LL - Papa Bear & Momma Bear Dr. area	Not sure	Agree - I like this change	Overall in support and was wondering if the rezonings would change any of his projects that he has already gone through the process of getting through the pipeline

City-Initiated Middle Housing - Summer 2023 public input from online website, virtual and in-person meetings, and calls/emails
General Comments (not area specific)
No more airbnb's unless you live in the area.
Separate shared housing from middle housing. Shared housing raises property values, a more dense product can go in, and shared housing is hard to enforce.
No to Middle Housing, we love our neighborhood.
Heat gain mitigation for creation of higher density re-development
Require 1.5 off street parking per bedroom.
No to Middle Housing.
Don't force parking for student housing. Get them to use the bus, so there are fewer cars on the streets.
Zone already existing sharing housing as such. But middle housing should be a separate zone. No good-looking cities have AgShacks. Allow only apartments, duplexes, townhomes, work/home in middle housing for density. This will cause old AgShacks to be renovated and no more built.
Require two trees in the front yard and one tree in the back.
Create substantial bike lanes and pedestrian lanes from all middle housing areas. Especially Map #3.
Require 1.5 parking spots per bedroom.
Middle Housing as whole is too broad and allows for too many different housing types.
Piece mill rezonings. We should be doing this in larger areas and not one offs.
The City is losing sight of the big picture of middle housing and catering to the students.
An update to the definition of duplex is needed.
The City is rewarding the illegal activity of shared housing and making it easier for people to make the uses legal.
Not in the 200' proximity and does not own property, but overall against Middle Housing
Concerned with deviation from the existing developments
Received flyer stating "Ag Shacks" and concerns for how that may affect her lease

August 10, 2023

Item No. 8.2.

Recreation Center and Convention Center discussion

Sponsor: Bryan Woods, City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action related to interest in a potential future Recreation Center and Convention Center in College Station.

Relationship to Strategic Goals:

Good governance, financial sustainability, and diverse and growing economy

Recommendation(s): Staff recommends the Council discuss this item and provide direction to staff, if desired.

Summary: This item is in response to a City Council request and is an opportunity for the Council to discuss the potential of a Recreation Center and/or a Convention Center in College Station.

Budget & Financial Summary:

Attachments:

None

August 10, 2023

Item No. 9.1.

Calling a public hearing on a proposed ad valorem tax rate for FY 2023-2024.

Sponsor: Mary Ellen Leonard, Director of Fiscal Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on the 2023-2024 ad valorem tax rate; and calling a public hearing on a proposed ad valorem tax rate for FY 2023-2024.

Relationship to Strategic Goals:

Good Governance

Financial Sustainability

Core Services & Infrastructure

Neighborhood Integrity

Diverse & Growing Economy

Improving Mobility

Sustainable City

Recommendation(s): Staff recommends Council call the public hearing on a proposed ad valorem tax rate for FY 2023-2024.

Summary: The Texas Property Tax Code requires that if an entity wishes to increase tax revenues over the no-new-revenue tax rate, then that entity must call and hold a public hearing on the proposed tax rate.

Budget & Financial Summary: The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund. The Proposed Budget was distributed under separate cover.

Attachments:

None

August 10, 2023

Item No. 9.2.

UDO Clean-Up Amendments

Sponsor: Matthew Ellis

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A “Unified Development Ordinance,” Article 1 “General Provisions,” Article 2 “Development Review Bodies,” Article 3 “Development Review Procedures,” Article 4 “Zoning Districts,” Article 5 “District Purpose Statements and Supplemental Standards,” Article 6 “Use Regulations,” Article 7 “General Development Standards,” Article 8 “Subdivision Design and Improvements,” Article 9 “Nonconformities,” Article 10 “Enforcement,” and Article 11 “Definitions,” of the Code of Ordinances of the City of College Station, Texas, regarding formatting and content edits to the Unified Development Ordinance.

Relationship to Strategic Goals:

Recommendation(s): The Planning and Zoning Commission at their 7/20/23 meeting voted 6-0 to recommend approval.

Staff recommends approval.

Summary: This ordinance amendment provides needed updates to the Unified Development Ordinance (UDO) for consistency, readability, and accuracy. These edits are not for policy changes, but rather clean-up items.

Background:

Consistency Edits

This list of edits is made throughout the UDO to provide formatting consistency across the different sections of the document. Each of these edits has also been added to an internal Planning & Development Services standard operating procedure (SOP) for future edits to the UDO. The list is as follows:

- References to different policy documents, such as the Texas Local Government Code, and other sections within the Code of Ordinances and the UDO were brought under a consistent reference policy.
- City was capitalized in situations where we were referring to the City of College Station as an organization or entity, such as “the City may require...” or “submitted to the City” but was not capitalized when referring to the city as a geographic area, such as the city limits.
- In general, acronyms were avoided. The exception to this rule was that some external organizations, such as the Federal Emergency Management Agency (FEMA) and the American Association of State Highway and Transportation Officials (AASHTO) were acronymized because they are better known by their acronym than their full name.
- Proper nouns were capitalized, including the Comprehensive Plan, Official Zoning Map, and each of the zoning districts. Otherwise, sentence casing was honored.
- Occasionally and infrequently, language was slightly adjusted to improve readability for staff and the general public.
- Numbers were consistently written out, followed by their numerical value in parentheses.

- Tables and images were both formatted the same way each time they were used. Some images were replaced with higher quality images with the same information.

Article 1. General Provisions

Highlighted changes:

- Reorganized the zoning district tables in Section 1.10. Transitional Provisions.
- Renamed WPC Wolf Pen Creek Development Corridor to WPC Wolf Pen Creek to match how the zoning district is referred to throughout the UDO.

Article 2. Development Review Bodies

Highlighted changes:

- Moved the Landmark Commission after the Design Review Board to align with the order of the review bodies in the table in Section 2.12. Summary of Review Authority.

Article 3. Development Review Procedures

Highlighted changes:

- Reordered sections in development order.
- Changed language to align with the practice of staff approving preliminary plans rather than the Planning and Zoning Commission.
- Consolidated Wolf Pen Creek Site Plan and Building/Sign Permit sections into existing sections for all site plans and building/sign permits.

Article 4. Zoning Districts

Highlighted changes:

- Reorganized the table of districts to align with the order of districts in Article 5. District Purpose Statements and Supplemental Standards.

Article 5. District Purpose Statements and Supplemental Standards

Highlighted changes:

- Reordered Sections 5.1. Residential Zoning Districts and 5.3. Non-Residential Zoning Districts in the order they are presented in the respective dimensional standards tables.
- Reformatted dimensional standards tables in Section 5.2. Residential Zoning District Dimensional Standards, including separating out the Dimensional Standards for Clustered Developments into its own table.
- Moved HP Historic Preservation Overlay under Section 5.10. Overlay Districts.

Article 6. Use Regulations

Highlighted changes:

- Reordered Section 6.4. Specific Use Standards in alphabetical order.

Article 7. General Development Standards

Highlighted changes:

- Reordered different sign regulations in Section 7.5. Signs in alphabetical order.
- Moved definitions from Section 7.14. Drainage and Stormwater Management to Article 11. Definitions.

Article 8. Subdivision Design and Improvements

Highlighted changes:

- Updated the Certificate of the County Clerk in Section 8.9. Certifications to follow their new approach to certification and recordation of plats.

Article 11. Definitions

Highlighted changes:

- Reordered some of the defined terms to make them easier to find.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. UDO Clean-up Redlines

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING APPENDIX A “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 1 “GENERAL PROVISIONS,” ARTICLE 2 “DEVELOPMENT REVIEW BODIES,” ARTICLE 3 “DEVELOPMENT REVIEW PROCEDURES,” ARTICLE 4 “ZONING DISTRICTS,” ARTICLE 5 “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS,” ARTICLE 6 “USE REGULATIONS,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS,” ARTICLE 8 “SUBDIVISION DESIGN AND IMPROVEMENTS,” ARTICLE 9 “NONCONFORMITIES,” ARTICLE 10 “ENFORCEMENT,” AND ARTICLE 11 “DEFINITIONS,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, REGARDING FORMATTING AND CONTENT EDITS TO THE UNIFIED DEVELOPMENT ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Appendix A “Unified Development Ordinance,” Article 1 “General Provisions,” Article 2 “Development Review Bodies,” Article 3 “Development Review Procedures,” Article 4 “Zoning Districts,” Article 5 “District Purpose Statements and Supplemental Standards,” Article 6 “Use Regulations,” Article 7 “General Development Standards,” Article 8 “Subdivision Design and Improvements,” Article 9 “Nonconformities,” Article 10 “Enforcement,” and Article 11 “Definitions,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A,”** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED, and APPROVED this 10th day of August, 2023.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Exhibit A

That Appendix A, “Unified Development Ordinance,” Article 1 “General Provisions,” Article 2 “Development Review Bodies,” Article 3 “Development Review Procedures,” Article 4 “Zoning Districts,” Article 5 “District Purpose Statements and Supplemental Standards,” Article 6 “Use Regulations,” Article 7 “General Development Standards,” Article 8 “Subdivision Design and Improvements,” Article 9 “Nonconformities,” Article 10 “Enforcement,” and Article 11 “Definitions,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Article 1. General Provisions

Sec. 1.1. Short Title.

This Ordinance shall be officially known and cited as the Unified Development Ordinance (UDO) of the City of College Station, Texas. References to "this Ordinance" or "this UDO" shall be interpreted as references to this Unified Development Ordinance.

Sec. 1.2. Authority.

This UDO is adopted under the authority of the constitution and laws of the State of Texas, including particularly Chapters 211 and 212 of the Texas Local Government Code, as amended, and pursuant to the provisions of the Charter and Ordinances of the City of College Station, Texas.

Sec. 1.3. Scope and Purpose.

- A. This UDO is adopted for the purpose of promoting the public health, safety, and general welfare of the citizens of the City of College Station. More specifically, this UDO provides for the division of land into different districts, regulations of such districts, regulations for the subdivision of land and drainage regulations pertaining thereto. These regulations are designed to be consistent with the Comprehensive Plan. The Comprehensive Plan is the fundamental guide to all decisions made under this UDO. To implement the broad goals of the plan, this UDO regulates land use and the division of land to achieve objectives of the plan that include, but are not limited to, the following:
1. Promote the beneficial, economic, and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
 2. Protect the character and the established pattern of desirable development in each area;
 3. Prevent or minimize land-use incompatibilities and conflicts among different land uses;
 4. Establish a process that effectively and fairly applies the regulations and standards of this UDO and respects the rights of property owners and the interests of citizens; and
 5. Implements the Comprehensive Plan through compliance with its elements.

Sec. 1.4. Jurisdiction.

A. Land Within the City Limits.

Except as set forth below, this UDO applies to all land within the city limits of College Station. All structures and land uses constructed or commenced after the effective date of this UDO, and all enlargements of, additions to, changes in, and relocations of existing structures and uses occurring after the effective date of this UDO shall be subject to this UDO.

B. Land Within the Extraterritorial Jurisdiction of College Station.

The City of College Station and Brazos County are, jointly, the primary platting authority in the City's extraterritorial jurisdiction in Brazos County. Burleson County is the primary platting authority in the portion of the City's extraterritorial jurisdiction which lies in Burleson County. The following Sections of this UDO shall apply to all properties outside the city limits of College Station, but lying within the City's extraterritorial jurisdiction as established by the Municipal Annexation Act:

1. Applicable portions of the Signs Section of Article 7, General Development Standards of this UDO;
2. Article 8, Subdivision Design and Improvements;
3. Article 10, Enforcement; and
4. Applicable definitions within Article 11, Definitions.

C. Land Zoned BioCorridor Planned Development District.

The City of College Station and the City of Bryan have adopted common development processes and standards for land that is zoned BioCorridor Planned Development District in each City's jurisdiction. The following Sections of the UDO shall not apply to property zoned BioCorridor Planned Development District:

1. Article 3, Development Review Procedures;
2. Article 6, Use Regulations;
3. Article 7, General Development Standards; and
4. Article 8, Subdivision Design and Improvements, with the exception of the Requirements for Parkland Dedication Section. Dedication of parkland shall remain in effect for properties within the BioCorridor Planned Development District.

Sec. 1.5. Applicability.

- A. In their interpretation and application, the provisions of this UDO shall be held to be minimum requirements (including cases where minimum requirements are stated as a maximum standard) adopted for the promotion of public health, safety, and general welfare.
- B. Whenever the requirements of this UDO are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the Administrator shall govern. When making the determination, the Administrator must use the canons of statutory construction to determine the governing regulation.
- C. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this UDO shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other City, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

Sec. 1.6. Relationship to the Comprehensive Plan.

- A. It is intended that this UDO implement the planning policies of the City of College Station as adopted as part of the Comprehensive Plan.
- B. The Comprehensive Plan, including any associated plans or studies adopted by the City Council, shall be required prior to, or concurrent with, permitting development that would conflict with such plan.
- C. The alignments of proposed thoroughfares, bicycle and pedestrian facilities, and other linear public facilities and infrastructure described and/or depicted as part of the Comprehensive Plan and associated plans or studies are generalized locations that are subject to modifications to fit local conditions, budget constraints, and right-of-way and easement availability that warrant further refinement as development occurs. Alignments approved by the Administrator that are within one thousand (1,000) feet of the alignment described and/or shown on the adopted plan documents will not require an amendment to the associated

plan. The Administrator may update geographic information system (GIS) map layers and other representations within the aforementioned discretion to reflect existing, approved, or studied conditions as development occurs.

Sec. 1.7. Effective Date.

This UDO shall become effective and be in full force and effect ninety (90) days from its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

Sec. 1.8. Annual Review.

The City Council shall review annually the Comprehensive Plan and this UDO. The review, or any delay in the review by the City Council, shall not affect the legality of the Comprehensive Plan or this UDO.

Sec. 1.9. Severability.

Should any section or provision of this UDO be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Sec. 1.10. Transitional Provisions.

A. Pending Construction.

1. Building Permits.

As provided by Chapter 245 of the Texas Local Government Code, as amended, 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 in the following table:

Retained District	Name	Effective Date
WPC	Wolf Pen Creek Development 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 District	June 13, 2003
OV	Corridor Overlay	June 13, 2003

2. Renamed Districts.

The following zoning districts shall henceforth be renamed as shown in the following table:

Previous District	Previous Name	New District	New Name	Effective Date
A-OX	Existing Rural Residential	A-O	Agricultural-Open	June 13, 2003
R-1A	Single-Family Residential	R-1	Single-Family Residential	June 13, 2003
R-6	Apartment High Density	R-6	High Density Multi-Family	June 13, 2003
M-1	Planned Industrial	M-1	Light Industrial	June 13, 2003
NG-2	Commercial Northgate	NG-2	Transitional Northgate	April 2, 2006
A-P	Administrative Professional	O	Office	October 7, 2012
C-1	General Commercial	GC	General Commercial	October 7, 2012
C-2	Commercial Industrial	CI	Commercial Industrial	October 7, 2012
A-O	Agricultural Open	R	Rural	September 22, 2013
A-OR	Rural Residential Subdivision	E	Estate	September 22, 2013
R-1	Single-Family Residential	GS	General Suburban	September 22, 2013
R-2	Duplex Residential	D	Duplex	September 22, 2013
R-3	Townhouse	T	Townhouse	September 22, 2013
R-7	Manufactured Home Park	MHP	Manufactured Home Park	September 22, 2013
WPC	Wolf Pen Creek Development Corridor	WPC	Wolf Pen Creek	June 22, 2023

3. Combined Districts.

The following zoning districts shall henceforth be combined as reflected in the following table:

Combined Districts	Name	New District	New Name	Effective Date
R-4	Apartment/Low Density	R-4	Multi-Family	June 13, 2003
R-5	Apartment/Medium Density			
C-B	Business Commercial	C-1	General Commercial	June 13, 2003
C-1	General Commercial			
C-3	Planned Commercial	C-3	Light Commercial	June 13, 2003
C-N	Neighborhood Business			

4. Retired Districts.

The following districts are no longer eligible for Official 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
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
R-1B	Single-Family Residential	September 22, 2013
R-4	Multi-Family	December 28, 2014
R-6	High Density Multi-Family	December 28, 2014
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 the 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
HP	Historic Preservation Overlay	September 11, 2008
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
MH	Middle Housing	November 6, 2022

6. Redesignated District.

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

Previous District	Name	Redesignated District	Name	Effective Date
PUD	Planned Unit Development	PDD	Planned Development District	June 13, 2003

7. Deleted Districts.

The following districts not existing on the Official Zoning Map are hereby deleted:

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

Article 2. Development Review Bodies

Sec. 2.1. City Council.

A. General.

The City Council will be responsible for final action regarding the text of this UDO and the Official Zoning Map.

B. Powers and Duties.

As provided and established within the City of College Station Charter, the City Council has the following powers and duties regarding this UDO:

1. Appointments.

The City Council shall have the responsibility of appointing and removing any member of the Planning and Zoning Commission, Zoning Board of Adjustment, Design Review Board, Landmark Commission, and Bicycle, Pedestrian, and Greenways Advisory Board.

2. Final Action.

The City Council shall hear and take final action on the following:

- a. Development agreements and oversize participation agreements for City participation in cost-sharing of infrastructure improvements;
- b. Conditional use permits;
- c. Official Zoning Map amendments (rezonings);
- d. Concept plans for P-MUD Planned Mixed-Use Districts and PDD Planned Development Districts;
- e. Unified Development Ordinance text amendments;
- f. Comprehensive Plan amendments;
- g. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities;
- h. Annexations;
- i. Appeal of the Planning and Zoning Commission's decision regarding a development exaction appeal;
- j. Appeal of the Landmark Commission's denial of a certificate of appropriateness;
- k. Appeal of the Landmark Commission's decision of a certificate of demolition; and
- l. Petitions to form a municipal utility district.

Sec. 2.2. Planning and Zoning Commission.

A. Creation.

The City Council shall provide for the appointment of a Planning and Zoning Commission and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms.

1. Number, Appointment.

A Planning and Zoning Commission is hereby created to consist of seven (7) members. Members shall be residents of the City of College Station and eligible voters. Additionally, one (1) or more ad hoc members may be appointed as needed or desired to review impact fee land use assumptions and capital improvements plans and to perform such other duties in accordance with Chapter 395 of the Texas Local Government Code, as amended.

2. Terms.

The term of office is three (3) years.

3. Term Limits.

Terms of office shall be limited to six (6) consecutive years.

4. Vacancies.

Vacancies shall be filled by the City Council for the unexpired term of any member whose position becomes vacant.

C. Officers, Meetings, Quorum.

1. **Officers.**

A chairperson shall be appointed annually by the City Council. The Planning and Zoning Commission shall select a vice-chairperson from among its members as needed.

2. **Meetings.**

Members of the Planning and Zoning Commission shall meet regularly, and the chairperson shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation advanced to the City Council without a majority of positive votes from those members present shall be deemed a negative report.

4. **Rules of Proceeding.**

The Planning and Zoning Commission shall adopt its own rules of procedure.

5. **Minutes.**

The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department and shall be a public record.

D. **Powers and Duties.**

The Planning and Zoning Commission shall have the following powers and duties:

1. **Comprehensive Plan.**

The Planning and Zoning Commission shall make recommendations for the effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan.

2. **Recommendations.**

The Planning and Zoning Commission shall review and make recommendations to the City Council subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. Conditional use permits;
- b. Official Zoning Map amendments (rezonings);
- c. Concept plans for P-MUD Planned Mixed-Use Districts and PDD Planned Development Districts;
- d. Unified Development Ordinance text amendments;
- e. Comprehensive Plan amendments;
- f. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities;
- g. Annexations; and
- h. Petitions to form a municipal utility district.

3. **Final Action.**

The Planning and Zoning Commission shall hear and take final action on the following:

- a. Applicable appeals of decisions of the Design Review Board;
- b. Preliminary plans and plats not approved by staff as set forth in the Plats Section in Article 3, Development Review Procedures of this UDO;

- c. Waivers of the standards in Article 8, Subdivision Design and Improvements of this UDO;
- d. Appeal of the Administrator's determination of a development exaction;
- e. Appeal of the Administrator's denial of a plat;
- f. Appeal of the Administrator's determination regarding the applicability of plat requirements;
- g. Appeal of the Administrator's denial of an alternative parking plan; and
- h. Appeal of the Administrator's interpretation of the provisions of Article 8, Subdivision Design and Improvements of this UDO.

E. Staff.

- 1. The Administrator shall provide staff to the Planning and Zoning Commission as needed.
- 2. Where ministerial acts have not been completed, the staff shall ensure that the changes to plats are completed as approved by the Planning and Zoning Commission.

Sec. 2.3. Zoning Board of Adjustment.

A. Creation.

The City Council shall provide for the appointment of a Zoning Board of Adjustment and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms.

1. Number, Appointment.

The Zoning Board of Adjustment shall consist of five (5) members who are residents of the City of College Station and eligible voters. Appointment of members shall be made by the City Council. The City Council may provide for the appointment of four (4) alternate members of the Zoning Board of Adjustment who shall serve in the absence of one (1) or more regular members when requested to do so.

2. Terms.

Each member of the Zoning Board of Adjustment shall be appointed for a term of two (2) years. Three (3) members shall be appointed in even-numbered years and two (2) members shall be appointed in odd-numbered years to maintain a membership of five (5) members. Any alternate members appointed shall serve for the same period as the regular members and any vacancies shall be filled in the same manner as the regular members.

3. Vacancies.

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. Officers, Meetings, Quorum.

1. Officers.

A chairperson shall be appointed annually by the City Council. The Zoning Board of Adjustment shall select a vice-chairperson from among its members.

2. Meetings.

Meetings of the Zoning Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in their absence the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board where a quorum is present shall be open to the public.

3. **Quorum.**

All cases heard by the Zoning Board of Adjustment will always be heard by a minimum number of four (4) members. Four (4) members shall constitute a quorum for the transaction of business and no variance or appeal shall be granted without a concurring vote of four (4) members.

4. **Rules of Proceeding.**

The Zoning Board of Adjustment shall adopt its own rules of procedure.

5. **Minutes.**

The Zoning Board of Adjustment shall keep minutes of its proceedings, indicating the vote of each member on each question or the fact that a member is absent or fails to vote, and shall keep records of its examinations and other official actions. The minutes and records shall be immediately filed in the Planning and Development Services Department and shall be a public record.

D. **Powers and Duties.**

The Zoning Board of Adjustment shall have the following powers and duties:

1. **Variances.**

To hear and decide requests for variance from the setback, parking number or dimensions, parking island number or dimensions, sign (excluding sign regulations in the extraterritorial jurisdiction), maximum height, or lot size or dimension requirements of this UDO. Also, to hear and decide drainage variances (excluding landscaping provisions) in accordance with the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances when strict application of the provisions of the ordinance would result in unnecessary hardship.

Specifically excluded from the variance process are requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Site Plans Section of Article 3, Development Review Procedures of this UDO. Such requests will be heard and decided by the Design Review Board.

Also excluded are roadway and infrastructure construction criteria and other regulations contained in Article 8, Subdivision Design and Improvements of this UDO. Such requests shall require waivers granted by the Planning and Zoning Commission.

2. **Administrative Appeals.**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Administrator or their designee in the enforcement of this UDO.

3. **Official Zoning Map.**

To interpret the intent of the Official Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Official Zoning Map.

4. **Nonconformities.**

To hear and decide requests for the completion, enlargement, extension, or structural alteration of buildings and structures devoted to non-conforming uses in accordance with the Nonconforming Uses Section of Article 9, Nonconformities of this UDO.

5. **Special Exceptions.**

To hear and decide requests for special exceptions for the parking of vehicles on residential yards in accordance with the Stopping, Standing and Parking Article of Chapter 38, Traffic and Vehicles of the City of College Station Code of Ordinances.

6. **Distance Requirements.**

To hear and consider deviations from the distance requirements for the keeping of domestic livestock, fowl, and rabbits in accordance with the Livestock, Birds, Exotic Animals And Wild Animals Article of Chapter 6, Animals of the City of College Station Code of Ordinances.

7. Easterwood Field Airport Zoning.

To hear and decide requests for appeals, special exemptions, and variances in accordance with the Easterwood Field Airport Zoning Ordinance.

E. Staff.

The Administrator shall provide staff to the Zoning Board of Adjustment as needed.

Sec. 2.4. Design Review Board.

A. Creation.

A Design Review Board is hereby established by the City of College Station for the purpose of enhancing the City's ability to review sign, building, and site design issues, including architectural issues as specified in this UDO, by bringing expertise from the community to bear on these issues in designated design districts.

B. Membership and Terms.

1. The Design Review Board shall consist of seven (7) members. Six (6) of the members shall be appointed by the City Council.
 - a. The City Council shall appoint a representative with expertise from each of the following disciplines or groups:
 - 1) Architecture;
 - 2) Landscape architecture;
 - 3) Business; and
 - 4) Design district connection (e.g., developer, land owner, business owner, resident, or employee within a design district).
 - b. The City Council shall appoint two members that are citizens-at-large.
 - c. The final regular member shall be the chairperson of the Planning and Zoning Commission or their designee.
2. With the exception of the chairperson of the Planning and Zoning Commission or their designee who shall serve on the Design Review Board as long as the chairperson serves as chair of the Planning and Zoning Commission, the term of office is three (3) years.
3. The Design Review Board is a governmental body and shall comply with the Open Meetings Act.

C. Officers, Meetings, Quorum.

1. Officers.

A chairperson shall be appointed annually by the City Council. The Design Review Board shall select a vice-chairperson from among its members.

2. Meetings.

Members of the Design Review Board shall meet regularly, and the chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. Quorum.

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes from those members present shall be deemed a negative report.

4. **Rules of Proceeding.**

The Design Review Board shall adopt its own rules of procedure.

5. **Minutes.**

The Design Review Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department and shall be a public record.

D. **Powers and Duties.**

The Design Review Board has the following powers and duties:

1. **WPC Wolf Pen Creek Standards Waivers.**

The Design Review Board shall hear and decide requests for waivers from the standards in the Wolf Pen Creek (WPC) Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

2. **WPC Wolf Pen Creek Parking Waivers.**

The Design Review Board shall hear and decide requests to vary from the amount of required parking in WPC Wolf Pen Creek.

3. **NG Northgate District Standards Waivers.**

The Design Review Board shall hear and decide requests to vary from the standards in the Northgate Districts (NG) Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

4. **Driveway Appeals.**

The Design Review Board shall hear appeals to decisions of the Development Engineer regarding driveway appeals.

5. **Appeal of Requirement Based on Site Plan Review Criteria.**

The Design Review Board shall hear and decide appeals of the Administrator's application of site plan requirements to assure compliance with the Site Plans Section and the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures of this UDO.

6. **Buffer Appeals.**

The Design Review Board shall hear appeals of buffer requirements listed in the Buffer Requirements Section of Article 7, General Development Standards of this UDO.

7. **Non-Residential Architectural Standards Appeals.**

The Design Review Board shall hear and decide waiver requests as specified in the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO.

8. **Non-Residential Architectural Standards Alternative Compliance.**

The Design Review Board shall hear and decide on proposals for alternative compliance with the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO.

E. **Staff.**

The Administrator shall provide staff to the Design Review Board as needed.

Sec. 2.5. Landmark Commission.**A. Creation.**

A Landmark Commission is hereby established by the City of College Station for the purpose of enhancing the City's ability to identify and protect historically and/or culturally significant districts, areas, sites, buildings, and structures by bringing expertise from the community in those areas related to the designation of HP Historic Preservation Overlays and protection of the contributing elements within them.

B. Membership and Terms.

1. The Landmark Commission shall consist of seven (7) regular members and two (2) alternate members. Six (6) of the regular members and the two (2) alternate members shall be appointed by the City Council. City Council shall apportion membership according to the following fields of expertise or specialized knowledge:
 - a. One (1) member shall represent one (1) of the following fields or professions:
 - 1) History; or
 - 2) Archaeology.
 - b. Two (2) members shall be the owners of the following:
 - 1) Property in the City's Historic Marker Program; or
 - 2) Property within an HP Historic Preservation Overlay. If no HP Historic Preservation Overlay has yet been applied to property in the City of College Station, a property owner(s) of land platted prior to 1970 may be considered.
 - c. Two (2) members shall represent any combination of the following fields or professions:
 - 1) Architecture: an architect, previously registered architect, architect registered in another state, or professor in the field of architecture;
 - 2) Landscape architecture: a landscape architect, previously registered landscape architect, landscape architect registered in another state, or professor in the field of landscape architecture;
 - 3) Urban planning: a certified planner, previously certified planner, a planner with at least three (3) years of municipal planning experience, or professor in the field of urban planning; or
 - 4) Historical preservation specialist: an experienced professional who provides technical and strategic expertise to promote the viability, reuse, and integrity of historic buildings and/or properties.
 - d. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Banking, finance, or economics;
 - 2) Real estate; or
 - 3) Law.
 - e. One (1) alternate shall represent the membership criteria identified in Subsection b above.
 - f. One (1) alternate shall represent any of the fields identified in Subsections a, c, or d above.

The final regular member shall be the chairperson of the Historic Preservation Committee or their designee.

The City Council shall prioritize Landmark Commission candidates within each Subsection above on their demonstrated expertise and interest in historic preservation. In the event any of the

memberships assigned to a particular field of expertise or specialized knowledge identified above in Subsections a, b, c, or d cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in historic preservation to fill such places.

2. Members shall be appointed for three (3) year terms or until their successors are appointed. Two (2) members shall be appointed each year.
3. The Landmark Commission shall comply with the Open Meetings Act.

C. Officers, Meetings, Quorum.

1. Officers.

A chairperson shall be appointed annually by the City Council. The Landmark Commission shall select a vice-chairperson from among its members.

2. Meetings.

Members of the Landmark Commission shall meet regularly, and the chairperson shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. Quorum.

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. Rules of Proceeding.

The Landmark Commission shall adopt its own rules of procedure.

5. Minutes.

The Landmark Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department and shall be a public record.

D. Powers and Duties.

The Landmark Commission shall have the following powers and duties:

1. Duties.

- a. Review and approve surveys conducted and maintained by the City that include an inventory of significant historic, architectural, and cultural resources within College Station according to guidelines established by the Texas Historical Commission;
- b. Utilize such surveys to identify potential property appropriate for the application of HP Historic Preservation Overlays;
- c. Review and approve surveys conducted and maintained by the City that include an inventory of all properties located within an HP Historic Preservation Overlay within College Station;
- d. Nominate properties to the National Register of Historic Places;
- e. Establish an ad hoc three (3) person Economic Review Panel when a property owner in an HP Historic Preservation Overlay requests a certificate of demolition based on the reason that no economically viable use of the property exists. The Economic Review Panel must be comprised of three (3) independent experts knowledgeable in one (1) or more of the following fields: the economics of real estate, building renovation, or redevelopment. "Independent" as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a City employee; is not a

member of the Landmark Commission; and is not compensated for serving on the Economic Review Panel. The Economic Review Panel must consist of one (1) person selected by the Landmark Commission, one (1) person selected by the property owner, and one (1) person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third appointee within thirty (30) calendar days after submission of all of the required documentation supporting the application, the third appointee will be selected by the Administrator within five (5) days. Within thirty-five (35) calendar days after submission of all of the required documentation supporting the application, all appointments to the Economic Review Panel shall be made;

- f. Act in an advisory role to the City Council, all appointed boards and commissions, and City departments regarding the protection of local historic, architectural, and cultural resources;
- g. Review and make recommendations to the appropriate county historical commission of all proposed National Register of Historic Places nominations for properties within College Station; and
- h. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.

2. Recommendations.

The Landmark Commission shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. The effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan as it relates to historic preservation;
- b. The adoption of Unified Development Ordinance text amendments as they relate to the designation of HP Historic Preservation Overlays and the processes and standards for properties within HP Historic Preservation Overlays; and
- c. The designation of HP Historic Preservation Overlays.

The Landmark Commission shall make recommendations to the City Council for the following:

- 1) The utilization of state, federal, or private funds to promote the preservation of HP Historic Preservation Overlays within College Station; and
- 2) The acceptance of the dedication of easements for the purpose of historic preservation.

3. Final Action.

The Landmark Commission shall hear and take final action on the following:

- a. Applications for certificates of appropriateness;
- b. Applications for certificates of demolition; and
- c. Certifications of properties of demolition by neglect, notices to owners of certified demolition by neglect properties, and referrals for enforcement.

E. Staff.

The Administrator shall provide staff, including a Historic Preservation Officer, to the Landmark Commission as needed.

Sec. 2.6. Bicycle, Pedestrian, and Greenways Advisory Board.

A. Creation.

A Bicycle, Pedestrian, and Greenways Advisory Board is hereby established by the City of College Station for the purpose of advising and recommending to the City Council, the Planning and Zoning Commission, and other appointed boards and commissions on all matters concerning bicycling, walking, and greenways.

B. Membership and Terms.

1. Number, Appointment.

The Bicycle, Pedestrian, and Greenways Advisory Board shall consist of seven (7) members who are residents of the City of College Station and eligible voters. Appointment of members shall be made by the City Council. The Board shall consist of the following:

- a. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Real estate;
 - 2) Banking, finance, or economics;
 - 3) Law.
- b. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Recreation;
 - 2) Health;
 - 3) Kinesiology.
- c. Two (2) members that are residents with a demonstrated interest in walking, running, bicycling or open space preservation.
- d. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Environmental/ecological sciences;
 - 2) Stormwater/floodplain management;
 - 3) Natural resources.
- e. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Transportation planning;
 - 2) Engineering;
 - 3) Architecture;
 - 4) Landscape architecture;
 - 5) Urban planning.

The final regular member shall be the chairperson of the Council Transportation and Mobility Committee or their designee.

The City Council shall prioritize Bicycle, Pedestrian, and Greenways Advisory Board candidates within each Subsection above by their demonstrated expertise. In the event any of the memberships assigned to a particular field of expertise or specialized knowledge identified in the above Subsections cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in bicycling, walking, and greenways to fill such places.

2. Terms.

With the exception of the chairperson of the Council Transportation and Mobility Committee or their designee who shall serve on the Bicycle, Pedestrian, and Greenways Advisory Board for as long as the

chairperson serves on the Council Transportation and Mobility Committee, the term of office is three years.

3. **Vacancies.**

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. **Officers, Meetings, Quorum.**

1. **Officers.**

A chairperson shall be appointed annually by the City Council. The Bicycle, Pedestrian, and Greenways Advisory Board shall select a vice-chairperson from among its members.

2. **Meetings.**

Members of the Bicycle, Pedestrian, and Greenways Advisory Board shall meet regularly, and the chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. **Rules of Proceeding.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall adopt its own rules of procedure.

5. **Minutes.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department and shall be public record.

D. **Powers and Duties.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall have the following powers and duties:

1. **Duties.**

- a. Support the implementation of the transportation element of the Comprehensive Plan and the Bicycle, Pedestrian, and Greenways Master Plan;
- b. Promote and encourage bicycling and walking as accepted forms of transportation;
- c. Review project designs related to bicycle, pedestrian, and greenway improvements, including review of plats, site plans, and capital improvement projects;
- d. Assist in identifying and applying for alternative funding sources for bicycle, pedestrian, and greenway facilities, programs, services, and projects;
- e. Promote education and safety programs for bicyclists, pedestrians, and motorists;
- f. Facilitate citizen participation in local governments' consideration of matters involving bicycle, pedestrian, and greenway issues;
- g. Promote intergovernmental and public/private coordination on bicycle, pedestrian, and greenway matters including working with local businesses and other organizations; and
- h. Perform other duties as may be assigned.

2. **Recommendations.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. The adoption of Comprehensive Plan amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of Unified Development Ordinance text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee/Capital Improvement Plan priorities as they relate to bicycling, walking, and greenways.

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the City Council for the following:

- a. The adoption of Comprehensive Plan amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of Unified Development Ordinance text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee/Capital Improvement Plan priorities as they relate to bicycling, walking, and greenways.

E. Staff.

The Administrator shall provide staff to the Bicycle, Pedestrian, and Greenways Advisory Board as needed.

Sec. 2.7. BioCorridor Board.

A. Creation.

A BioCorridor Board is hereby created for the purpose of enhancing the community's ability to consistently review subdivision, building, and site design issues of the unique, multi-jurisdictional BioCorridor Planned Development District. The BioCorridor Board shall bring governing expertise from each City and a representative of Texas A&M University to bear on these issues within the BioCorridor area.

B. Membership and Terms.

1. Number, Appointment.

A BioCorridor Board is hereby created to consist of seven (7) members as follows:

- a. Appointment of three (3) members shall be made by the College Station City Council. Two (2) of these appointments shall be members of the City of College Station's Planning and Zoning Commission. One (1) appointment shall be a member of the College Station City Council.
- b. Appointment of three (3) members shall be made by the Bryan City Council. Two (2) of these appointments shall be members of the City of Bryan's Planning and Zoning Commission. One (1) appointment shall be a member of the Bryan City Council.
- c. Appointment of one (1) member shall be made by the Chancellor of the Texas A&M University System or their designee. This appointment shall be an employee of the Texas A&M University System.

2. Terms.

- a. Terms of members of the BioCorridor Board shall be for two (2) years or until their successors are appointed.

- b. Should a BioCorridor Board member no longer qualify for their position, that member's term shall be ended immediately upon such disqualifying event (for example, if an appointed Planning and Zoning Commissioner is no longer a Commissioner for the City).

3. **Vacancies.**

Vacancies shall be filled by the governing entity/person responsible for the appointment.

- C. **Officers, Meetings, Quorum.**

1. **Officers.**

A chairperson and a vice-chairperson shall be selected every two (2) years from among its members. The chairperson and vice-chairperson shall be municipal representatives and shall not be appointees from the same municipality. The vice-chairperson may act as chairperson when the chairperson is not available.

2. **Meetings.**

Members of the BioCorridor Board shall meet as needed and the chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public. The BioCorridor Board shall comply with the Open Meetings Act.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendations advanced to a different regulatory entity without a majority of positive votes from those members present shall be deemed a negative recommendation.

4. **Rules of Proceeding.**

The BioCorridor Board may adopt its own rules of procedure consistent with this Ordinance.

5. **Minutes.**

The BioCorridor Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services office of the City of Bryan and shall be a public record. A copy of all such records shall be delivered to the Planning and Development Services office of the City of College Station by the City of Bryan within ten (10) working days of filing.

- D. **Powers and Duties.**

The BioCorridor Board shall have the following powers and duties:

1. **Recommendations.**

- a. The BioCorridor Board shall review and make recommendations to City staff of College Station and Bryan regarding improvements in the public realm that further the aesthetics, identity, and access to and within the BioCorridor Planned Development District.
- b. The BioCorridor Board shall review and make recommendations to the City of College Station Planning and Zoning Commission regarding waivers of the standards in the Subdivision Design and Improvements Section of Exhibit D of Ordinance No. 2019-4085.

2. **Final Action.**

The BioCorridor Board shall hear and take final action on the following:

- a. Special district identification signs as set forth in Ordinance No. 2019-4085;
- b. Temporary signs promoting positive communications as set forth in Ordinance No. 2019-4085;

- c. Works of art and their locations when located in the public right-of-way or other public area as set forth in Ordinance No. 2019-4085;
- d. Appeal of the BioCorridor Review Committee's determination regarding the applicability of plat requirements;
- e. Appeal of the BioCorridor Review Committee's denial of a site plan as set forth in the Site Plan Review Section of Exhibit D of Ordinance No. 2019-4085;
- f. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements Section of Exhibit D of Ordinance No. 2019-4085;
- g. Appeal of the BioCorridor Review Committee's denial of an alternative parking plan;
- h. Alternative highway buffers standards as allowed in Ordinance No. 2019-4085; and
- i. Appeal of the terms of the highway buffers standards as set forth in Ordinance No. 2019-4085.

E. Staff.

The City of College Station and the City of Bryan shall provide staff support to the BioCorridor Board as needed.

1. BioCorridor Review Committee.

The BioCorridor Review Committee will provide background information and recommendations to the Board as set forth in Ordinance No. 2019-4085.

2. Administrative Support.

The City of College Station and/or the City of Bryan shall provide administrative support functions for each meeting, such as agenda posting and the filing of minutes.

3. Planning Representative.

Where ministerial acts have not been completed, the planning representative of the City in which the project is located shall ensure that the changes to plats and/or plans are completed as approved by the BioCorridor Board.

Sec. 2.8. Administrator.

A. Designation.

The Director of Planning and Development Services shall serve as the Administrator. Where this UDO assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

B. Powers and Duties.

The Administrator shall have the following powers and duties:

1. Administration and Enforcement.

The Administrator shall administer and enforce the provisions of this UDO.

2. Interpretation.

The Administrator is responsible for interpreting the provisions of this UDO. The Administrator shall make written interpretations of this UDO when requested, setting forth the reasons and explanation therefore.

3. Building Permits.

The Administrator shall review and certify that the proposed construction, moving, alteration, or use of the land either does or does not comply with the provisions of this UDO prior to the issuance of a building permit by the Building Official.

4. Final Action.

The Administrator shall review and take final action on the following:

- a. Sign permits;
- b. Site plans;
- c. Architectural reviews;
- d. Administrative adjustments;
- e. Preliminary plans as set forth in the Plats Section of Article 3, Development Review Procedures of this UDO;
- f. Plats as set forth in the Plats Section of Article 3, Development Review Procedures of this UDO;
- g. Determination of building plot as set forth in the General Provisions Section of Article 7, General Development Standards of this UDO;
- h. Certificate of appropriateness routine maintenance work reviews;
- i. Determination regarding the applicability of plat requirements; and
- j. Alternative parking plans as set forth in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.

5. Other Duties.

- a. The Administrator, or their designee, shall serve as the Historic Preservation Officer for the City. As such, the Historic Preservation Officer shall serve as a representative of the Landmark Commission and shall be responsible for coordinating the Landmark Commission's preservation activities with the Historic Preservation Committee, those of state and federal agencies, and with local, state, and national nonprofit preservation organizations.
- b. The Administrator shall perform other duties imposed under the provisions of the City of College Station Code of Ordinances.
- c. The Administrator shall administer and enforce the regulations of the Easterwood Field Airport Zoning Ordinance.

Sec. 2.9. Building Official.

A. Designation.

The Administrator shall designate the Building Official for the City of College Station. The Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

B. Powers and Duties.

The Building Official shall have the following powers and duties:

1. Building Inspections.

The Building Official shall have the power to conduct inspections of buildings and premises to carry out their duties herein and to determine compliance with the provisions of this UDO.

2. Building Permits.

The Building Official shall issue building permits.

3. **Certificate of Occupancy.**

The Building Official shall issue certificates of occupancy.

4. **Certificates of Completion.**

The Building Official shall issue certificates of completion.

Sec. 2.10. Development Engineer.

A. **Designation.**

The City Engineer shall designate the Development Engineer.

B. **Responsibility.**

The Development Engineer, or their designee, shall implement, administer, and oversee the provisions, terms, and conditions of all engineering and flood hazard protection requirements within this UDO. The Development Engineer may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Development Engineer may reasonably determine.

C. **Powers and Duties.**

The Development Engineer has the following powers and duties regarding engineering requirements and flood hazard protection:

1. Review and approve, approve with conditions, or deny driveway applications;
2. Maintain and hold open for public inspection all records of the provisions of the flood hazard protection regulations;
3. Review and approve, approve with conditions, or deny all applications for development permits;
4. Assure that adequate inspection of construction permitted under the terms and provisions of this UDO is carried out in accordance with the permitted plan;
5. Maintain, update, and provide to interested parties at a reasonable cost the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
6. Assure that adequate maintenance of drainage pathways, including altered or relocated waterways, is provided such that capacity for carrying stormwater flows is maintained;
7. Provide interpretation, where required, of boundaries of areas of special flood hazard, location of the floodway, and water surface elevations, when disputes arise during review;
8. Provide information to the Zoning Board of Adjustment, Municipal Court, or City Council, as applicable on all variance requests, administrative appeals, enforcement actions, and proposed amendments to the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details as required;
9. Review and utilize any acceptable new flood study data in accordance with the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
10. Notify adjacent communities and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of notification to the Federal Insurance Administration;
11. Review and make recommendations to the City Council concerning development agreements;
12. Interpret the terms and provisions of the Flood Hazard Protection Section of Article 7, General Development Standards of this UDO, as required, as they apply to each project, in accordance with the stated purpose of that Section;

13. Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
14. Review and approve or deny alternative materials or standards for site construction; and
15. Review, evaluate and provide recommendations regarding appeals to a development exaction.

Sec. 2.11. BioCorridor Review Committee.

A. Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing Ordinance No. 2019-4085. The Committee is comprised of staff from both cities, with the Committee serving as the designated administrative officer as set forth in Ordinance No. 2019-4085 and state law. The BioCorridor Review Committee shall bring planning, engineering, and other areas of municipal expertise from each City to bear on proposals within the BioCorridor Planned Development District.

B. Membership.

The BioCorridor Review Committee shall consist of four (4) core members. Other City employees may be invited to participate on an ad hoc basis.

1. Core Members.

- a. The City Manager of each municipality shall designate two (2) employees from their municipality. One (1) employee shall be a planner and one (1) an engineer or engineer in training familiar with development review procedures.
- b. The BioCorridor Review Committee's main point of contact for a development project proposal shall be the planner on the Committee from the City in which the majority of the project is located.

2. Ad Hoc Members.

As the BioCorridor Review Committee determines appropriate, ad hoc members may be called upon for their expertise on particular matters.

Ad hoc members may consist of governmental and utility employees such as:

- a. A representative from College Station Utilities or Bryan Texas Utilities;
- b. A representative from the Fire Marshall's office;
- c. A representative from the solid waste department; or
- d. The City's transportation planner or transportation engineer.

Ad hoc members shall be designated by their respective City Manager.

C. Powers and Duties.

The BioCorridor Review Committee shall have the following powers and duties:

1. Administration and Enforcement.

The BioCorridor Review Committee shall carry out their duties as set forth in Ordinance No. 2019-4085, including ensuring compliance with the BioCorridor Site Design Guidelines, Bryan/College Station Unified Design Guidelines, boundaries of areas of special flood hazard, location of the floodway, and water surface elevations.

The BioCorridor Review Committee shall review and take action on the following as set forth in Ordinance No. 2019-4085:

- a. Plats;
 - b. Site plans;
 - c. Construction documents;
 - d. Structure plans as they relate to exterior aesthetic design standards (not building code review);
 - e. Sign permits;
 - f. Development permits;
 - g. Administrative adjustments;
 - h. Alternative parking plans;
 - i. Driveway applications;
 - j. Determination of building plot; and
 - k. Determination of plat applicability.
2. In the event the BioCorridor Review Committee is unable to reach a consensus, the planning or engineering representative (as appropriate) from the City in which the majority of the project will be located shall make the final determination.

Sec. 2.12. Summary of Review Authority.

The following table summarizes the authority of the various review bodies and staff.

Summary of Review Authority									
Development Review Procedure	City Council	Planning and Zoning Comm.	Zoning Board of Adj.	Design Review Board	Land. Comm.	Bike, Ped. & Grnwy	Admin.	Building Official	Dev. Engr.
KEY: A = Appeal R = Recommend D = Final Action/Decision RR = Review/Report									
CITY COUNCIL									
Oversize Participation	D								RR
Development Agreement	D						RR		R
Conditional Use Permit	D	R					RR		
Official Zoning Map Amendment	D	R					RR		
Official Zoning Map Amendment (HP)	D	R			R		RR		
P-MUD/PDD Concept Plan	D	R					RR		
Unified Development Ordinance Text Amendment	D	R				R	RR		
Comprehensive Plan Amendment	D	R				R	RR		
Impact Fee/CIP Priorities	D	R				R			RR
Annexations	D	R					RR		
Municipal Utility Districts	D	R					RR		
PLANNING AND ZONING COMMISSION									
Preliminary Plan with Discretionary Item (a)		D					RR		R
Plat		D					RR		R
Development Plat		D					RR		R
Waiver of Subdivision Standard		D					RR		R

Development Exaction Appeal	A	D							RR
ZONING BOARD OF ADJUSTMENT									
Variance			D				RR	R	RR
Administrative Appeal			D				RR		
Official Zoning Map Interpretation			D				RR		
DESIGN REVIEW BOARD									
Site Plan in WPC				A			D		R
Building/Sign Permit Review in WPC				A			D		
Parking Waivers in WPC		A		D			RR		
Waivers in NG				D			RR		
Non-Residential Architectural (NRA) Standards Waiver				D			RR		
NRA Standards Alternative Compliance				D			RR		
LANDMARK COMMISSION									
Certificates of Appropriateness	A				D		RR		
Certificates of Demolition	A				D		RR		
ADMINISTRATOR									
Architectural Reviews							D		
Interpretation		A (b)	A				D		
Sign Permit			A				D		
Site Plan				A (c)			D		R
Administrative Adjustment			A				D		
WPC Building or Sign, Minor			A				D		
Preliminary Plan (a)							D		R
Minor or Amending Plat		A					D		R
P-MUD/PDD Concept Plan Minor Amendment		A					D		
Certificate of Appropriateness, Routine Maintenance Work					A		D		
NG Roof Color Palette Amendment		A					D		
Alternative Parking Plans		A					D		
Determination of Plat Applicability		A					D		R
BUILDING OFFICIAL									
Building Permit								D	
Certificate of Occupancy							R	D	R
Certificate of Completion							R	D	R
DEVELOPMENT ENGINEER									
Development Permit									D
Driveway Application				A					D
Alternative Construction Material				A					D

Notes:

- (a) See the Plats Section of Article 3, Development Review Procedures of this UDO for specific review authority.
- (b) Standards of Article 8, Subdivision Design and Improvements only.
- (c) Standards of the Site Plans Section and the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures of this UDO only.

Article 3. Development Review Procedures

Sec. 3.1. Applicability.

The provisions of this Article shall not apply to land that is zoned BioCorridor Planned Development District.

Sec. 3.2. General Approval Procedures.

A. Conformity with Unified Development Ordinance and the Comprehensive Plan.

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on all persons seeking to develop, redevelop, or otherwise change existing land uses within the city limits and, where applicable, its extraterritorial jurisdiction. Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way, and improvement of specified facilities including but not limited to pedestrian facilities, bicycle facilities, thoroughfares, etc.

B. Pre-Application Conference.

Prior to the submission of any application required by this UDO, applicants are encouraged to schedule and attend an optional pre-application conference with the City staff. Pre-application conferences with City staff may be used to discuss, in general, procedures, standards, or regulations relating to a proposed development. If a pre-application conference is requested, the Administrator may require the applicant to submit information prior to the pre-application conference to allow City staff time to review the proposal. Any proposed development submitted or discussed as a part of a pre-application conference shall not be considered a plan, plat, or permit application but will be considered an informal request for information prior to the actual plat, plan, or permit application.

C. Application Forms and Fees.

The following regulations shall apply to all applications:

1. Forms.

Applications required under this UDO shall be submitted using correct, completed forms, where applicable, along with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required.

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's geographic information system(GIS).

3. Fees.

Filing fees shall be established from time to time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.

- a. All required fees shall be made payable to "The City of College Station."
- b. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw the application prior to any notification, review, or action taken, shall be

entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City except that the filing fee required for text or map amendments shall not be refundable.

- c. The Administrator may waive or reduce development-related fees on a case-by-case basis pursuant to applicable law or when the City is the applicant.

D. Application Deadline.

An application shall not be considered officially submitted until application completeness has been determined in accordance with this UDO.

E. Application Completeness.

An application shall be considered submitted only after the Administrator has determined it is complete as set forth herein. This includes determining whether it is accompanied by any required forms, mandatory information (including all exhibits), and the applicable fee. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this UDO nor precludes that additional information and/or documents may still be required as identified during the formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. An application of any kind under this Article expires and forfeits the application fee on or after the forty-fifth (45th) day after the application is deemed incomplete if:

1. The applicant fails to provide documents or other information necessary to comply with the technical requirements of this UDO as to form and content of the submittal;
2. The City notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, noting the date the application will expire if same is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notice.

No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

F. Standards of Review.

Applications shall be reviewed based on the ordinances which are in effect at the time the permit application is submitted to the City. It is the responsibility of the applicant to inform the Administrator if vesting is claimed on a specific project application and to which ordinance the claim is vested in accordance with Chapter 245 of the Texas Local Government Code, as amended. This information shall be conveyed to the Administrator as part of the permit application. The Administrator may attempt to inform the applicant if a project can vest to a previously adopted ordinance. Notwithstanding anything in this UDO to the contrary, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code, as amended, or other applicable law.

G. Required Public Notice.

1. Summary of Notice Required.

Notice shall be required for development review as shown in the following table.

Summary of Notice Required			
Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendments	X	X (a)	X
Official Zoning Map Amendments (Rezoning)	X	X	X
Unified Development Ordinance Text Amendments	X		X
Conditional Use Permits	X	X	X
Plats	X (b)	X (b)	X

Design District – Site Plans/Building Permits			X
Certificates of Appropriateness			X
Certificates of Demolition (No economically viable use)	X	X	X
Variances	X	X	X
Appeals – Site Plan and Driveway			X
Waivers – Subdivision Design			X
Waivers – Buffer Requirements			X
Administrative Appeals	X		X
Development Exaction Appeals			X

Notes:

- (a) Applies only to amendments to the Comprehensive Plan Future Land Use & Character Map. This shall not apply to major evaluations and updates to the Comprehensive Plan, which have their own public notification and input processes.
- (b) Only when required per the Texas Local Government Code, as amended.

2. Specific Notice Requirements.**a. Published Notice.**

Notice of the public hearing shall be placed by the Administrator at least once in the official newspaper of the City before the fifteenth (15th) day before the date of the hearing for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice.

Notice of the public hearing shall be sent to owners of record of real property, as indicated by the most recently approved municipal tax roll, within two hundred (200) feet of the parcel under consideration. The notice may be served by its deposit, properly addressed with postage paid, in U.S. mail before the fifteenth (15th) day before the date of the hearing.

c. Content of Notice.

A published or mailed notice shall provide at least the following specific information:

- 1) The general location of land that is the subject of the application;
- 2) The substance of the application, including the magnitude of the proposed development and the current zoning district;
- 3) The time, date, and location of the public hearing; and
- 4) A phone number to contact the City.

d. Mailed Notice of Approval Requirements.

As required by the Texas Local Government Code, certain replats that do not have a public hearing shall provide notice of approval to owners of record (as indicated by the most recently approved municipal or county tax roll) of lots in the original subdivision that are within two hundred (200) feet of the lots to be replatted. The notification shall be mailed no later than the fifteenth (15th) day after the replat is approved. The notice must include the zoning of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

3. Public Hearing Signs.

In addition to meeting the minimum statutory notice requirements, for the purpose of notifying the public the Administrator may require the installation of a sign on the property advertising the public

hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

4. Required Hearings and Reviewing Body.

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Required Hearings and Reviewing Body				
Application Type	Zoning Board of Adjustment	Landmark Commission	Planning and Zoning Commission	City Council
Comprehensive Plan Amendments			X	X
Official Zoning Map Amendments (Rezoning)			X	X
Official Zoning Map Amendments (Rezoning – HP Historic Preservation Overlay)		X	X	X
Certificates of Demolition (No economically viable use)		X		
Unified Development Ordinance Text Amendments			X	X
Conditional Use Permits			X	X
Plats (a)			X	
Variances	X			
Administrative Appeals	X			
Development Exaction Appeals			X	X (b)

Notes:

- (a) Only when required per the Texas Local Government Code, as amended.
- (b) Request is considered by Council only if Planning and Zoning Commission's decision is appealed.

H. Simultaneous Processing of Applications.

Two (2) or more forms of review and approval are typically required in the development process. Development proposals that require applications for Official Zoning Map amendments are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, preliminary plans are to be acted upon by the Planning and Zoning Commission or the Administrator before a subsequent final plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.

I. Expiration of Applications, Permits, and Projects.

1. Expiration of Inactive Applications.

An application that has been determined to be administratively complete and written staff review comments provided to the applicant shall be deemed expired and closed in ninety (90) calendar days from the date the most recent written review comments were provided by the City to the applicant if the applicant has not acted by providing written response comments and revised documents to the Administrator that seek to address the review comments.

2. Expiration of Approved Permits.

- a. Unless otherwise specified by this UDO, any individual permit, authorization, or approval required in this UDO expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this UDO, if no progress has been made towards completion of the project. For purposes of this Section, progress toward completion of the project is as defined by Chapter 245 of the Texas Local Government Code, as amended.
- b. If no expiration date was in effect at the time the approval of the permit occurred, an expiration date of twenty-four (24) months from the approval shall apply.

3. Expiration of Projects.

- a. For projects requiring more than one (1) permit, authorization, or approval, there shall be a project expiration date of five (5) years from the date the first complete application is filed for the project or from the date vesting occurs pursuant to Chapter 245 of the Texas Local Government Code, as amended if no progress is made towards completion of the project or if the expiration date is not otherwise further extended pursuant to the terms of this UDO. For purposes of this Section, progress toward completion of the project is as defined by Chapter 245 of the Texas Local Government Code, as amended.
- b. Any application for a new permit, authorization for approval, or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it concerning the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

J. Appeals from Development Exaction Requirements.

1. Purpose.

The purpose of a petition for relief from a dedication or public infrastructure requirement is to ensure that the application of uniform dedication and construction standards to a proposed development does not result in a disproportionate burden on the property when considering the nature and extent of the demands created by the proposed development on the City's roadways and other public infrastructure.

2. Applicability.

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or to construct public improvements as required by this UDO, the Bryan/College Station Unified Design Guidelines, or any other public infrastructure standards in any ordinance or regulation to a plat application or any related development application authorized by the City or attached as a condition to approval of the application. A petition for relief shall not be used to waive a standard on grounds subject to other appeal and waiver criteria set forth in this UDO.

3. Petition Requirements.

a. Form of Petition.

The petition for relief from a dedication or construction requirement shall allege that the application of the standards relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure.

b. Required Supporting Documentation.

The applicant shall provide information in support of the petition for relief that includes the following:

- 1) Total capacity of the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;
- 2) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure by the proposed dedication of an interest in land or construction of public infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public infrastructure;
- 3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of public infrastructure. In making this comparison, the impacts on the City's public infrastructure system(s) from the entire development shall be considered;
- 4) The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;
- 5) All other information that alleges the dedication or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;
- 6) The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and
- 7) Only costs directly related to the dedication or construction requirements should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.

c. Time for Filing Petition and Supporting Documentation.

A petition for relief from a dedication or construction requirement shall be submitted to the Development Engineer within fourteen (14) calendar days following the Planning and Zoning Commission's decision to approve, conditionally approve or deny an application for approval of an application. The information in support of the petition as set forth above shall be submitted to the Development Engineer within sixty (60) calendar days following the initial decision unless the applicant (petitioner for relief) seeks an extension in writing. The Development Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

d. Land in the Extraterritorial Jurisdiction.

Where land or facilities to be dedicated are located in the extraterritorial jurisdiction and are to be dedicated to the applicable county, a petition for relief or documentation in support of the petition shall be accepted as complete for review by the Development Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the applicable county.

4. Processing of Petitions and Decision.

a. Responsible Official.

The Development Engineer shall be the responsible official for reviewing a petition for relief from a dedication or construction requirement. Where the petition is for relief from the dedication of land or construction of a facility in the extraterritorial jurisdiction that is to be dedicated to the

applicable county, the Development Engineer shall coordinate a recommendation with the appropriate county official responsible for reviewing plats.

b. Evaluation and Recommendation.

- 1) The Development Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the Planning and Zoning Commission for their consideration and recommendation to the City Council, if applicable.
- 2) In evaluating the petition and documentation, the Development Engineer shall consider the maximum amount of any impact fees to be charged against the development for the type of public infrastructure that is the subject of the petition, or similar developments on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure. The Development Engineer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.
- 3) To achieve proportionality between the demands created by a proposed development on public facilities and the City's obligation to provide adequate public facilities, the City may participate in the costs of public infrastructure, credit or offset the developer's proposed obligations, or otherwise relieve the property owner of any of the obligations in response to a petition for relief from a dedication or construction requirement.

c. Decision-Maker.

The Planning and Zoning Commission shall decide the petition for relief from a dedication or construction requirement.

d. Public Hearing.

The Planning and Zoning Commission shall conduct a public hearing within thirty (30) calendar days after the final documentation supporting the petition is filed by the applicant with the Development Engineer.

e. Burden of Proof.

The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement imposes a disproportionate burden on the applicant.

f. Decision.

The Planning and Zoning Commission shall consider the petition for relief from a dedication or construction requirement based on the following criteria:

- 1) The Planning and Zoning Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure and whether the application of the standard or condition reasonably benefits the development.
- 2) In making such determination, the Planning and Zoning Commission shall consider the documentation submitted by the applicant, the report and recommendation of the Development Engineer, and, where the property is located within the extraterritorial jurisdiction, any recommendations from the county official, as applicable.

g. Action.

Based on the decision criteria stated in the Appeals from Development Exaction Requirements Subsection above, the Planning and Zoning Commission may take one (1) or more of the following actions:

- 1) Deny the petition for relief, and impose the dedication or construction requirement as required by this UDO;
- 2) Deny the petition for relief in whole or in part, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure; or
- 3) Grant the petition for relief in whole or in part and waive any dedication or construction requirement to the extent necessary to achieve proportionality, including consideration of alternative designs for the public infrastructure systems or improvements.

h. Notification of Decision on Petition.

The applicant shall be notified of the decision on the petition for relief by the Development Engineer within fourteen (14) calendar days following the Planning and Zoning Commission's decision.

5. Appeal of the Decision on a Petition for Relief.

a. Initiation of an Appeal.

The applicant, the Administrator, or no less than four (4) voting members of the City Council may appeal the decision of the Planning and Zoning Commission within fourteen (14) calendar days following the date of the Commission's decision:

- 1) For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.
- 2) The Administrator may, on their initiative, appeal the decision of the Planning and Zoning Commission by scheduling an appeal on the City Council's next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.
- 3) For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Planning and Zoning Commission's decision at its next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.

b. Notification of Appeal.

Both the applicant and the City shall be notified of the appeal request within fourteen (14) calendar days. Appeals by the applicant shall include all documentation submitted for the appeal.

c. Council Decision.

The City Council shall consider a properly submitted appeal at its next available regularly scheduled meeting. The City Council may affirm, modify, or reverse the decision of the Planning and Zoning Commission by a simple majority vote. The decision of the City Council is final.

6. Expiration or Failure to File Application.

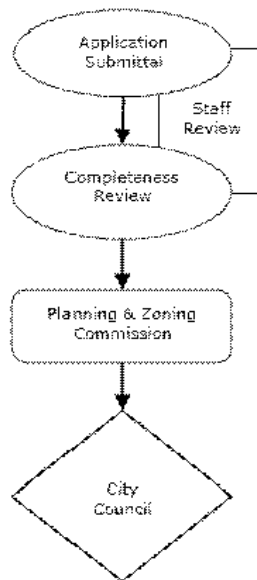
Where an application was denied based upon the imposition of the standard requiring the dedication of land or construction of a required public infrastructure and the Planning and Zoning Commission's decision, if not further appealed (or the City Council's decision if further appealed as applicable), is to grant some level of relief, the applicant must resubmit the application within sixty (60) calendar days following the date the relief is granted. If such re-submittal of the application is not made within the sixty (60) day period, the relief granted by the Commission (or City Council as applicable) on the petition shall expire.

7. Effect of Relief.

- a. The Development Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Planning and Zoning Commission on the petition.
- b. The relief granted on the petition shall remain in effect for the period the application is in effect and shall expire upon expiration of the plat or related application.

K. Figures and Flow Charts.

The figures and flow charts provided in this UDO are intended to be graphical representations of procedures or standards set forth in this UDO to assist in understanding the requirements of this UDO and are not intended to be requirements themselves.

Sec. 3.3. Comprehensive Plan Amendments.**Comprehensive Plan Amendment Process****A. Purpose.**

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, the Comprehensive Plan, including specifically the Future Land Use & Character Map and the Functional Classification & Context Class Map, shall be amended only based upon changed or changing conditions in a particular area or in the city.

B. Initiation of Amendment.

An amendment may be initiated by:

1. The City Council;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application.

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section above.

D. Time Limitations on Applications.

Comprehensive Plan amendment applications may be submitted on a rolling basis, except during the six (6) month period prior to a major evaluation or update to the Comprehensive Plan. The beginning of the six (6) month time limitation period shall be determined by counting backward from the expected date of the evaluation or update public hearing before the Planning and Zoning Commission.

E. Approval Process.**1. Project Proposal Meeting.**

After applying for a Comprehensive Plan amendment to the Future Land Use & Character Map or attending a pre-application conference relating to the same, the applicant shall request to set up a project proposal meeting with City staff. The purpose of this meeting is to begin communicating with the local neighborhood early in the process and is not a forum for final decisions or the acceptance of formal comments concerning public support or opposition.

Project proposal meetings shall abide by the following minimum requirements:

- a. The applicant or an authorized representative must schedule and facilitate a minimum of one project proposal meeting to discuss the application or proposal. At a minimum, property owners within 200 feet of the subject property must be notified by the applicant or authorized representative.
- b. When possible, City staff shall be present at the meeting to address questions relating to City processes and requirements.
- c. The project proposal meeting shall be held on or near the subject property, or virtually.
- d. The project proposal meeting shall be held thirty (30) to sixty (60) days prior to the corresponding Planning and Zoning Commission meeting.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and existing conditions in the city and report to the Planning and Zoning Commission and City Council.

3. Recommendation by Planning and Zoning Commission.**a. Notice.**

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section above and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing.

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

c. Review and Action by Planning and Zoning Commission.

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan, and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.

4. City Council Action.**a. Notice.**

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section above, before taking final action on a petition to amend the Comprehensive Plan.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. Review and Final Action by City Council.

In determining whether to approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Changed or changing conditions in the subject area of the city;
- 2) Compatibility with the existing uses, development patterns, and character of the immediate area concerned, the general area, and the city as a whole;
- 3) Impact on environmentally sensitive and natural areas;
- 4) Impacts on infrastructure, including water, wastewater, drainage, and the transportation network; and
- 5) Consistency with the goals and strategies set forth in the Comprehensive Plan.

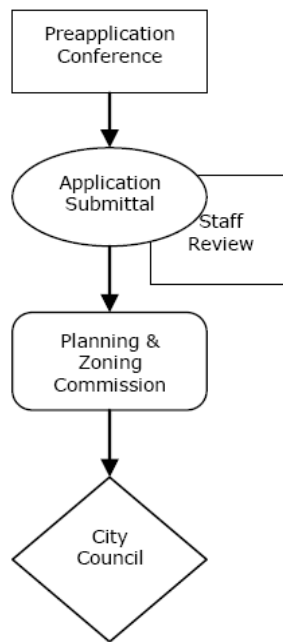
F. Limitation on Reapplication.

If a petition for a plan amendment is denied by the City Council, another petition 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 the 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; or
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; or
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 or intensities); or
4. The final decision on the application was based on a material mistake of fact.

Sec. 3.4. Official Zoning Map Amendments (Rezoning).

Official Zoning Map Amendment Review Process



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 the city generally or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be consistent with the Comprehensive Plan, including the Future Land Use & Character Map.

B. Initiation of Amendments.

An amendment to the Official Zoning Map may be initiated by:

1. The City Council;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Application.

A complete application for an Official Zoning Map amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section above and herein. As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section of Article 7, General Development Standards of this UDO.

1. Application requests for a P-MUD Planned Mixed-Use District or PDD Planned Development District 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
 - c. A concept plan as described in the Concept Plans (P-MUD and PDD Districts) Section below.

2. Application requests for an NCO Neighborhood Conservation Overlay shall provide the following additional information in accordance with the Neighborhood Conservation Overlay 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 district. 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 ROO Restricted Occupancy Overlay shall provide the following additional information in accordance with the Restricted Occupancy Overlay 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 or original subdivisions that apply jointly in one application, in support of the overlay district. 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 an HP Historic Preservation Overlay 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 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 historic contributing and non-contributing resources to the proposed district; and
- 4) A description of the boundaries of the proposed HP Historic Preservation Overlay, including subareas and areas where new construction will be prohibited.

D. Approval Process.

1. Pre-Application Conference.

Prior to the submission of an application for an Official Zoning Map amendment, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Required Meetings.

a. Neighborhood Meeting.

Prior to the submission of an application for an Official Zoning Map amendment for an NCO Neighborhood Conservation Overlay or ROO Restricted Occupancy Overlay, 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 an Official Zoning Map amendment for an HP Historic Preservation Overlay, 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 district and explain the rezoning process to the neighborhood.

3. Review and Report by Administrator.

With the exception of applications for HP Historic Preservation Overlays, once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan and the criteria enumerated in this Section. The Administrator shall give a report to the Planning and Zoning Commission on the date of the scheduled public hearing. If the Administrator determines that the request is not in conformity with the Comprehensive Plan, the application shall not be accepted, and no further processing shall occur until the Official Zoning Map amendment conforms.

4. Review and Report by Historic Preservation Officer.

An application for an HP Historic Preservation Overlay shall be reviewed by the Historic Preservation Officer, who shall review the proposed amendment in light of the Comprehensive Plan, the criteria of this Section, and the Historic Preservation Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. The Historic Preservation Officer shall give a report to the Landmark Commission on the date of the scheduled public hearing.

5. Referral to Landmark Commission.

The Historic Preservation Officer, upon receipt of an application to amend the Official Zoning Map to an HP Historic Preservation Overlay, 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 above. 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 HP Historic Preservation Overlays, the Administrator, upon receipt of a petition to amend the Official Zoning Map, shall refer the same to the Planning and Zoning Commission for study, hearing, and report. For an application to amend the Official Zoning Map to an HP Historic Preservation Overlay, 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 above. The Planning and Zoning 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 above 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, as amended, the proposed change must receive the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council to take effect. 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;
- 3) Whether the property to be rezoned is physically suitable for the proposed zoning district;
- 4) Whether there are 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 HP Historic Preservation Overlays, the City Council shall consider if the proposed amendment contains one or more properties in an

environmental setting that meets two (2) or more of the criteria for designation of an HP Historic Preservation Overlay as described in the Historic Preservation Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

e. Effect of Historic Preservation Overlay Zoning Upon Official Public Records.

Upon designation of a property with an HP Historic Preservation Overlay, 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 Central Appraisal District, as well as the Official Zoning Map.

E. Limitation on Reapplication.

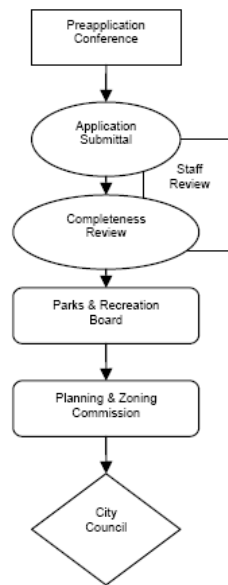
If a rezoning application is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during the 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 Official Zoning Map amendment requirements herein and may be initiated by:

1. The City Council;
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 district.

Sec. 3.5. Concept Plans (P-MUD and PDD Districts).**Concept Plan Review Process****A. Applicability.**

A concept plan shall accompany a P-MUD Planned Mixed-Use District or PDD Planned Development District rezoning application to ensure the intent of the UDO is met by the proposed planned district standards.

B. Application Requirements.

A complete application for a concept plan shall be submitted to the Administrator with a P-MUD Planned Mixed-Use District or PDD Planned Development District rezoning application as set forth in the General Approval Procedures Section above unless otherwise specified in this Section.

C. Concept Plan Approval Process.**1. Pre-Application Conference.**

Prior to submitting a concept plan, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Review and Report by the Parks and Recreation Advisory Board.

If the proposed area involves any required or voluntary parkland dedication, the concept plan must be reviewed by the Parks and Recreation Advisory Board. Parks and Recreation Advisory Board recommendations shall be forwarded to the City Council.

3. Review and Report by the Greenways Program Manager.

If the proposed area includes a greenway dedication as shown on the Bicycle, Pedestrian, and Greenways Master Plan, or if the applicant is proposing greenway dedication or voluntary sale, the concept plan must be reviewed by the Greenways Program Manager. The Greenways Program Manager's recommendation shall be forwarded to the City Council.

4. Review and Recommendation by the Administrator.

The Administrator shall review the concept plan and recommend approval, approval with conditions, or disapproval of the same.

5. **Review and Recommendation by the Planning and Zoning Commission.**

The Planning and Zoning Commission shall review the concept plan and recommend to the City Council approval, approval with conditions, or disapproval of the same.

6. **City Council Final Action.**

The City Council shall review the concept plan and approve, approve with conditions, or disapprove.

D. **Concept Plan Requirements.**

A concept plan shall not be considered or reviewed as a complete site plan application. The concept plan for the proposed development shall include the following:

1. A general plan showing the location and relationship of the various land uses permitted in the development;
2. A range of proposed building heights;
3. A written statement addressing the drainage development of the site;
4. The general location of detention/retention ponds and other major drainage structures;
5. A list of general bulk or dimensional variations sought;
6. If general bulk or dimensional variations are sought, provide a list of community benefits and/or innovative design concepts to justify the request;
7. The general location of the building and parking areas;
8. Open spaces, parkland, conservation areas, greenways, parks, trails, and other special features of the development; and
9. Buffer areas or a statement indicating buffering proposed.

E. **Review Criteria.**

The Administrator and Planning and Zoning Commission shall recommend approval and the City Council may approve a concept plan if it finds that the concept plan meets the following criteria:

1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;
2. The proposal conforms with the policies, goals, and objectives of the Comprehensive Plan, including any associated plans or studies adopted by the City Council, and will be consistent with the intent and purpose of this Section;
3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development;
4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by an owners association;
5. The development includes the provision of adequate public improvements, including but not limited to parks, schools, and other public facilities;
6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity; and
7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

F. **Minimum Requirements.**

Unless otherwise indicated in the approved concept plan, the minimum requirements for each development shall be those stated in this UDO for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted. Modification of these standards may be considered during the approval process of the concept plan. If modification of these standards is granted with the concept plan, the Administrator will determine the specific minimum requirements.

G. Compliance with Other Regulations.

The approval of a concept plan shall not relieve the developer from responsibility for complying with all other applicable sections of this UDO and other codes and ordinances of the City of College Station unless such relief is granted in the approved concept plan.

H. Owners Association Required.

An owners association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service, and parking areas, common open spaces, buffer areas, and common recreational areas at the time the development plan is submitted. If an owners association is required, documentation must be submitted to the City at the time of platting to assure compliance with the provisions of this UDO.

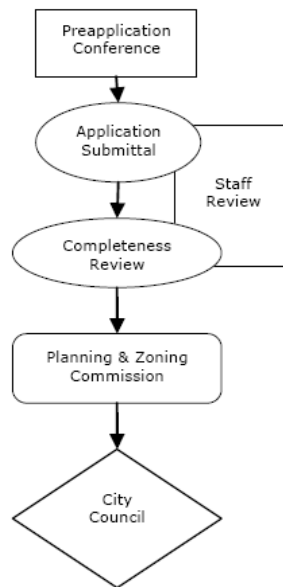
I. Modifications.

Any deviations from the approved concept plan shall require City Council approval except as provided in the Minor Amendment to Concept Plan Subsection below.

J. Minor Amendment to Concept Plan.

Minor additions and modifications to the approved concept plan meeting the following criteria may be approved by the Administrator:

1. Minor additions to structures as determined by the Administrator;
2. Minor new accessory structures if the location does not interfere with the existing site layout (e.g., circulation, parking, loading, stormwater management facilities, open space, landscaping, buffering);
3. Minor additions to parking lots;
4. Clearing or grading of areas not depicted on the concept plan as a conservation area, greenway, or park; and
5. Final determination of the specific meritorious modifications such as setbacks, lot size, dimensional standards, etc., granted generally as part of the concept plan.

Sec. 3.6. Conditional Use Permits.**Conditional Use Permit Review Process****A. Purpose.**

Conditional use permits allow City Council discretionary approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDO.

B. Applicability.

Conditional uses are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density, and intensity and may require the imposition of additional conditions to ensure the appropriateness and compatibility of the use at a particular location.

C. Applications.

A complete application for a conditional use permit shall be submitted to the Administrator as set forth in the General Approval Procedures Section above. A complete site plan must accompany all applications for a conditional use permit.

D. Approval Process.**1. Pre-Application Conference.**

Prior to the submission of an application for a conditional use permit, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed development subject to the criteria enumerated in the Conditional Use Review Criteria Subsection below and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

3. Planning and Zoning Commission Recommendation.**a. Notice.**

The Planning and Zoning Commission shall publish, post, and mail notices in accordance with the General Approval Procedures Section above.

b. **Public Hearing.**

After review of the conditional use permit application, subject to the criteria enumerated in the Conditional Use Review Criteria Subsection below, the Planning and Zoning Commission shall hold a public hearing and recommend to the City Council such action as the Planning and Zoning Commission deems proper.

4. **City Council Action.**

a. **Notice.**

The City Council shall publish, post, and mail notices in accordance with the General Approval Procedures Section above.

b. **Public Hearing.**

The City Council shall hold a public hearing after review of the conditional use permit application, subject to the criteria enumerated in the Conditional Use Review Criteria Subsection below. With consideration of the recommendation provided by the Planning and Zoning Commission, the City Council shall approve, approve with modifications or conditions, or disapprove the conditional use permit application.

E. **Conditional Use Review Criteria.**

The City Council may approve an application for a conditional use permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding properties or the general public. The City Council shall consider the following criteria in its review:

1. **Purpose and Intent of the Unified Development Ordinance.**

The proposed use shall meet the purpose and intent of this UDO and the use shall meet all the minimum standards established in this UDO for this type of use.

2. **Consistency with the Comprehensive Plan.**

The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan.

3. **Compatibility with the Surrounding Area.**

The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

4. **Harmonious with the Character of the Surrounding Area.**

The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.

5. **Infrastructure Impacts Minimized.**

The proposed use shall not negatively impact existing uses in the area or the city through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.

6. **Effect on the Environment.**

The proposed use shall not negatively impact existing land uses in the area or the city.

F. **Additional Conditions.**

The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this UDO and to mitigate adverse effects of the proposed use. These requirements may include but are not limited to increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, utilities, drainage facilities, sidewalks, and screening.

G. Enlargement, Modification, or Structural Alteration.

1. A building, premise, or use under a conditional use permit may be enlarged, modified, structurally altered, or otherwise changed without applying for a new conditional use permit provided the Administrator determines that the changes do not:
 - a. Increase the height of structures;
 - b. Increase building square footage from its size at the time the original conditional use permit was granted by greater than ten (10) percent;
 - c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the Comprehensive Plan Functional Classification & Context Class Map; or
 - d. Reduce the buffer yard or buffer plantings as indicated on the previously approved site plan.
2. The Administrator may require a new application for a conditional use permit for any reason when an enlargement, modification, or structural alteration is proposed.
3. All other enlargements, modifications, structural alterations, or changes shall require the approval of a new conditional use permit.

H. Duration; Expiration; Suspension; Violation; Revocation.

1. Duration.

A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with this Section.

2. Expiration.

A conditional use permit shall expire if:

- a. A construction permit, if any, for the conditional use has not been approved within one (1) year of the date of approval of the conditional use permit;
- b. The construction permit subsequently expires;
- c. The conditional use has been discontinued for a period exceeding three (3) months; or
- d. A termination date attached to the conditional use permit has passed.

3. Suspension.

In accordance with the authority granted to municipalities by the state, the City shall have the right to immediately suspend the conditional use permit for any property where the premises are determined to be an immediate hazard to the health and safety of any person or an immediate danger to any adjacent property. The suspension shall be for a period not to exceed twenty-four (24) hours or until the danger or hazard is removed.

4. Violation.

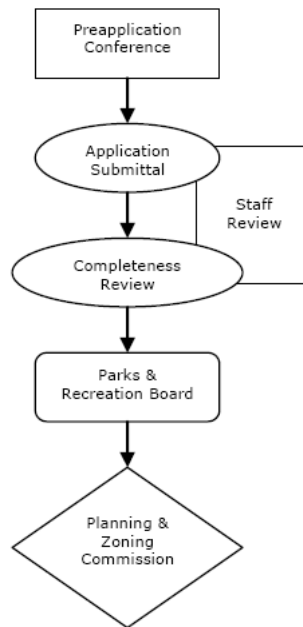
It is unlawful for any person to violate or to cause or permit to be violated any terms or conditions of a conditional use permit or upon which a conditional use permit was issued.

5. Revocation.

The revocation of a conditional use permit shall follow the following revocation procedure:

- a. If the Administrator determines, based on inspection or investigation by the City, that there are reasonable grounds for revocation of a conditional use permit, a public hearing shall be set before the Planning and Zoning Commission for a recommendation and a public hearing before the City Council for the consideration of an ordinance amendment. Circumstances that warrant revocation of an approved conditional use permit application shall include but not be limited to the following:
 - 1) There is a conviction of a violation of any of the provisions of this UDO, the ordinance approving the conditional use, or any ordinance of the City of College Station that occurs on the property for which the conditional use permit is granted;
 - 2) The building, premise, or uses under the conditional use permit is enlarged, modified, structurally altered, or otherwise significantly changed without the approval of a separate conditional use permit for such enlargement, modification, structural alteration, or change, unless Administrator had determined that such enlargement, modification, or structural alteration did not require a new conditional use permit, as described in the Applicability Subsection above;
 - 3) Violation of any provision of the site plan encompassing the property for which the conditional use permit was issued, terms, or conditions of a conditional use permit; or
 - 4) The conditional use permit was obtained by fraud or deception.
- b. The revocation process shall be conducted as for the conditional use permit, including giving notice to the holder of the conditional use permit and property owners within 200 feet of the public hearings in the manner provided in the Required Public Notice Subsection of the General Approval Procedures Section above.
- c. The City Council may revoke the conditional use permit, deny the revocation and allow the conditional use to continue, or deny the revocation and amend the conditional use permit to attach conditions to assure that the terms, conditions, and requirements of the conditional use permit be met.

Upon the effective date of the revocation set by the City Council, it shall be unlawful to undertake or perform any activity that was previously authorized by the conditional use permit. The property subject to the conditional use permit may be used for any permitted use within the base zoning district.

Sec. 3.7. Plats.**Plat Review Process****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 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 extraterritorial jurisdiction, 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 extraterritorial jurisdiction. 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 Administrator, provided it incorporates all changes, modifications, corrections, and conditions imposed by the Administrator; and provided further, that it conforms to all requirements of these regulations and the 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 Chapter 212 of the Texas Local Government Code, as amended, the City Council delegates the Administrator the ability to approve the following plats in accordance with the procedure set forth herein:

- a) Amending plats described in Chapter 212 of the Texas Local Government Code, as amended;
- 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 described in Chapter 212 of the Texas Local Government Code, as amended, 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 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, 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 the expansion of street right-of-way;
- 3) Any lot(s) 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 on which the Subdivision Regulations applied to the property through the extension of the 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, as amended. 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 chooses to be covered by Subchapter B, Regulation of Property Development of Chapter 212 of the Texas Local Government Code, as amended. 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 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.
- 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 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, as amended. 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.

C. Determination of Plat Applicability.

Upon written application and in compliance with Chapter 212 of the Texas Local Government Code, 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 to be provided by the applicant to make the requested determination.

D. Application Requirements.

1. Pre-Application 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 pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

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 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 of this UDO;
- 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 points. Primary control points or descriptions and ties to a control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be oriented 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 the 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;
 - 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 (100) 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 the general location of the subject property to existing streets in College Station to its city limits. No scale is required but a north arrow is to be included;
- 15) The number of residential lots and average lot size when applicable;
- 16) Provide a note to identify a cluster development when applicable;
- 17) Provide any oversize participation requests that will be sought;
- 18) Provide a title report for the 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 Section of Article 8, Subdivision Design and Improvements of this UDO, when applicable; and
- 21) As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section of Article 7, General Development Standards of this UDO.

b. Plats to be Recorded.

When submitting 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 of this UDO 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 a title report for the 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 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 the general location of the subject property to existing streets in College Station 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;
- 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 of whether or not contiguous properties are platted;
- 12) The location of the one hundred (100) 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 development 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 a 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 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 the Certifications Section of Article 8 Subdivision Design and Improvements of this UDO.)
 - 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 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 sheets twenty-four (24) inches by thirty-six (36) inches;
 - b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detailed 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, a 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 the 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) Provide a note on the final plat to identify the residential parking option chosen from the Single-Family Residential Parking Requirements for Platting Section of Article 8, Subdivision Design and Improvements of this UDO, when applicable; and
 - 20) 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 Project Types and Dimensional Standards Table Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

E. 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. 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.

F. Review Procedure.

1. Preliminary Plan Review.

a. Review and Approval by the Administrator.

If a waiver or discretionary item is not included or required with the preliminary plan application, the Administrator may review and approve or deny the application based on compliance with the following elements:

- 1) The Comprehensive Plan, including any associated plans or studies adopted by the City Council;
- 2) Existing zoning of the property, if applicable;
- 3) Article 8, Subdivision Design and Improvements of this UDO;
- 4) Form and content as required in the General Approval Procedures Section above;
- 5) If phased, the preliminary plan must demonstrate the 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 size, shape, or location so as not to be developable in compliance with this UDO; and
- 6) Other provisions of this UDO as applicable.

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 Requirements for Parkland Dedication Section of Article 8, Subdivision Design and improvements of this UDO 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 and 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 Approval by Administrator Subsection above. Conditions of approval must entail corrections, changes, or completion of items that are ministerial 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 (12) 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 Planning and Zoning 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 by 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 adjustments in street or alley alignments and lengths, phasing, the adjustment in lot lines that do not result in the 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 Planning and Zoning Commission, and 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 Planning and Zoning 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 determine 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.

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 Planning and Zoning 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) The Comprehensive Plan, including any associated plans or studies adopted by the City Council;
 - c) Existing zoning of the property, if applicable;
 - d) Article 8, Subdivision Design and Improvements of this UDO;
 - e) Form and content as required in the General Approval Procedures Section above; and
 - f) Other provisions of this UDO as applicable.
- 2) If public infrastructure is required for the plat, the following is required 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 of Article 8, Subdivision Design and Improvements 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 Requirements for Parkland Dedication Section of Article 8, Subdivision Design and Improvements of this UDO, 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 Planning and Zoning Commission's action shall be based on compliance with the review elements listed in the Review and Recommendation by Administrator Subsection above and the 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 of Article 8, Subdivision Design and Improvements of this UDO. Conditions of approval must entail corrections, changes, or completion of items that are ministerial and explicitly spelled out.

d. Recordation.

If the Planning and Zoning Commission has approved the plat, the plat shall be recorded in the County Clerk's Office 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 with all applicable requirements of this UDO including those elements identified in the Preliminary Plan Review Subsection above and the following procedures:

- 1) Consideration of the approval, approval with conditions, or recommendation of 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 Planning and Zoning Commission for any reason. Conditions of approval must entail corrections, changes, or completion of items that are ministerial 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 and explicitly spelled out;
- 4) Upon approval of the Planning and Zoning Commission meeting minutes, the Administrator shall make them available to the applicant;
- 5) A report shall be made to the Planning and Zoning Commission at each meeting notifying the Commission of any minor plats or amending 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 County Clerk's Office of the county in which the plat is located when all requirements and conditions have been met.

G. 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 of this UDO.

H. Platting in Planned Districts.

If the subject property is zoned as a P-MUD Planned Mixed-Use District or PDD Planned Development District, the City Council may approve a concept plan that provides for general modifications to the site development and subdivision standards. The general modifications shall be indicated on the approved concept plan or within the rezoning ordinance.

I. Platting in the Extraterritorial Jurisdiction.

The City 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, 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.

J. Failure to Obtain Plat Approval.

1. If plat approval is required for the subdivision of property or development of property and the 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 extraterritorial jurisdiction at the County Clerk's Office 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 the Certifications Section of Article 8, Subdivision Design and Improvements of 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.

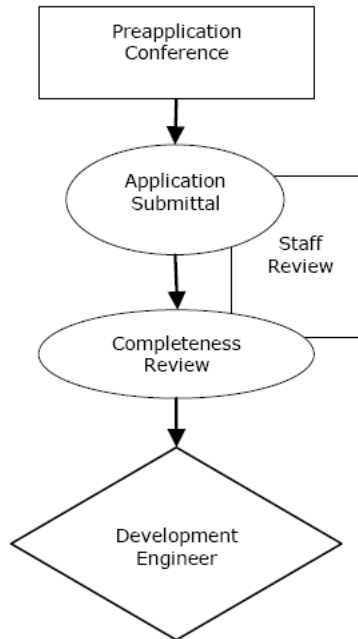
2. **Council Action.**

- 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 the said resolution under the corporate seal of the City to be recorded in the Deed Records of the county in which the plat is located.
- 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 in which the plat is located stating that the property is no longer in violation.

Sec. 3.8. Development Permits.

Development Permit Review Process



A. Applicability.

A development permit shall be required prior to any development activity to ensure conformance to the provisions and requirements of this UDO. The following uses are exempt from the permitting requirements of this Section, but shall otherwise meet all of the requirements of this UDO and the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, and the Drainage and Stormwater Management Section of Article 7, General Development Standards of this UDO:

1. Customary and incidental grounds maintenance, landscaping, and gardening;
2. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated area of special flood hazard; and
3. Uses by a landowner of their property for bona fide agricultural purposes.

B. Approval Process.

Prior to the issuance of a development permit, the following requirements shall be met:

1. Pre-Application Conference.

Prior to the submission of an application for a development permit, applicants are encouraged to schedule and attend an optional pre-application conference following the procedure laid out in the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Application.

A complete application for a development permit shall be submitted to the Development Engineer as set forth in the General Approval Procedures Section above.

3. Review and Action by the Development Engineer.

The Development Engineer shall review the required information and application form and shall take one (1) of the following actions:

- a. Approve the development permit;
- b. Disapprove the development permit;
- c. Approve the development permit with conditions; or
- d. Require additional information or an engineering conference with the applicant or their engineer.

4. Review Criteria.

Approval or denial of a development permit by the Development Engineer shall be based on the following relevant factors:

- a. The danger to life or property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The maintenance and operational costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;
- g. The necessity for the facility of a waterfront location, where applicable;
- h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- i. The barricading of existing trees to remain on the property and count as protected trees under the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO; and
- j. Compliance with this UDO.

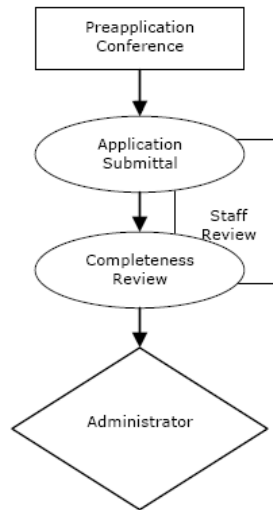
5. Notification of Decision.

- a. The applicant shall be notified in writing of the action of the Development Engineer. If the development permit has been disapproved, the specific reasons for disapproval shall be indicated in the notification. If additional information is required of the applicant, the specific requirements shall be indicated in the notification. A final determination of the approval or disapproval of the development permit, considering the additional information, shall be made, and written notification to the applicant is given within ten (10) working days after acceptance of the complete application.
- b. Any proposal which includes areas of special flood hazard within the following special drainage areas shall receive written notice of approval or disapproval of the development permit from the Development Engineer within sixty (60) working days after receipt of the proposal:
 - 1) The entirety of Carter's Creek;

- 2) The main channel of Lick Creek;
- 3) Wolf Pen Creek from the Earl Rudder Freeway to the confluence with Carter's Creek; and
- 4) The Brazos River.

Sec. 3.9. Site Plans.

Site Plan Review Process



A. Applicability.

1. Prior to the development of any use or structure other than single-family (excluding manufactured home parks), duplex, or townhouse, a site plan shall be approved by the City in accordance with this Section. No development shall be lawful or permitted to proceed without final site plan approval. A site plan approved as part of a conditional use permit shall be considered a site plan approval.
2. If the subject property is zoned P-MUD Planned Mixed-Use District or PDD Planned Development District, 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 a site plan is approved. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved concept plan.
3. If the subject property is zoned WPC Wolf Pen Creek, no private development shall be lawful or permitted to proceed without site plan approval. Site plan approval shall be required for all site plans as part of a conditional use permit. The Administrator may require traffic and parking impact studies, a review of existing occupancy, and other reasonable data to determine the impact of the project.

B. General Requirements.

1. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.
2. If the subject property is zoned WPC Wolf Pen Creek, all associated rehabilitation, façade work, and other construction must be conducted after and in compliance with approved elevations, colors, and materials, and comply with all requirements in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. Such review may take place concurrent with the site plan review or may take place separately as provided in the Development Permits Section above.

C. Application Requirements.

A complete application for site plan approval shall be submitted to the Administrator as set forth in the General Approval Procedures Section above. The application shall include a landscape plan illustrating compliance with the requirements of the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO. Where applicable, applicants shall submit information, documents, and materials required in the Non-Residential Architectural Standards Section and Traffic Impact Analyses Section of Article 7, General Development Standards of this UDO.

D. Site Plan Approval Process.

Site plan applications shall be processed in accordance with the following requirements:

1. Pre-Application Conference.

Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Final Action by the Administrator.

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the Administrator shall approve or conditionally approve the site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

E. Site Plan Review Criteria.

The Administrator may request changes to the site plan to accomplish the following requirements. To be approved, a site plan must provide for:

1. Safe and convenient traffic control, handling, and vehicle queuing;
2. Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property;
3. Efficient and economic public utilities;
4. Public road or street access;
5. Safe and efficient internal access including public, private, or emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion that complies with Chapter 7, Health and Sanitation of the City of College Station Code of Ordinances;
8. Runoff, drainage, and flood control;
9. Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities, and solid waste facilities;
10. Compliance with standards, guidelines, and policies of the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards;
11. Clear indication of what constitutes the building plot for purposes of signage; and
12. Location and density of buildings or dwelling units where topography or characteristics of the site compel a lower density than would otherwise be allowed or require location consistent with accepted engineering practices and principles.

F. Additional Site Plan Review Criteria for the WPC Wolf Pen Creek Design District.

All development within the WPC Wolf Pen Creek design district shall comply with the Site Plan Review Criteria Subsection above. In addition, the following standards, which affect the appearance of a development, shall govern the evaluation of a design submission in the WPC Wolf Pen Creek design district:

1. Conformance with the Comprehensive Plan, including any associated plans or studies adopted by the City Council;
2. Exterior space utilization;
3. Material selection;
4. Compatibility with existing development in the design district;
5. Vehicular, pedestrian, and bicycle circulation;
6. Building location and orientation; and
7. Specific standards listed in the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

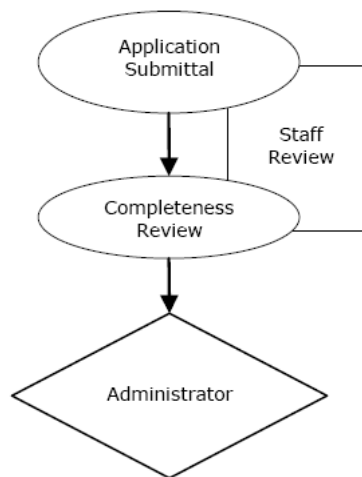
G. Appeal.

Appeals of site plans denied by the Administrator where the denial was based upon or a condition was imposed to assure compliance with the Site Plan Review Criteria Subsection or Additional Site Plan Review Criteria for the WPC Wolf Pen Creek Design District Subsection above shall be submitted to the Design Review Board within thirty (30) days of the decision. If no appeal is filed within thirty (30) days, the decision shall be final.

The Design Review Board shall have the same authority and use the same review criteria as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable site-related conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this UDO.

Sec. 3.10. Sign Permits.

Sign Permit Review Process



A. Applicability.

No sign shall hereafter be installed, erected, moved, added to, or structurally altered without a permit issued by the Administrator, except in conformity with the provisions of this Section, unless the Administrator is so directed by the Zoning Board of Adjustment as provided by this UDO. In the WPC Wolf Pen Creek design district, all substantial maintenance (including the replacement or alteration of signs) shall be subject to the sign permit review process detailed in this Section.

1. A sign permit shall be required for the following:
 - a. Apartment/condominium/manufactured home park identification signs;
 - b. Attached signs;
 - c. Development signs;
 - d. Freestanding signs;
 - e. Low profile signs;
 - f. Roof signs; and
 - g. Subdivision and area identification signs.
2. No sign permit shall be required for the following:
 - a. Real estate, finance, and construction signs;
 - b. Directional traffic control signs;
 - c. Home occupation signs; and
 - d. Non-commercial signs.
3. It shall be the responsibility of the owner or the leasing agent to assign the available attached or freestanding sign square footage to individual building tenants. In no case shall this be the responsibility of the Administrator. In no case may the cumulative total of individual signs for a multi-tenant building exceed the allowable area available or attached or freestanding signs.

B. Application.

A complete application for a sign permit shall be submitted to the Administrator as set forth in the General Approval Procedures Section above.

C. Review and Action by the Administrator.

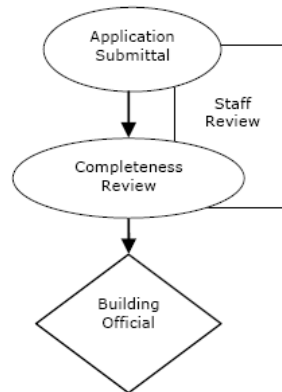
The Administrator must review each sign permit application in light of this UDO and act to approve, approve with conditions, or deny the permit. The Administrator may approve with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this UDO. As applicable, the Administrator shall apply the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. In considering such matters, the Administrator may rely on special area plans or studies adopted by the City Council.

D. Maintenance and Repair.

1. Cleaning, painting, repainting, and other normal maintenance and repair of a sign shall not require a permit unless a structural or size change is made. Maintenance includes the replacement of a sign face. Repainting or replacement of materials in the WPC Wolf Pen Creek design district must receive approval of either the Administrator or the Design Review Board.
2. Repair of conforming signs, damaged as a result of accidents or acts of God, shall be exempt from permit fees when they are being restored to their original condition.

E. Waivers (WPC Wolf Pen Creek only).

The Design Review Board shall hear and decide requests for waivers from the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

Sec. 3.11. Building Permits.**Building Permit Review Process****A. Applicability.**

1. 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 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 Section for land use or construction in the City shall be considered valid unless signed by the Building Official.
2. In the WPC Wolf Pen Creek design district, all substantial maintenance (including but not limited to rehabilitation, façade work, and change of exterior materials or other construction) shall be subject to the building permit review process detailed in this Section. All building permits required in the WPC Wolf Pen Creek design district, including minor additions to a site (accessory buildings and structures, change of solid waste disposal location, painting, and landscaping) shall be reviewed by the Administrator.

B. Application for Building Permit.

1. Applications for building permits for single-family, duplex, 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 of buildings already existing on the lot, if any; and the location and dimensions of the proposed building or alteration, easements, and required setbacks.

Applications for multi-family (including multiplex) and non-residential structures shall be accompanied by three (3) sets of complete plans, drawn to scale, including the approved site plan as required in the Site Plans Section above.

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 after it is marked as either approved, approved with conditions, or disapproved and attested to same by the signature of the Building Official 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 of Article 7, General Development Standards of this UDO.
5. Where applicable, applicants shall submit information and materials required in the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO.
6. If the subject property is zoned MH Middle Housing, applicants shall specify the proposed residential product type. See the Middle Housing Product Types and Dimensional Standards Table in the Residential Dimensional Standards Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO 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 International Building Code, as adopted. 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 International Building Code, as adopted.
2. If the subject property is zoned P-MUD Planned Mixed-Use District or PDD Planned Development District, 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 during the building permit review. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved concept plan.

E. Decision by Administrator (WPC Wolf Pen Creek only).

1. Design Review.

The Administrator shall apply the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. In considering such matters, the Administrator may rely on special area plans or studies adopted by the City Council.

2. Written Decision.

The decision of approval or denial shall be communicated in writing to the applicant.

F. Waivers (WPC Wolf Pen Creek only).

The Design Review Board shall hear and decide requests for waivers from the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

Sec. 3.12. Certificates of Occupancy.

A. Applicability.

A certificate of occupancy shall be required for any of the following:

1. Occupancy of a building hereafter erected or enlarged;
2. Change in use of an existing building to a different use category;

3. Any change in a nonconforming use or structure; or
4. As required by Section 110 of the International Building Code, as adopted.

B. Application.

Once all required building inspections have been reviewed by the Building Official and no violation of the provisions of the Code is found, the Building Official shall issue a certificate of occupancy for the structure.

C. Review and Action by Building Official.

Upon the request for a certificate of occupancy, the Building Official shall inspect the use or structure. If the Building Official determines that the use or structure complies with all applicable provisions of the International Building Code, as adopted, and this UDO, a certificate of occupancy shall be issued.

D. Temporary Certificate of Occupancy.

Pending the issuance of a certificate of occupancy, a temporary certificate of occupancy may be issued by the Building Official. The temporary certificate of occupancy shall be valid for a period established by the Building Official, pending completion of additional requirements or during partial occupancy of a structure and as provided in Section 110 of the International Building Code, as adopted.

E. Unlawful to Occupy Without Valid Certificate of Occupancy.

It is unlawful to occupy any building that does not have a validly issued certificate of occupancy or temporary certificate of occupancy.

Sec. 3.13. Certificates of Completion.

A. Applicability.

A certificate of completion shall be required for any of the following:

1. Use of a parking lot hereafter constructed or enlarged not in conjunction with a building or structure;
2. Site changes including but not limited to landscaping, parking lots, façade changes in a design district, or a change to an existing site that is not done in conjunction with a building or structure that requires a building permit; or
3. Site improvements associated with a telecommunications tower.

B. Application.

Once all required building inspections have been reviewed by the Building Official and no violation of the provisions of the International Building Code, as adopted are found, the Building Official shall issue a certificate of completion for the structure.

C. Review and Action by Building Official.

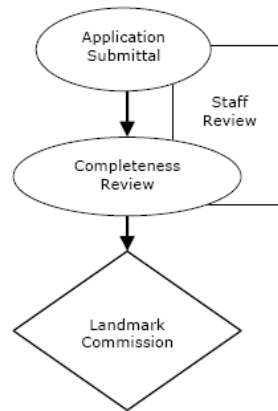
Upon the request for a certificate of completion, the Building Official shall inspect the structure. If the Building Official determines that the structure complies with all applicable provisions of the International Building Code, as adopted, and this UDO, a certificate of completion shall be issued.

D. Temporary Certificate of Completion.

Pending the issuance of a certificate of completion, a temporary certificate of completion may be issued by the Building Official. The temporary certificate of completion shall be valid for a period established by the Building Official, pending compliance with approved development plans.

E. Unlawful to Utilize Without Valid Certificate of Completion.

It is unlawful to utilize any structure that does not have a validly issued certificate of completion or temporary certificate of completion.

Sec. 3.14. Certificates of Appropriateness.**Certificate of Appropriateness Review Process****A. Applicability.**

1. Prior to any construction, reconstruction, alteration, restoration, or rehabilitation of any structure or any property within an HP Historic Preservation Overlay, or any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way that affects the appearance and cohesiveness of any structure or any property within an HP Historic Preservation Overlay, an applicant must obtain a certificate of appropriateness in accordance with this Section.
2. No building permit shall be issued for proposed work within an HP Historic Preservation Overlay until a certificate of appropriateness has first been issued as required by the UDO. The certificate of appropriateness shall be in addition to and not in place of any building permit that may be required by any other ordinance of the City of College Station.

B. Application Requirements.

A complete application for a certificate of appropriateness shall be submitted to the Administrator as set forth in the General Approval Procedures Section above. The application shall include, where applicable:

1. Detailed description of proposed work;
2. Proposed building plans (this will not constitute a building plan submittal for review for a building permit);
3. Landscaping plans showing landscaping features and vegetation species, sizes, and locations;
4. Landscape protection plans;
5. Location and photographs of the property and adjacent properties;
6. Elevation drawings of the proposed changes, if available;
7. Samples of materials to be used;
8. Specifications for architectural features and materials; and
9. Any other information that the Landmark Commission or Historic Preservation Officer may deem necessary to visualize the proposed work.

C. Certificate of Appropriateness Approval Process.

Certificate of appropriateness applications shall be processed in accordance with the following requirements:

1. **Pre-Application Conference.**

Prior to the submission of an application for a certificate of appropriateness, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Review and Report by the Historic Preservation Officer.

Upon receipt of an application for a certificate of appropriateness, the Historic Preservation Officer shall determine whether the application is to be reviewed under the Standard Certificate of Appropriateness Review Criteria or the Routine Maintenance Work Review Procedure. If the application is to be reviewed under the Standard Certificate of Appropriateness Review Criteria, the following applies. If the application is to be reviewed under the Routine Maintenance Work Review Procedure, the procedure in the Routine Maintenance Work Review Procedure Subsection below will apply.

Under the Standard Certificate of Appropriateness Review Criteria, the Historic Preservation Officer will review the application to determine if the proposed plan is consistent with all applicable provisions of this UDO and the Comprehensive Plan. The Historic Preservation Officer will forward the report on the application to the Landmark Commission with a recommendation for approval, denial or conditional approval.

3. Review by the Landmark Commission.

The Landmark Commission shall review the application in a public meeting and may approve, approve with conditions, or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by the publication of the agenda of the meeting.

4. Final Action by the Landmark Commission.

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO, and the review criteria in the Standard Certificate of Appropriateness Review Criteria Subsection below, the Landmark Commission shall approve the plan. A determination that all requirements and provisions have not been satisfied shall result in disapproval of the plan.

D. Standard Certificate of Appropriateness Review Criteria.

The Landmark Commission shall approve a certificate of appropriateness if it finds:

1. For Historic Contributing Resources.

- a. The proposed work is consistent with The Secretary of the Interior's Standards for Rehabilitation, The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings, Preservation Briefs, and all related interpretative documents published by the U.S. Department of Interior;
- b. The proposed work will not have an adverse effect on the architectural features of the structure;
- c. The proposed work will not have an adverse effect on the HP Historic Preservation Overlay; and
- d. The proposed work will not have an adverse effect on the future preservation, maintenance, and use of the structure or the HP Historic Preservation Overlay.

2. For Historic Non-Contributing Resources.

The proposed work is compatible with the HP Historic Preservation Overlay.

E. Routine Maintenance Work Review Procedure.

1. If upon review of an application for a certificate of appropriateness, the Historic Preservation Officer determines that an applicant is seeking a certificate of appropriateness to authorize only routine

maintenance work, the Historic Preservation Officer shall review the certificate of appropriateness application to determine whether the proposed work complies with the regulations contained in this Section and approve, approve with conditions, or deny the application. The Historic Preservation Officer may also forward the application to the Landmark Commission for any reason.

2. Routine maintenance work on a property is considered to be:
 - a. The installation of a chimney located on an accessory building, or on the rear fifty (50) percent of a main building and not part of a corner side façade;
 - b. The installation of an awning located on an accessory building, or the rear façade of a primary structure;
 - c. The installation of a wood or chain link fence that is not painted or stained;
 - d. The installation of gutters and downspouts of a color that matches or compliments the dominant trim or roof color;
 - e. The installation of skylights and solar panels;
 - f. The installation of storm windows and doors; and/or
 - g. The restoration of original architectural elements.
3. The applicant may appeal the Historic Preservation Officer's decision by submitting to the Historic Preservation Officer a written request for appeal within ten (10) calendar days of the decision. Upon the written request for appeal, the Landmark Commission will review the application under the Standard Certificate of Appropriateness Review Criteria Subsection above.

F. Expiration of Approval.

For plans that do not require the issuance of a building permit, work to complete the plans shall commence and be completed within twenty-four (24) months from the date of approval of the application. The Historic Preservation Officer may authorize a single extension of a certificate of appropriateness for up to six (6) months upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

For plans that require the issuance of a building permit, if a building permit has not been issued for the proposed work within twenty-four (24) months from the date of approval of the application, the Historic Preservation Officer may authorize a single extension of a certificate of appropriateness up to six (6) months upon demonstration of the lack of changed or changing conditions in the area. A certificate of appropriateness shall be valid as long as there is a valid building permit.

G. Appeals.

An applicant for a certificate of appropriateness dissatisfied with the action of the Landmark Commission related to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within ten (10) calendar days after the date of such action. In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

H. Limitation on Reapplication.

If a final decision is reached denying a certificate of appropriateness, no further applications may be considered for the subject matter of the denied certificate of appropriateness for one (1) year from the date of the final decision unless the Landmark Commission waives the time limitation because the Landmark Commission finds that there are changed circumstances sufficient warrant a new hearing.

I. Revocation.

The Historic Preservation Officer may, in writing, revoke a certificate of appropriateness if:

1. The certificate of appropriateness was issued based on incorrect information supplied by the applicant, or
2. The work is not performed in accordance with the certificate of appropriateness.

J. **Amendment to a Certificate of Appropriateness.**

A certificate of appropriateness may be amended by submitting a new certificate of appropriateness application to the Historic Preservation Officer. The application shall then be subject to either the Standard Certificate of Appropriateness Review Criteria or the Routine Maintenance Work Review Procedure.

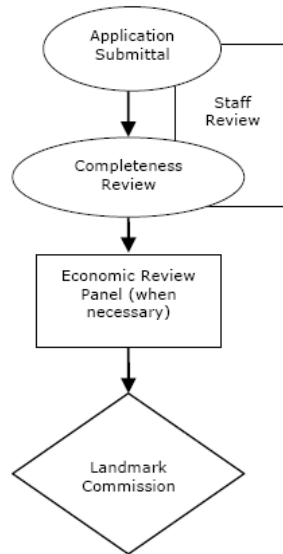
K. **Ordinary Maintenance.**

Other than the routine maintenance work listed in the Routine Maintenance Work Review Procedure Subsection above, a certificate of appropriateness shall not be required for the ordinary maintenance and repair of any exterior architectural feature of a property within an HP Historic Preservation Overlay which does not involve a change in design, material, or outward appearance such as:

1. The replacement of a roof of the same or an original material that does not include a change in color;
2. The application of paint that is the same as the existing;
3. Minor repair using the same material and design as the original;
4. The repair of sidewalks and driveways using the same type and color of materials;
5. The process of cleaning (including but not limited to low-pressure water blasting and stripping, but excluding sandblasting and high-pressure water blasting); and
6. The painting, replacing, duplicating, or stabilizing deteriorated or damaged non-original architectural features (including but not limited to roofing, windows, columns, and siding) to maintain the structure and slow deterioration.

L. **Temporary Emergency Repairs.**

If the Building Official determines that a building or structure in an HP Historic Preservation Overlay poses an immediate threat to persons or property, the Building Official may take any action authorized under the City of College Station Code of Ordinances to make the building or structure safe without the requirement of a certificate of appropriateness. The Building Official shall send a written report of such actions to the Landmark Commission.

Sec. 3.15. Certificates of Demolition.**Certificate of Demolition Review Process****A. Applicability.**

1. Prior to any demolition or removal of any structure or portion thereof on any property within an HP Historic Preservation Overlay, an applicant must obtain a certificate of demolition in accordance with this Section.
2. No building permit shall be issued for proposed work within an HP Historic Preservation Overlay until a certificate of demolition required by the UDO has first been issued by the Landmark Commission. The certificate of demolition shall be in addition to, and not in place of, any building permit that may be required by any other ordinance of the City of College Station.
3. No permit for the demolition of a structure or property within an HP Historic Preservation Overlay, including secondary buildings and landscape features, shall be granted by the Building Official without the review of a completed application for and approval of a certificate of demolition by the Landmark Commission.

B. Application Requirements.

A property owner seeking demolition or removal of a structure, including secondary buildings and landscape features, on a property in an HP Historic Preservation Overlay shall submit a complete application for a certificate of demolition to the Administrator as set forth in the General Approval Procedures Section above. The application shall include:

1. An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.
2. An indication that the demolition or removal is sought for one (1) or more of the following reasons:
 - a. To replace the structure with a new structure that is more appropriate and compatible with the HP Historic Preservation Overlay;
 - b. No economically viable use of the property exists;
 - c. The structure poses an imminent threat to public health or safety; or

- d. The structure is noncontributing to the HP Historic Preservation Overlay because it is newer than the period of historic significance.
- 3. An application "to replace the structure with a new structure that is more appropriate and compatible with the HP Historic Preservation Overlay" shall also include:
 - a. Records depicting the original construction of the structure, including drawings, pictures, or written descriptions where available;
 - b. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
 - c. Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure;
 - d. Complete architectural drawings of the new structure; and
 - e. A guarantee agreement between the owner and the City that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee must:
 - 1) Contain a statement of intent to construct the proposed structure by a specific date in accordance with architectural drawings approved by the City through the certificate of appropriateness process;
 - 2) Require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or another arrangement acceptable to the Administrator to ensure the construction of the new structure; and
 - 3) Be approved as to form by the City Attorney.
- 4. An application that "no economically viable use of the property exists" shall also include:
 - a. The past and current uses of the structure and property;
 - b. The name of the owner. If the owner is a legal entity, the type of entity and state in which it is registered;
 - c. The date and price of purchase or other acquisition of the structure and property, the party from whom it was acquired, and the owner's current basis in the property;
 - d. The relationship, if any, between the owner and the party from whom the structure and property were acquired. If one (1) or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified;
 - e. The assessed value of the structure and property according to the two (2) most recent tax assessments;
 - f. The amount of real estate taxes on the structure and property for the previous two (2) years;
 - g. The current fair market value of the structure and property as determined by an independent licensed appraiser;
 - h. All appraisals obtained by the owner and prospective purchasers within the previous two (2) years in connection with the potential or actual purchase, financing, or ownership of the structure and property;
 - i. All listings of the structure and property for sale or rent within the previous two (2) years, prices asked, and offers received;
 - j. A profit and loss statement for the property and structure containing the annual gross income for the previous two (2) years; itemized expenses (including operating and maintenance costs) for the previous two (2) years, including proof that adequate and competent management procedures were followed; the annual cash flow for the previous two (2) years; and proof that

the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor;

- k. A mortgage history of the property during the previous five (5) years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property;
 - l. All capital expenditures during the current ownership;
 - m. Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions;
 - n. A study of the restoration of the structure or property, performed by a licensed architect, engineer, or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for ten years, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property;
 - o. Any consideration is given by the owner to profitable adaptive uses for the structure and property;
 - p. Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations;
 - q. Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure; and
 - r. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.
- 5. An application to demolish or remove a structure that "poses an imminent threat to public health or safety" shall also include:
 - a. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
 - b. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer; and
 - c. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.
 - 6. An application to demolish or remove a structure that is "noncontributing to the HP Historic Preservation Overlay because the structure is newer than the period of historic significance" shall also provide:
 - a. Documentation that the structure is noncontributing to the HP Historic Preservation Overlay;
 - b. Documentation of the age of the structure; and
 - c. A statement of the purpose of the demolition.
 - 7. Any other evidence the property owner wishes to submit in support of the application.
 - 8. Any other evidence requested by the Landmark Commission or the Historic Preservation Officer.

C. Approval Process.

Certificate of demolition applications shall be processed in accordance with the following requirements:

1. Pre-Application Conference.

Prior to the submission of an application for a certificate of demolition, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above.

2. Application.

When a complete application for a certificate of demolition has been submitted to the City, the application will begin a mandatory sixty (60) day stay of demolition. The certificate of demolition approval process will continue concurrently with the stay of demolition, but the Landmark Commission shall not take final action before the stay demolition has expired.

3. Review and Report by the Historic Preservation Officer.

If the application is determined to be consistent with all applicable provisions of this UDO and the Comprehensive Plan, or if the application is recommended for denial or conditional approval, the Historic Preservation Officer shall report such consistency, inconsistency, or proposed conditions to the Landmark Commission.

4. Review by an Economic Review Panel.

For an application that "no economically viable use of the property exists", within thirty-five (35) days after the appointment of the Economic Review Panel as provided in the Landmark Commission Section of Article 2, Development Review Bodies of this UDO, the Panel shall review the submitted documentation, hold a public hearing, consider all options for renovation, adaptive reuse, and redevelopment, and forward a written recommendation to the Landmark Commission. The Historic Preservation Officer shall provide administrative support to the Economic Review Panel. The Economic Review Panel's recommendation shall be based on the same standard for approval to be used by the Landmark Commission. An application that "no economically viable use of the property exists" will not be considered complete until the Economic Review Panel has made its recommendation to the Landmark Commission. If the Economic Review Panel is unable to reach a consensus, the report will indicate the majority and minority recommendations. If the Economic Review Panel does not meet within thirty-five (35) days after the appointment, a recommendation of "no economically viable use of the property" will be forwarded to the Landmark Commission.

5. Review by the Landmark Commission.

The Landmark Commission shall review the application for a certificate of demolition in a public meeting and may approve, approve with conditions, or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by the publication of the agenda of the meeting.

6. Final Action by the Landmark Commission.

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO, and the review criteria in the Criteria for Approval of a Certificate of Demolition Subsection below, the Landmark Commission shall approve the plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the plan. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the Landmark Commission.

D. Approval Criteria.

In considering an application for a certificate of demolition, the Landmark Commission shall deny the application unless it makes the following findings:

1. The Landmark Commission shall deny an application for a certificate of demolition to replace a structure with a new structure unless it finds that:
 - a. The new structure is more appropriate and compatible with the HP Historic Preservation Overlay than the structure to be demolished or removed; and
 - b. The owner has the financial ability and intent to build the new structure. The Landmark Commission must first approve the certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application for a certificate of demolition.
2. The Landmark Commission shall deny an application for a certificate of demolition to remove a structure because of “no economically viable use of the property” unless it finds that:
 - a. The structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);
 - b. The structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and
 - c. The owner has failed during the last two (2) years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.
3. The Landmark Commission shall deny an application for a certificate of demolition to remove a structure that poses an imminent threat to public health or safety unless it finds that:
 - a. The structure constitutes a documented major and imminent threat to public health and safety;
 - b. The demolition or removal is required to alleviate the threat to public health and safety; and
 - c. There is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.
4. The Landmark Commission shall deny an application for a certificate of demolition to remove a structure that is noncontributing to the HP Historic Preservation Overlay because it is newer than the period of historic significance unless it finds that:
 - a. The structure is noncontributing to the HP Historic Preservation Overlay;
 - b. The structure is newer than the period of historic significance for the HP Historic Preservation Overlay; and
 - c. Demolition of the structure will not adversely affect the historic character of the property or the integrity of the HP Historic Preservation Overlay.

E. Appeals.

1. Any interested person may appeal the decision of the Landmark Commission to the City Council by filing a written notice with the Administrator within ten (10) calendar days after the decision of the Landmark Commission. If no appeal is made of a decision to approve a certificate of demolition within ten (10) days, the Building Official shall issue the permit to allow demolition or removal. If an appeal is filed, the City Council shall hear and decide the appeal within sixty-five (65) days of its filing.
2. In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

F. Limitation on Reapplication.

If a final decision is reached denying a certificate of demolition, no further applications may be considered for the subject matter of the denied certificate of demolition for one (1) year from the date of the final

decision unless the Landmark Commission waives the time limitation because the Landmark Commission finds that there are changed circumstances sufficient to warrant a new hearing.

G. Expiration of Approval.

A certificate of demolition expires if the work authorized by the certificate of demolition is not commenced within one hundred eighty (180) days from the date of final approval. A final, one-time extension for the commencement of work of ninety (90) days may be granted by the Administrator upon written request by the applicant showing circumstances beyond the control of the applicant. If the certificate of demolition expires, a new certificate of demolition must first be obtained before the work can commence.

H. Demolition by Neglect.

1. Prohibition.

No owner or person with an interest in real property included within an HP Historic Preservation Overlay shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or structural compromise which would, in the judgment of the Landmark Commission, produce a detrimental effect upon the character of the HP Historic Preservation Overlay as a whole or the life and character of the property itself. Examples of such deterioration include but are not limited to:

- a. Deterioration of the foundation;
- b. Deterioration of floor supports, or the addition of floor supports that are insufficient to carry the loads imposed;
- c. Deterioration of walls, windows, doors, or other vertical supports, or the addition of such supports that are of insufficient size or strength to carry the loads imposed;
- d. Deterioration of roof or other horizontal members;
- e. Deterioration of exterior chimneys;
- f. Deterioration or crumbling of exterior stucco or mortar;
- g. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;
- h. Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint or another protective coating;
- i. Any fault, defect, or condition in the structure that renders it structurally unsafe or not properly watertight; and
- j. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

2. Procedure.

a. Purpose.

The purpose of the demolition by neglect procedure is to allow the Landmark Commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

b. Request for Investigation.

Any interested party may request that the Historic Preservation Officer investigate whether a property is being demolished by neglect.

c. First Meeting With the Property Owner.

Upon receipt of a request, the Historic Preservation Officer and Building Official shall meet with the property owner or the property owner's agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the Historic Preservation Officer shall prepare a report for the Landmark Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

d. **Certification and Notice.**

After review of the report in a public meeting, the Landmark Commission may vote to certify the property as a demolition by neglect case. If the Landmark Commission certifies the structure as a demolition by neglect case, the Landmark Commission shall notify the property owner or the property owner's agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within thirty (30) days and set a deadline for completion of the repairs. The notice shall be sent by certified mail.

e. **Second Meeting With the Property Owner.**

The Historic Preservation Officer and the Building Official shall meet with the property owner or the property owner's agent with control over the structure within sixty (60) days after the notice was sent to inspect any repairs.

f. **Referral for Enforcement.**

If the property owner or the property owner's agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the Landmark Commission may refer the demolition by neglect case to the Code Enforcement Division for appropriate enforcement action to prevent demolition by neglect.

I. **Demolition by Condemnation.**

Reasonable attempts to engage a property owner in a demolition by neglect procedure shall be made when there is a concern for the deterioration of a structure, but when a structure or equipment is found by the Building Official to be a dangerous structure, the provisions of the City of College Station Code of Ordinances regulating dangerous structures will apply.

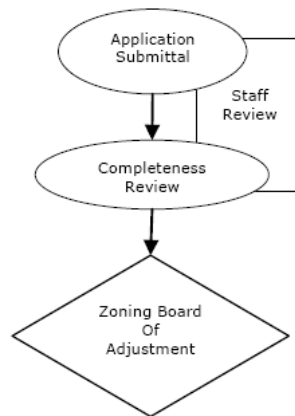
J. **Historic Preservation Fund.**

1. The City, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.
2. The historic preservation fund is composed of the following funds:
 - a. Outside funding (other than City general funds or capital funds), such as grants and donations, made to the City for the purpose of historic preservation and funding partnerships with community organizations.
 - b. Damages recovered pursuant to Chapter 315 of the Texas Local Government Code, as amended, from persons who illegally demolish or adversely affect historic structures.
3. The outside funding may be used for financing the following activities:
 - a. Necessary repairs in demolition by neglect cases;
 - b. Full or partial restoration of low-income residential and nonresidential structures;
 - c. Full or partial restoration of publicly owned historic structures;
 - d. Acquisition of historic structures, places, or areas through gift or purchase;

- e. Public education of the benefits of historic preservation or the regulations governing HP Historic Preservation Overlays; and
 - f. Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.
4. Damages recovered pursuant to Chapter 315 of the Texas Local Government Code, as amended, must be used only for the following purposes:
- a. Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure;
 - b. Restoration, using as many of the original materials as possible, of the historic structure; and
 - c. Restoration of another historic structure.

Sec. 3.16. Variances.

Variance Review Process



A. Purpose.

The Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this UDO. The Zoning Board of Adjustment shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this UDO would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the city and that the granting of the variance would preserve the spirit and intent of the UDO and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured, and substantial justice done.

B. Applicability.

The Zoning Board of Adjustment shall have the authority to grant variances from the standards in this UDO except for waivers of the standards in Article 8, Subdivision Design and Improvements of this UDO, which may be made by the Planning and Zoning Commission during the subdivision process, and requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Site Plans Section above, which may be made by the Design Review Board. Any variance request for up to ten (10) percent may be treated as an administrative adjustment subject to the requirements of the Administrative Adjustments Section below.

C. Application.

A complete application for a variance shall be submitted to the Administrator as set forth in the General Approval Procedures Section above.

D. Action by the Zoning Board of Adjustment.

1. **Public Hearing.**

Following notice in accordance with the General Approval Procedures Section above, the Zoning Board of Adjustment shall hold a public hearing.

2. **Variance Review.**

Upon completion of the public hearing and after review of the variance application subject to the criteria listed in the Criteria for Approval of Variance Subsection below, the Zoning Board of Adjustment shall make a written finding and give its approval, approval with limitations, or disapproval of the variance.

E. **Criteria for Approval of Variance.**

1. **Required Findings.**

The Zoning Board of Adjustment may authorize a variance from the requirements of this UDO when an unnecessary hardship would result from the strict enforcement of this UDO. In granting a variance, the Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the Zoning Board of Adjustment shall consider the nature of the proposed use of the land involved, the existing use of land in the vicinity, the possibility that a nuisance will be created, and the probable effect of such variance upon traffic conditions and public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board makes affirmative findings in regard to all of the following criteria:

a. **Special Conditions.**

That there are special conditions affecting the land involved such that strict application of the provisions of this UDO will deprive the applicant of the reasonable use of their land. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

b. **Other Property.**

That these conditions do not generally apply to other property in the vicinity.

c. **Enjoyment of a Substantial Property Right.**

That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

d. **Hardships.**

That the hardship is not the result of the applicant's actions.

The Zoning Board of Adjustment may consider the following as grounds to determine whether compliance with this ordinance as applied to a structure that is the subject of the variance would result in unnecessary hardship:

- 1) The financial cost of compliance is greater than fifty (50) percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the city under Chapter 26 of the Texas Tax Code;
- 2) Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent of the area on which development may physically occur;
- 3) Compliance would result in the structure not being in compliance with a requirement of a City of College Station ordinance, building code, or other requirement;
- 4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

5) The City considers the structure to be a nonconforming structure.

e. **Subdivision.**

That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.

f. **Flood Hazard Protection.**

That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements of this UDO.

g. **Comprehensive Plan.**

That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.

h. **Utilization.**

That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

i. **Substantial Detriment.**

That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area or the City administering this UDO.

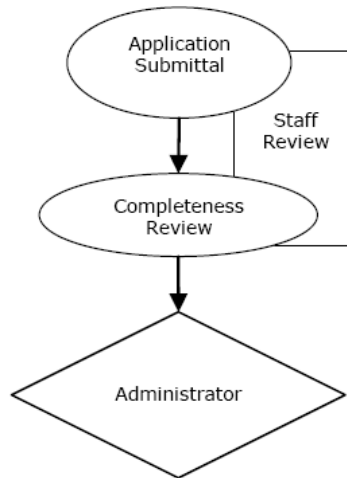
2. **Limitations.**

The Zoning Board of Adjustment may not grant a variance where the effect would be any of the following:

- a. To allow the establishment of a use not otherwise permitted in the applicable zoning district;
- b. To increase the density of a use above that permitted by the applicable district;
- c. To extend physically a nonconforming use; or
- d. To change the zoning district boundaries shown on the Official Zoning Map.

3. **Profitability Not to Be Considered.**

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

Sec. 3.17. Administrative Adjustments.**Administrative Adjustment Review Process****A. Purpose.**

Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this UDO.

B. Applicability.

The Administrator shall have the authority to authorize adjustments of up to ten (10) percent from any dimensional standard or numerical requirement set forth in this UDO. Any adjustment requests greater than ten (10) percent shall be treated as a variance handled by the Zoning Board of Adjustment subject to the requirements of the Variances Section above.

C. Application.

A complete application for an administrative adjustment shall be submitted to the Administrator as set forth in the General Approval Procedures Section above.

D. Review and Action by Administrator.

The Administrator shall review the application and approve, approve with conditions, or deny the application based upon the criteria in the Administrative Adjustment Criteria Subsection below. A written decision including affirmative findings on the criteria set forth below shall be sent to the applicant.

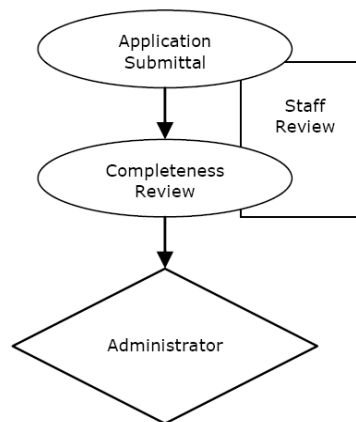
E. Administrative Adjustment Criteria.

1. To approve an application for an administrative adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
 - a. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b. That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the vicinity of the proposed development; and

- c. That granting the adjustment will be generally consistent with the purposes and intent of this UDO.
2. In the event the Administrator finds that the applicant has not met the criteria, the applicant may request that the application be forwarded to the Zoning Board of Adjustment as a variance request subject to the requirements of the Variances Section above.

Sec. 3.18. Written Interpretations.

Written Interpretation Process



A. **Applicability.**

The Administrator shall have the authority to make all written interpretations concerning the provisions of this UDO.

B. **Request for Interpretation.**

A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public.

C. **Interpretation by Administrator.**

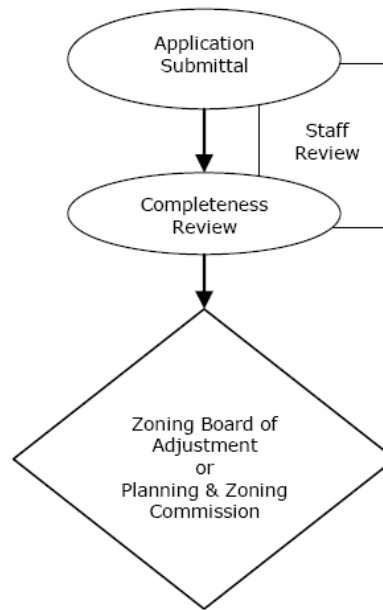
1. The Administrator shall:
 - a. Review and evaluate the request in light of the text of this UDO, the Official Zoning Map, the Comprehensive Plan, and any other relevant information;
 - b. Consult with other staff, as necessary; and
 - c. Render an opinion.
2. The interpretation shall be provided to the applicant in writing.

D. **Official Record.**

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

E. **Appeal.**

Appeals of written interpretations made by the Administrator shall be filed only by a party affected by the written interpretation with the Zoning Board of Adjustment, or for appeals of written interpretations of Article 8, Subdivision Design and Improvements of this UDO, the Planning and Zoning Commission, within twenty (20) days of the decision in accordance with the procedures found in the Administrative Appeals Section below. If no appeal is filed within twenty (20) days, the written interpretation shall be final.

Sec. 3.19. Administrative Appeals.**Administrative Appeal Review Process****A. Applicability.**

1. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by, or any officer or department affected by, specific points found in any of the following final decisions of the Administrator:
 - a. Written interpretations of the text of this UDO; or
 - b. Denial of a building permit or site plan based on interpretation of Article 7, General Development Standards of this UDO.
2. Appeals to the Planning and Zoning Commission may be taken by any person aggrieved by or any officer or department affected by specific points found in the Administrator's written interpretations of the text of Article 8, Subdivision Design and Improvements.

B. Effect of Appeal.

An appeal to the Zoning Board of Adjustment stays all legal proceedings in furtherance of the appealed action unless the Administrator from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed, that because of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

C. Deadline for Submission of Application.

An appeal from any final decision of the Administrator shall be filed with the Administrator within twenty (20) days after the date the decision is made. If no appeal is filed within twenty (20) days, the decision shall be final.

D. Application.

A complete application for an administrative appeal shall be submitted to the Administrator as set forth in the General Approval Procedures Section above.

E. Record of Administrative Decision.

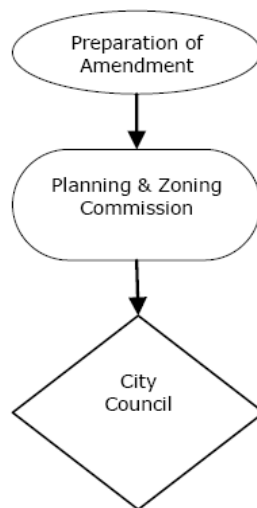
The Administrator shall forthwith transmit to the Zoning Board of Adjustment or the Planning and Zoning Commission, as appropriate, all the papers constituting the record of the action appealed.

F. Hearing.

The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, shall set a reasonable time for the appeal hearing and give public notice as set forth in the General Approval Procedures Section above, as well as due notice to the parties in interest. The Board or Commission shall decide the appeal at their next meeting for which notice can be provided following the hearing and not later than the sixtieth (60th) day after the date the appeal is filed.

G. Final Action by Zoning Board of Adjustment or Planning and Zoning Commission.

The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, may only consider the specific interpretive language of the Administrator and may reverse or affirm wholly or partly, or may modify the interpretation appealed from. In any case, the Board or Commission shall only present findings regarding specific errors made in the Administrator's interpretation.

Sec. 3.20. Unified Development Ordinance Text Amendments.**Unified Development Ordinance Text Amendment Process****A. Purpose.**

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, the text of this UDO may be altered from time to time.

B. Initiation of Amendments.

An amendment to the text of this UDO may be initiated by:

1. The City Council;
2. The Planning and Zoning Commission; or
3. The Administrator.

C. Approval Process.

1. **Review and Report by Administrator.**

The Administrator shall review the proposed text amendment in light of the Comprehensive Plan and give a report to the Planning and Zoning Commission.

2. Referral to Planning and Zoning Commission.

The Administrator shall refer the same to the Planning and Zoning Commission for study, hearing, and report. The Planning and Zoning Commission may direct staff to proceed with drafting the amendment and scheduling the necessary public hearings, forward the proposed text amendment to City Council for direction, or determine not to pursue the proposed amendment. The City Council may not enact the proposed text amendment until the Planning and Zoning Commission makes its report to the City Council.

3. Recommendation by Planning and Zoning Commission.

a. Notice.

The Administrator shall publish and post public notice in accordance with the General Approval Procedures Section above, and shall recommend to the City Council such action as the Planning and Zoning Commission deems proper.

b. Public Hearing.

A public hearing shall be held by the Planning and Zoning Commission before making a recommendation to the City Council.

4. City Council Action.

a. Notice.

The Administrator shall publish and post notices in accordance with the General Approval Procedures Section above, before taking final action on the amendment.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the text amendment.

Article 4. Zoning Districts

Sec. 4.1. Establishment of Districts.

For the purpose of this UDO, portions of the city, as specified on the Official Zoning Map, are hereby divided into the zoning districts enumerated below. The intensity regulations applicable for such districts are designated in the respective Sections of Article 5, District Purpose Statements and Supplemental Standards, and the use regulations are designated in Article 6, Use Regulations of this UDO.

Table of Districts	
Residential Zoning Districts	
R	Rural
WE	Wellborn Estate
E	Estate
WRS	Wellborn Restricted Suburban
RS	Restricted Suburban
GS	General Suburban
T	Townhouse

D	Duplex
MH	Middle Housing
MF	Multi-Family
MU	Mixed-Use
MHP	Manufactured Home Park
Non-Residential Zoning Districts	
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
NAP	Natural Areas Protected
Retired Districts	
R-1B	Single-Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
M-1	Light Industrial
M-2	Heavy Industrial
R&D	Research & Development
NPO	Neighborhood Prevailing Overlay
Planned Districts	
P-MUD	Planned Mixed-Use District
PDD	Planned Development District
Design Districts	
WPC	Wolf Pen Creek
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate
Overlay Districts	
OV	Corridor Overlay
RDD	Redevelopment District
HP	Historic Preservation Overlay
Single-Family Overlay Districts	
ROO	Restricted Occupancy Overlay
NCO	Neighborhood Conservation Overlay

Sec. 4.2. Official Zoning Map.

- A. The city is hereby divided into the zoning districts listed in the Establishment of Districts Section above, as shown on the Official Zoning Map, together with all explanatory matter thereon, and adopted by reference and declared to be a part of this UDO. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of College Station under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Official Zoning Map Section of Article 4, Zoning Districts of the Unified Development Ordinance (UDO) of the City of College Station, Texas."

- B. If, in accordance with the provisions of this UDO and Chapter 211 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council and signed by the Mayor.
- C. Approved zoning changes shall be entered on the Official Zoning Map by the Administrator and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- D. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this UDO. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this UDO and punishable as provided under the Penalties for Violation Section of Article 10, Enforcement of this UDO.
- E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning and Development Services Department, shall be the final authority as to the current zoning of land and water areas in the city. The Official Zoning Map shall be available to the public at all hours when the City Hall is open to the public.
- F. An electronic version of the Official Zoning Map, kept as a map layer in the City's geographic information system (GIS) in the Planning and Development Services Department, may be used and maintained as the Official Zoning Map.
- G. A zoning atlas, or zoning book, may be prepared and maintained as necessary for the use of City employees and has no official status.

Sec. 4.3. Replacement of Official Zoning Map.

- A. This UDO hereby incorporates the Official Zoning Map.
- B. Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records of its adoption or amendment.

Sec. 4.4. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated above as parallel to or extensions of features shall be so construed. The scale of the map shall determine distances not specifically indicated in a classification amendment.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Zoning Board of Adjustment shall interpret the district boundaries as provided in the Zoning Board of Adjustment Section of Article 2, Development Review Bodies of this UDO.

Sec. 4.5. Application of District Regulations.**A. Uniformity.**

The regulations as set forth by this UDO within each zoning district shall be applied uniformly for each class or kind of building; however, the regulations vary from district to district in accordance with the respective purposes and character of each district and the suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

B. Newly Annexed Territory.

The administration of this UDO to newly annexed territory shall consider the following provisions:

1. Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the R Rural zoning district.
2. Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair, or demolition within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.
3. No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:
 - a. Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
 - b. Beginning to use land in the area in the manner that was planned for the land before the ninetieth (90th) day before the effective date of the annexation if:
 - 1) One (1) or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity where required by law for the planned land use; and
 - 2) An application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this Section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.
4. In accordance with Chapter 43 of the Texas Local Government Code, as amended, the City may apply the following regulations within all newly annexed territories:
 - a. A regulation relating to the location of sexually oriented businesses;
 - b. A regulation relating to preventing imminent destruction of property or injury to persons;
 - c. A regulation relating to public nuisances;
 - d. A regulation relating to flood control;
 - e. A regulation relating to the storage and use of hazardous substances;
 - f. A regulation relating to the sale and use of fireworks; or
 - g. A regulation relating to the discharge of firearms in accordance with Chapter 229 of the Texas Local Government Code, as amended.
5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and the relevant decisions of federal and state courts. The applicant may submit any written evidence to the

Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

Article 5. District Purpose Statements and Supplemental Standards

Sec. 5.1. Residential Zoning Districts.

Occupancy of any dwelling unit in the following districts shall be limited to one (1) family as defined by Article 11, Definitions of this UDO unless otherwise authorized by this UDO.

A. R Rural.

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 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. WE Wellborn Estate.

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 (2) acres or more but may be one (1) 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 & Character Map. The cluster development option may be used only in the area designated Wellborn Estate-Open on the Comprehensive Plan Future Land Use & Character Map.

C. E Estate.

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. WRS Wellborn Restricted Suburban.

This district is designed to provide land for detached medium-density, single-family residential development. These areas shall consist of residential lots of at least 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 Future Land Use & Character Map.

E. RS Restricted Suburban.

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. GS General Suburban.

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. T Townhouse.

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 dwelling units shall conform to GS General Suburban standards.

H. D Duplex.

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 dwelling units shall conform to GS General Suburban standards.
2. Where parking is provided in the front yard of a duplex, an eight (8) foot setback shall be required between the property line and the nearest side of the parking pad. This eight (8) foot setback area must contain a three (3) foot screen consisting of a continuous berm, hedge, or wall. In addition, an eight (8) foot setback shall be required between the dwelling unit and the nearest side of the parking pad.

I. MH Middle Housing.

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. This 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. Developments in this district 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 this district are individually platted, distinguishing them from structures in the MF Multi-Family zoning district.

J. MF Multi-Family.

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

The following supplemental standards shall apply to this district:

1. Non-residential uses are permitted up to a maximum of fifty (50) percent of the total floor area if incorporated into the residential structure.
2. Townhouse dwelling units shall conform to T Townhouse standards.

K. MU Mixed-Use.

This district is designed for areas having the most intense level of development. This district consists of residential, commercial, and office uses in mixed-use structures.

The following supplemental standards shall apply to this district:

1. Non-residential uses with a minimum depth of thirty (30) feet are required on the ground floor if adjacent to Texas Avenue, Harvey Road, University Drive, or Earl Rudder Freeway.
2. A minimum of thirty (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.
3. The floor area ratio 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 floor area ratio calculation. Surface parking, even if covered, will not count toward the required floor area ratio.
4. The ground floor of structures shall be a minimum of twenty-five (25) percent of the lot area.

L. MHP Manufactured Home Park.

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:

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 areas 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.

Sec. 5.2. Residential Zoning District Dimensional Standards.

A. Dimensional Standards for Non-Clustered and Clustered Developments.

The following tables establish dimensional standards that shall be applied within residential zoning districts for non-clustered and clustered developments unless otherwise identified in this UDO:

Dimensional Standards for Non-Clustered Developments											
KEY: SF = square feet DU = Dwelling Unit											
	R (a)	WE (a)	E (a)	WRS (a)	RS (a)	GS (a)	T	D	MHP	MF	MU
Min. Average Lot Area per Dwelling Unit	3 acres	2 acres	1 acre	20,000 SF	10,000 SF	5,000 SF	2,000 SF	3,500 SF	N/A	N/A	N/A
Absolute Min. Lot Area per Dwelling Unit	2 acres	2 acres	1 acre	20,000 SF	6,500 SF	5,000 SF	2,000 SF	3,500 SF	N/A	N/A	N/A
Min. Lot Width	N/A	100'	100'	70'	70'	50'	N/A	35'/DU (b)	N/A	N/A	N/A
Min. Lot Depth	N/A	N/A	N/A	N/A	N/A	100'	N/A	100'	N/A	N/A	N/A
Min. Front Setback (c)	50'	30'	30'	25'	25'	25' (d)	25' (d)	25' (d)	15'	15'	N/A
Max. Front Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15'	N/A	15' (e)
Min. Side Setback	20'	10'	10'	7.5' (f) (g)	7.5' (f) (g)	7.5' (f) (g)	7.5' (g) (h)	7.5' (g)	7.5'	(h) (i)	N/A

Min. Side Street Setback	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	N/A
Max. Side Street Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15' (e)
Min. Rear Setback (j)	50'	20'	20'	20'	20'	20'	20'	20' (k)	15'	20'	20'
Max. Impervious Cover	30% (l)	30% (l)	30% (l)	40% (l)	50% (l)	55% (l)	75% (l)	65% (l)	(m)	(m)	(m)
Max. Height (n) (o)	35' (p)	35' (p)	35' (p)	35' (p)	35' (p)	2.5 Stories/ 35' (p)	35' (p)	2.5 Stories/ 35' (p)	N/A	N/A	N/A
Min. Number of Stories	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
Max. Dwelling Units/Acre (Subdivision Gross)	0.33	0.5	1	2	4	8	14	12	10	30	N/A
Min. Dwelling Units/Acre	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	N/A

Dimensional Standards for Clustered Developments											
KEY: SF = square feet DU = Dwelling Unit											
	R	WE (a) (q)	E (a) (r)	WRS (a) (q)	RS (a)	GS (a)	T	D	MHP	MF	MU
Min. Average Lot Area per Dwelling Unit	N/A	1 acre	20,000 SF	8,000 SF	8,000 SF	N/A	N/A	N/A	N/A	N/A	N/A
Absolute Min. Lot Area per Dwelling Unit		1 acre	10,000 SF	8,000 SF	6,500 SF	N/A					
Min. Lot Width		100' (s)	100' (s)	N/A	N/A	N/A					
Min. Lot Depth		N/A	N/A	N/A	N/A	N/A					
Min. Front Setback (t)		30'	30'	25'	25'	25'					
Min. Side Setback (t)		10'	10'	7.5'	7.5'	7.5'					
Min. Street Side Setback (t)		15'	15'	15'	15'	15'					
Min. Rear Setback (t)		20'	20'	20'	20'	20'					
Max. Impervious Cover (n)		30%	30%	40%	50%	55%					
Max. Height (p) (q) (r)		35'	35'	35'	35'	2.5 Stories/35'					
Max. Dwelling Units/Acre (Subdivision Gross)		0.5	1	2	4	8					

Notes:

- (a) Developments within a single-family overlay district shall follow the standards of the Single-Family Overlay Districts Section below or the Ordinance authorizing the Official Zoning Map amendment for an NCO Neighborhood Conservation Overlay.
- (b) The minimum lot width for a duplex may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (c) For lots designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use & Character Map that were created by plat before July 15, 1970, the front setback for a new single-family dwelling unit shall be based on the front setbacks of the adjacent lots per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (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) Maximum side street and front setbacks may be measured from the edge of a public easement when it is greater than 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.
- (f) Minimum side setback may be reduced to five (5) feet where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under reduced side setbacks requires prior approval by the Administrator 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.
- (g) Zero lot line construction of a residence is allowed where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under lot line construction requires prior approval by the Administrator. 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 of this UDO for more information.
- (h) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (i) 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.
- (j) For lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (k) The minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (l) 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 their designee.

Work that is performed by the homeowner and/or resident that does not require a building permit, that is less than one hundred twenty (120) square feet, and that does not cause the lot to exceed the applicable maximum impervious cover, does not require an impervious coverage permit.

- (m) Maximum impervious cover shall be determined by an engineered drainage analysis performed in conjunction with the Drainage Section of the Bryan/College Station Unified Design Guidelines and as approved by the City Engineer or their designee.
- (n) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (o) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (p) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
- (q) Refer to the Cluster Development Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO when using the cluster development option in the Wellborn Community Plan area.
- (r) Estate lots that are part of a subdivision existing on or before September 12, 2013, are not permitted to use cluster development standards without Official Zoning Map amendment approval, which incorporates the entire subdivision.
- (s) In cluster developments built to urban street standards, there is no minimum lot width per the Cluster Development Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO.
- (t) 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. Refer to the Cluster Development Subsection in the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO for more information.

B. MH 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.

MH Middle Housing Product Types and Dimensional Standards									
KEY: SF = square feet									
Product Type	Live-Work	Townhouse	Reduced Setback Single-Family	Single-Family	Courtyard Houses	Split-Lot Duplex	Duplex	Small Multiplex	Medium Multiplex
Min. Lot Area per Dwelling Unit	2,250 SF	2,250 SF	2,250 SF	3,200 SF	4,000 SF	2,250 SF	2,250 SF	1,500 SF	800 SF
Min. Lot Width	25'	25'	25'	40'	40'	25'	50'	60' (a)	80'
Min. Lot Depth	90'	90'	90'	80'	80'	90'	90'	100'	100'
Max. Number of Attached Units	N/A	6	N/A	N/A	N/A	2	2	4	12
Min. Front Setback	15' (b)	15' (b)	15' (b)	15' (b)	5'	15' (b)	15' (b)	15' (b)	15' (b)

Max. Front Setback	25'	25'	25'	25'	15'	25'	25'	25'	25'
Min. Side Setback	5'	5'	5' (c)	5'	5'	5'	5'	10'	10'
Min. Side Street Setback	5'	5'	5'	5'	15' (b)	5'	5'	5'	5'
Min. Setback between Structures	10'	10'	10'	10'	10'	10'	10'	10'	20'
Min. Rear Setback (d) (e)	40'	40'	40'	40'	20'	40'	40'	40'	40'
Max. Impervious Cover	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	(f)	(f)
Max. Height (h) (i) (j)	35'	35'	35'	35'	35'	35'	35'	35'	35'
Min. Number of Stories	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
Max. Dwelling Units/Acre (Subdivision Gross)	16	16	16	12	16	20	20	24	24
Parking	Front/Rear (k)	Front/Rear (k)	Front/Rear (k)	Front/Rear/Side (k)	Rear	Rear	Rear	Rear	Rear

Notes:

- (a) For small multiplex products, lot width may be reduced to thirty (30) feet if the building is two (2) stories or taller.
- (b) The Administrator may decrease the minimum setback to less than fifteen (15) feet, but not less than five (5) feet, with an administrative adjustment if there are no utility or right-of-way constraints.
- (c) For zero lot line development, refer to the Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO.
- (d) The rear setback shall be increased by the width of the required landscaping buffer when abutting Suburban Residential, Estate Residential, or Rural land uses as depicted in the Comprehensive Plan Future Land Use & Character Map.
- (e) The rear setback can be reduced to twenty (20) feet if abutting an alley or front or side parking is provided.
- (f) Maximum impervious cover shall be determined by an engineered drainage analysis performed in conjunction with the Drainage Section of the Bryan/College Station Unified 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 Drainage Section of the Bryan/College Station Unified 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) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (j) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (k) Front parking shall be allowed only when three (3) or fewer parking spaces are required on the lot.

Sec. 5.3. Non-Residential Zoning Districts.

A. O Office.

This district will accommodate selected commercial businesses that provide a service rather than sell products, either retail or wholesale. The uses allowed have relatively low traffic generation and require limited location identification.

B. SC Suburban Commercial.

This district is intended to provide for limited commercial uses that are compatible with nearby neighborhoods. The district allows for a range of uses, with the impacts mitigated through minimum distance and buffering requirements from adjacent single-family residential use.

The following supplemental standard shall apply to this district:

The gross floor area of a single structure in this district shall not exceed fifteen thousand (15,000) square feet in area.

C. WC Wellborn Commercial.

This district is intended to provide for low-density commercial uses that provide services to nearby neighborhoods. Such uses shall be limited in size and not accommodate drive-thru services. Specific design elements should be incorporated into such developments to limit the visual impact on the community and enhance the defined character. This zoning district is only permitted in areas designated as Wellborn Commercial on the Comprehensive Plan Future Land Use & Character Map.

D. GC General Commercial.

This district is designed to provide locations for general commercial purposes, that is, retail sales and service uses that function to serve the entire community and its visitors.

E. CI Commercial Industrial.

This district is designed to provide a location for outlets offering goods and services to a limited segment of the general public. The allowed uses in this district primarily serve other commercial and industrial enterprises.

F. BP Business Park.

This district is designed for uses that primarily serve other commercial and industrial enterprises, and include administrative and professional offices, commercial industrial, research and development-oriented light industrial, light manufacturing, and non-polluting industries. Uses in this district need good access to arterial level thoroughfares but have relatively low traffic generation and require limited location identification.

The development of business parks should be in a campus-like setting with structures grouped and clustered and should be heavily landscaped to minimize the impacts of business park uses and associated parking areas on adjacent properties and public roadways. Impacts of the uses will be limited through buffering and architecture of the buildings.

The following supplemental standards shall apply to this district:

1. All processes and business activities shall be conducted inside buildings with the exception of commercial gardens.
2. All BP Business Park zoning districts will be a minimum of five (5) acres in area.

G. BPI Business Park Industrial.

This district is designed to provide land for manufacturing and industrial activities that have nuisance characteristics greater than activities permitted in the BP Business Park district. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses. Generally, these uses need good access to arterial roadways but should be offset from public roadways and adjacent properties by using the BP Business Park district and its associated development to screen and buffer the uses. The uses allowed have relatively low traffic generation and require limited location identification.

H. CU College and University.

This district is applied to land which is located within the boundaries of the Texas A&M University campus or is owned by the Texas A&M University System.

I. NAP Natural Areas Protected.

This district is designed for public or private property intended for the conservation of natural areas. Properties in this district are relatively undeveloped and are often used for recreational or open space purposes or for the conveyance of floodwaters. Properties in this district are not projected for conversion to more intense land use in the future by the Comprehensive Plan.

Sec. 5.4. Non-Residential Zoning District Dimensional Standards.

The following table establishes dimensional standards that shall be applied within non-residential zoning districts unless otherwise identified in this UDO:

Non-Residential Zoning Districts								
	O	SC	WC	GC	CI	BP	BPI	NAP
Min. Lot Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Lot Width	24'	50'	50'	24'	24'	100'	100'	N/A
Min. Lot Depth	100'	100'	100'	100'	100'	200'	200'	N/A
Min. Front Setback	25'	25'	25'	25'	25'	25' (a)	25' (a)	N/A
Min. Side Setback (b) (c)	7.5'	7.5'	7.5'	7.5'	7.5'	7.5'	7.5'	N/A
Min. Side Street Setback	15'	15'	15'	15'	15'	15' (a)	15' (a)	N/A
Min. Rear Setback	15'	15'	20'	15'	15'	15' (a)	15' (a)	N/A
Max. Height (d) (e)	N/A	2 Stories/ 35' (f)	2 Stories/35' (f)	N/A	N/A	N/A	N/A	N/A

Notes:

- (a) Buildings shall be setback a minimum of fifty (50) feet from all public streets adjacent to the perimeter of the business park development as shown on the approved preliminary plan.
- (b) A minimum side setback of seven and one-half (7.5) feet shall be required for each building or group of contiguous buildings.
- (c) 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 separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
- (d) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (e) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.

- (f) Maximum building height is two (2) stories and thirty-five (35) feet, measured at the highest point of the roof or roof peak. Buildings over one (1) story shall comply with the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.

Sec. 5.5. Retired Districts.

Retired districts include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect, but these districts are not available for any new Official Zoning Map amendment proposals.

A. R-1B Single-Family Residential.

This district is designed to provide land for detached single-family residential suburban development. This district contains lots that are larger than the minimum GS General Suburban lot, but smaller than the minimum E Estate lot.

B. R-4 Multi-Family.

This district provides land for the development of apartment and condominium units at low to medium densities. This district may serve as a transitional zone between low-density residential areas and other residential or non-residential areas.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

C. R-6 High Density Multi-Family.

This district contains land used for a variety of housing types, but primarily multi-family dwelling units. This district is designed to provide the highest density in the community for developments close to Texas A&M University.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

D. C-3 Light Commercial.

This district is designed to provide locations for commercial sites that are too small for many permitted uses in the GC General Commercial zoning district. These are moderately low traffic generators that have little impact on adjacent areas or thoroughfares.

The following supplemental standards shall apply to this district:

1. No C-3 Light Commercial zoning district, including adjacent C-3 Light Commercial zoning districts, shall exceed a combined total of five (5) acres in area.

E. M-1 Light Industrial.

This district is provided for offices, research and development activities, and high technological, light manufacturing, and non-polluting industries that are self-contained. It is further intended that the M-1 Light Industrial zoning district may be compatible with adjacent uses in any other district, depending upon the character of the operation and the conditions imposed.

F. M-2 Heavy Industrial.

This district is designed to provide land for manufacturing and industrial activities with the generation of nuisance characteristics greater than activities permitted in the CI Commercial Industrial and M-1 Light

Industrial zoning districts. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses.

G. R&D Research & Development.

This district is designed for administrative and professional offices, and research and development-oriented light industrial uses meeting the standards and performance criteria established in this Section. These uses could be compatible with low-intensity commercial uses and all residential uses, thereby maintaining the character and integrity of neighborhoods. This district should be carefully located in areas where there is sufficient access to arterial thoroughfares.

The following supplemental standards shall apply to this district:

1. Performance Criteria for All Uses.

- a. Impervious cover is limited to seventy (70) percent.
- b. The maximum floor area ratio in this district shall not exceed fifty (50) percent.
- c. Any detached or freestanding signage shall meet the criteria for low-profile signs established in the Signs Section of Article 7, General Development Standards of this UDO.
- d. Uses should be designed to provide adequate access and internal circulation such that travel through residentially zoned or developed areas is precluded. All processes are to be conducted inside buildings and there shall be no outside storage or business activity. Any business operations occurring during the hours between 7:00 p.m. and 6:00 a.m. must meet all the performance criteria established in this Section, as well as limit vehicular access into the site through a designated access point that mitigates any adverse impacts of the traffic on surrounding residential areas.

2. This Section may be applied to any conditional use proposed in this district when either the Administrator or Development Engineer believes that the existing performance standards contained in this UDO are insufficient to address the proposed use because of its technology or processes and thus, will not effectively protect adjacent existing or future land uses. One (1) or both shall so advise the Planning and Zoning Commission in writing.

In such cases, the Planning and Zoning Commission shall hold a hearing to determine whether a professional investigation or analysis should be performed to identify and establish additional reasonable standards. If so determined, based on the information presented at the hearing, the Planning and Zoning Commission will identify the areas to be investigated and analyzed and will direct the staff to conduct the appropriate research necessary to develop standards for the successful management of the new project. Any costs incurred by the City to develop additional standards shall be charged to the applicant and included as an addition to the cost of either the building permit fee or rezoning application fee.

H. NPO Neighborhood Prevailing Overlay.

This district is designed to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the character of the neighborhood. The NPO Neighborhood Prevailing Overlay does not prevent the construction of new single-family structures or the renovation, remodel, repair, or expansion of existing single-family structures, but rather ensures that new single-family structures are compatible with existing single-family structures. The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay are to be applied in addition to the underlying use and site restrictions.

All single-family and accessory structures within the NPO Neighborhood Prevailing Overlay district are subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

1. Minimum Front Setback.

2. Maximum Front Setback.

The maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3. Minimum Side Street Setback.**4. Minimum Lot Size.**

The minimum lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.

5. Building Height.

Building height refers to the vertical distance measured from the finished grade, or the base flood elevation, where applicable, and the following points:

- a. The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- b. The highest point of a mansard roof; or
- c. The highest point of the coping of a flat roof.

6. Maximum Lot Coverage.

Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface. The maximum lot coverage cannot exceed the maximum impervious cover allowed in the underlying zoning district. Lot coverage includes all structures and impervious surfaces on a site, including but not limited to patios, gravel or paved driveways, accessory structures, and sidewalks.

7. Garage Location and Orientation.

New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface.

8. Tree Preservation.

Any existing tree eight (8) inch caliper or greater in good form or condition and reasonably free of damage by insects and/or disease located outside of the buildable area is required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one (1) foot per inch caliper measured as a radius from the tree trunk. Barricades must be in place before any development activity on the property including but not limited to grading.

9. Landscape Maintenance.

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 inch caliper for inch caliper, or as determined by the Administrator.

Sec. 5.6. Retired District Dimensional Standards.**A. Retired Residential Zoning Districts.**

The following table establishes dimensional standards that shall be applied within the retired residential zoning districts unless otherwise identified in this UDO:

Retired Residential Zoning Districts			
KEY: SF = square feet			
	R-1B (a)	R-4	R-6
Min. Lot Area per Dwelling Unit	8,000 SF	N/A	N/A

Min. Lot Width	N/A	N/A	N/A
Min. Lot Depth	N/A	N/A	N/A
Min. Front Setback (b) (c)	25'	25'	25'
Min. Side Setback	7.5' (d)	7.5' (e) (f)	7.5' (e) (f)
Min. Side Street Setback	15'	15'	15'
Min. Side Setback Between Structures (f)	15'	7.5'	7.5'
Min. Rear Setback (g)	20'	20'	20'
Max. Impervious Cover	55% (h)	(i)	(i)
Max. Height (j) (k)	2.5 Stories/35' (l)	N/A	N/A
Max. Dwelling Units/Acre	6	20	30

Notes:

- (a) Developments within an NPO Neighborhood Prevailing Overlay or NCO Neighborhood Conservation Overlay shall follow the standards of the Neighborhood Prevailing Overlay (NPO) Subsection of the Retired Districts Section or the Districts Subsection of the Single-Family Overlay Districts Section below and the Ordinance authorizing the Official Zoning Map amendment for an NPO Neighborhood Prevailing Overlay or NCO Neighborhood Conservation Overlay.
- (b) 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.
- (c) For lots designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use & Character Map that were created by plat before July 15, 1970, the front setback for a new single-family dwelling unit shall be based on adjacent lots per the Required Yards (Setbacks) Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO.
- (d) Zero lot line construction of a residence is allowed where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under lot line construction requires prior approval by the Administrator. 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 of this UDO for more information.
- (e) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (f) 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.
- (g) For lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (h) 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 their designee.
- (i) Maximum impervious cover for R-4 and R-6 zoning districts shall be determined by an engineered drainage analysis performed in conjunction with the Drainage Section of the Bryan/College Station Unified Design Guidelines and as approved by the City Engineer or their designee.
- (j) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (k) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (l) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.

B. Retired Non-Residential Zoning Districts.

The following table establishes dimensional standards that shall be applied within the retired non-residential zoning districts unless otherwise identified in this UDO:

Retired Non-Residential Zoning Districts				
KEY: SF = square feet				
	C-3	M-1	M-2	R&D
Min. Lot Area	N/A	N/A	N/A	20,000 SF
Min. Lot Width	24'	100'	N/A	100'
Min. Lot Depth	100'	200'	N/A	200'
Min. Front Setback	25'	25'	25'	30'
Min. Side Setback (a)	7.5' (b)	7.5' (b)	7.5' (b)	30'
Min. Side Street Setback	15'	15'	25'	30'
Min. Rear Setback	15'	15'	15'	30' (c)
Max. Height (d) (e)	N/A	N/A	N/A	N/A

Notes:

- (a) 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 separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
- (b) A minimum side setback of seven and one-half (7.5) feet shall be required for each building or group of contiguous buildings.
- (c) When abutting land that has a non-residential zoning or existing land use, the rear setback may be reduced to twenty (20) feet.
- (d) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (e) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.

Sec. 5.7. Planned Districts (P-MUD and PDD).**A. Purpose.**

The P-MUD Planned Mixed-Use District and the PDD Planned Development District are intended to provide such flexibility and performance criteria that produce:

1. A maximum choice in the type of environment for working and living available to the public;
2. Open space and recreation areas;
3. A pattern of development that preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion;
4. A creative approach to the use of land and related physical development;
5. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs;
6. An environment of stable character in harmony with surrounding development; and
7. A more desirable environment than would be possible through the strict application of other Sections or districts in this UDO.

B. P-MUD Planned Mixed-Use District.

The purpose of this district is to allow areas that encourage the mixing of land uses such as retail/commercial, office, parks, multi-family, and attached single-family. These uses are developed together in a manner that allows interaction between the uses and that allows each use to support the other uses. Within any P-MUD Planned Mixed-Use District, residential and non-residential land uses shall each constitute at least twenty (20) percent of the overall land uses within the mixed-use development. The remaining sixty (60) percent may be any combination of residential or non-residential land uses. The residential uses supply patrons and employees for office and commercial uses.

The P-MUD Planned Mixed-Use District is appropriate in Redevelopment Areas as identified by the Comprehensive Plan Future Land Use & Character Map. A P-MUD Planned Mixed-Use District may be used to allow new or innovative concepts in land utilization that are not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to prevent the misuse of increased flexibility.

C. PDD Planned Development District.

The purpose of the PDD Planned Development District is to promote and encourage innovative development that is sensitive to surrounding land uses and the natural environment. If this necessitates varying from certain standards, the proposed development should demonstrate community benefits.

The PDD Planned Development District is appropriate in areas where the specific commercial, residential, or mix of uses proposed in the PDD Planned Development District is reflected in the Comprehensive Plan Future Land Use & Character Map. A PDD Planned Development District may be used to allow new or innovative concepts in land utilization that are not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to prevent the misuse of increased flexibility.

Sec. 5.8. Design Districts.

A. WPC Wolf Pen Creek.

This district is designed to promote development that is appropriate along Wolf Pen Creek, which, upon creation was a predominantly open and undeveloped area challenged by drainage, erosion, and flooding issues. Development proposals are designed to encourage the public and private use of Wolf Pen Creek and the development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan.

All development within the WPC Wolf Pen Creek design district shall be subject to the following supplemental standards:

1. Development Criteria.

- a. This Section is intended to ensure that development occurs in compliance with the Wolf Pen Creek Master Plan. Pertinent to appearance is the design of the site, buildings and structures, plantings, signs, street hardware, and miscellaneous other objects that are observed by the public.
- b. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety, and welfare.
- c. To create and preserve a distinctive atmosphere and character in the WPC Wolf Pen Creek design district, elements listed in the Additional Review Criteria for the WPC Wolf Pen Creek Design District Subsection of the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures of this UDO shall be considered in the review of all projects and proposals for development.

2. Dedication/Development of Drainage and Pedestrian Accessways.

Except for minimum reservation areas dedicated or developed consistent with the Wolf Pen Creek Master Plan, the flood fringe area may be reclaimed upon approval of reclamation plans by the City Engineer.

- a. The upstream phase of the development corridor along Wolf Pen Creek means the area between Texas Avenue and Dartmouth Drive. The area to be dedicated or developed consists of the properties described in Ordinance No. 2003-2640 and the floodway and minimum reservation line as defined in the Wolf Pen Creek Master Plan for all other properties within the upstream phase of the development corridor.
- b. The downstream phase of the development corridor along Wolf Pen Creek means the area between Dartmouth Drive and the Earl Rudder Freeway. The area to be dedicated or developed consists of the property described in Ordinance No. 2001-2534 and shall be referred to as the minimum reservation area.
- c. Where applicable, the floodway and the minimum reservation line for the upstream phase of the development corridor, and/or the minimum reservation area for the downstream development phase, shall be indicated on the site plan.
- d. Upon development of the property within the WPC Wolf Pen Creek design district, the minimum reservation area may be:
 - 1) Dedicated in fee simple or as a drainage and access easement, or
 - 2) Improved by the developer to conform with the standards of the development corridor.
- e. Property within the minimum reservation area will:
 - 1) Provide drainage capacity necessary to convey the floodwaters of Wolf Pen Creek while accommodating the increased runoff from the development of properties along the creek;
 - 2) Provide an area to accommodate pedestrian access from, to, and between developments along the banks of Wolf Pen Creek to lessen congestion along adjacent roadways for patrons of businesses along the corridor;
 - 3) Provide an area as necessary to address and prevent erosion of creek banks resulting from development both along the Wolf Pen Creek in the development corridor and floodwaters received from upstream of the development corridor;
 - 4) Provide an area necessary for public improvements to the development corridor including but not limited to trails, lighting, irrigation, benches, kiosks, footbridges with handrails, trash receptacles, culverts, signage, landscaping, emergency call boxes, public art, and bicycle racks; and
 - 5) Provide access for drainage and facilities maintenance as necessary to support private development within the development corridor.
- f. All development shall be consistent with the Wolf Pen Creek Corridor Study and Master Plan (1988), the Revised Wolf Pen Creek Master Plan (adopted July 9, 1998, updated March 2005), and the "Conceptual Plan, Trail System" prepared by Robert B. Ruth, dated February 25, 2001.
- g. Permitted private development within the minimum reservation area where dedication is not made may include but is not limited to:
 - 1) Cleaning and removal of brush and bank stabilization;
 - 2) Erosion control;
 - 3) Pedestrian walkways, lighting, and access easements; and
 - 4) Preservation of the natural setting of the creek.

- h. Cross sections as shown in the original Wolf Pen Creek Master Plan shall be used in designing improvements unless otherwise approved by the Administrator.
 - i. The developer or property owner may submit any improvements to the City for dedication. Upon acceptance, the City will maintain those facilities to the same standards as other public development along the creek.
3. **Fill Materials.**

Fill materials must be placed or stored in accordance with a site plan approved by the Development Engineer.

 - a. Fill must not be placed over existing utility lines without permission of the City.
 - b. Fill must not be stored or placed under the driplines of any tree three (3) inch caliper or greater.
 - c. Stored fill materials must be maintained in an aesthetically pleasing manner.
 - d. Materials may be hauled in or excavated for lake construction.
4. **Lighting.**

Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design. Light fixtures shall be compatible with fixtures used elsewhere in the district.
5. **Solid Waste.**
 - a. Owners shall be encouraged in the joint use of solid waste collection agreements. Collection points may also act as vehicular access points for park maintenance vehicles.
 - b. Building service areas and solid waste collection points shall be screened from the Wolf Pen Creek corridor, trail system, parking, vehicular use areas, and dedicated streets and shall not be within twenty (20) feet of the minimum reservation line. Screening shall consist of living plant materials, fences, and/or walls.
6. **Relationship of Buildings to Site.**
 - a. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - b. The location and placement of buildings on individual sites shall reflect consideration for roadway access, the preservation of major existing natural vegetation adjacent to the creek, visual impact, and the relationship to surrounding developments.
 - c. All developments adjacent to the creek shall orient a focal point (i.e., primary entrance, patio, seating area, etc.) to the floodplain of the creek and have pedestrian access to the trail system. Service areas and loading docks should not directly face the creek.
7. **Relationship of Buildings and Site to Adjoining Area.**

Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

 - a. Attractive landscape transition to adjoining properties shall be provided.
 - b. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
 - c. Joint vehicular access agreements from dedicated streets are encouraged and may be required by the Administrator.
 - d. Park access easements for vehicular and pedestrian traffic shall be indicated on the site plan.
8. **Building Design.**

All buildings shall comply with the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO, except as follows:

- a. Materials shall be selected for harmony of the building with adjoining buildings.
- b. Any façade visible from the creek must provide a minimum of ten (10) percent 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.
- c. Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator.
- d. Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- e. Monotony of design in single or multiple building projects shall be avoided. Variations of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

9. Miscellaneous Structures and Street Hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, the scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to the site, landscape, buildings, and signs.

10. Landscaping.

Landscape elements included in these criteria consist of all forms of plantings and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. In addition to the requirements of the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO, all landscaping shall meet the following:

- a. Where natural or existing topographic patterns contribute to the beauty and utility of a development adjacent to the creek, they should be preserved and incorporated into the design of the development. Modification to topography will be permitted where it contributes to a good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking, and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, color, and its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
- i. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

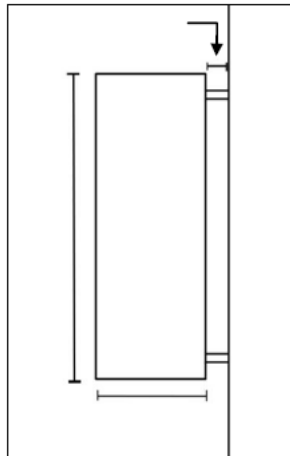
11. Signs.

a. Sign Standards.

- 1) Multi-family projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
- 2) Non-residential projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
- 3) Mixed-use projects shall follow the requirements of allowed signage for GC General Commercial in addition to meeting the standards listed below in this Section.

b. Projection Signs.

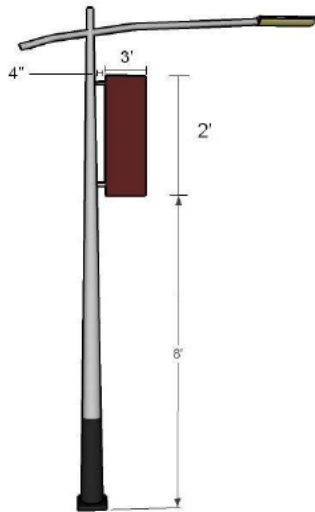
Example Projection Sign



Projection signs will be allowed in the WPC Wolf Pen Creek design 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.
- 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.
- 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 façade. Excluding the four (4) inch clearance requirement, no part of a projection sign shall project more than three (3) feet from the building façade.
- 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) Signs may be attached to site lighting located on private property with the following restrictions:
 - a) Developments will be allowed one (1) light pole sign for every one hundred fifty (150) feet of building plot frontage in lieu of a permitted freestanding sign.
 - b) 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.
 - c) Light pole signs shall not exceed six (6) square feet in size and shall have a minimum of eight (8) feet of clearance from the walkway grade.
 - d) Light pole signs shall have a minimum clearance of four (4) inches from the edge of the light pole. Excluding the four (4) inches of clearance, light pole signs shall not project more than three (3) feet from the edge of the light pole.

Example Light Pole Sign

c. **Design Criteria.**

In addition to the Signs Section of Article 7, General Development Standards of this UDO, the Administrator shall evaluate all proposed signage according to the following criteria:

- 1) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- 2) The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it principally relates.

- 3) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

12. Maintenance.

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.
- d. Major maintenance activities that occur after a project is complete shall be reviewed by Administrator. These activities include any replacement of light fixtures or standards, and major fence or landscape work or replacement. The intent is to ensure that the development standards of this UDO are maintained throughout the life of a project.

13. Waivers.

The Design Review Board shall hear and decide requests for waivers to the standards of this Section. The Design Review Board shall approve waivers found to meet the intent of the standards of this Section and the Wolf Pen Creek Master Plan. Financial hardship may not be considered in the review or determination of a waiver proposal.

Design Review Board review and waiver approval shall be limited to the following items:

- a. Relief from specific requirements related to building orientation and access for the improvement of existing buildings if it can be proven by the applicant that existing site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.
- b. Alternatives to the requirements related to building orientation and access when physical characteristics limit the site or provide for unique orientation and access opportunities.

B. NG Northgate Districts.

Adjacent to Texas A&M University's north side, the Northgate area encompasses one of the oldest urban areas in College Station, and, therefore, Northgate plays a prominent role in the development and service of both the City of College Station and Texas A&M University. It is characterized as a unique "campus neighborhood" containing local businesses, churches, and off-campus housing near the University.

Concepts related to traditional neighborhood development, which promotes a mixture of non-residential and residential uses in a pedestrian-oriented setting, have been incorporated within the standards for the Northgate zoning districts. Other traditional neighborhood development concepts incorporated into the Northgate zoning districts include increased density, compatible high-quality building design, and specialized signage. The result is intended to be a unique, pedestrian-friendly, dense urban environment that allows citizens of College Station and students of Texas A&M University to eat, work, live, and recreate in an area within close proximity to the University.

1. Districts.

The Northgate area consists of three (3) districts: NG-1 Core Northgate, NG-2 Transitional Northgate, and NG-3 Residential Northgate. Any reference and/or requirement made in this Section shall apply to all Northgate districts unless otherwise specified. These zoning districts incorporate regulations consistent with the Northgate Redevelopment Implementation Plan.

a. **NG-1 Core Northgate.**

This mixed-use district applies to areas containing a diversity of pedestrian-oriented retail, dining/restaurant, housing, and entertainment businesses that are close to on- and off-campus dormitories. Regulations are designed to aid structural rehabilitation and redevelopment while promoting new high-density, mixed-use, pedestrian-oriented infill development with an urban character.

b. **NG-2 Transitional Northgate.**

This district is intended for areas in Northgate containing larger retail commercial uses and undeveloped land. This district also serves to transition from suburban-style commercial development to high-density, mixed-use redevelopment. This zoning district shall incorporate regulations designed to aid mixed-use development, pedestrian circulation, and redevelopment with an urban character. Any development in NG-2 Transitional Northgate may develop under the standards herein of NG-1 Core Northgate.

c. **NG-3 Residential Northgate.**

This district is intended for areas in Northgate containing a variety of residential uses and structures. This district applies to areas determined to be suitable for high-density residential developments due to its proximity to Texas A&M University. NG-3 Residential Northgate incorporates regulations designed to aid pedestrian-oriented redevelopment for high-density residential and limited commercial uses.

2. **Additional Use Standards.**

The permitted and conditional uses set forth in the Types of Use Section of Article 6, Use Regulations of this UDO shall meet the following additional requirements related to the district in which the proposed project is located.

a. **NG-1 Core Northgate.**

- 1) Buildings with frontage on Church Avenue, University Drive, College Main, Boyett Street from University Drive to Church Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this UDO.
- 2) Parking lots that are an ancillary use must be abutting the primary use.
- 3) Residential uses are only allowed in buildings that also contain commercial uses.
- 4) The maximum allowable gross floor area on the ground floor per single retail establishment is ten thousand (10,000) square feet.
- 5) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

b. **NG-2 Transitional Northgate.**

- 1) Buildings with frontage on Church Avenue, University Drive, South College Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this UDO.

- 2) The maximum allowable gross floor area on the ground floor per single retail establishment is forty thousand (40,000) square feet.
- 3) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

c. **NG-3 Residential Northgate.**

Non-residential uses permitted within NG-3 Residential Northgate shall meet each of the following requirements:

- 1) Places of worship are exempt from these requirements.
- 2) Non-residential uses may occupy no more than fifty (50) percent of the total square footage of any building or group of buildings developed in a building plot.
- 3) Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred (100) percent of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
- 4) The maximum allowable gross floor area per single retail establishment is five thousand (5,000) square feet.

3. **Building Design Considerations for Historic Properties.**

a. **Applicability.**

The following existing structures are reflected as a medium or high priority in the Northgate Historic Resources Survey. Possible address discrepancies may be resolved by referencing the Northgate Historic Resources Survey.

NG-1		
105—107 College Main	106 College Main	108 College Main
109 College Main	110 College Main	111 College Main
113 College Main	217 University Drive	303 Boyett Street
303 University Drive	401—405 University Drive	417 University Drive
501 University Drive	505 University Drive	

b. **Standards.**

Rehabilitation of these structures shall follow the following standards:

- 1) The historic character of a property will be retained and preserved. Distinctive materials or features and spatial relationships that characterize a property shall not be removed or altered.
- 2) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 3) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

c. **Process.**

All proposals affecting the materials, construction, or colors of a historic structure must be approved by the Administrator. The Administrator shall first consider the proposal in light of the standards listed above, then according to the standards set forth below.

4. Building Design Standards.

The following standards shall apply to all structures in the Northgate zoning districts.

a. Building Orientation and Access.

- 1) All buildings that have right-of-way frontage on Church Avenue shall orient their primary entrance façades toward Church Avenue.
- 2) All buildings that have right-of-way frontage on University Drive shall orient their primary entrance façades toward University Drive.
- 3) The primary entrance façades of all buildings not on Church Avenue or University Drive shall front a public right-of-way.
- 4) If a building has frontage on University Drive and South College Avenue, the primary entrance façade shall be oriented to one (1) of the rights-of-way at the developer's discretion. A public entrance façade shall be oriented toward the other right-of-way(s).
- 5) In the event a building has frontage on more than one (1) right-of-way (not including Church Avenue, University Drive, or South College Avenue), the Administrator shall determine to which right-of-way the primary entrance façade shall be oriented. A public entrance façade shall be oriented toward the other right-of-way(s).
- 6) In the event 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.
- 7) All residential dwelling units in a building with less than twelve (12) residential dwelling units shall have access from the primary entrance façade. This access may not be through an area with a fence or wall taller than four (4) feet, a garage, or a parking area.

b. Building Transparency.

Sanctuaries in places of worship are exempted from this requirement.

- 1) For maximum pedestrian visibility of the non-residential uses, non-residential structures and the commercial portions of mixed-use structures shall be at least fifty (50) percent transparent between zero (0) feet and eight (8) feet above ground level of the primary entrance façade and at least thirty (30) percent transparent between zero (0) feet and eight (8) feet on the façade fronting other rights-of-way. In the event more than two (2) façades require transparency, the Administrator may determine which two (2) façades require minimum transparency. The Administrator may also forward the question to the Design Review Board for any reason.
- 2) Glass shall be clear or tinted, not reflective. Glass block and other materials that are semi-transparent shall not be used to meet this requirement.
- 3) Roll-up doors must be at least seventy-five (75) percent transparent between zero (0) feet and eight (8) feet above ground level for all façades facing a right-of-way.

c. Architectural Relief.

- 1) For all façades facing a right-of-way, the first two (2) stories or first twenty-eight (28) feet above ground level shall use architectural detail to provide visual interest by incorporating a minimum of two (2) design elements every twenty-five (25) feet from the following options: canopies, permanent decorative awnings, hood/drip molding over windows,

cornices, corbelling, quoining, stringcourses, pilasters, columns, pillars, arcades, bay/oriel windows, balconies that extend from the building, recessed entries, stoops, and porches.

- 2) Along all other façades not facing a right-of-way and not screened by another building located within fifteen (15) feet of the façade, there shall be at least two (2) design elements as listed above for every forty (40) feet. These façades shall be similar and complementary to the primary entrance façade.
- 3) Instead of the above requirements, buildings with fewer than twelve (12) residential units shall provide individual architectural relief such as a front porch, balcony, or bay window for each unit on each façade. Architectural relief is not required on façades that are within fifteen (15) feet of another building that screens the façade.
- 4) Alternative architectural features may be considered for approval by the Design Review Board.

d. **Roof Type.**

- 1) Shed, mansard, and gambrel roofs are prohibited.
- 2) Hip and gable roofs may only be used when the vertical plane(s) of any roof facing a right-of-way is interrupted by an architectural detail.

e. **Exterior Building Materials.**

All structures within a building plot shall have materials that are similar and complement each other. When determining the area herein, windows and doors are included.

- 1) The following applies only to the first two (2) stories or the first twenty-eight (28) feet above ground level of all structures, excluding parking garages.

All façades, except those within fifteen (15) feet of another building that screens the façade, shall consist of a minimum of twenty-five (25) percent of one (1) or more of the following building materials. Parking garages are excluded from this requirement. All other materials except as authorized herein or by the Design Review Board, are prohibited.

- a) Fired brick;
 - b) Natural stone;
 - c) Marble;
 - d) Granite;
 - e) Tile; and/or
 - f) Any concrete product so long as it has an integrated color and is textured or patterned (not aggregate material or split-face CMU) to look like brick, stone, marble, granite, or tile; or is covered with brick, stone, marble, granite, or tile or a material fabricated to simulate brick, stone, marble, granite, or tile.
- 2) In addition, all façades may utilize the following materials subject to the stated limitations. Parking garages are excluded from these limitations. All other materials are prohibited.
 - a) Stucco, hardboard, split-face CMU with integrated color, 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 each façade.
 - b) Wood or cedar siding, stainless steel, chrome, standing seam metal, and premium grade architectural metal may be used as architectural accents and shall not cover greater than twenty (20) percent of any façade.

- c) Glass block and other materials that are semi-transparent shall not cover more than fifteen (15) percent of any façade. Places of worship are exempted from this limitation.
 - d) Continuous ribbon window systems and glazed curtain walls are prohibited.
 - e) Smooth face tinted concrete blocks shall only be used as an accent and shall not cover more than five (5) percent of any façade.
 - f) Galvanized steel and painted steel are allowed on doors, including roll-up doors.
 - g) Steel, standing seam metal, and/or architectural metal may be used as a roof and/or canopy/awning with no limitation of percentage.
- 3) The façades of parking garages may utilize any material, but may only use steel, standing seam metal, and/or architectural metal as an architectural accent (limited to twenty (20) percent of any façade) and as a roof and/or canopy/awning (with no limitation).
- f. **Exterior Building Colors.**
 - 1) Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator.
 - 2) Metallic (except copper and silver metallic-colored roofs) and fluorescent colors are prohibited on any façade or roof.
 - 3) When applying brick, colors normally found in manufactured fired brick are permitted. All colors of natural stone are permitted.
 - 4) Colors samples shall be submitted for approval to the Administrator.
- g. **Canopies/Awnings.**
 - 1) Canopies/awnings shall not completely obstruct any window. Transom windows may be located under canopies/awnings.
 - 2) Canopies/awnings are considered part of the building façade. A maximum of one (1) color shall be used for all canopies/awnings on a single building façade (excluding the business logo).
 - 3) Canopies/awnings shall consist of cloth, canvas, steel, standing seam metal, architectural metal, and/or perforated metal (not corrugated) and shall be maintained in good repair. Canopies/awnings that are used to meet the required building setback shall not be cloth or canvas but shall be a permanent structure integrated into the building's architecture, consisting of materials similar to that of the rest of the building.
 - 4) Canopies/awnings located over the public right-of-way shall require a private improvement in the public right-of-way permit in addition to the necessary building permit.
- 5. **On-Street Parking Standards.**
 - a. Existing head-in parking that requires backing maneuvers into a right-of-way shall be removed with all proposed development, redevelopment, rehabilitation, and façade projects within any Northgate district.
 - b. All proposed development, redevelopment, rehabilitation, and façade projects with frontage on a right-of-way(s) designated for on-street parking shall install such parking. For residential uses, non-metered, parallel spaces may be counted toward off-street parking space requirements.
- 6. **Off-Street Parking Standards.**

All off-street parking shall meet the requirements specified in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO, except as specifically provided herein:

- a. Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than two hundred (200) feet to the right(s)-of-way or is not completely located behind a habitable structure. Lots with frontage on University Drive and Church Avenue shall not have surface parking that is closer than two hundred (200) feet to Church Avenue or is not completely located behind a habitable structure.
- b. There shall be no minimum number of parking spaces required for non-residential uses.
- c. Off-street parking facilities for residential uses shall meet seventy-five (75) percent of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- d. No interior islands are required.
- e. Where off-street surface parking is to be installed adjacent to a right-of-way, there shall be a six (6) foot setback from the required sidewalk to the parking pavement. The parking area shall be screened along one hundred (100) percent of the street frontage (minus driveways and visibility triangles) with shrubs or a brick, stone, tinted CMU, or concrete product textured or patterned to look like brick or stone wall a minimum of three (3) feet in height, and within three (3) feet of the sidewalk. Walls shall be complementary to the primary building and shall be constructed as sitwalls.
- f. No off-street surface parking or circulation aisle shall be located between the primary entrance façade of a building and a right-of-way. Parking shall be located at the rear or side of a building. Two (2) exceptions are:
 - 1) Sites on the South College Avenue right-of-way may have up to one (1) circulation aisle against the right-of-way with parking on each side of the aisle.
 - 2) Hotel and residential uses may have porte cocheres and temporary, loading/unloading parking, not to exceed ten (10) spaces, against the right-of-way.
- g. Ramps shall not be built on the exterior of parking garages.
- h. Steel guard cables on garage façades are prohibited.
- i. To break up the parking lot area, minimize the visual impact on pedestrians, and encourage pedestrian movement through the districts, one (1) or a combination of the following parking concepts is required for parking that provides more than sixty (60) parking spaces with more than one (1) parking row:
 - 1) Parking is located in a garage.
 - 2) The parking structure is located on the interior of the block, screened from public view by habitable structures, and is not located adjacent to a right-of-way.
 - 3) For every sixty (60) parking spaces, there shall be a separate and distinct parking area connected by driving lanes but separated by a landscaping strip a minimum of ten (10) feet wide the full length of the parking row. At a minimum, landscaping shall be one (1) canopy tree (one and one-half (1.5) inch caliper or greater) for every twenty-five (25) linear feet of the landscaping strip.

In addition, at least seventy-five (75) percent of all end islands in the parking lot must be irrigated and landscaped with a minimum one and one-half (1.5) inch caliper canopy tree, one and one-quarter (1.25) inch caliper non-canopy tree, or enough shrubs three (3) feet in height at time of

planting to cover seventy-five (75) percent of the island. Islands not landscaped shall be treated with brick pavers, ground cover, and/or perennial grass.

7. Bicycle Parking Standards.

Specific bicycle racks utilized shall be as identified in the Northgate Specific Standards Section of the City of College Station Site Design Standards.

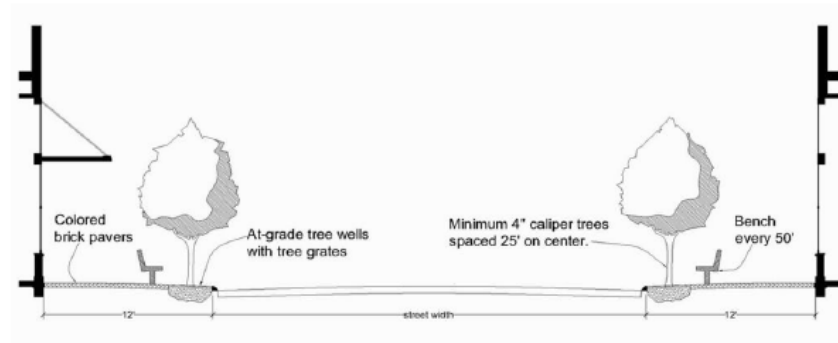
- a. For non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above two thousand (2,000) square feet shall be required.
- b. For residential uses, a minimum of one (1) bicycle space per dwelling unit shall be required.
- c. In no case shall more than twenty (20) bicycle parking spaces per business or residential building be required.
- d. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be separated at least three (3) feet from the building or other walls, landscaping, or other features to allow for ease and encouragement of use. Bicycle parking facilities may be permitted on sidewalks or other paved surfaces with a private improvement in the public right-of-way permit (when necessary) and provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- e. Required bicycle parking may be consolidated with the bicycle parking of adjacent properties and provided off-site if the bicycle rack location is within one hundred (100) feet of the main entry façade of the building and with written agreement from the property owners.

8. Sidewalk Standards.

Sidewalks shall be incorporated into all proposed development and redevelopment projects within any Northgate zoning district. In the event a sidewalk exists on a site before development or redevelopment and does not meet all sidewalk and streetscape standards set forth herein, the sidewalk must be upgraded to meet current standards (including American National Standards and Texas Accessibility Standards).

- a. Sidewalks shall be required along both sides of all rights-of-way.
- b. Sidewalks widths shall be as follows:
 - 1) Sidewalks shall be a minimum of twelve (12) feet in width on University Drive and South College Avenue.
 - 2) Sidewalks shall be a minimum of ten (10) feet in width on Church Street and College Main.
 - 3) Sidewalks shall be a minimum of eight (8) feet in width on all other streets in Northgate.
- c. Sidewalks shall be located directly adjacent to the back of the curb. The Administrator may approve alternate locations to eliminate encroachments of streetscaping materials that would reduce the clear space of the sidewalk to less than six (6) feet. The Administrator may also approve alternate locations for sidewalks along South College Avenue and Wellborn Road to address public safety concerns.
- d. Sidewalks or parts of sidewalks that lie outside, but are located next to, the right-of-way shall be covered by a dedicated public access easement initiated by the property owner so that they will be dedicated for public use and maintenance.
- e. Sidewalks shall be constructed of colored brick pavers on the exterior (visible) layer as specified in the Northgate Specific Standards Section of the City of College Station Site Design Standards.

Sidewalk and Street Tree Requirements for University Drive and South College Avenue



9. Landscape and Streetscape Standards.

For NG-1 Core Northgate and NG-3 Residential Northgate, the standards set forth herein are instead of the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO.

For NG-2 Transitional Northgate, the standards set forth herein are in addition to the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO.

Any landscape/streetscape improvements may be located within the public right-of-way pursuant to a private improvement in the public right-of-way permit.

Specific landscaping elements and streetscape hardware (benches, streetlights, etc.) utilized shall be as identified in the Northgate Specific Standards Section of the City of College Station Site Design Standards.

a. Street Trees.

- 1) On University Drive, Church Avenue, Wellborn Road, South College Avenue, First Street, Boyett Street, College Main Avenue, and Nagle Street, installation of street trees that are a minimum of four (4) inch caliper shall be located in at-grade tree wells with tree grates (or raised tree wells or planters on University Drive and College Main Avenue only) and shall be spaced at a maximum of twenty-five (25) feet on center and located adjacent to the back of curb. Back-of-curb placement is not required along Wellborn Road and South College Avenue when an alternative location for the sidewalk is approved as provided for in the Sidewalk Standards Section above. On all other streets not listed above, installation of street trees that are a minimum of three (3) inch caliper shall be located in at-grade tree wells with tree grates (raised tree wells or planters may be used when eight (8) feet of clear space can be maintained on the sidewalk) and spaced at a maximum of twenty-five (25) feet on center and located adjacent to the back of curb.

Alignment of such street trees shall commence twenty (20) feet from street intersections. Spacing and location of street trees may be varied upon approval by the Administrator for the purpose of minimizing conflicts with other streetscape elements and utilities, minimizing conflicts with the required sight distance at street intersections, ensuring unobstructed views of traffic control devices, and ensuring adequate Fire Department access. In areas of concentrated retail activity, street trees may be placed at different intervals upon approval by the Administrator for the purpose of minimizing the obstruction of views of non-residential uses.

- 2) In locations where a healthy and mature four (4) inch caliper or greater canopy tree currently exists, the requirements for a new tree may be waived or modified by the Administrator. Such trees must be maintained, barricaded, and otherwise fully protected during the project's construction phase and shall be replaced with trees meeting the specifications herein if they are damaged or die.

- 3) All in-ground vegetated areas, trees, and above-ground planters shall include an automated irrigation system. Irrigation will not be required for existing trees that are properly barricaded during construction according to the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO.

b. Landscaping.

Any area between the inside or interior of the sidewalk edge and the building façade and/or parking area not utilized as outdoor café seating is required to be one hundred (100) percent landscaped/streetscaped and irrigated. Eligible landscape/streetscape improvements shall include raised masonry planter boxes or planter pots, at-grade planting beds, seating benches, light features, decorative railings, masonry walls not exceeding three (3) feet in height, decorative wrought iron fencing, additional pedestrian areas finished with brick pavers, or other elements in the Northgate Specific Standards Section of the City of College Station Site Design Standards. Live plant material must be included where feasible in each proposal.

c. Sidewalk Benches.

A minimum of one (1) sidewalk bench shall be provided for every fifty (50) linear feet of building frontage along a right-of-way. In no case shall more than four (4) sidewalk benches per building façade be required.

d. Building and Site Lighting.

- 1) Building illumination and architectural lighting shall be indirect (no light source visible). Exposed neon tube may be used.
- 2) Light standards for parking lots shall reflect the style of the building plot's architecture or be complementary to that style. Standards shall not be greater than twenty (20) feet in height.

e. Streetlights.

- 1) Streetlight location and type shall be as determined by College Station Utilities and the Administrator.
- 2) The installation and cost of the lighting shall be performed by the developer or their authorized construction representative subject to compliance with the utility streetlight installation standards of College Station Utilities.
- 3) Once satisfactorily installed, approved, and accepted by College Station Utilities, the maintenance of the streetlights and the furnishing of electric energy to the streetlights shall be provided by the City.

f. Trash Receptacles.

If installed, trash receptacle locations shall be shown on the landscape plan. One (1) trash receptacle may be located within an intersection's sight distance triangle described in the General Provisions Section of Article 7, General Development Standards of this UDO.

g. Newspaper Racks.

If installed, newspaper racks shall be placed so that a four (4) foot minimum clear space is maintained on the sidewalk.

10. Dumpster and Mechanical Equipment Standards.

The following standards are in addition to the requirements of the Solid Waste Section of Article 7, General Development Standards of this UDO.

- a. Any dumpster and other waste storage area or container other than streetscape trash receptacles shall be located at the rear of the building served by the dumpster, area, and/or

container. The Administrator may adjust this standard where a required entrance façade is located at the rear of the building or when parking is provided on the side of a building.

- b. Where feasible, consolidation of dumpsters may be required by the City.
- c. Solid waste storage areas, mechanical equipment, air conditioning, electrical meter, service components, and similar utility devices, whether ground level, wall mounted, or roof-mounted, shall be screened from view from rights-of-way. Exterior screening materials shall be opaque and the same as predominantly used on the exterior of the principal building. Such screening shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance. Acceptable methods of screening various equipment include encasements, parapet walls, partition screens, or brick walls. Screening may be omitted or modified upon approval of the Administrator for the purpose of complying with safe working clearances around electrical meters, electrical panels, transformers, and related electrical service equipment.
- d. Mechanical equipment shall be located to minimize noise intrusion off-site.

11. Detention Pond Screening Standard.

Detention ponds shall be screened from view along one hundred (100) percent of rights-of-way using berms, shrubs, walls, or a combination of these to achieve a three (3) foot high screen measured from the ground level. Walls shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance.

12. Sign Standards.

- a. Signage shall not obscure other building elements such as windows, cornices, or architectural details.
- b. Illuminated plastic signs are prohibited.
- c. The following types of signage may be used. All others are prohibited.
 - 1) **Attached Signs.**
 - a) Refer to the Signs Section of Article 7, General Development Standards of this UDO.
 - b) Exposed neon may be used in attached signage.
 - 2) **Window Signs.**
 - a) Window signs shall allow for the majority of the display area to be open for pedestrian window shopping and shall not cover more than thirty-three (33) percent of the window area.
 - b) Exposed neon may be used in window signage.
 - 3) **Hanging Signs.**
 - a) Hanging signs shall be suspended from canopies/awnings and located in front of building entrances, perpendicular to the façade.
 - b) A maximum of one (1) sign per building entrance is allowed.
 - c) The 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/over the public right-of-way shall require a private improvement in the public right-of-way permit in addition to the necessary building permit.

4) Projection Signs.

- a) Projection signs are allowed in NG-1 Core Northgate and NG-2 Transitional Northgate only.
- b) Projection signs shall be mounted perpendicular to buildings. They shall have a minimum of eight (8) feet of clearance from the walkway grade and four (4) inches of clearance from the building face (barber poles are exempted from these clearance requirements). All extremities of projection signs, including supports, frames, and the like, shall not project more than three (3) feet from the building face.
- c) A maximum of one (1) sign per building is allowed.
- d) Buildings with one (1) story may have a sign that shall not exceed six (6) square feet in size. For each additional building story, an additional four (4) square feet of signage is allowed, up to a maximum of eighteen (18) square feet.
- e) Projection signs located in/over the public right-of-way shall require a private improvement in the public right-of-way permit in addition to the necessary building permit.
- f) Exposed neon may be used in projection signage.

5) Low Profile Signs.

- a) In NG-2 Transitional Northgate only, one (1) low profile sign per one hundred fifty (150) linear feet of a building plot along South College Avenue may be permitted.
- b) Refer to the Signs Section of Article 7, General Development Standards of this UDO.
- c) Exposed neon may be used in low-profile signage.
- d. If more than twenty-five (25) percent of the square footage of a building is demolished, any nonconforming signage associated with the building must also be demolished. The signage will not be considered "grandfathered", and no other permits will be issued for the site by the City until the signage has been removed.

13. Outside Storage and Display Standards.

The following standards are in lieu of the Outdoor Storage and Display Section of Article 7, General Development Standards of this UDO.

- a. Outdoor storage of materials or commodities is prohibited.
- b. Temporary or portable buildings of any kind are prohibited except during the construction of site-planned facilities.
- c. Outside sales/outside display areas shall be located within five (5) feet of a required entrance façade and shall only be located in front of the property/business that is selling item(s). A four (4) foot minimum clear space on sidewalks shall be maintained. This does not apply if a business has a valid Northgate outdoor dining and entertainment permit issued under Chapter 8, Businesses of the City of College Station Code of Ordinances.
- d. All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

14. Waivers.

The Design Review Board shall review requests for deviations from the standards of this Section. The Design Review Board shall approve waivers found to meet the intent of the standards of this Section and the Northgate Redevelopment Implementation Plan. Financial hardship may not be considered in the review or determination of a waiver proposal.

Design Review Board review and waiver approval shall be limited to the following items:

- a. Relief from the building design standards for historic properties if the proposed building improvements or additions generally conform to the Building Design Considerations for Historic Properties Subsection above, and if the property building improvements or additions generally preserve the historical appearance and architectural character of the building.
- b. Relief from specific requirements related to building orientation and access for the improvement of existing buildings if it can be proven by the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.
- c. Alternatives to the requirements related to building orientation and access when physical characteristics limit the site or provide for unique orientation and access opportunities.
- d. A reduction in the percentage of required building transparency for the rehabilitation of existing buildings if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
- e. Alternatives to the requirements related to building transparency for new construction if the alternatives substantially provide the same visual interest for the pedestrian.
- f. Alternate architectural features to meet the requirements related to architectural relief when the proposed architectural details substantially provide a level of uniqueness to the building at the pedestrian scale.
- g. Along non-primary entrance façades that do not abut a right-of-way and that require design elements, murals may be considered by the Design Review Board to meet the two-design element requirement. Mural topics may include architecture and/or Texas A&M University. Murals may not contain copy or logo advertising any business.
- h. Substitutions of building materials for buildings if the applicant shows that:
 - 1) 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 and the material is similar and comparable in quality and appearance to the materials allowed in the Building Design Standards Subsection above; or
 - 2) The material is an integral part of a themed building (for example, a 50's diner in chrome).
 - 3) No variance shall be granted to minimum building material requirements specified for buildings ten thousand (10,000) square feet or greater in area or for building plots with a cumulative structure square footage of ten thousand (10,000) square feet or greater.
- i. Alternative materials on façade work that does not involve an expansion of an existing building as defined in Article 9, Nonconformities of this UDO or constitute redevelopment if the applicant shows that:
 - 1) The materials allowed in the Building Design Standards Subsection above cannot be utilized without a structural alteration(s) to the existing building; and
 - 2) A licensed professional engineer or architect verifies in writing that a structural alteration is required to apply the permitted façade materials to the building.
- j. Alternatives to the requirements related to surface area parking lots. Alternatives must separate the parking areas so that no more than sixty (60) parking spaces are located in the same vicinity without substantial visual separation from additional parking spaces.
- k. A decrease in parking requirements for residential uses provided that the applicant submits a parking study that supports the decrease based on reasonable assumptions of parking availability. Unless shared or off-site parking is provided as allowed in the Alternative Parking

Plans Subsection of the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO, in no case shall the Design Review Board allow a reduction in the number of required spaces:

- 1) To less than the number recommended within the parking study, or
 - 2) To more than a fifty (50) percent reduction in the amount of parking required for residential uses by the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- l. An increase in the distance requirement for shared and/or off-site parking when shared or off-site parking is provided in a parking garage.
 - m. Relief from the sidewalk width standard when bringing an existing sidewalk up to a current standard where existing physical conditions prohibit sidewalk expansion.
 - n. Alternatives to the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO for projects utilizing an existing structure(s) if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
 - o. Relief from the two-story requirement for casual and fine dining restaurants (not "fast food") and theaters in NG-2 Transitional Northgate if all façades are a minimum of twenty-five (25) feet in height and all façades give the appearance of a two-story structure as determined by the Design Review Board.
 - p. Relief from the minimum height requirement in NG-1 Core Northgate and NG-2 Transitional Northgate for an existing structure undergoing only façade rehabilitation if the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.

Sec. 5.9. Design District Dimensional Standards.

The following table establishes dimensional standards that shall be applied within the design districts unless otherwise identified in this UDO:

Design Districts				
KEY: SF = square feet				
	NG-1	NG-2	NG-3	WPC
Min. Lot Area	N/A	N/A	N/A	2,400 SF
Min. Lot Width	N/A	N/A	N/A	24'
Min. Lot Depth	N/A	N/A	N/A	100'
Min. Front Setback	N/A	N/A	N/A	25' (a)
Min. Side Setback	N/A	N/A	N/A	N/A (b)
Min. Side Street Setback	N/A	N/A	N/A	15'
Min. Rear Setback	N/A	N/A	N/A	15'
Min. Setback from Back of Curb (c)	10'	10'	10'	N/A
Max. Setback from Back of Curb (c)	20' (d) (e) (f)	25' (d) (e) (f)	20' (d) (e) (f)	N/A
Max. Height (g)	N/A	N/A	N/A	N/A
Min. Number of Stories	2 (h)	2 (h)	2 (h)	N/A
Min. Floor Area Ratio	1:1 (i) (j)	0.75:1 (i) (j)	1:1 (i) (j)	N/A

Notes:

- (a) The 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.

- (b) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (c) Minimum/maximum setback from the back of any curb includes lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (d) If the width of any public easement or right-of-way is more than the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (e) Maximum setback from the back of curb for University Drive is twenty-five (25) feet, Wellborn Road is thirty-five (35) feet, and South College Avenue is one hundred (100) feet.
- (f) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of thirty-five (35) feet.
- (g) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (h) The two-story requirement shall not apply to structures existing on or before April 2, 2006.
- (i) Places of worship are exempt from the floor area ratio requirement.
- (j) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or an area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.

Sec. 5.10. Overlay Districts.

In the event an area is rezoned to apply an overlay district, this district shall apply to all multi-family, commercial, and industrial property, and where applicable, to single-family, duplex, or townhouse development. The underlying district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

A. OV Corridor Overlay.

This district is established to enhance the image of gateways and key entry points, major corridors, and other areas of concern, as determined by the City Council, by maintaining a sense of openness and continuity.

The following supplemental standards shall apply to this district:

1. Setbacks.

All buildings will be set back forty (40) feet from the right-of-way. Where parking is located in the front of the building, there shall be a front setback of twenty (20) feet from the right-of-way to the parking area and all drive aisles.

2. Signs.

Freestanding signs shall be limited to the restrictions of the Signs Section of Article 7, General Development Standards of this UDO but shall not exceed the height of the building.

3. Building Colors.

Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator. The applicant must provide elevation drawings and color samples.

4. Special Restrictions for Retail Fuel Sales.

In cases where the underlying zoning district allows fuel sales and a station is proposed, the following restrictions shall apply:

a. Activities Restricted.

- 1) No major emergency auto repair; and

- 2) No body, fender, or paint work.

b. **Signs.**

- 1) Sign height shall be restricted by the provisions of the Signs Section of Article 7, General Development Standards of this UDO but shall not exceed the height of the building.
- 2) No freestanding fuel price signage shall be permitted.
- 3) Signs for air, water, and other similar services or products must meet the criteria for exempt signs as provided in the Signs Section of Article 7, General Development Standards of this UDO.

B. **RDD Redevelopment District.**

The purpose of this district is to facilitate the redevelopment of existing nonconforming commercial centers through flexible or relaxed standards, which can accommodate existing physical limitations and take extraordinary circumstances into account. The RDD Redevelopment District is an overlay district. The permissible uses on any site shall be governed by the underlying zoning.

The following supplemental standards shall apply to this district:

1. **Location.**

An RDD Redevelopment District may be established upon any commercially zoned property where the initial development was developed a minimum of twenty (20) years before the rezoning request and the proposed redevelopment meets the intent of this Section. Special consideration should be given to those areas considered "gateways" and/or historic, and those with proximity to Texas A&M University.

2. **Standards.**

Although every effort should be made to meet all requirements of this UDO, designated RDD Redevelopment Districts may be allowed to waive up to fifty (50) percent of required parking standards and landscaping where physical limitations and the site's location and relationship to the goals of the Comprehensive Plan warrant consideration. A lesser percentage may be established as part of the approval process.

3. **Criteria for Evaluation.**

Evaluation of all sites and site plans for rezoning to RDD Redevelopment District shall consider the following:

- a. Conformance with the Comprehensive Plan;
- b. Aesthetic contribution of the proposed redevelopment;
- c. Economic viability of the existing site;
- d. Physical limitations and the demonstrated inability to meet current requirements;
- e. Public health and safety standards; and
- f. Effort made to meet all standards of this UDO.
- g. Full engineering of sites may not be required for the establishment of an RDD Redevelopment District; however, a preliminary engineering study will be required which assesses parking, vehicular access and circulation, drainage, and utility requirements.

4. **Procedure for Establishment.**

The procedure for rezoning to RDD Redevelopment District shall be the same as any other rezoning application except that a site plan of the proposed redevelopment of the site shall be carefully evaluated to ascertain the site plan's benefit to achieving the goals of the Comprehensive Plan.

Elevations of proposed structures may be required as part of the review process, or to determine eligibility for rezoning.

Full engineering may not be required for evaluating a property for rezoning. Varying levels of information may be required by the Administrator depending upon the peculiarities of any given site.

The site plan components shall govern the redevelopment of the site following the approval of an RDD Redevelopment District.

C. HP Historic Preservation Overlay.

1. Purpose.

The HP Historic Preservation Overlay is intended to provide for the protection and preservation of places and areas of historical, cultural, and architectural importance and significance. Such action is necessary to promote the economic, cultural, educational, and general welfare of the public. Specifically, this district has the following expressed purposes:

- a. To protect and enhance the landmarks and districts which represent distinctive elements of College Station's historic, architectural, and cultural heritage;
- b. To foster civic pride in the accomplishments of the past;
- c. To protect and enhance College Station's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- d. To ensure the harmonious, orderly, and efficient growth and development of College Station;
- e. To promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within College Station; and
- f. To encourage stabilization, restoration, and improvements of such properties and their values.

2. Applicability.

The HP Historic Preservation Overlay may be applied to districts, areas, or individual property, regardless of the base zoning district or current use of the properties, that:

- a. Are at least forty (40) years old;
- b. Meet at least two (2) of the criteria listed below; and
- c. Possess historic integrity that is evident through historic qualities including location, design, setting, materials, workmanship, feeling, and association.

3. Criteria for Designation of HP Historic Preservation Overlays.

A property or district may be designated if it:

- a. Possesses significance in history, architecture, archeology, and culture;
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- c. Is associated with events that have made a significant impact in our past;
- d. Embodies the distinctive characteristics of a type, period, or method of construction;
- e. Represents the work of a master designer, builder, or craftsman;
- f. Represents an established and familiar visual feature of the neighborhood or city; or
- g. Is eligible for listing on the National Register of Historic Places, Recorded Texas Historic Landmark, or a State Archaeological Landmark, as determined by the Texas Historical Commission.

4. Removal of an HP Historic Preservation Overlay.

Upon recommendation of the Landmark Commission to the Planning and Zoning Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth in this UDO for designation, the Planning and Zoning Commission may recommend to the City Council and the City Council may remove an HP Historic Preservation Overlay made under this Section.

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 are to be applied in addition to the underlying zoning district standards.

B. Applicability.

Single-family overlay districts may only be applied to neighborhoods zoned and developed for single-family dwelling units.

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 Section above and the General Provisions Section of Article 7, General Development Standards of this UDO. In the event of a conflict between the single-family overlay district 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 an Official Zoning Map amendment to include a single-family overlay district may be filed 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 or each phase of an original subdivision that apply jointly.

D. ROO Restricted Occupancy Overlay.**1. Purpose.**

The ROO Restricted Occupancy Overlay is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods. ROO Restricted Occupancy Overlays are intended to preserve the single-family character of residential neighborhoods.

2. Applicability.

The regulations of the ROO Restricted Occupancy Overlay apply to each single-family dwelling and accessory living quarter within the overlay.

3. General Provisions.

- a. The standards set forward in a ROO Restricted Occupancy Overlay must be based on the findings of the petition committee.

- b. 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.
- c. To be eligible to apply for a ROO Restricted Occupancy Overlay, improvements must exist on at least 51 percent of the platted single-family lots in the original subdivision.

4. 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 the definition of family in the Defined Terms Section of Article 11, Definitions of this UDO. Accessory living quarter requirements are further specified in the Accessory Uses Section of Article 6, Use Regulations of this UDO.

5. Legacy Clause.

- a. Occupancy levels in individual single-family dwellings and accessory living quarters within an original subdivision, existing at the time a ROO Restricted Occupancy Overlay 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 the Nonconforming Uses Section of Article 9, Nonconformities of this UDO, shall apply, with the exception of the Continuance Subsection.
- b. 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 Restricted Occupancy Overlay was adopted.
- c. 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 Restricted Occupancy Overlay was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such enlargement or expansion based on the following criteria:
 - 1) That granting the enlargement or expansion will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - 2) That granting the enlargement or expansion will not materially or adversely affect adjacent land uses or the physical character of uses in the vicinity of the nonconforming use; and
 - 3) That granting the enlargement or expansion will be generally consistent with the purposes and intent of this UDO.
- d. 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 Restricted Occupancy Overlay was adopted, provided that the structural alteration or renovation does not enlarge or expand the structure.
- e. 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 Restricted Occupancy Overlay 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:
 - 1) That granting the structural alternation or renovation will ensure the same general level of land use compatibility as the otherwise applicable standards;

- 2) That granting the structural alternation or renovation will not materially or adversely affect adjacent land uses or the physical character of uses in the vicinity of the nonconforming use; and
- 3) That granting the structural alternation or renovation will be generally consistent with the purposes and intent of this UDO.
- f. The use shall come into compliance with the ROO Restricted Occupancy Overlay standards at such time that any of the following occur:
 - 1) The single-family dwelling or accessory living quarter is demolished;
 - 2) The subdivision of land occurs, creating an additional lot or building plot;
 - 3) 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 the Abandonment Subsection in the Nonconforming Uses Section of Article 9, Nonconformities of this UDO, or cause a loss of the legal nonconforming use status;
 - 4) The structure containing the nonconforming use is enlarged, expanded, structurally altered, or renovated beyond the standards provided above in this Section; or
 - 5) The termination of registration with the City's Rental Registration program.

E. NCO Neighborhood Conservation Overlay.

1. Purpose.

The NCO Neighborhood Conservation Overlay 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 Neighborhood Conservation Overlay is intended to provide additional standards for demolitions, new construction, additions, and redevelopment to promote development that is compatible with the existing character of the neighborhood. NCO Neighborhood Conservation Overlays are based on an in-depth study of the existing neighborhood conditions and should be used to protect the unique assets and qualities of the neighborhood. NCO Neighborhood Conservation Overlays may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect.

2. Applicability.

The regulations of the NCO Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

3. General Provisions.

- a. The standards set forward in an NCO Neighborhood Conservation Overlay must be based on the findings of the petition committee.
- b. 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.
- c. NCO Neighborhood Conservation Overlays may not apply to neighborhoods originally platted in the last ten (10) years from the date of application submittal.

4. Options for Inclusion.

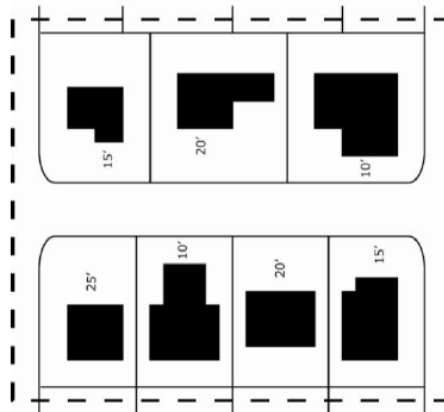
In applying for an NCO Neighborhood Conservation Overlay, the following items may be included as standards in the overlay. All single-family development within the district shall be subject to the standards set forth in the rezoning ordinance.

a. Minimum Front Setback.

If a 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:

- 1) Contextual front setbacks as provided for in the Required Yards (Setbacks) Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO; or
- 2) Contextual front setbacks as provided for in the General Provisions Subsection above; or
- 3) Fixed front setbacks. 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.

Example Front Setbacks



b. Minimum Side Street Setback.

If a 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:

- 1) Contextual side street setbacks as provided for in the Residential Dimensional Standards Section above; or
- 2) 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.

c. Minimum Lot Size (Area, Width, and Depth).

If a 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:

- 1) Lot size (area and width) as provided for in the Platting and Replatting within Older Residential Subdivisions Subsection in the Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO; or
- 2) Contextual lot size as provided for in the Residential Dimensional Standards Section above; or
- 3) Fixed lot size. A fixed lot size may be established; however, it may not be less than the lot size required by the underlying zoning district or more than the existing median size of building plots in the district.

d. **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:

- 1) Contextual building height as provided for in the Residential Dimensional Standards Section above; or
- 2) 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.

e. **Tree Preservation.**

If tree preservation is selected for inclusion, the petition committee may choose to preserve any existing trees with a minimum of eight (8) inch 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 one (1) foot per inch caliper measured as a radius from the tree trunk. Barricades must be in place before 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.

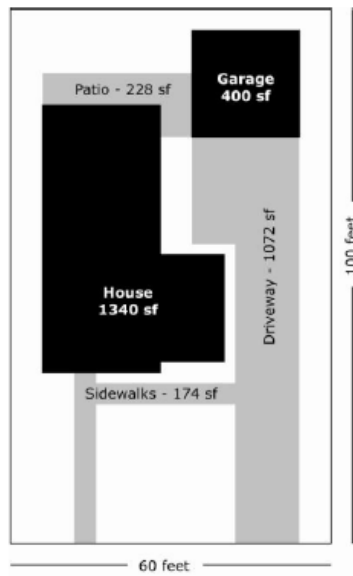
f. **Landscape Maintenance.**

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 inch caliper for inch caliper, or as determined by the Administrator.

g. **Maximum Impervious Surface.**

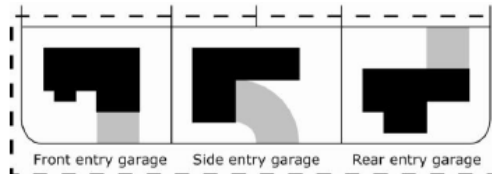
If a maximum impervious surface is selected for inclusion, a maximum impervious surface may be limited to any number between the calculated neighborhood median and the maximum, as allowed by the UDO.

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 (50) percent of the proposed decked area for the purpose of impervious cover.

Example Impervious Surface Identification**h. Garage Access.**

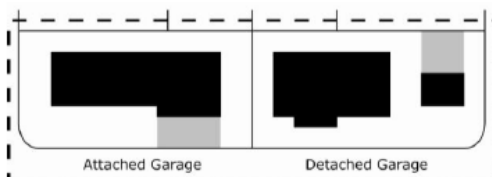
If garage access is selected for inclusion, the petition committee may choose one (1) of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

- 1) Front entry; or
- 2) Side entry; or
- 3) Rear entry.

Garage Access Options**i. 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:

- 1) Attached to the single-family structure; or
- 2) Detached from the single-family structure.

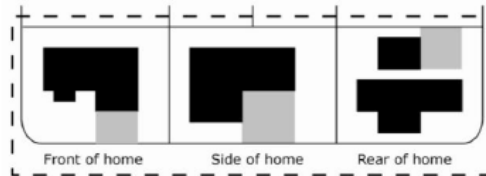
Garage Connection Options

j. **Garage Location.**

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 concerning the primary single-family structure within the subject neighborhood:

- 1) In front of the single-family structure; or
- 2) To the side of the single-family structure; or
- 3) To the rear of the single-family structure.

Garage Location Options



k. **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.

l. **Garage Requirement.**

If a garage requirement is selected for inclusion, the petition committee may require that a garage be required on properties within the subject neighborhood.

m. **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, garage connection, or garage location:

- 1) Set a minimum off-street parking standard of three (3) spaces per residential unit;
- 2) Set a maximum number of off-street parking spaces;
- 3) Set a maximum parking area and location per yard;
- 4) Set a required driveway width between 12 and 25 feet.

n. **Fencing.**

If fencing is selected for inclusion, the petition committee may select the maximum height.

Article 6. Use Regulations

Sec. 6.1. Purpose.

The intent of this Article is to provide patterns of land use consistent with the Comprehensive Plan, and to encourage the arrangement of land uses to minimize conflicts among various types of land use activities while recognizing the City's need for such activities.

Sec. 6.2. Applicability.

The provisions of this Article shall not apply to property zoned BioCorridor Planned Development District.

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 based on 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 the Specific Use Standards Section below. 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 the Specific Use Standards Section below. Conditional uses are subject to all other applicable regulations of this UDO.

USE TABLE

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 **				
KEY: P = Permitted by Right P* = Permitted Subject to Specific Use Standards C = Conditional Use ** = District with Supplemental Standards (refer to Article 5, District Purpose Statements and Supplemental Standards)																																					
RESIDENTIAL USES																																					
Assisted Living/Residential Care Facility														P	P		P																				
Boarding and Rooming House										P			P											P	P								P				
Courtyard House									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 (a)	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	P				P										P														
Single-Unit Dwelling										P																											
Split-Lot Duplex								P	P																												
Townhouse							P		P	P			P											P	P									P			
Two-Unit Dwelling										P																											
Live-Work Unit									P*					P*	P*																						
PUBLIC, CIVIC, AND INSTITUTIONAL USES																																					
Educational Facility, College and University																					P																
Educational Facility, Indoor Instruction									P	P	P		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	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Educational Facility, Tutoring									P	P	P		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*	p*	p*	p*	p*	P	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	P		
Parks	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	P	P	
Places of Worship	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	P	
COMMERCIAL, OFFICE, AND RETAIL USES																																	
Agricultural Use, Barn or Stable for Private Stock	P	P	P																														
Agricultural Use, Farm or Pasturage	P	P	P																														
Agricultural Use, Farm Product Processing	P																																
Animal Care Facility, Indoor										P	P		P	P	P	P	P	P							P				P	P	P		
Animal Care Facility, Outdoor	p*																P																
Art Studio/Gallery									P (c)	P	P		P	P	P	P	P								P				P	P	P	P	
Car Wash																	p*																
Commercial Garden, Greenhouse, or Landscape Maintenance	p*																p*	p*	p*	p*							p*						
Commercial Amusement										P	P		P		C	C	p*	p*							C				P	P	P		
Conference/Convention Center										P	P		P				P	P											P	P	P		
Country Club	P	P	P	P	P	P							P				P	P					P										
Day Care, Commercial										P (c)	P	P	C	P	P	P	P	P							C	C	P				P	P	P
Drive-In/Thru																	p*		P										C		p*		
Dry Cleaners and Laundry										P	P		p*	p*	P	p*	P	P								p*				p*	p*	p*	p*
Fraternal Lodge													P				P	P												P	P	P	
Fuel Sales													p*				p*									p*		P					

Sec. 6.4. Specific Use Standards.

The following specific use standards shall apply to uses identified in the Types of Use Section above with a "P*." A site plan review, as required by the Site Plans Section of Article 3, Development Review Procedures of this UDO, is required for all specific uses identified herein. For the purposes of this Section, buffers shall comply with the Buffer Requirements Section of Article 7, General Development Standards of this UDO 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 dwelling units, 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. Animal care 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.

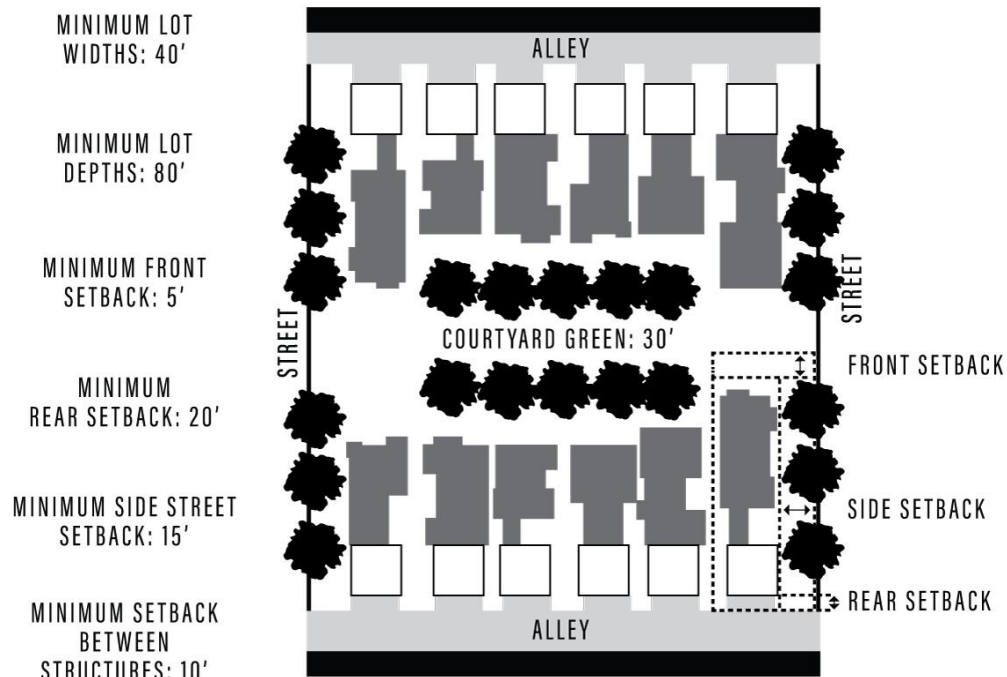
D. Commercial Garden/Greenhouse/Landscape Maintenance.

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 twelve (12) units around one courtyard.
2. The width of the courtyard green, independent of the individual lots, shall be no less than thirty (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 thirty-six (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:

Example Courtyard House Development**F. Drive-In/Thru.**

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 one hundred fifty (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.

G. Dry Cleaners/Laundry.

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

H. Fuel Sales.

1. Any vehicle repair uses must comply with the Vehicular Sales, Rental, Repair, and Service Subsection below.
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 the Signs Section of Article 7, General Development Standards of this UDO, 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, fuel 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.

I. 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 the Buffer Requirements Section of Article 7, General Development Standards of this UDOS.
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.

J. 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 (25) foot buffer yard and a six (6) foot privacy fence in accordance with the Buffer Requirements Section of Article 7, General Development Standards of this UDO.

K. Health Club/Sports Facility (Outdoor).

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

L. Live-Work Unit.

1. The square footage of the live-work unit may not be greater than as set forth in the International Building Code, as adopted. Currently, said maximum size is three thousand (3,000) square feet. Further, the non-residential use may not be more than fifty (50) percent 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 accessed 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.

M. Manufactured Homes.

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.

N. 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.

O. Mobile Food Court.

Mobile food court shall mean a land use approved through a conditional use permit and developed in conformity with an approved site plan, 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, 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 Article 7, General Development Standards of this UDO.
 - 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 so as not to disturb other surrounding property owners.

- 3) A short-term mobile food court shall:
 - a) Be located a minimum of one hundred (100) feet from a single-family, duplex, or townhouse zoning district.
 - b) Have a site manager that will remain on the 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 3:00 a.m. and 5:00 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 Plans Section of Article 3, Development Review Procedures of this UDO, the applicable requirements of Article 7, General Development Standards of this UDO, and the Specific Use Standards for Mobile Food Courts Subsection 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.
 - 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 Article 7, General Development Standards of this UDO.
 - 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 so 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 so 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 one hundred (100) feet from a single-family, duplex, or townhouse zoning district.
 - b) Have a site manager that will remain on the 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 3:00 a.m. and 5:00 a.m.
 - f) Comply with general site plan requirements described in the Site Plans Section of Article 3, Development Review Procedures of this UDO, the applicable requirements of Article 7, General Development Standards of this UDO, and the Specific Use Standards for Mobile Food Courts Subsection 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.

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 Section of Article 7, General Development Standards of this UDO.
- 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 (20) foot 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 Article 7, General Development Standards 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 Article 7, General Development Standards of this UDO.
- 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.

P. **Mobile Home.**

After the effective date of this UDO, a mobile home may not be located within the city limits of College Station for residential use. A mobile home legally located within the city 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.

Q. **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.

R. **Places of Worship.**

1. Where the parking lot abuts residential development, a ten (10) foot buffer yard with buffer plantings and a minimum six (6) foot privacy fence is required pursuant to the Buffer Requirements Section of Article 7, General Development Standards of this UDO.
2. When outdoor accessory uses including but not limited to playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen (15) foot buffer yard with buffer plantings and a six (6) foot privacy fence is required pursuant to the Buffer Requirements Section of Article 7, General Development Standards of this UDO.

S. **Radio/TV Station/Studios.**

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

T. **Recreational Vehicle Park Standards (RV Parks).**

1. Recreational vehicle 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. Recreational vehicle parks shall be considered a non-residential use and shall meet the Buffer Requirements Section of Article 7, General Development Standards of this UDO as a commercial use, regardless of zoning.
3. No person shall operate a recreational vehicle 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 recreational vehicle park shall comply with the general site plan requirements of the Site Plan Review Section of Article 3, Development Review Procedures of this UDO, and shall meet the following supplemental criteria:

- a. The minimum area of a recreational vehicle 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 recreational vehicle 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 recreational vehicle 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 recreational vehicle 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 recreational vehicle site, the remainder may be located in an approved parking area. The size and paving of all parking spaces shall conform to the requirements in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- i. In all recreational vehicle 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 recreational vehicle park site area and shall contain open space for recreational uses. Recreational areas shall also contain benches and landscaping. The area shall be adequately lit to ensure the safety of users.
- j. Recreational vehicle parks shall permit only seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in a recreational vehicle park for more than one hundred twenty (120) days in any twelve (12) month period.

U. 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 recycling facility 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 operation 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.

V. Restaurant.

1. In C-3 Light Commercial and WC Wellborn Commercial, drive-ins and drive-thrus are prohibited.
2. In SC Suburban Commercial restaurants with a drive-in or drive-thru must be located a minimum of one hundred fifty (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 the 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.

W. Retail Sales of Manufactured Homes.

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

X. Sales and Service (Retail and Wholesale).

The following sales/storage matrix shall be used to determine the most appropriate zoning district for sales and service uses.

Sales/Storage Matrix

		Storage	
		Minor	Major
Sales	Wholesale	GC General Commercial	CI Commercial Industrial
	Retail	GC General Commercial	CI Commercial Industrial

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

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, the gross floor area of a single structure shall not exceed fifteen thousand (15,000) square feet.
6. In WC Wellborn Commercial, the gross floor area of a single structure shall not exceed ten thousand (10,000) square feet.

Y. Salvage Yard.

1. Salvage or junkyards shall be visually screened on the front, rear, and all sides utilizing a solid eight (8) 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 (1.5) cubic feet or more, from which the door has not been removed.

Z. 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 applying 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:

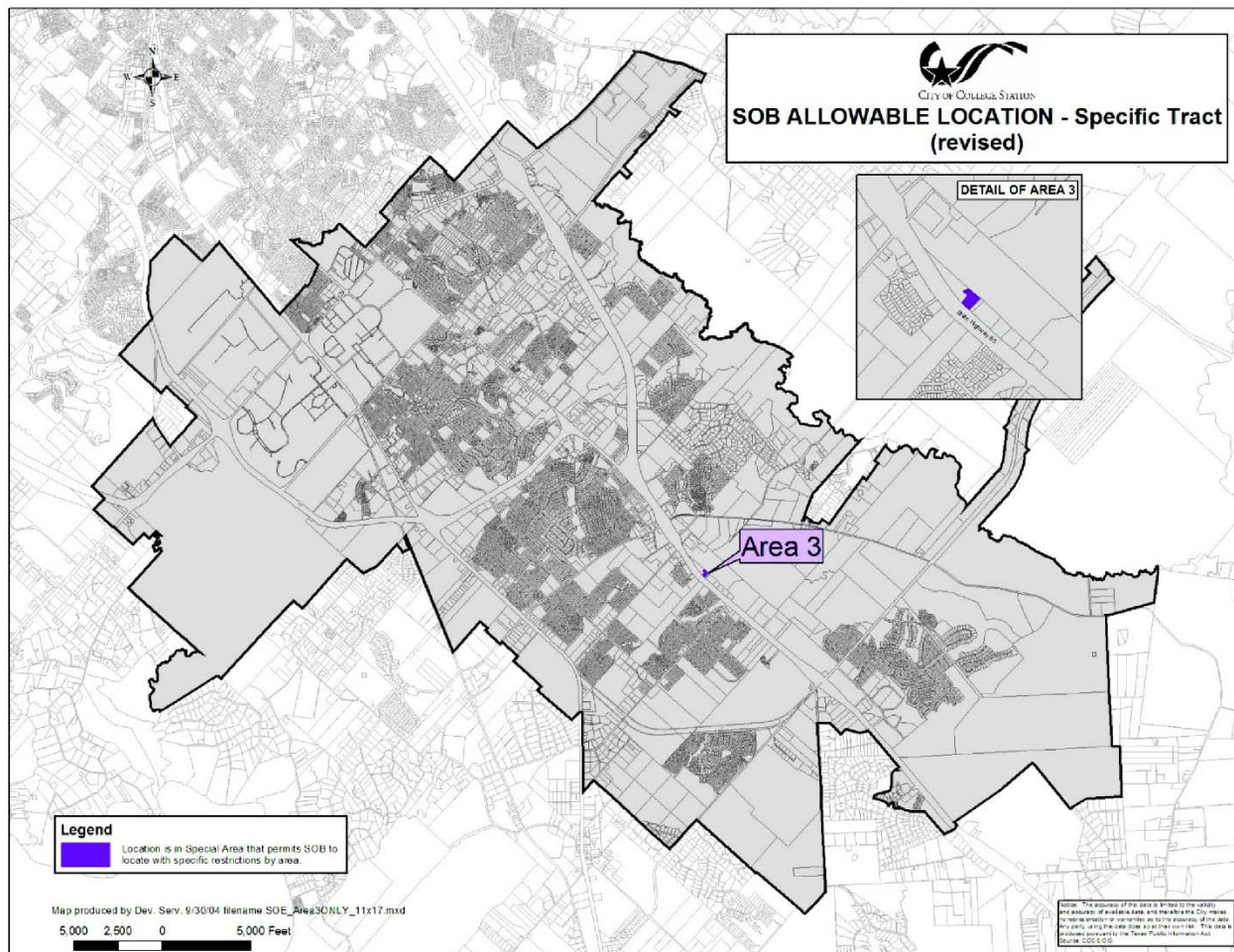
- a. Detroit, Michigan;
- b. Amarillo, Texas;
- c. Los Angeles, California;
- d. Indianapolis, Indiana;
- e. Phoenix, Arizona;
- f. St. Paul, Minnesota;
- g. Beaumont, Texas;
- h. Seattle, Washington;
- i. Austin, Texas.

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.

- 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 the 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 fifty (50)

percent 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 two-tenths (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.**

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 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 their investment in their sexually oriented business by the date for the termination of such uses, the

owner may request additional time by making an application with the Administrator no later than the date for termination of the use.

b. Application for Additional Time.

The owner shall file, with their request for additional time, all data they wish 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 their investment in the sexually oriented business;
- 2) The owner will be unable to recoup their 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 an 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;
- 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 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.

AA. 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 one hundred fifty (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 one hundred fifty (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.

AB. Utilities.

Activities not wholly contained within a building that abuts single-family residential uses shall construct a twenty (20) foot buffer yard with a six (20) foot privacy fence, in accordance with the Buffer Requirements Section of Article 7, General Development Standards of this UDO.

AC. Vehicular Sales, Rental, Repair, and Service.

1. Vehicles undergoing repair, painting, or body work that will remain on-site for more than 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 that is completely screened from public view.

AD. Wireless Telecommunication Facility.

1. Purpose.

The purpose of this Section is to establish regulations for wireless telecommunications facilities that are consistent with federal and state law. The City Council finds that:

- 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. Wireless Telecommunication Facility Categories.

To expedite the siting and review process, wireless telecommunications facilities have been divided into use categories. The review process is more thorough as the intensity of the use increases.

a. Unregulated Facilities.

The wireless telecommunications facilities 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 of College Station 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 the support structure.

- 4) Directional antenna one (1) meter or less measured across the longest dimension and not extending over twelve (12) feet above the 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 the support structure.
- 6) Attached wireless telecommunications facilities.
- 7) Antenna collocating on an existing tower.

c. Major Facilities.

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

3. Requirements for Attached Wireless Telecommunication Facilities.

- a. Wireless telecommunications facilities 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 located on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with the 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 to, or closely compatible with, the color of the supporting structure 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 within the city limits, the extraterritorial jurisdiction, and within at least one (1) mile of the city limits. 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 wireless telecommunications facility. 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 adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or wireless telecommunications facility 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 Federal Aviation Administration (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.

4. 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 to retain the stealth designation. The Administrator will determine if the antenna is a stealth antenna.
- 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 to make the antenna and related equipment visually unobtrusive as possible.
- d. **Application Procedures.**
 - 1) If not completely located within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of 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.

5. Requirements for New Transmission Towers.

a. Setbacks.

The standard setbacks for each zoning district will apply to wireless telecommunications facilities with additional setbacks or separation being required in the Subsections below. To protect citizens in their homes, transmission towers shall be placed at a distance equal to the height of the tower away from any residential structure. Non-stealth towers shall be set back at a distance equal to the height of the tower away from any GS General Suburban, R-1B Single-Family Residential, or D Duplex 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 wireless telecommunications facilities 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 Comprehensive Plan Functional Classification & Context Class Map.

- 1) Intermediate wireless telecommunications facilities must be one hundred fifty (150) feet from applicable thoroughfares.
- 2) Major wireless telecommunications facilities must be setback from applicable thoroughfares by the height of the tower multiplied by three (3).

c. **Separation Between Towers.**

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 wireless telecommunications facilities are subject to the normal height restrictions for each zoning district where they are permitted by right. In any zoning district where a tower is a 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 the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO. Plant materials and/or fencing that effectively screen the wireless telecommunications facility site from the 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) Wireless telecommunications facilities shall not be artificially lighted with the exception of motion detectors as security lighting unless required by the FAA or other applicable authorities. 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 wireless telecommunications facility shall include the following items (in addition to the site plan and other information required for a standard conditional use permit application):

- 1) An inventory of the applicant's existing and future towers that are within the city limits, the extraterritorial jurisdiction, and within at least one (1) mile of the city limits. 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) 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 (1) mile radius of the proposed tower site. The linear separation distance from all residentially zoned properties, residential structures, and applicable thoroughfares as set forth in the Proximity to Major Thoroughfares Subsection above, 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 wireless telecommunications facility. 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 adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or wireless telecommunications facility 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 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 (0.5) mile radius of the proposed new tower site, including City-owned property.
 - b) An affidavit attesting to the fact that the applicant made diligent but unsuccessful efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within a one-half (0.5) 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 microcells, cannot be utilized to accomplish the provision of telecommunications services.

6. Conditional Use Permits.

Major wireless telecommunications facilities must apply for a conditional use permit as set forth in the Types of Use Section above, under the procedures set forth in the Conditional Use Permit Section of Article 3, Development Review Procedures of this UDO. 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 conditional use permit for wireless telecommunications facilities:

- a. Height of the proposed tower, surrounding topography, and surrounding tree coverage and foliage as they relate to:
 - 1) Skyline impact, examining whether the massing 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.

7. **Abandonment.**

Any wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the facility shall remove same within sixty (60) days of receipt of notice from the City notifying the 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 wireless telecommunications facility, then this provision shall not become effective until all users cease operations on the tower.

Sec. 6.5. Accessory Uses.

A. **Accessory Uses.**

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

1. The use or structure is subordinate to and serves a primary use or principal structure;
2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

B. **Accessory Structures.**

1. In combination, all accessory uses shall contain no more square footage than twenty-five (25) percent of the habitable floor area of the principal structure or four hundred (400) square feet, whichever is greater. Garage or carport areas devoted to the storage of vehicles shall not be included in the calculation of the twenty-five (25) percent restriction.
2. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a building permit.
3. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots, rear setbacks shall be measured from the rear property line. In no event shall more than thirty (30) percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
4. The maximum impervious cover of the lot's applicable zoning district, as defined in the Residential Dimensional Standards Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO, shall not be exceeded by the addition of accessory uses or structures.
5. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters.
 - a. A minimum rear setback of fifteen (15) feet; and,
 - b. A maximum building eave height of eight (8) feet.

6. **Garage and Carports.**

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of twenty (20) feet. A minimum side yard setback of twenty (20) feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a. A minimum rear setback of twenty (20) feet; and,
- b. A minimum side street setback of twenty (20) feet is required for garages or carports that face onto side streets.

7. Living Quarters.

In areas zoned and used for single-family residential use, accessory living quarters are allowed subject to the following:

- a. The property owner resides on-site and uses the subject property as their primary residence.
- b. There is a limit of one (1) accessory living quarter per building plot.
- c. No more than two (2) unrelated persons live in the accessory living quarters; and
- d. One (1) additional off-street parking space is provided for the living quarters.

C. Home Occupation.

A home occupation is an accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

1. In-Home Day Care (six (6) or fewer people).

2. Bed and Breakfast.

A bed and breakfast facility shall be considered accessory to a single-family dwelling.

- a. No more than four (4) unrelated individuals may occupy the property overnight.
- b. The facility must maintain a residential appearance and be the permanent residence of the proprietor.
- c. Limit the number of rooms to four (4) where shared/common bathrooms may be provided.
- d. No cooking facilities are permitted in individual rooms.

3. Taxicab Services.

Taxicab services may be permitted as a home occupation provided that no more than two (2) commercial vehicles associated with a taxicab service are parked or stored on- or off-street at any time.

4. Exclusions to Home Occupations.

No home occupation shall be permitted that results in any of the following:

- a. Changes the outside appearance of the dwelling;
- b. Is visible from the street;
- c. Generates traffic, parking, , water use, or wastewater use in excess of what is normal in the residential neighborhood;
- d. Results in the off-street or on-street parking of more than two (2) vehicles at any time not owned by members of the occupant family;
- e. Creates a hazard to persons or property;
- f. Results in electrical interference;
- g. Is a nuisance;
- h. Results in any outside storage or display; or
- i. Includes employment within the home or on the premise of persons other than members of the occupant's family.

5. Prohibited Home Occupations.

The following are prohibited as home occupations:

- a. Barber, beauty, and other personal service shops;
- b. Animal care facilities;
- c. Dance studios or schools;
- d. Mortuaries;
- e. Private clubs;
- f. Repair shops;
- g. Restaurants;
- h. Automobile paint or repair shops;
- i. Doctor, dentist, veterinarian, or other medically related offices; or
- j. Rooming/boarding house.

D. Recycling Facilities - Small.**1. Single-Feed Reverse Vending Machines.**

Single-feed reverse vending machines may be located with a permit either in the interior or immediate exterior of commercial, industrial, or public facilities.

2. Small Collection Facilities.

Small collection facilities may be permitted when established on an improved surface in conjunction with an existing commercial or industrial use or public facility. The host facility must comply with all City codes. No facility may occupy more than five hundred (500) square feet, nor occupy more than five (5) parking spaces of the host site. All vehicular and pedestrian circulation aisles shall be unobstructed.

a. Setbacks.

Each facility shall be set back at least ten (10) feet from any right-of-way line when located in front of the host use. Side, side street, and rear setbacks established for commercial uses shall be maintained.

Containers intended for twenty-four-hour donation of materials shall be a minimum of forty (40) feet from property zoned or developed for residential use. Attended facilities within one hundred (100) feet of residentially zoned or developed property shall operate between the hours of 9:00 a.m. and 7:00 p.m.

b. Landscaping.

A small collection facility shall not be placed on the host site in such a manner as to impair the landscaping required for the subject site.

c. Parking.

One (1) space will be required if an attendant is provided. Occupation of parking spaces by the collection facility and attendant shall not reduce available parking spaces below the minimum number required by ordinance for the host site.

d. Noise.

Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned or developed property; otherwise, noise levels shall not exceed seventy (70) dBA.

e. Signage.

Each container must be clearly labeled with a sign, limited to one (1) per container and no larger than twenty (20) percent of the side upon which the sign is placed, to provide information about the type of material to be collected within the container, and the name and telephone number of a person responsible for maintenance who may be contacted at all times.

E. Portable Storage Structures.

1. General Provisions.

- a. A permit shall be obtained prior to placing a portable storage container on the property unless otherwise exempted herein.
- b. The following are exempt from the requirements of this Section:
 - 1) Property with an active building or development permit.
 - 2) Properties zoned M-2 Heavy Industrial or BPI Business Park Industrial. M-2 Heavy Industrial and BPI Business Park Industrial that abut residential zoning districts or uses shall comply with this exemption.
 - 3) Sites in which storage containers constitute a principal use, as determined by the Administrator.
 - 4) Containers that receive site plan approval per the Development of a Permanent Storage Container Area Subsection below.
- c. Placing material on top of, or the vertical stacking of, portable storage containers is prohibited.
- d. Permits shall be posted on the storage container. If a container is replaced by another during the permit period, the permit shall be removed and placed on the newly placed container. If the container is visible from a right-of-way, then the permit shall be posted visibly from the right-of-way.
- e. Storage containers shall be placed outside of the right-of-way and the sight triangle as established in the Visibility at Intersections in all Districts Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO.
- f. Storage containers shall be placed on an improved surface as specified in the Surfacing Subsection of the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- g. In the event of a natural disaster or extenuating circumstance, the Administrator may grant that a permit be extended up to thirty (30) additional days.
- h. An application for a permit for a storage container shall be accompanied by a fee as established by a resolution of the City Council.

2. Additional Provision for Residential Property.

- a. No more than one (1) portable storage container shall be allowed at a time per dwelling unit.
- b. A permit is not required for the first fourteen (14) days a storage container is located on residential property. An extension for up to an additional fourteen (14) days may be obtained through an approved permit. A storage container shall not be located on residential property for longer than twenty-eight (28) days.
- c. No more than two (2) permits may be issued to a dwelling unit per calendar year and there shall be a minimum of thirty (30) days between issuance of permits.
- d. No storage container shall exceed a height of eight (8) feet, a width of eight (8) feet, or a floor area of one hundred thirty (130) square feet.

- e. Storage containers may be screened from view of the right-of-way and adjacent properties instead of being placed on an improved surface.
3. **Additional Provisions for Non-Residential Property.**
- a. **Temporary Placement.**
 - 1) Each address shall be allowed one (1) storage container. Additional storage containers are permissible provided that all containers do not utilize the area of more than five (5) percent of the existing parking spaces, or sixteen (16) spaces, whichever is smaller.
 - 2) Storage container(s) shall not be allowed more than three (3) separate periods per calendar year and there shall be a minimum of thirty (30) days between the issuance of permits.
 - 3) A permit shall remain valid for a maximum of forty-five (45) days. If multiple permits are allowed, all containers must be removed within forty-five (45) days of the date the initial permit is issued.
 - 4) Storage containers shall not be placed in the front yard of a site, adjacent to right-of-way, or interfere with on-site traffic flow. If rear or side yard placement is not possible, the alternate location shall be approved by the Administrator.
 - 5) Storage containers shall meet front and side street setbacks as stated in the Non-Residential Dimensional Standards Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. Storage containers shall also meet side and/or rear setbacks when the property line abuts a residential use.
 - b. **Development of a Permanent Storage Container Area.**
 - 1) In lieu of a permit, site plan approval identifying the location of an area to be used for the placement of storage container(s) for an indefinite period shall be obtained prior to placing container(s) on the property.
 - 2) Storage container(s) shall be screened from view when visible from a right-of-way or adjacent property. If required, screening shall be accomplished by landscaping and an eight-foot wooden fence or wall.
 - 3) Additional parking shall be provided based on the square footage of the screened area for the container(s) according to the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.

Sec. 6.6. Temporary Uses.

Temporary uses, as set forth below, are declared to have characteristics that require certain controls to ensure compatibility with other uses in the district within which they are proposed for location.

A. Particular Temporary Uses Permitted.

- 1. Garage sales;
- 2. Indoor and outdoor art and craft shows, exhibits, and sales;
- 3. Sales of Christmas trees or other seasonal goods;
- 4. Religious revival tents;
- 5. Temporary buildings and equipment for uses incidental to construction work on premises in any zone that shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction;

6. Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following the completion of the associated project; and
7. Farmers' markets complying with the following requirements:
 - a. Temporary outdoor sales of products in an unrefined state, by a State Certified Farmers' Market may be operated for a maximum of two (2) days per week and are permitted on:
 - 1) Public properties, with locations approved by the Administrator, and
 - 2) Private property in zoning districts that allow for retail sales as a permitted use.
 - b. The market must be located within a paved parking lot and shall not utilize more than ten (10) percent of the required number of parking spaces on private property. The market may not be located within drive aisles, fire lanes, or parking setbacks, and in no case shall the market be located within the public right-of-way.
 - c. The market must comply with the Signs Section of Article 7, General Development Standards of this UDO. Attached signs advertising the market, or any products for sale, must be securely attached to the sales area. Temporary freestanding signs and commercial banners, as described in the Signs Section of Article 7, General Development Standards of this UDO, are not permitted.
 - d. The market shall have the approval of the City prior to location or sales.

B. Temporary Residential Sales Offices and Model Homes.

The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision;
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to ninety-five (95) percent of the associated residential units or when used as a sales office or model home has ceased; and
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon the sale of the home.

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.

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 of this UDO.
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 the Water and Sewer Service Article of Chapter 40, Utilities of the City of College Station Code of Ordinances.
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 current edition of the American Association of State Highway and 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 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. General Requirements.

- 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.
- 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 & 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 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 following 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;
- 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, or townhouse zoning district, including MH Middle Housing, 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. Low-Density Residential Height Protection.**1. Purpose.**

The purpose of low-density residential height protection is to help mitigate the 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 non-residential uses when adjacent to low-density residential uses and districts.

2. Applicability.

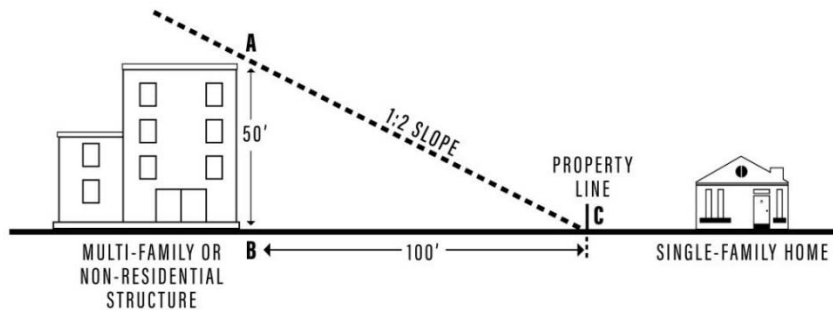
- a. This Subsection shall apply to all multi-family structures, structures with shared housing uses, and non-residential structures to be constructed or reconstructed in any way that would increase the building height as defined in the Defined Terms Section of Article 11, Definitions of this UDO on 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 any of the NG Northgate design districts, RDD Redevelopment Districts, or P-MUD Planned Mixed-Use Development 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;
 - 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 & Character Map. Such developments at the periphery of the mixed-use area or area identified as appropriate for redevelopment shall meet the terms of this Subsection, when applicable; or
 - 8) When the developing property and all abutting properties are designated Mixed Residential on the Comprehensive Plan Future Land Use & 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 not be taller than fifty (50) percent of the linear distance from the property line that is shared with a single-family, manufactured home park, or townhouse use or district as illustrated by the inclined plane in the graphic below.

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

Example of Low-Density Residential Height Protection



- 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 the peak of the 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 (2) 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 (1) 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.

H. Public Address Systems.

Public address systems shall not be audible to adjacent residential uses.

I. Bicycle Facilities.

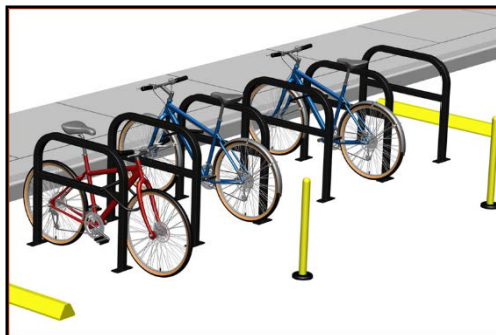
1. Number Required.

- a. For sites subject to the Non-Residential Architectural Standards Section below 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 and in any event no less than two (2) bicycle parking spaces must be provided.
- 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.

Number of Required Bicycle Parking Spaces

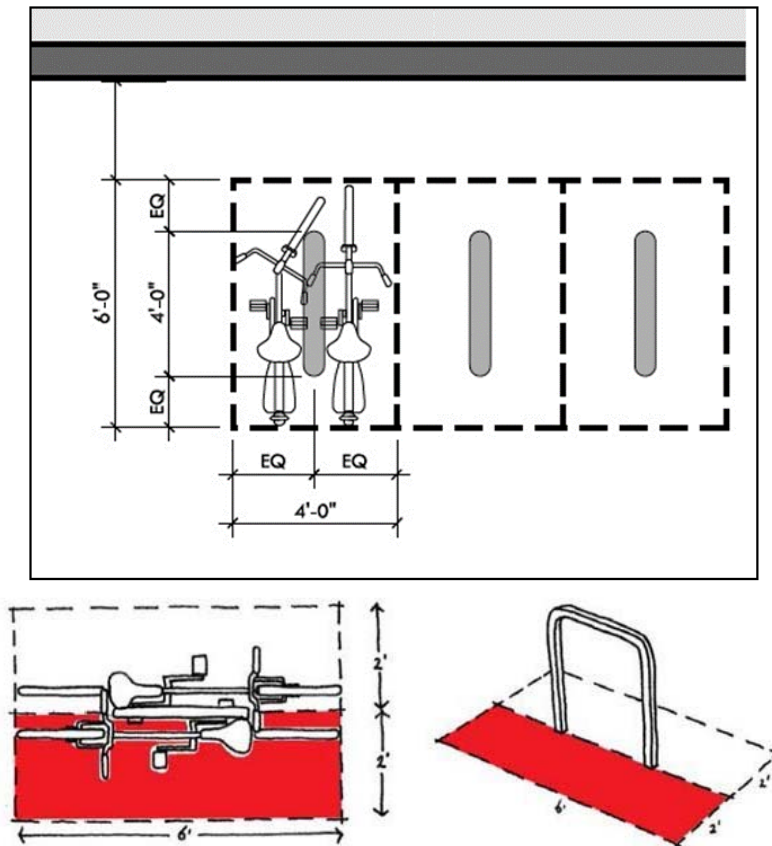
<u>Non-Residential</u>	<u>0-40 required auto spaces = 2 short-term bicycle parking spaces minimum</u> <u>41-80 required auto spaces = 4 short-term bicycle parking spaces minimum</u> <u>81-120 required auto spaces = 6 short-term bicycle parking spaces minimum</u> <u>121+ required auto spaces = 8 short-term bicycle parking spaces minimum</u>
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- c. Notwithstanding the above, in multi-tenant buildings over 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 fifteen thousand (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 Subsection of the Off-Street Parking Standards Section below 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. In areas with limited sidewalk space and frequent bicycle activity, bicycle parking may be provided in bicycle corrals located in the vehicular parking area adjacent to a curb. The design will be considered as the 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 the example image below:

Example of a Bicycle Corral

- c. Where bicycle facilities are provided for two (2) bicycles, a standard footprint that is at least four (4) feet wide by six (6) feet long shall be used.

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.
- f. Bicycle facilities shall be constructed 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.

J. 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 to enhance pedestrian and bicycle mobility and connectivity.
2. In MU Mixed-Use districts, sidewalks that are a minimum of eight (8) feet wide 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 Section below except for MU Mixed-Use districts:
 - a. Public entry façades of retail buildings that exceed two hundred (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 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 the Outside Storage and Display Section below.

- b. A site or sites that are part of a building plot over 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 that are part of a building plot over ten (10) acres shall provide one (1) 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 the required parking islands. 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; or
 - 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.

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:

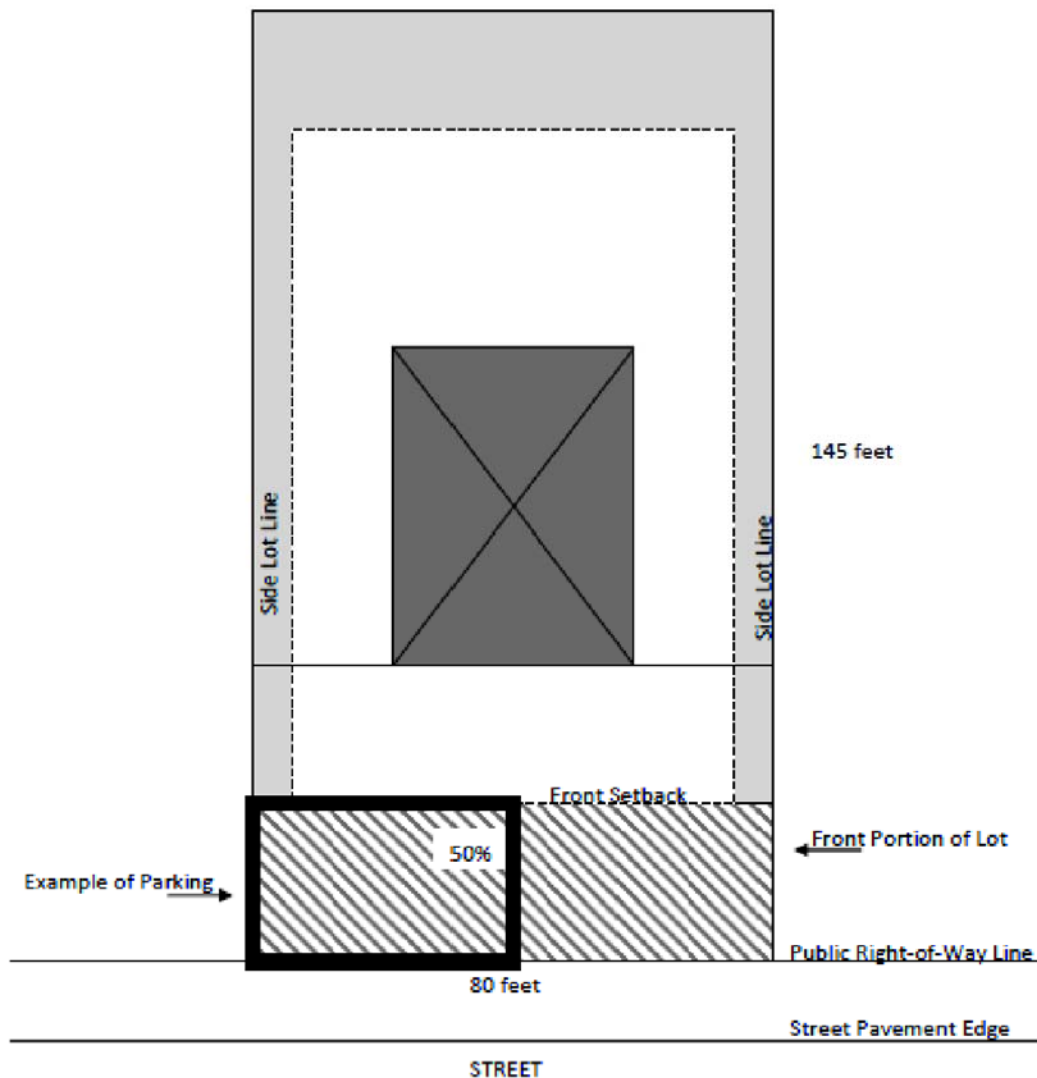
- a. In all single-family residential and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein.

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.

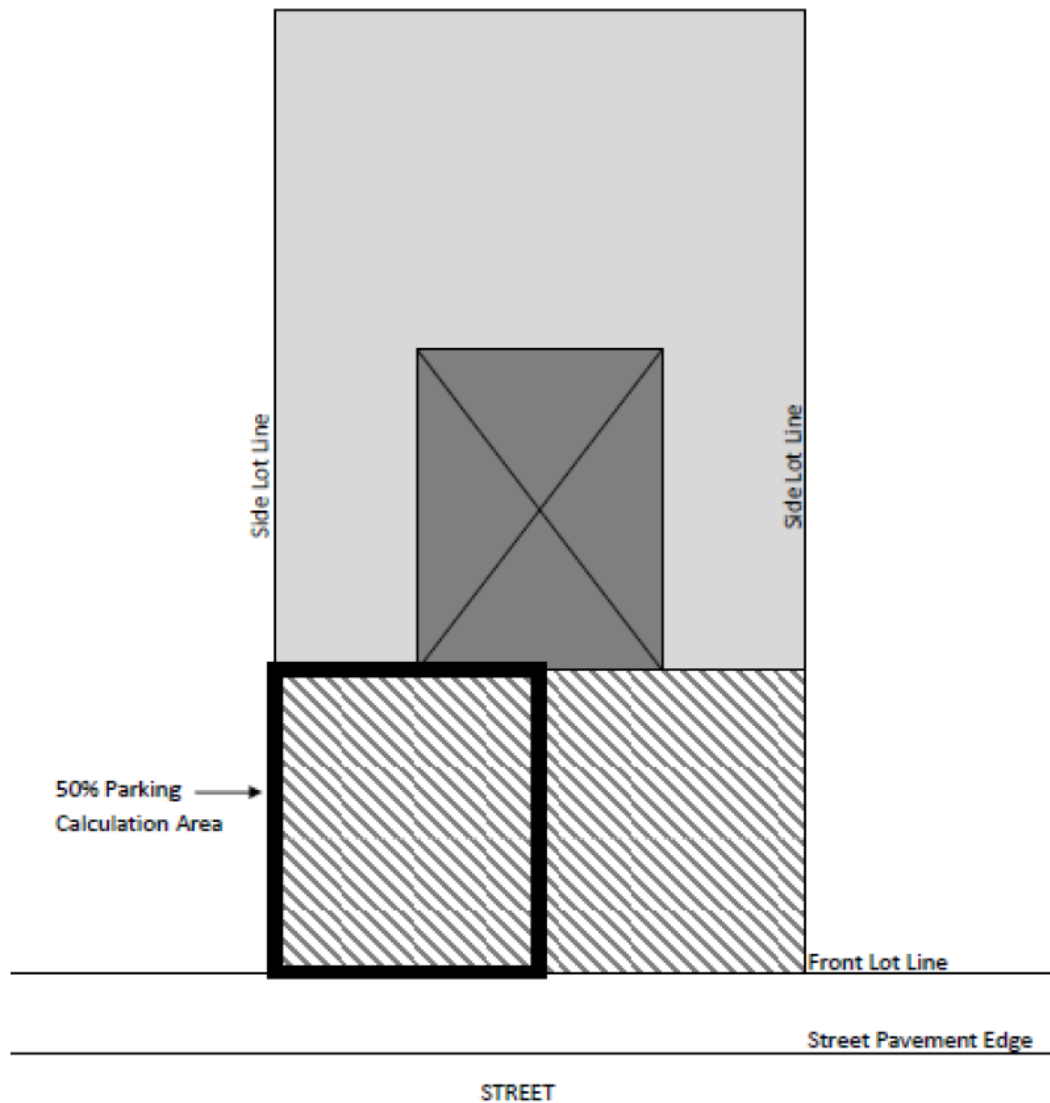
C. Dimensions, Access, and Location.

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 designated as a Redevelopment Area on the Comprehensive Plan Future Land Use & Character Map, 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.

Allowable Location for Parking in a Redevelopment Area

3. For all detached single-family uses other than as set forth 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 fifteen (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.

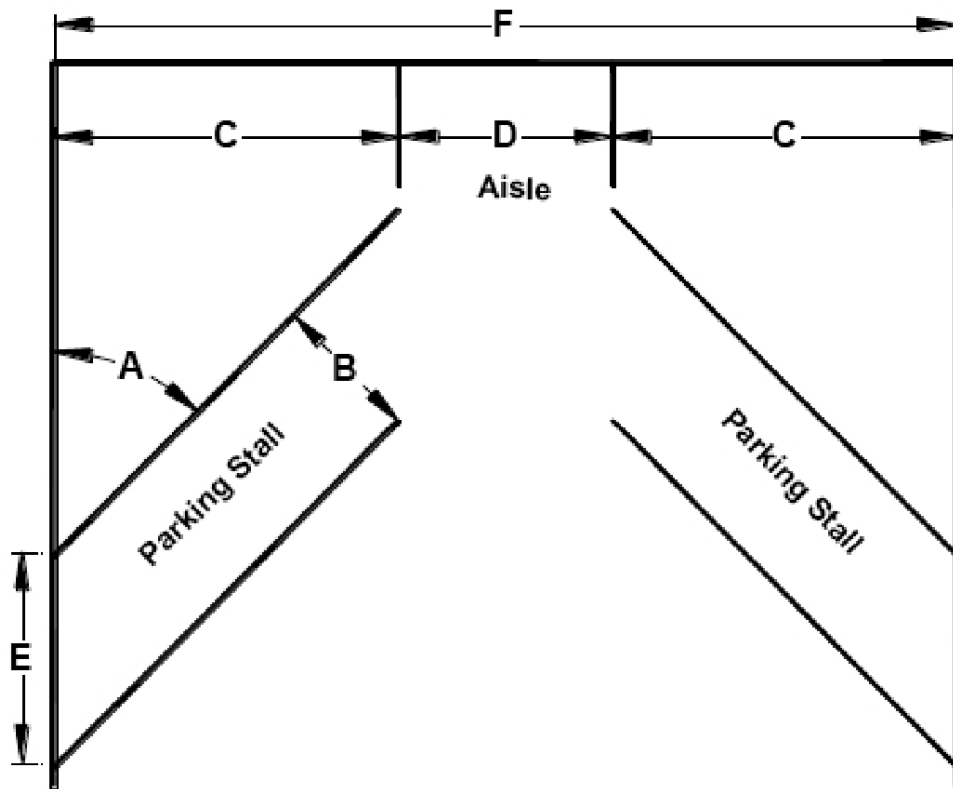
Allowable Location for Parking for Detached Single-Family Uses

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.
7. An eighteen (18) foot paved space (ninety (90) degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen (18) 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.
8. 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, townhouses, and small and medium multiplexes.

9. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
10. 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.
11. All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from face of curb to face of curb or wall to wall.

Parking Space and Aisle Dimensions Graphic



Parking Space and Aisle Dimensions							
A – Angle	B – Width of stall	C – Depth of stall 90° to aisle	D – Width of aisle		E - Width of stall parallel to aisle	F – Module width	
			One way	Two way		One way	Two way
0°	22'	10'	12'	20'	22'	22'	40'
45°	9'	21.1'	12'	20'	12.7'	54.2'	62.2'
60°	9'	22.3'	15'	22'	10.4'	59.6'	66.3'
90°	9'	20'	23'	23'	9'	63'	63'

12. 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 (18) by twenty (20) foot landscaped island.

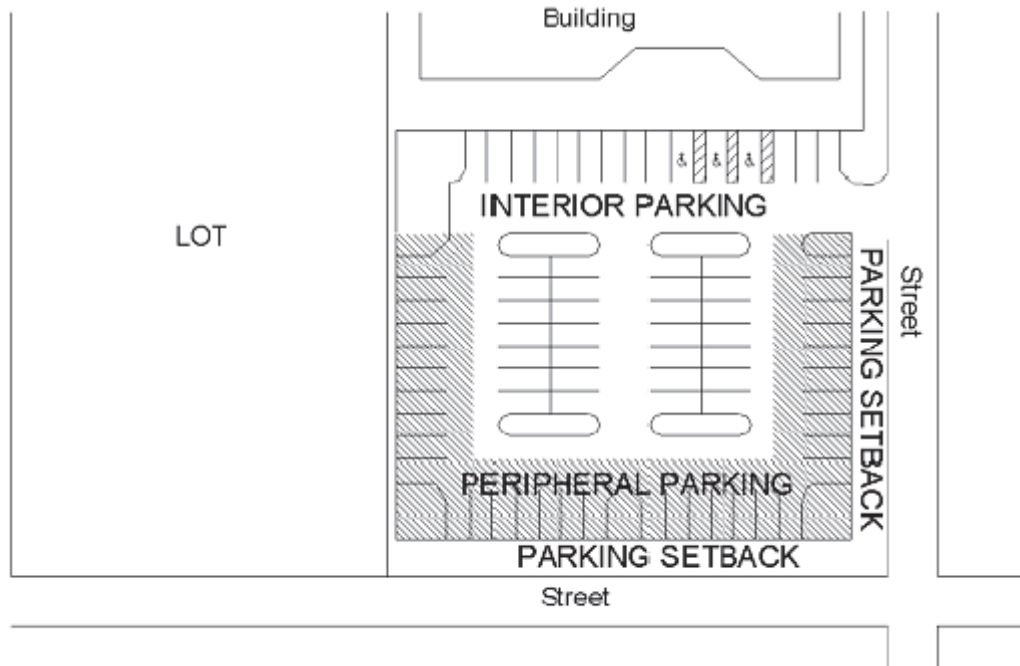
13. All parking lots and drive aisles shall be setback a minimum of six (6) feet from any public right-of-way or public way. In sites subject to the Non-Residential Architectural Standards Section below, where parking or drive aisles are located between the building and the public right-of-way or public 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.
14. 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.
15. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
16. The Design Review Board may waive parking lot dimension requirements in the WPC Wolf Pen Creek and NG Northgate districts if the development meets the goals of the master plan for the respective district.

D. Landscape Islands.

1. End Islands.

- a. 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.

Landscaped End Islands Graphic



- 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.
- c. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
- d. 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 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 to dispose of surface water accumulated within the area. Parking spaces shall be arranged and marked 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 the issuance of a certificate of occupancy.

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

During the phasing of a large project, emergency access points 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 point 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 stormwater 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 stormwater sheeting and pooling of water, so long as it is demonstrated that the permeable surface can obtain sufficient load and compaction ratings for its application as approved by the City of College Station Fire and Solid Waste Departments.
- c) Single-family and townhouse visitor parking areas, as required in Single-Family Residential Parking Requirements for Platting Subsection below, may also be constructed of porous materials such as permeable concrete and pavers to mitigate stormwater 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 stormwater 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 by 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 the development of future phases or limit access to a recorded private or public access easement adjoining properties. Wheel stops shall not be permitted as 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 WPC Wolf Pen Creek and NG Northgate 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
Church	Seat	0.33*	
Convalescent Home/Hospital	Bed	0.5	
Courtyard House	BR	1.0 Minimum of 2, Maximum of 4	

Duplex/Split-Lot Duplex	BR	1.0	
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*****		
Funeral Parlor	Seat	0.33	
Furniture Sales, Freestanding	350 s.f.	Floor area over 700 s.f.: 1.0	
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As Determined by the Administrator*****		
Gasoline and Fuel Service	300 s.f.	1.0	
Group Housing	BR	2.0	As Determined by the Administrator
Health Studio	150 s.f.	Floor area over 300 s.f.: 1.0	
Hospital	As Determined by the Administrator*****		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	Floor area over 300 s.f.: 1.0	
Live-Work Unit	250 s.f. of non-residential portion of structure	Floor area over 250 s.f.: 1.0	1/BR, Residential DU
Motor Vehicle Sales/Service:			
Office/Sales Area	250 s.f.	1.0	
Service Area	200 s.f.	1.0	

Medical or Dental Clinic			
< 20,000 s.f.	200 s.f.	Floor area over 400 s.f.: 1.0	
Mixed-Use Structure****	250 s.f. of non-residential portion of structure	Floor area over 500 s.f.: 1.0	1/BR, including residential DU and hotel/motel DU
Multi-Family Dwelling:			
1 Bedroom	BR	1.5	
2+ Bedroom	BR	1.0	
Multiplex	BR	1.0	
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,	1.0	

	and a laundry room. The Administrator may also exclude additional rooms, but not below the number of BRs.		
Single-Family Dwelling ^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	1.0/Accessory Living Quarter
Single-Unit Dwelling	BR	1.0	
Shopping Center ^{**} :			
GC, SC, WC, C-3	250 s.f.	1.0	
CI	350 s.f.	1.0	
Townhouse ^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	
Theater	Seat	0.25	
Truck Terminal	As Determined by the Administrator ^{*****}		
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-Thru Facility Queuing Requirements.

1. Minimum Number of Spaces.

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

Minimum Off-Street Queuing Requirements		
Activity Type	Minimum Spaces	Measure From
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-Thru	4	Order Box
Restaurant Drive-Thru	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 International Building Code, as adopted;
- 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 (12) foot bypass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-thru activity and exit the site;
- e. Queue areas and drive-thru facilities shall be clearly identified with the appropriate signing and marking; and
- f. Spaces within a car wash facility or drive-thru 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 the Required Parking Section above.

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 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 Brazos County Clerk's Office for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the issuance of a building permit. An approved alternative parking plan may be amended by the Administrator.

6. **Eligible Alternatives.**

Several 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. Single-family, duplex, and townhouse 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 principal 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;

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 a written agreement among the owners of record. An attested copy of the agreement shall be submitted to the Brazos County Clerk's Office for recordation on forms made available in the Planning and Development Services Department. 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 the 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 principal 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 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 Brazos County Clerk's Office for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the 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.

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.

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. Non-residential uses shall not take direct access to local streets, provided that any lot located within a non-residential subdivision or any parcel adjacent to a street within a non-residential 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/expressway 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, duplex, or townhouse shall take direct access to minor collector streets except when permitted by Article 8, Subdivision Design and Improvements of this UDO. 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, 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.**

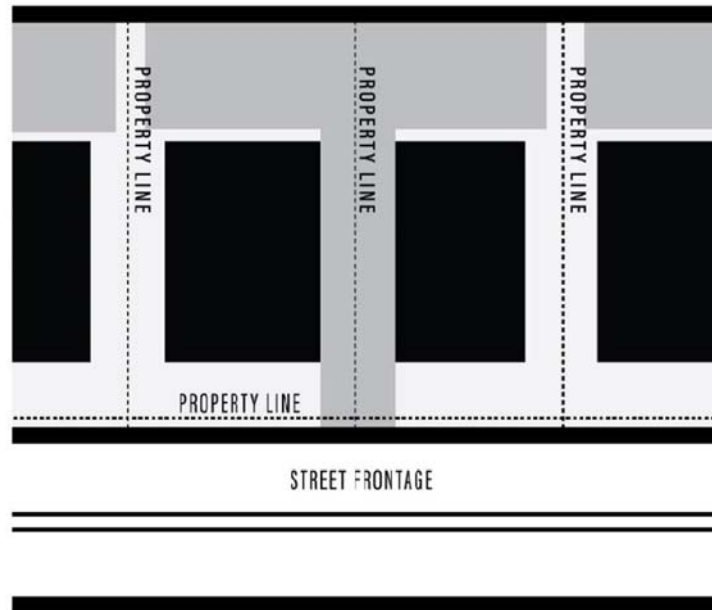
No single-family dwelling, duplex, townhouse, or multiplex shall take direct access to arterial streets.

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 (1) driveway shall be allowed for every two (2) lots, unless a rear alley is provided. The Administrator may approve up to three (3) lots to take access from a single driveway if a shared access easement is provided. See the example diagram below:

MH Middle Housing Shared Driveways



2. Cross-Access Easements.

- a. If a parcel is to be developed for any non-residential 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 non-residential 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 demonstrated that adequate circulation and cross access have 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.

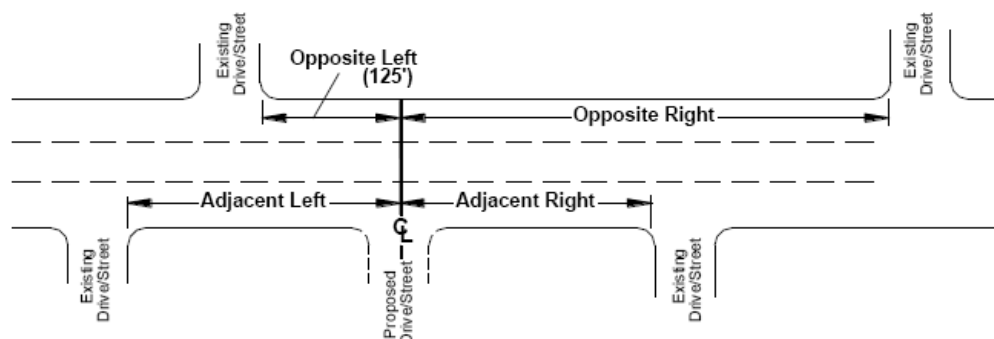
- a. In determining the location of driveway access, the Development Engineer shall consider:
 - 1) The characteristics of the proposed use;
 - 2) The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;
 - 3) The location of the 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;
 - 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 twenty (20) feet.
- e. No cuts through a left-turn reservoir of a median shall be permitted, 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 of this UDO:
 - 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 Comprehensive Plan Functional Classification & Context Class Map. 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 current edition of the American Association of State Highway and Transportation Officials' (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.

Driveway Spacing Diagram



- 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 their 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 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.

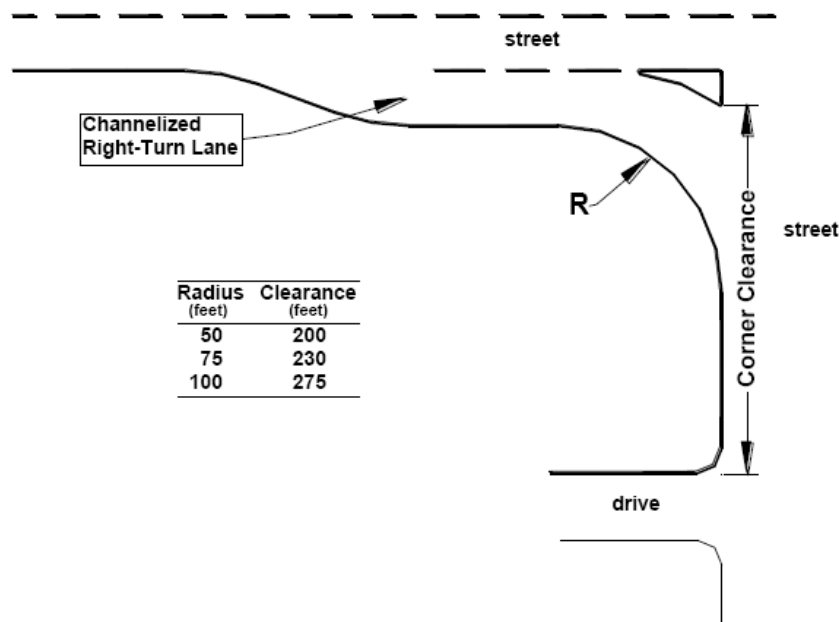
4. Freeway/Expressway Frontage Road Access and Location Requirements.

- 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).
- These guidelines apply to existing and planned interchanges.
- 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.

- No residential driveway approach shall be constructed within the site distance triangle detailed in the Visibility at Intersections in all Districts Subsection of the General Provisions Section above.
- 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.

Channelized Right-Turn Lane Guideline



- 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 a lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

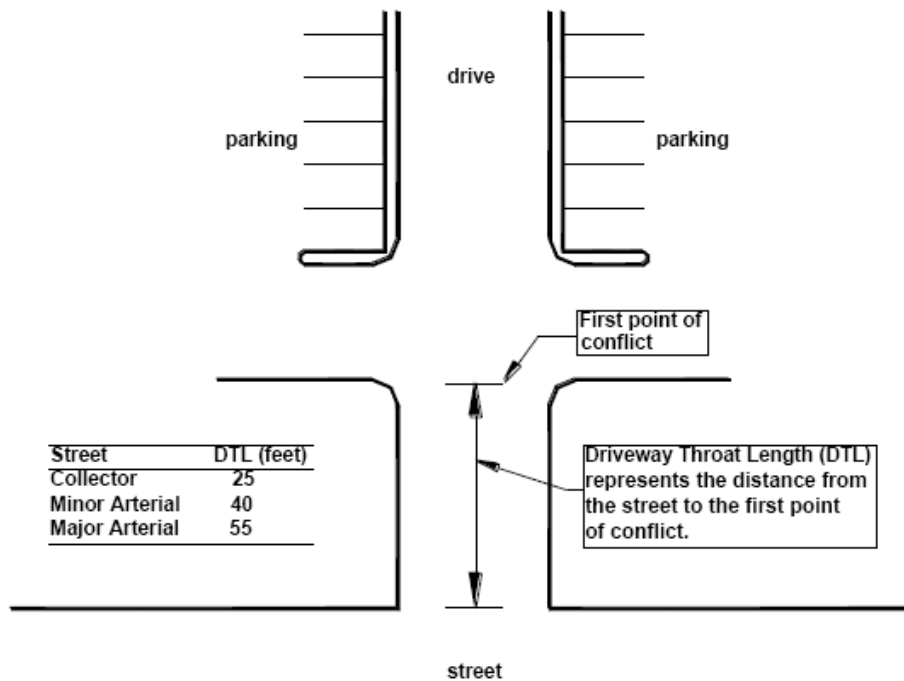
6. Shared Access.

- a. A joint private access easement may be required between adjacent lots fronting arterials and collectors 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 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 Bryan/College Station Unified Design Guidelines.
- 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:
 - 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 of up to fifty (50) feet.
 - 3) Curb return radii for driveway types not included above shall be determined by the Administrator.
- d. The maximum width of the 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 the 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 centers) a minimum throat depth of one hundred thirty (130) feet will be required.

Throat Depth Requirements



- i. Gated residential communities shall use the Private Streets and Gating of Roadways Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO 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. If the posted speed is greater than forty (40) miles per hour, 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) vehicles per hour.
- m. Driveways shall be constructed 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) vehicles per hour when the posted speed on the roadway is greater than forty (40) miles per hour. The design of right-turn deceleration lanes shall be in accordance with the current edition of the AASHTO *A Policy on Geometric Design of Highways and Streets* on auxiliary lanes.
- p. The spacing requirements for driveways not meeting the specifications in the Driveway Access Location and Design Subsection above may be lessened or waived if auxiliary lanes are used.

- q. Access points on arterial and collector streets may be required to be signalized, 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.

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 their 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 ensure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the 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 to developments within the zoning districts listed in the Summary of Permitted Signs Subsection below. These regulations only apply to special districts within the City of College Station in accordance with the following Sections:
 - a. The WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO;
 - b. The NG Northgate Districts Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO; and
 - c. The OV Corridor Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

C. Summary of Permitted Signs.

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

Summary of Permitted Signs																									
	R	WE	E	WRS	R-1B	GS	D	T	MH	MF	MU	R-4	R-6	MHP	O	SC	WC	GC	CI	C-3	BP	BPI	R&D	M-1	M-2
Apartment/ Condominium/ Manufactured Home Park Identification Signs										X	(a)	X	X	X											
Area Identification/ Subdivision 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 Signs (b)										X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Campus Wayfinding Signs										X	X				X	X	X	X	X		X	X	X		
Commercial Banners (b)										X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Development 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
Directional Traffic Control Signs											X				X	X	X	X	X	X	X	X	X	X	X
Freestanding Signs (b)															(c)	(d)		X	X					X	X
Hanging Signs											X														
Home Occupation Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X											
Low Profile Signs (b)										X					X	X	X	X	X	X	X	X	X	X	X
Non-Commercial 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
Projection Signs										X	X														
Real Estate, Finance, 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

Construction Signs																										
Roof Signs																X	X							X	X	

Notes:

- (a) Apartment signage is permitted in the MU Mixed-Use district as attached signs only.
- (b) Except as provided for in the Signs for Permitted Non-Residential Uses in Residential or Rural Districts Subsection below.
- (c) One (1) freestanding sign shall be allowed in the O Office zoning district only when the building plot has a minimum of two (2) acres.
- (d) Freestanding signs are permitted for building plots with freeway/expressway frontage only. See the Freestanding Commercial Signs Subsection below for additional standards.

D. Prohibited Signs.

The following signs shall be prohibited in the City of College Station:

1. Portable and trailer signs, and temporary freestanding signs;
2. Signs painted on rooftops;
3. Inflated signs, pennants, wind-driven devices (excluding flags), tethered balloons, and/or any gas-filled objects for advertisement, decoration, or otherwise, except as permitted in the Grand Opening Signs and Special Event Signs Subsections below;
4. Vehicle signs except as permitted in the Vehicle Signs Subsection below;
5. Flags containing copy or logo, excluding the flags of any country, state, city, or school, are prohibited in residential zones and on any residentially developed property (except when flags are used as subdivision signs);
6. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards that change more than once per fifteen (15) minutes, either internal or external to the premise, and oriented and visible to vehicular traffic. Time and temperature signs are permissible if the maximum area and setback requirements of this Section are met and if the commercial information or content of such signs are restricted to no more than eight (8) square feet;
7. Signs containing manual change copy which are greater than thirty (30) percent of the allowable sign area;
8. Any signs that are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words that are erected for purposes other than actual traffic control or warning to the public;
9. Any sign located within the site triangle in any district as stated in the Visibility at Intersections in all Districts Subsection of the General Provisions Section above. This does not include traffic control or directional signs;
10. Any sign that emits sound, odor, or visible matter; and
11. Off-premises signs, including commercial and non-commercial billboards.

E. Exempt Signs.

The following signs are exempt from the requirements of this UDO:

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 the International Building and Electrical Codes, as adopted;
2. Official notices posted by government officials in the performance of their duties, including but not limited to 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 or secondary educational facility, except that such signs shall adhere to the limitations of the Prohibited Signs Subsection above;
4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or another 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 the Non-Commercial and Political Signs Subsection below;

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 the approval of the Administrator;
11. Flags used as political symbols;
12. Special district identification signs as defined by the Defined Terms Section of Article 11, Definitions 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 development review body in accordance with Article 2, Development Review Bodies of this UDO;
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 is for designated locations, a specified period of time, 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 the Defined Terms Section of Article 11, Definitions 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 set forth in the Visibility at Intersections in all Districts Subsection of the General Provisions Section above.
 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.

F. Sign Standards.

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

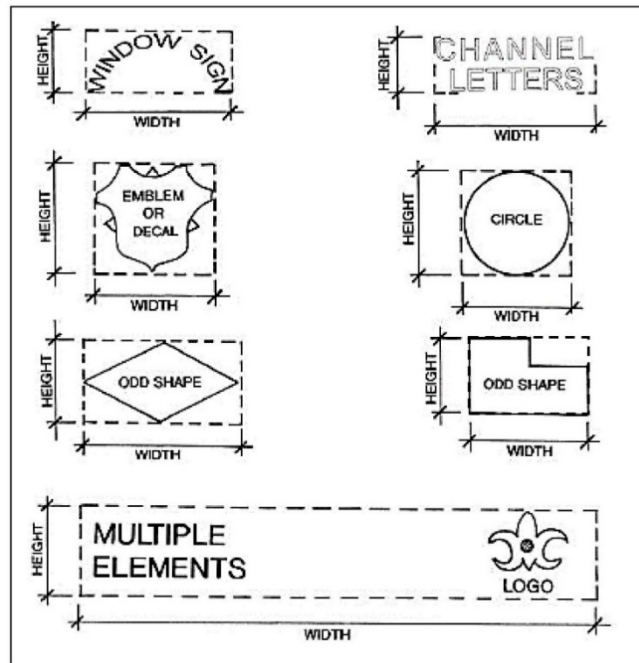
Sign Standards				
KEY: SF = square feet DU = Dwelling Unit				
Sign Type	Maximum Area (a)	Maximum Height	Setback From ROW	Number Allowed
Apartment/Condominium/Manufactured Home Park Identification Signs	100 SF	10'	10'	1/frontage
Area Identification Signs	16 SF	4'	10'	1/subdivision or phase that is between ten (10) and fifty (50) acres
Attached Signs	2.5 SF per linear foot of all public entry façades, not to exceed 500 SF	Not to exceed one (1) foot from the top of the wall, marquee, or parapet to which it is attached	N/A	Any number allowed if within the total allowed area of attached signs
Campus Wayfinding Signs	30 SF	6'	N/A	See the Campus Wayfinding Signs Subsection below
Commercial Banners	36 SF	Not to exceed the top of the structure to which it is attached	10'	1/building plot
Development Signs Facing Collector (d) or Residential Street	35 SF	15'	10'	1/building plot
Development Signs Facing Arterial (d)	65 SF	15'	10'	1/building plot
Development Signs Facing Freeway/Expressway (d)	200 SF	15'	10'	1/building plot
Directional Traffic Control Signs	3 SF	4'	4'	1/curb cut
Freestanding Signs	See the Freestanding Commercial Signs Subsection below			1/building plot where lot exceeds 75 feet of frontage
Hanging Signs	4 SF	N/A	N/A	1/building entrance
Home Occupation Signs	2 SF	Not to exceed the top of the wall to which it is attached	N/A	1/dwelling unit
Low Profile Signs	60 SF	4'	10'	See the Low Profile Signs

				Subsection below (b) (c)
Projection Signs	See the Projection Signs Subsection below	Not to exceed one (1) foot from the top of the wall, marquee, or parapet to which it is attached	N/A	1/frontage
Real Estate, Finance, and Construction Signs on lots up to one hundred fifty (150) foot frontage	16 SF	8'	10'	Real Estate Signs: 1/frontage
Real Estate, Finance, and Construction Signs on lots greater than one hundred fifty (150) foot frontage	32 SF	8'	10'	Finance Signs: 1/property Construction Signs: 3/property
Roof Signs	See the Freestanding Commercial Signs Subsection below, not to exceed 100 SF	10' above the structural roof	N/A	1/building plot in place of a freestanding sign
Subdivision Signs	150 SF	15'	10'	1/primary subdivision entrance. Not to exceed 2 signs

Notes:

- (a) 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.
- (b) Except as provided for in the Freestanding Commercial Signs Subsection below.
- (c) In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) low profile sign per structure is permitted.
- (d) As designated on the Comprehensive Plan Functional Classification & Context Class Map.

How To Calculate the Area of Different Types of Signs



G. 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 set forth in the Summary of Permitted Signs Subsection above and subject to the requirements set forth in the Sign Standards Subsection 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 the Sign Standards Subsection above.

H. Area Identification and Subdivision Signs.

1. Area identification signs shall be permitted upon private property in any zone to identify subdivisions of ten (10) to fifty (50) acres in size subject to the requirements set forth in the Sign Standards Subsection above. Area identification signs may also be used within a large subdivision to identify distinct areas within that subdivision subject to the requirements in the Sign Standards Subsection 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 the Sign Standards Subsection above.
3. Both area identification and subdivision signs must be located on the building plot as identified by a preliminary plan of the subdivision. Subdivision signs will be permitted only at the intersection of two (2) collector or larger streets on the perimeter of the subdivision. 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 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, used in conjunction with a subdivision or area identification sign, are permitted attached to architectural elements within the subdivision.
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 set back as shown in the Sign Standards Subsection above except in areas where a private improvement in public right-of-way permit has been issued.

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 shall count as part of the allowable sign area of the attached signs for the site if identifiable from the right-of-way as determined by the Administrator. See the Sign Standards Section of the City of College Station Site Design Standards for more information. 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. **Campus Wayfinding Signs.**
 - 1. A campus wayfinding sign:
 - a. May be utilized as a part of a PDD Planned Development District or unified development that is at least twenty (20) acres in size, contains multiple buildings, and 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.
- K. **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 the Attached Signage Subsection above;
 - 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 the public road right-of-way;
 - g. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - h. Except as identified below, shall be allowed for a maximum fourteen (14) 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 as established by resolution of the City Council 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 the Special Event Signs Subsection below.

L. Development Sign.

- 1. A development sign may be placed only on private property subject to the requirements in the Sign Standards Subsection 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 (12) 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 plan 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 (12) month period upon request. Once a plat has been approved, the sign permit is valid as long as a preliminary plan is in effect, or in the absence of a valid preliminary plan, for twenty-four (24) months from the date of approval of a final plat.

M. 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 the Sign Standards Subsection above.
- 2. For multiple lots sharing an access easement to the 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.

N. Electronic Reader Boards.

In addition to meeting the other requirements of this Section, electronic reader boards 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 three-tenths (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:
$$\text{Measurement distance} = \sqrt{\text{sign display area} \times 100}$$
- 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.

O. 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, 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).

P. Freestanding 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 (Linear Feet)	Maximum Area (Square Feet)
0—75	Low Profile only
76—100	50
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, the area shall be considered the area in square feet of a single-face sign, 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 higher classification street on the Comprehensive Plan Functional Classification & Context Class Map. Where the two (2) streets are classified the same, the applicant may choose the frontage street.

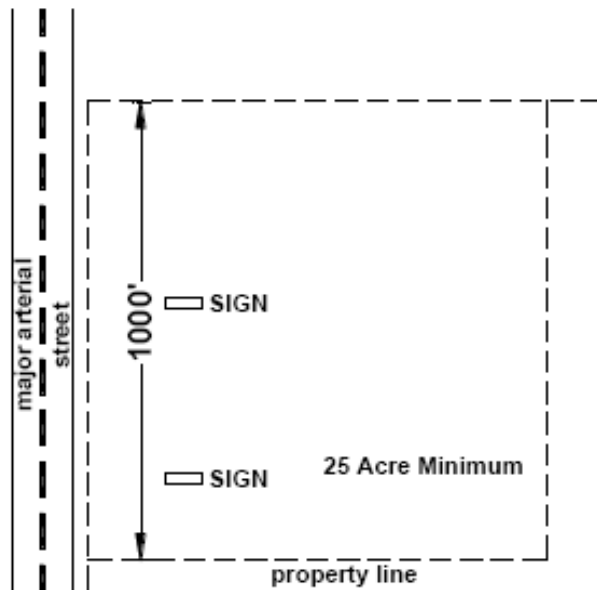
d. Allowable Height.

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

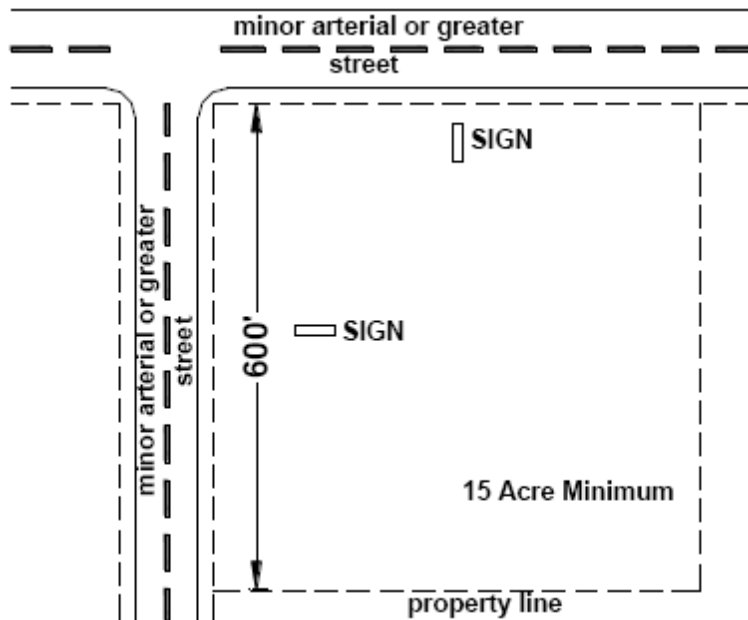
distance by two (2). No freestanding commercial sign shall exceed thirty-five (35) feet in height;

2. For the purposes of this Section, the 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 the curb shall be measured in feet from the back of the curb or pavement edge to the nearest part of the sign; and
 4. For properties with freeway/expressway 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. Freestanding commercial signs must be adjacent to and oriented to the freeway/expressway frontage.
2. Freestanding commercial signs are allowed only on developed commercial property established in the appropriate zones as set forth in the Summary of Permitted Signs Subsection above. One (1) freestanding sign shall be allowed in the O Office zone only when the building plot has a minimum of two (2) acres, subject to the requirements set forth in the Sign Standards Subsection above. One (1) low profile sign shall be allowed in the O Office zone when the building plot has less than two (2) acres subject to the requirements set forth in the Sign Standards Subsection above.
 3. A building plot 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.
 4. Building plots with less than seventy-five (75) feet of frontage may be combined 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 a street classified as a major arterial or higher on the Comprehensive Plan Functional Classification & Context Class Map 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 a street classified as a major arterial or higher on the Comprehensive Plan Functional Classification & Context Class Map and the site must have additional frontage on a street classified as a minor arterial or higher on the Comprehensive Plan Functional Classification & Context Class Map, 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 higher on the Comprehensive Plan Functional Classification & Context Class Map, will be allowed the area of the sign to be less than or equal to the square of one-sixth (.17) 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 this Subsection, and to the standards of the Allowable Area Subsection above, 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 the Sign Standards Subsection above.

Q. Fuel Price Signs.

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

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.

R. Grand Opening Signs.

1. Flags, commercial banners, and balloons that advertise a business's grand opening may be displayed for one (1) consecutive fourteen (14) day period, selected by the business owner, within sixty (60) days of 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.

S. Hanging Signs.

1. Hanging signs shall be suspended from canopies or awnings and located in front of building entrances and perpendicular to the façade.
2. A maximum of one (1) hanging sign per building entrance is allowed.

3. 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.
4. Hanging signs located in or over the public right-of-way shall require a private improvement in public right-of-way permit in addition to the necessary building permit.

T. 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 the same were 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 is continuous.

U. Low Profile Signs.

In addition to meeting the other requirements of this Section, low profile signs are subject to the following:

1. A building plot 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;
2. Each 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 the Sign Standards Subsection above; 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.

V. Non-Commercial and Political Signs.

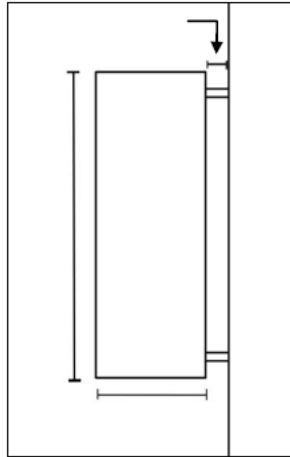
This Section does not regulate the size, content, or location of non-commercial signs except as follows:

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 the public road right-of-way;
 - c. May be located off the premises of the property owner who is displaying the sign; and
 - d. May not be located within any sight distance triangle as defined in the Visibility at Intersections in All Districts Subsection of the General Provisions Section above, or a location that would hinder intersection visibility as determined by the Administrator. This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by the 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 any non-commercial sign is located in a public right-of-way, 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.

W. Projection Signs.

Example Projection Sign



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.
2. The total square footage of all projection signs used will be applied toward the total allowable area for the 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 (4) 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 or over the public right-of-way shall require a private improvement in public right-of-way permit in addition to the necessary building permit.

X. 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 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, finance and construction signs shall be removed prior to the issuance of a certificate of occupancy.

Y. Roof Signs.

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

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 the Low Profile Signs Subsection above.

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 the Low Profile Signs Subsection above.
2. Signs for places of worship with frontage on a street classified as freeway/expressway on the Comprehensive Plan Functional Classification & Context Class Map are allowed one (1) freestanding sign in accordance with the Freestanding Commercial Signs Subsection above or one (1) low profile sign in accordance with the Low Profile Signs Subsection above. The freestanding sign must be adjacent to and oriented 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 the Attached Signs and Commercial Banners Subsections above.

BB. Signs in the Extraterritorial Jurisdiction.

All off-premise and portable signs shall be prohibited within the extraterritorial jurisdiction.

CC. Special Event Signs.

1. Signs, including commercial banners and balloons, advertising or announcing a special event, as defined in Chapter 8, Businesses of the City of College Station Code of Ordinances, are permitted as a part of the special event permit 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.

DD. 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.

EE. Abandoned, Damaged, or Unsafe Signs.

1. The provisions of this Section shall apply when in conflict with the provisions of the International Building Code, as adopted, 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 over 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 the authority to grant a thirty (30) day extension where they determine there is a reasonable necessity for same.
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.

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 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 College Station proposed for site development with the exception of those zoned NG-1 Core Northgate and NG-3 Residential Northgate. The requirements also do not apply to single-family, duplex, townhouse, or mixed-use developments in the MU Mixed-Use 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 (8) foot landscaped setback shall be required between the property line and the nearest side of the parking pad. This eight (8) foot setback area must be landscaped and contain a three (3) foot high screen consisting of a continuous berm, hedge, or wall. In addition, an eight (8) 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, townhouse, and courtyard house developments, as follows:
 - a. A minimum of two (2) trees of at least two (2) inch caliper or one (1) tree of four (4) inch caliper shall be planted on each lot with every new single-family home.
 - b. A minimum of one (1) tree of four (4) inch caliper shall be planted on each lot with every new courtyard house.
 - c. For townhouse and courtyard house developments, the Administrator may allow the required trees to be dispersed throughout, including common areas.
 - d. The landscaping requirements of this Section shall apply to manufactured home parks, but not to individual manufactured homes on separate lots.
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 (4) inch caliper) may be substituted for a new tree;
 - c. Canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards and may be grouped as desired so long as the canopy trees are reasonably 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, such as ten (10) shrubs for every thirty (30) linear feet of frontage, is required along one hundred (100) percent of the street 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 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 (4) inch caliper) may be substituted for a new tree.
 - b. Canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards and may be grouped as desired so long as the canopy trees are reasonably 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. 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 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 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 Landscape & Streetscape Standards Section of the City of College Station Site Design Standards, or as deemed appropriate by the United States Department of Agriculture (USDA) for Zone 8 in their Hardiness Zone Map.
- C. **Landscaping Point Requirements.**
1. The landscaping point requirement 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.
- 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 each 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 the 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 City of College Station 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 the parking area consists of enhanced paving.
- c. A ten (10) percent point credit will be awarded for every one (1) percent of the 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 another 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 City of 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 shall be measured on a single cane of a multi-trunk tree.
- c. Landscaping points are accrued as follows:

Plant Material Point Values		
Plant Material	Points Accrued (per Plant)	Installed Size Caliper (Inches)
New Plantings		
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
Existing Trees with No Barricade Protection Area		
Canopy Tree	40	4 to 14.5
Non-Canopy Tree	35	2 and larger
Existing Trees Within Barricade Protection Area		
Canopy Tree	800	Between 4 and 8
	1,000	8 and larger
Non-Canopy Tree	300	Between 2 and 4
	400	4 and larger

- 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 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 and freeways/expressways as designated on the Comprehensive Plan Functional Classification & Context Class Map, 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;
 - f. Canopy and non-canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards 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 (4) 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 Section below:
- 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 l;
 - 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 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 of fifty (50) percent of all shrubs used for screening shall be evergreen.
 - f. The following options are allowed as parking lot screening methods:
 - 1) 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;
 - 2) Berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum slope of three (3) feet of height for every one (1) foot of width. 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 (3) foot screening requirement; or

- 3) Half-berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum allowable slope of one (1) foot of height for every three (3) inches of width. 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.
 - 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 the Detention Pond Aesthetic Design Subsection of the Flood Hazard Protection Section below.

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 prior to the issuance of a certificate of occupancy;
9. Provide landscape information as set forth below:
 - a. Landscape points required for the 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 the plan identified by a symbol defined in a landscape legend (see sample legend below).

Sample Landscape Plan Legend

City of College Station SAMPLE LEGEND LANDSCAPING POINT CALCULATIONS					
SYMBOL	SIZE	NAME & TYPE	QUANTITY	POINT VALUE	POINT
	8" AND LARGER EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	2	300	600
	4" TO 8" EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	13	200	2600
	2" TO 14.5" EXISTING W/O BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	8	35	280
	1.25" CALIPER AND LARGER	TREE CREPE MYRTLE (Lagerstroemia Indica) Non-canopy tree	6 (NEW)	40	240
	5 GAL	WAX LEAF LIGUSTRUM (Ligustrum texanum) Shrub	46 (NEW)	10	460
NOTE: Symbols are for reference. Any symbols used must be delineated on all site plans.					
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.					
STREETScape: $136.57\text{-LINEAR FEET} \times 6 = 819.42 = 820 \text{ PTS.}$ $136.57\text{-LINEAR FEET} / 25 = 5.46 = 6 \text{ CANOPY TREES}$ POINTS PER PROJECT AREA: $26,416.3 \text{ SQUARE FEET OF SITE AREA}$ $26,416.3 / 1,000 = 26.42$ $26.42 \times 30 = 792.6 = 793 \text{ POINTS}$ TOTAL POINTS REQUIRED: 1,613					

10. Provide streetscape information as set forth below:
 - a. Streetscape points required for site and calculations shown.
 - b. A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping.
 - c. 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:
 - a. Prior to land development or redevelopment, or any construction thereof, the developer shall clearly mark all qualifying and significant trees to be preserved;
 - 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 the disposal of any waste material including 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 fifty (50) percent of 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 the Visibility at Intersections in all Districts Subsection of the General Provisions Section above.

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 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 accordance with this Section and the approved landscape/streetscape plan. Landscaping/streetscaping shall be completed in accordance with the approved plan prior to the issuance of a certificate of occupancy. 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.

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.

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 set forth in the Minimum Buffer Standards Subsection below. 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 & Character Map designates the area as a Redevelopment Area;
 - d. The property is zoned P-MUD Planned Mixed-Use District or PDD Planned Development District 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, as adopted;
 - f. The developing property is in any of the NG Northgate design districts or RDD Redevelopment District;
 - g. The required buffer yard is adjacent to FEMA designated one hundred (100) year floodplain or residential common area, with approval by the Administrator; or
 - 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 & 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 set forth in the Minimum Buffer Standards Subsection below. In the event a property abuts a less intense use and a less intense zoning district, the 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, owners association's, or the Administrator's option to provide convenient pedestrian access to non-residential 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 (Classification)	ABUTTING PARCEL (a) (Use least restrictive of the zoning or the developed use.)		
	Single-Family Residential (b)	Multi-Family Residential	Non-Residential (c)
Single-family (b)	N/A	N/A	N/A
Developments in MH Middle Housing	2.5' for every 5' of building height (f)	N/A	N/A
Structures with a shared housing use	2.5' for every 5' of building height (f)	N/A	N/A
Multi-family (c)	10' (f)	N/A	N/A
Office	10' (f)	N/A	N/A
Commercial (e)	15' (g)	10' (f)	N/A
Industrial	25' (g)	15' (g)	5'
Developments in BP Business Park	50' (g)	15' (g)	5'
Developments in BPI Business Park - Industrial	50' (g)	30' (g)	10' (d)
Sexually oriented businesses	50' (g)	50' (g)	50' (g)

Notes:

- (a) 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 & Character Map in lieu of the zoning category in determining the buffer requirement.

- (b) Includes manufactured homes, mobile homes, manufactured home parks, duplexes in the D Duplex zoning district, and townhouses in the T Townhouse zoning district.
- (c) Includes commercial and other non-residential uses developed in the MF Multi-Family district.
- (d) When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five (5) feet.
- (e) When a developing parcel is zoned WC Wellborn Commercial and adjacent to a single-family use, the buffer width shall be twenty (20) feet with a fence.
- (f) Shall include a fence.
- (g) Shall include a 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) Required buffer 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 designation on the Comprehensive Plan Future Land Use & Character Map, 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.
- 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 (5) 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 (2) 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) one and one-fourths (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 (5) 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 (2) 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 the Landscaping and Tree Protection Section above.
 - d. Fifty (50) percent of all required shrubs within the buffer yard shall be evergreen.
 - e. Plant materials shall show a variety of textures, colors, shapes, and other characteristics. Recommended buffer materials can be found in the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards or those listed as appropriate for Zone 8 on the United States Department of Agriculture (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 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 the Landscaping and Tree Protection Section above.
 - i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as set forth in the Visibility at Intersections in all Districts Subsection of the General Provisions Section above.
3. **Fences and Walls.**
- a. Fences may be solid wood or solid wood accented by masonry, stone, Exterior Insulation and Finish System (EIFS), 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 International Building Code, as adopted, 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 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 the Landscaping and Tree Protection Section above.
- 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 one (1) foot of height for every three (3) inches of width. Berms over six (6) feet in height shall have a maximum slope of four (4) feet of height for every one (1) foot of width 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 the time of planting) are provided to create a solid screen along the common property line.
- h. Buffer plantings may be reduced by fifty (50) percent 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 the Maintenance and Replacement Subsection above, shall be to the Design Review Board.

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 Design Review Board may authorize on appeal alternative buffer standards for a specific property or a waiver to 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, 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.

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 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. 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 (8) -yard dumpster per thirty-two (32) 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 (8) yard dumpster per thirty-two (32) bedrooms.
4. The interior clearance (inside the screen) dimensions for a single three hundred (300) 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 (8) 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 (8) 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 dumpster 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 (6) 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 (300) 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 (300) 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 the required screening. Materials may be dictated by the terms of a conditional use permit or the Design Review Board.

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 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 solid waste service is required and shall be located furthest from single-family use or zoning.

Sec. 7.9. Flood Hazard Protection.

- A. Any reference to this Section shall also apply to the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances.

- B. **Detention Pond Aesthetic Design.**

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 designated as High Water Usage/Detention Pond Appropriate in the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards 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.

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 College Station;
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 this Section.

The following are exempt from this Section:

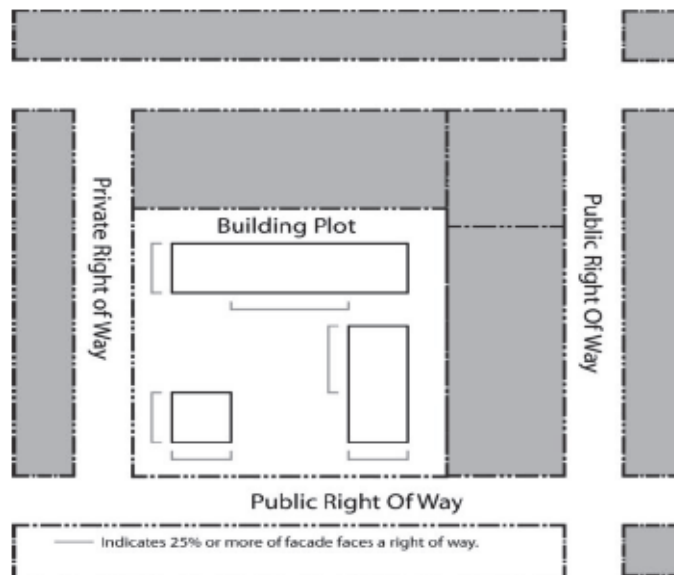
1. Buildings internal to the BP Business Park zoning district. Any building located within BP Business Park districts is required to comply with this Section if it is along the periphery of the zoning district. All other interior buildings located within BP Business Park districts are exempt from this 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: places of worship, primary and secondary educational facilities, municipal industrial facilities, and private utility buildings that are screened from public or private rights-of-way and adjacent properties.
4. Freestanding structures such as pavilions, canopies, gazebos, automated teller machines, etc. that are unenclosed buildings and do not have walls. Unenclosed structures that are attached or functionally appear as 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. General Standards.

- a. 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.
- b. A façade is considered facing a public right-of-way, private access easement, or public way when an imaginary plane could be extended unobstructed by a wall or structure in the building plot from at least twenty-five (25) percent of the façade into the public right-of-way, private right-of-way, or public way adjacent to the building plot, as illustrated below.

How to Determine Facing



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 include encasement, parapet walls, partition screens, and 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.

- 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, primary façades on buildings over eight thousand (8,000) square feet shall have an articulation of a minimum four (4) foot depth within each fifty (50) foot section of façade.
- 3) For all properties zoned MU Mixed-Use, the vertical wall plane of any façade visible from the 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) 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 another 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 of 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) 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 fifty (50) percent of the required minimum number of elements on a façade may consist of the same type of relief element.
- 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. For example, 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) 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:
 - a) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches;
 - b) Wall plane projections or recessions with a minimum of four (4) foot depth;
 - c) Pilasters that project from a wall at least four (4) inches or columns;
 - d) 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;
 - e) 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;
 - f) Recessed entries, stoops, porches, or arcades;
 - g) Balconies that extend from the building;
 - h) Boxed or bay windows;
 - i) Decorative stormwater management initiatives physically integrated with the building, as approved by the Administrator; or
 - j) Other architectural relief elements that provide visual interest to the affected façade and are of a physical scale to possess architectural significance may be approved by the Administrator.
- 11) 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:

- a) Decorative or functional window shutters;
 - b) Covered front porch extending along at least fifty (50) percent of the 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;
 - c) Eaves over eighteen (18) inches, if used on a façade that does not have a covered front porch;
 - d) Window planter boxes;
 - e) Window canopy;
 - f) Dormers;
 - g) Transom windows;
 - h) Decorative façade lighting;
 - i) Chimneys or cupolas;
 - j) Cross gables;
 - k) Entry portico;
 - l) Horizontal articulation with a minimum depth of four (4) feet for WC Wellborn Commercial only;
 - m) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches for SC Suburban Commercial zoning only;
 - n) 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 four inches over twelve inches (4/12) for SC Suburban Commercial zoning only; or
 - o) Other architectural relief elements that provide visual interest to the affected façade and are of a physical scale to possess architectural significance as may be approved by the Administrator.
- 12) For all properties zoned MU Mixed-Use, the following types of architectural relief may be utilized to meet the requirements of this Section:
- a) Canopies or permanent decorative awnings;
 - b) Wall plane projections or recessions with a minimum of four (4) foot depth;
 - c) Pilasters that project from a wall at least four (4) inches or columns;
 - d) Recessed entries, stoops, porches, or arcades;
 - e) Balconies that extend from the building;
 - f) Boxed or bay/oriel windows;
 - g) Hood/drip molding over windows;
 - h) Cornices, corbelling, quoining, or stringcourses;
 - i) Decorative or functional window shutters;
 - j) Window planter boxes;
 - k) Transom windows;
 - l) Decorative façade lighting;
 - m) Chimneys or cupolas; or

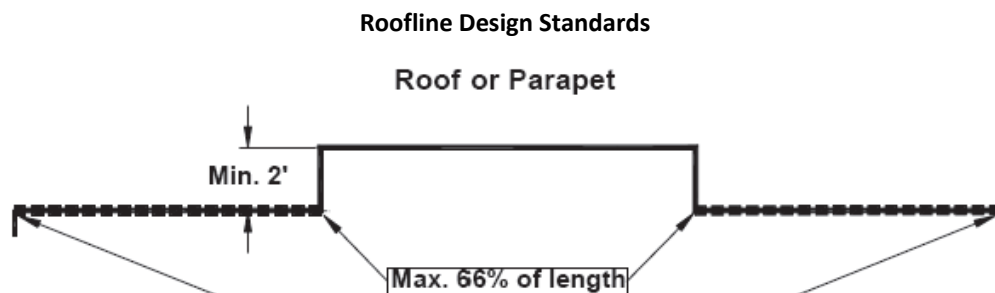
- n) Other architectural relief elements that provide visual interest to the affected façade and are of a physical scale to possess architectural significance may be approved by the Administrator.

d. **Other Mass and Design Requirements.**

- 1) For all properties zoned SC Suburban Commercial, the 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, the 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 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 higher on the Comprehensive Plan Functional Classification & Context Class Map, 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.



- 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. The roof slope must be a maximum of eight inches over twelve inches (8/12) and a minimum of four inches over twelve inches (4/12).

f. Building Materials.

- 1) 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:
 - a) A minimum of ten (10) percent on any façade visible from a public right-of-way or public way;
 - b) A minimum of twenty (20) percent on primary entrance façades (single or multiple tenant building) that exceed two hundred (200) feet in horizontal length;
 - c) 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 Comprehensive Plan Functional Classification & Context Class Map; and
 - d) A minimum of thirty (30) percent on any façade facing a public right-of-way of a street classified as a minor arterial or higher on the Comprehensive Plan Functional Classification & Context Class Map.
- 2) Building materials used to meet the minimum material requirements as provided above may not be painted.
- 3) The following building materials are allowed on all façades subject to the following limitations:
 - a) Stucco, Exterior Insulation and Finish System (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.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) Galvanized steel and painted steel are allowed on doors, including roll-up doors.
 - f) Metal, standing seam metal, architectural metal or steel may be used as a roof and or canopy/awnings with no limitation on percentage.
 - g) 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.
- 4) When determining the area of a façade, doors, windows, and other openings are included and roof area is not included.
- 5) 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.

- 6) 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 SF		
Materials	Façade Area in Square Feet	Percent of Façade
Stucco	2,000 SF	20%
Brick	5,000 SF	50%
Doors and Windows	3,000 SF	30%

D. Alternative Compliance Permitted.

The Design Review Board may authorize variation to the overall requirements of this Section through an application from a licensed architect for an alternative compliance approval that would allow the 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 that the additional design flexibility afforded does not provide a means to permit the design of lesser quality.

E. Waivers and Appeals.

The Design Review Board shall review requests for deviations from this Section. The Design Review Board 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 the application of the standards. Financial hardship may not be considered in the review or determination of a waiver proposal.

The Design Review Board may review and approve 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; or
 - c. The material is an integral part of a themed building (example 50's diner in chrome).
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, Nonconformities of this 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; and
 - 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.
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.
8. 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.

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 required architectural relief and other design elements.
2. Accurate building footprint(s) and general orientation of the building façades in relation to adjacent rights-of-way, public ways, and properties.

Sec. 7.11. Outdoor Lighting Standards.

It is recognized that no design can eliminate all ambient light from being reflected or otherwise visible from any given development; however, the following requirements shall be followed to the fullest extent possible to limit nuisances associated with lighting and resulting glare.

A. Applicability.

All lighting within developments shall meet the requirements of this Section, except that single-family, duplexes, townhouses, primary and 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 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 each 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.

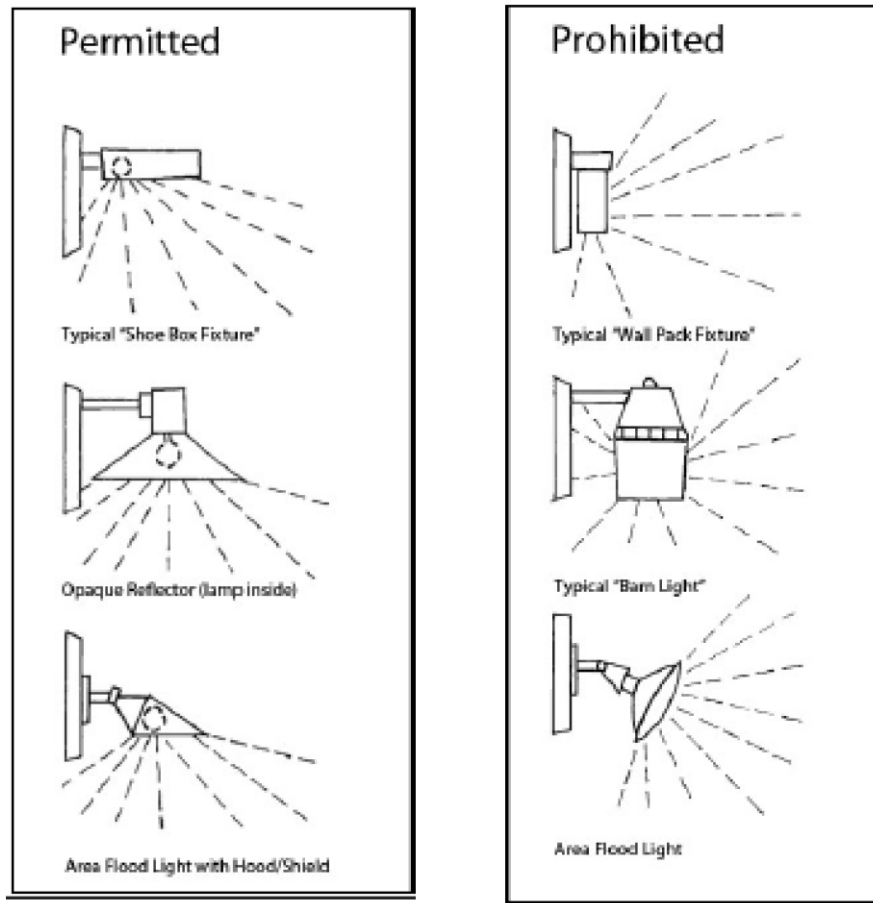
C. Specific Lighting Requirements.

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.
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.

Permitted and Prohibited Outdoor Lighting Fixtures



Sec. 7.12. Outdoor Storage and Display.

A. General.

Outdoor storage and display is allowed in non-residential 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 the four (4) categories listed below.

B. Categories of Outdoor Storage and Display.

1. Outdoor Display.

Outdoor display is the display of items actively for sale or rent. Outdoor display shall be allowed adjacent to a principal 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 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 (6) 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 (2) 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 that is 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 Heavy Industrial district, outdoor storage shall not exceed the height of the 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 of College Station 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.

Sec. 7.13. Traffic Impact Analyses.

This Section establishes requirements and procedures pertaining to traffic impact analyses. This Section 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 Section is intended to expedite the City's review of traffic impact analysis reports, provide standard criteria for evaluating proposals, and identify some potential mitigation measures.

The traffic impact analysis is intended to form the basis for the design of any proposed access/roadway system to ensure coordination of the proposed land use with the transportation needs resulting therefrom. The City and the developer share the responsibility to identify and solve transportation issues arising from land development.

The City requires that traffic impact analyses accompany certain zoning applications, certain preliminary plan applications, and certain site plan applications. It is intended that any traffic impact analysis 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 Traffic Impact Analysis.

The goal of a traffic impact analysis 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 traffic impact analysis are evaluated using both current and long-term traffic and roadway scenarios.

The traffic impact analysis 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 traffic impact analysis for a zoning request should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the UDO or the Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission and the City Council shall consider the findings of the traffic impact analysis in approving or disapproving zoning changes to the extent allowed by law.

2. Preliminary Plan Traffic Impact Analysis.

The goal of a traffic impact analysis 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 the effects the proposed project may have on current and future land development and roadway systems in its study area. Generally, the traffic impact analysis 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 traffic impact analysis shows levels of service falling below acceptable minimums on roadway systems in its study area the traffic impact analysis 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 traffic impact analysis for a preliminary plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the UDO or the Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the traffic impact analysis in approving or disapproving preliminary plans to the extent allowed by law.

3. Site Plan Traffic Impact Analysis.

The goal of a traffic impact analysis 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 the effects the site project may have on current and future land development and roadway systems in its study area. Generally, the traffic impact analysis 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 traffic impact analysis shows levels of service falling below acceptable minimums on roadway systems in its study area the traffic impact analysis 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 traffic impact analysis for a site plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the UDO or the Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the traffic impact analysis 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 traffic impact analyses, 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 traffic impact analyses 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 their 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.

Trip Generation Rates for Residential Zoning Districts				
Zoning Classification	Maximum Units/Acre	ITE Land Use Code	Trip Rate/Unit	Trip Rate/Acre
R	0.33	210	1	0.33
WE	0.5	210	1	0.5
E	1	210	1	1
WRS	2	210	1	2
RS	4	210	1	4
GS	8	210	1	8
D	12	230	0.52	6.24
T	14	230	0.52	7.28
MH	24	230	0.52	12.48
MF	30	220	0.62	18.6
MU	Determined by Administrator			
MHP	Determined by Administrator			
P-MUD	Determined by Administrator			

Trip Generation Rates for Non-Residential Zoning Districts				
Zoning Classification	Maximum Building Area/Acre*	ITE Land Use Code	Trip Rate/1,000 SF	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.

Trip Generation Rates for Retired Zoning Districts				
Zoning Classification	Maximum Units or Building Area/Acre*	ITE Land Use Code	Trip Rate/1,000 SF	Trip Rate/Acre
R-4	20	220	0.62	12.4
R-6	30	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

* Density maximum calculated based on existing (2007) developments in the City of College Station.

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 traffic impact analyses 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 traffic impact analysis: 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 all cases where traffic counts are needed and are not available, the developer or their agent shall be required to collect such data according to guidelines approved by the Administrator.

5. Level of Service.

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 Traffic Impact Analysis.

Any zoning request, except for certain redevelopment areas as designated on the Comprehensive Plan Future Land Use & Character Map, which is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period requires a traffic impact analysis. Where the Comprehensive Plan designates a property as a redevelopment area, a traffic impact analysis 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 traffic impact analysis based on the total traffic generated for all the proposed districts. A traffic impact analysis 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 traffic impact analysis shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis is not necessary for the proposed rezoning request. In cases where a traffic impact analysis is required, the rezoning application will be considered incomplete until the traffic impact analysis is submitted.

2. Preliminary Plan Traffic Impact Analysis.

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 traffic impact analysis. A traffic impact analysis 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 traffic impact analysis shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis is not necessary for the proposed project. In cases where a traffic impact analysis is required, the preliminary plan application must be accompanied by the traffic impact analysis.

3. Site Plan Traffic Impact Analysis.

Any proposed development requiring site plan approval, excluding developments located in the zoning classifications of NG-1 Core Northgate, NG-2 Transitional Northgate, or NG-3 Residential Northgate, which is expected to generate at least one hundred fifty (150) trips in any peak hour period requires a traffic impact analysis. A traffic impact analysis 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 traffic impact analysis shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis is not necessary for the proposed site project. In cases where a traffic impact analysis is required, the site plan application must be accompanied by the traffic impact analysis.

D. Methodology.

1. Professional Engineer to Perform Traffic Impact Analysis.

All required traffic impact analyses shall be performed by a professional engineer licensed in the State of Texas and 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 (TxDOT) 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 traffic impact analysis 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 methodologies 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 traffic impact analysis as determined by the Administrator. The Administrator may require other specific assumptions such as the percentage 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 including but not limited to stadiums, movie theaters, arenas, and schools.

3. Zoning Traffic Impact Analysis Content.

a. Study Area.

A map(s) will delineate the traffic impact analysis 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 the 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 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 volume/capacity 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 the tables above in this section) and the total trips generated based on proposed zoning.

2) **Existing Trip Generation.**

Show in tabular form trip generation rates (see the tables above in this section) 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 (24) hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided.

4) **Level of Service Analysis.**

Show in tabular form the peak hour level of service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate the 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 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 Bryan/College Station Unified Design Guidelines, the 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 a 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 a level of service D or better. Locations not meeting a 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 one (1), or a combination of, the measures listed below but are not limited to those listed.

- 1) Modifying the zoning request so that resulting traffic volumes yield a 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.
- 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 Comprehensive Plan Functional Classification & Context Class Map 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 traffic impact analyses it considers in conjunction with rezoning requests. 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 traffic impact analysis.

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 Traffic Impact Analysis Content.

Submittals of traffic impact analyses for preliminary plan projects shall include the following:

a. Study Area.

A map(s) delineating the traffic impact analysis 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.**

Identification of the proposed roadway network for the preliminary plan. This shall include the location of access points, the 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 (24) hour information showing 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 (24) 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 traffic impact analysis calculations show that a proposed preliminary plan increases traffic on a minor collector or local residential 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 Bryan/College Station Unified 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 a 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 a 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 the pre-development level is less than a level of service D). Acceptable measures for mitigating negative traffic impacts include 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 a 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 that 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 Traffic Impact Analysis Content.**

Submittals of traffic impact analyses for site plan projects shall include the following:

a. **Study Area.**

A map(s) delineating the traffic impact analysis 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, the density of hotel rooms, dwelling units, etc. Also, a description of the

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, the density of hotel rooms, dwelling units, etc. Also, a description of anticipated 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 traffic impact analysis and an access plan have 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 the 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 (24) hour information showing 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 (24) 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 analyses 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 traffic impact analysis calculations show that a proposed site project increases traffic on a minor collector or local residential 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 Bryan/College Station Unified 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 a 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 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 a 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 the pre-development level is less than a level of service D). Acceptable measures for mitigating negative traffic impacts include 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 a 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 that are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown that 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 (TxDOT) 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.

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 Municipal Separate Storm Sewer System (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 the 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 the Stormwater Discharges Article of Chapter 14, Environment and Natural Resources of the City of College Station Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

3. General Standards.

- a. Final stabilization occurs when one of the following conditions has been met for a site:
 - 1) All soil disturbing activities at a site have been completed and either of the two (2) following criteria are met:
 - a) 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
 - b) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
 - 2) 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.
 - 3) For individual lots in residential construction:
 - a) The homebuilder has completed final stabilization as specified above; or
 - b) 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.
 - 4) 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 above.

b. The following categories of facilities are considered to be engaging in industrial activity:

- 1) 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 Subsection 11 below);
- 2) 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;
- 3) 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 authority has been released, or except for areas of non-coal 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;
- 4) 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);
- 5) 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 the RCRA;
- 6) 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;
- 7) Steam electric power generating facilities, including coal handling sites;
- 8) 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 Subsections 1-7 above or Subsections 9-11 below are associated with the industrial activity;
- 9) 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 is located within the confines of the facility, with a design flow of one (1) million gallons per day or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farmlands, 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 comply with Section 405 of the Clean Water Act;
- 10) Construction activity including clearing, grading, and excavation activities except for 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;

- 11) Facilities under Standard Industrial Classifications 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 Subsections 2-10 above);

c. For the purposes of this section:

- 1) Construction activity or construction activities include clearing, grading, and excavating that are subject to Texas Pollutant Discharge Elimination System (TPDES) Construction General 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 stormwater 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.
- 2) Construction site includes 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.
- 3) Facility includes 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.
- 4) Industrial facility includes 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).

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 Texas Commission on Environmental Quality (TCEQ).
- b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the notice of intent or construction site notice to the City.
- c. Introduce sediment, concrete, asphalt, or any other construction debris into the MS4 from construction activity. The Administrator will provide the operator with 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 notice of intent 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 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 best management practices (BMPs) to effectively prohibit the discharge of non-stormwater 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 to 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 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 facility's 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 devices to conduct monitoring of the facility's stormwater discharge on subject facilities as necessary in the opinion of the Administrator.
- 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 Modification 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 the 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 Drainage Section of the Bryan/College Station Unified Design Guidelines.
- c. The Administrator may require an operator of a regulated facility to modify its BMPs 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 BMPs 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.

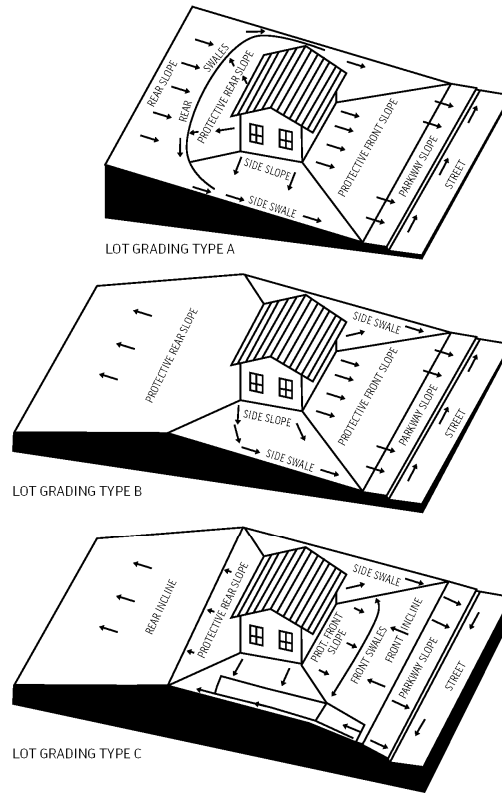
This Subsection applies to all facilities located within the city limits that have stormwater discharges associated with industrial activity.

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, 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. The 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 above 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 comply 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 the 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.**

This Subsection applies to all facilities located within the city limits that have stormwater discharges associated with construction activity.
 - 2. Submission of a notice of intent, a notice of change, a notice of termination, or a construction site notice to the 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 that does not require a notice of intent is required to submit a construction site notice to the Administrator per TCEQ's TPDES general permit for construction sites.
 - c. Copies of all notices may be delivered to the Administrator either in person or by mail.
- F. Stormwater Management for Residential Subdivision Construction Activity.**
- 1. A note shall be placed on all plats stating that residential lots shall be developed in accordance with a master grading plan for the proposed subdivision. A master grading plan shall be prepared and submitted to the City, which indicates lot grading for all lots in the subdivision using typical Federal Housing Administration (FHA) lot grading types (A, B, and C), as depicted below. An alternative grading plan, prepared by a licensed professional engineer or other drainage professional may also be acceptable if approved by the Development Engineer.

Federal Housing Administration (FHA) Lot Grading Types A, B, and C

2. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, with the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed professional engineer. In no circumstances shall a fence be utilized as a retaining wall.
3. All drainage, including but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
4. The maximum slope of grading on a property shall not exceed ten (10) percent unless designed by a professional engineer and approved by the Development Engineer.

G. Enforcement.

Any person found guilty of violating a provision of this Section may be punished as provided for in Article 10, Enforcement of this UDO.

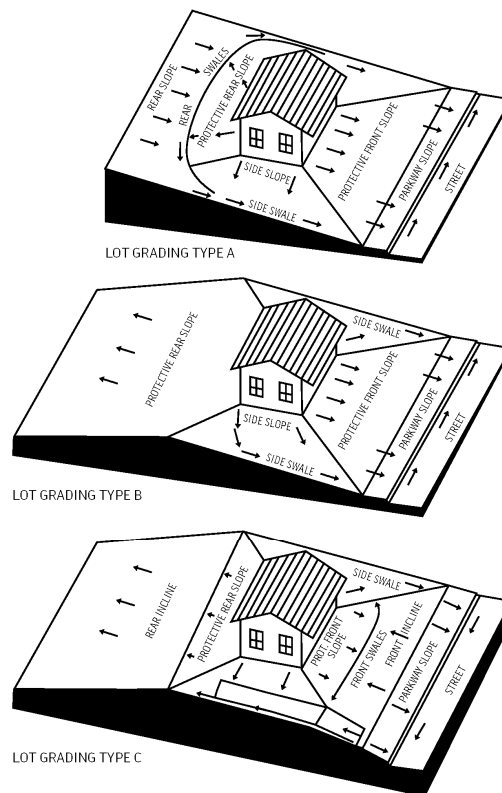
Sec. 7.15. Lot Grading and Drainage for Individual Lots.**A. General.****1. Purpose and Intent.**

The purpose of this Section is to establish regulations pertaining to individual or lot-by-lot grading within new or existing developments. The proper grading of a lot(s) is necessary to promote the health, safety, and welfare of citizens and minimize the impact of drainage or flooding on adjoining properties.

2. Applicability.

- a. All residential developments shall meet the requirements of this Section. Multi-family residential products shall follow drainage requirements as set forth in other sections of this UDO and the Bryan/College Station Unified Design Guidelines.
 - b. This Section shall apply to all platted lots or unplatted tracts seeking to develop residential uses within the city.
 - c. The requirements of this Section shall be applicable with every building permit or other permitted activity on a subject property.
3. **Standards for Individual Lot-by-Lot Grading.**
- a. A grading plan shall be prepared and submitted to the City, which indicates one of the Federal Housing Administration lot grading types (A, B, and C), as depicted below. An alternative grading plan prepared by a licensed professional engineer or other drainage professional is also acceptable if approved by the Development Engineer.

Federal Housing Administration (FHA) Lot Grading Types A, B, and C



- b. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, with the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed professional engineer. In no circumstances shall a fence be utilized as a retaining wall.
- c. All drainage, including but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
- d. The maximum slope of grading on a property shall not exceed twenty-five (25) percent unless designed by a professional engineer and approved by the Development Engineer. Impervious surfaces shall be sloped a minimum of two (2) percent away from the building foundation.

- e. Finished floor elevations or fill height shall be provided with the building permit for review. Finished floors that are proposed to be more than twenty-four (24) inches above the gutter line of the curb may be subject to additional grading requirements as directed by the Development Engineer.

Article 8. Subdivision Design and Improvements

Sec. 8.1. Purpose.

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that the streets and other infrastructure must be maintained and various public services customary to urban areas must be provided. These regulations seek to protect the interests of public and private parties by granting certain rights and privileges and requiring certain obligations in association with the subdivision and development of land. The welfare of the entire community is affected in many important respects. Therefore, it is in the interest of the public, the developer, and the future landowners that the subdivisions and developments be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These regulations encourage the growth of the City of College Station in an orderly manner.

Sec. 8.2. Applicability.

With the exception of the Requirements for Parkland Dedication Section below, the provisions of this Article shall not apply to property in the BioCorridor Planned Development District. The Requirements for Parkland Dedication Section below shall apply to property in the BioCorridor Planned Development District.

Sec. 8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

A. Suitability of Lands.

The Planning and Zoning 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 the 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, wastewater, drainage, and other public infrastructure that comply with these standards for construction.

E. Streets.

1. **Streets on the Comprehensive Plan Functional Classification & Context Class Map.**

Where a subdivision encompasses or is adjacent to a thoroughfare, as shown on the Comprehensive Plan Functional Classification & Context Class Map, 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 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 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 Planning and Zoning Commission may allow 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 externally 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 Planning and Zoning 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 (100) 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 of Article 7, General Development Standards of this UDO.

6. **Dead-End Streets.**

Dead-end streets shall be prohibited except for short stubs to permit future extensions. Temporary turnarounds shall be required for stubs of more than one hundred (100) feet in length 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 of the area in which the cul-de-sac is located on the Comprehensive Plan Functional Classification and Context Class Map. 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 the 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 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.

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. Streets in rural residential subdivisions may be constructed to either rural or urban street standards except that thoroughfares that continue beyond the boundary of a rural residential subdivision to an urban one shall be constructed to urban street 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 fifty (50) percent 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 extraterritorial jurisdiction .
- 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 the 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.
6. Public alleys are prohibited in rural residential subdivisions.
7. Private alleys shall be constructed to public alley standards except that they 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 designed for single-family, duplex, 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. 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 of the area along which the block is located on the Comprehensive Plan Functional Classification and Context Class Map:
 - 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 another 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. 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 Comprehensive Plan Functional Classification & Context Class Map.
5. 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 areas, 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.
- 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 Federal Emergency Management Agency (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, 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, duplex, or townhouse lot shall have direct access to an arterial or collector thoroughfare; however, these lots may face 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 Planning and Zoning Commission. Access restrictions and determinations shall be noted on the plat.

2. Platting and Replatting within Older Residential Subdivisions.

- a. This Subsection 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 Core Northgate, NG-2 Transitional Northgate, NG-3 Residential Northgate, NPO Neighborhood Prevailing Overlay, and NCO Neighborhood Conservation Overlay 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 on the Comprehensive Plan Future Land Use & 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 that 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 that 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 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.**

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 does 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 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 Subsection and any other requirement of this UDO, the standards of this Subsection control. Where no conflict exists, cluster development is subject to all other applicable requirements of this UDO.

c. **Where Allowed.**

Cluster developments are allowed in 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) **WE 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 cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

2) **E 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 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 development option may be used only in the area designated Wellborn Preserve-Open on the Comprehensive Plan Future Land Use & Character Map.

3) **WRS Wellborn Restricted Suburban.**

- 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 cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

4) **RS 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 cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

5) **GS General Suburban.**

- a) **Lot Size.** There is no minimum lot size 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 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 & Character Map, the cluster development 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 neighborhood amenities. 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 an owners association.

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 Planning and Zoning 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.

2) **Common Open Space Requirements for Cluster Developments.**

- a) 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.
- b) Common open space must be provided in an amount of at least twenty-five (25) percent of the gross area of the development.
- c) 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.
- d) 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 at least twenty-five (25) feet in depth and width. The remaining required common usable open space may be distributed throughout the proposed subdivision, or subdivision phase if applicable, and need not be in one (1) such area; provided, however, no area containing less than five thousand (5,000) square feet will be considered common usable open space. If the required open space totals less than ten thousand (10,000) square feet all required open space shall be in one (1) contiguous area.
- e) The common open space requirement shall not be credited toward the parkland dedication requirements specified in the Requirements for Parkland Dedication Section below.

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.

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 (20) 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 the 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, the 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.
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 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 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 Comprehensive Plan Functional Classification & Context Class Map 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 Comprehensive Plan Functional Classification & Context Class Map within a Rural context zone;
- d. Along new or existing local/residential streets within an estate lot subdivision with the street constructed to a rural section; or
- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan.

4. Standards.

Sidewalks shall be constructed in accordance with the B/CS Unified Design Guidelines and all applicable local, state, and federal requirements.

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 the 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 the approval of the final plat when the subdivider provides a bond or surety in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure Section below. 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. The Administrator shall have final authority in determining what proportion of sidewalks or fees 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 Planning and Development Services Department 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.

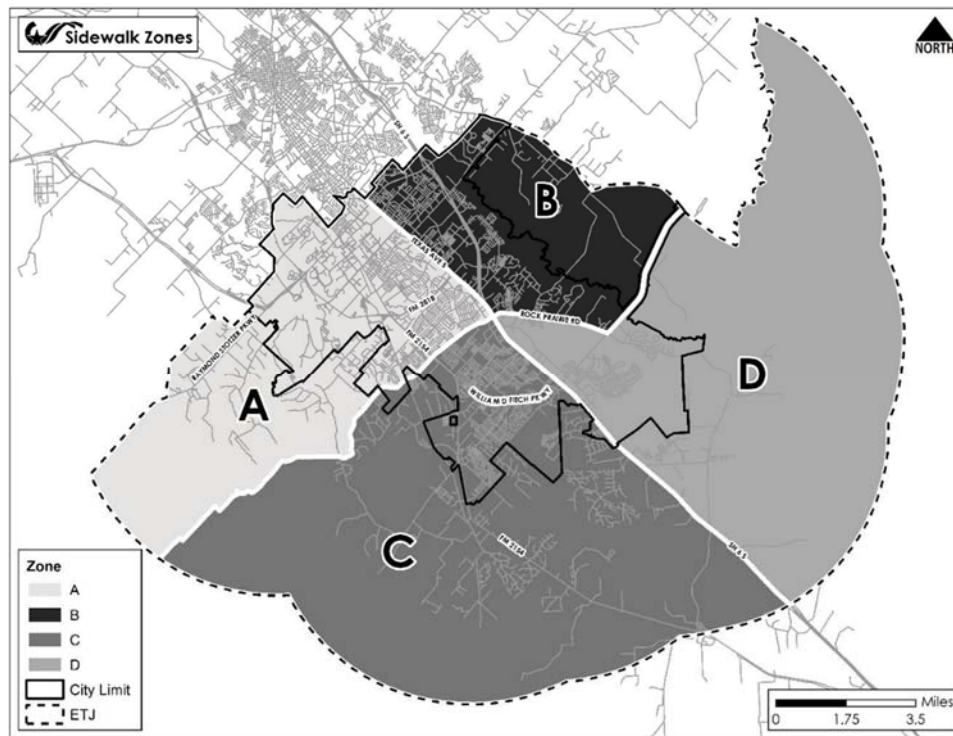
3) **Criteria to Allow Fee in Lieu.**

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 exist:

- a) The presence of unique or unusual topographic, vegetative, or other natural conditions exist;
- b) A capital improvement project is funded and forthcoming that will include the construction of the required sidewalk or multi-use path;
- c) Existing streets constructed to rural section that are not identified on the Comprehensive Plan Functional Classification & Context Class Map with a Rural context zone;
- d) The proposed development is within an older residential subdivision meeting the criteria in the Platting and Replatting within Older Residential Subdivisions Subsection above; or
- e) The proposed development contains frontage on a freeway/expressway as designated by the Comprehensive Plan Functional Classification & Context Class Map.

4) **Use of Fee.**

The City Council hereby establishes sidewalk zones as shown on the Sidewalk Zone Map below. Fees collected in lieu of sidewalk or multi-use path construction shall be expended in the same zone as the development or in an adjacent zone in a scenario where the development occurs near a zone boundary. 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.

Sidewalk Zone Map

5) **Reimbursement.**

The City may 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, 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 ten (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 a 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 and 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.

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 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 that share the same area with motor vehicles.

4. **Geometric Design Criteria.**

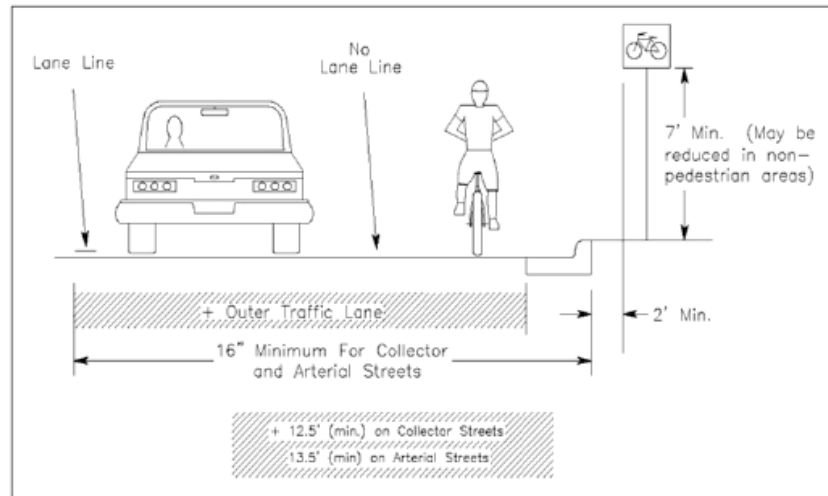
All facilities shall be designed to meet or exceed standards set forth in the "Guide for Development of Bicycle Facilities" published by the American Association of State Highway and Transportation Officials (AASHTO) and the B/CS Unified Design Guidelines. Signing and pavement markings for such facilities 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 signage and shared lane pavement markings identifies bicycle-compatible streets that will serve as bike routes;

- 2) A minimum of sixteen (16) feet-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 below; and
- 3) Bike route signage should not end at a barrier. Information directing the bicyclist around the barrier should be provided.

Bike Route 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 are 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 (3) 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
- 5) Multi-use paths shall be located in a public access easement of a minimum of 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 City of College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Water System Master Plan, 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 indicating that the non-City utility can 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 a water system ends with the sanitization of the line.

N. Wastewater Facilities.

1. All subdivisions shall have access to wastewater facilities. All collection mains 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 wastewater facilities that comply with these standards for construction.
2. Wastewater 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 City of College Station Code of Ordinances.
3. Where a subdivision contains a wastewater line as shown on the Wastewater System Master Plan, such wastewater line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
4. For wastewater systems that are not part of the City of College Station's wastewater utility, the subdivider shall provide a letter with the construction documents from the non-City utility indicating that the non-City utility can properly serve the proposed subdivision. Construction of all wastewater 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. Wastewater lines for these systems that are outside the subdivision are not required to meet City standards.
5. **Alternate Wastewater Facilities.**

- a. If wastewater main extension is exempted per Chapter 40, Utilities of the City of 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 wastewater disposal as follows and as may be conditioned by Chapter 40, Utilities of the City of College Station Code of Ordinances or otherwise:

1) **Organized Wastewater Collection and Treatment System.**

A subdivider may have a proposed subdivision served by a non-City organized wastewater 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 wastewater generation of no greater than five thousand (5,000) gallons per day must comply with 30 TAC Chapter 285 and other applicable laws;
- 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 laws;
- c) The Brazos County Health Department shall review proposals for on-site sewage disposal systems and inspect such systems as necessary to assure that the system is in compliance with Chapter 366 of the Texas Health and Safety Code and rule in 30 TAC Chapter 285, and particularly §§ 285.4, 285.5, and 285.30—285.39, and any other applicable rules or regulations within the purview of the Brazos County Health 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 wastewater disposal methods. This master plan is required to assure that all lots, in the future, 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 Wastewater System 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 sanitary 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, the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances, 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.

P. Drainage.

1. All drainage shall be in accordance with the B/CS Unified Design Guidelines, the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances, 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 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 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 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 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 the 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. Streetlights.

1. General Standards.

- a. Streetlights 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 streetlight pole and fixture shall be selected by the subdivider from the College Station Utilities Construction Specifications, Electric Service, and Meter Installation Guidelines.
- c. The subdivider shall furnish public utility easements for the installation of streetlights, 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. Streetlight Locations.

- a. Streetlights shall normally be required at all street intersections and access ways, in culs-de-sac, and at approximately three hundred (300) foot intervals along tangent streets.
- b. In rural residential subdivisions, streetlights are only required at street intersections and the end of culs-de-sac greater than three hundred (300) feet in length. The subdivider may request additional streetlights 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 their authorized construction representative shall be responsible for furnishing and installing all streetlight 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. Streetlights shall be owned and maintained by an electric utility provider with a Certificate of Convenience and Necessity (CCN) for that area.
- c. The electric utility provider shall not be responsible for the installation or maintenance of streetlights 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 for all lots within a subdivision.
- 3. All electric utility services 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 Comprehensive Plan Functional Classification & Context Class Map 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 the 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.
- 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 streetlights 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 of service conduit for the 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, points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half (0.5) 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 to ensure a clear view between adjacent monuments.
3. Corner markers, consisting of a one-half (0.5) inch steel rod or three-fourths (0.75) 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. An 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.
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.
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 the 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 vehicles.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the Comprehensive Plan Functional Classification & Context Class Map. 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 the Single-Family Residential Parking Requirements for Platting Subsection below.

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 with any terms of this UDO or as necessary for emergency vehicle access. In the event the City must remove obstructions to access the development, the owners association will be assessed for all costs substantially associated therewith.
- d. In the event the City deems that substantial repairs to the private street(s) within a gated community are necessary 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 the 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 a lien and possibly foreclosure of all assets including but not limited to the maintenance reserve fund.

3. Geometric Design Guidelines.

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 College Station Fire Department requirements and provide passage with unobstructed vertical clearance.
- d. The throat depth for a gated entryway shall meet the following requirements (refer to figures below):
 - 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 entryways shall provide adequate access for pedestrians and bicycles.
- f. Gated entryways to subdivisions shall provide adequate turnaround areas for vehicles that are denied access to prevent backing into a public street. (refer to figures below)
- g. The gated entryway 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. (refer to figures below)
- h. The gated area shall provide a minimum unobstructed vertical clearance of fourteen (14) feet and six (6) inches from the finished roadway surface over the entire width of the entry roadway.
- i. Public safety elements and signing shall be included in the gate entryway design.

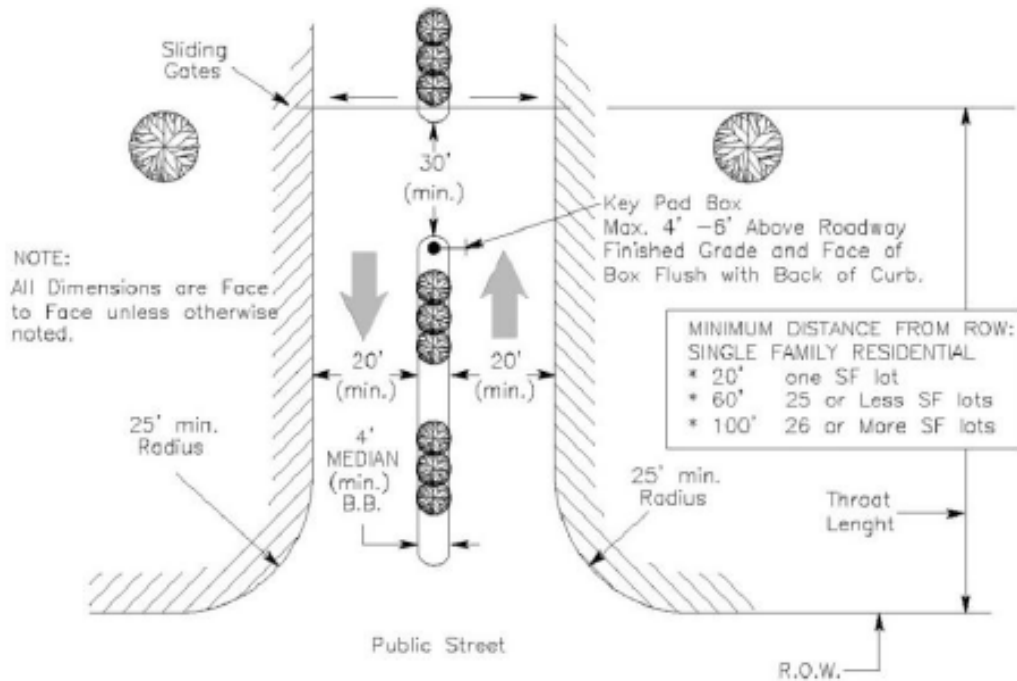
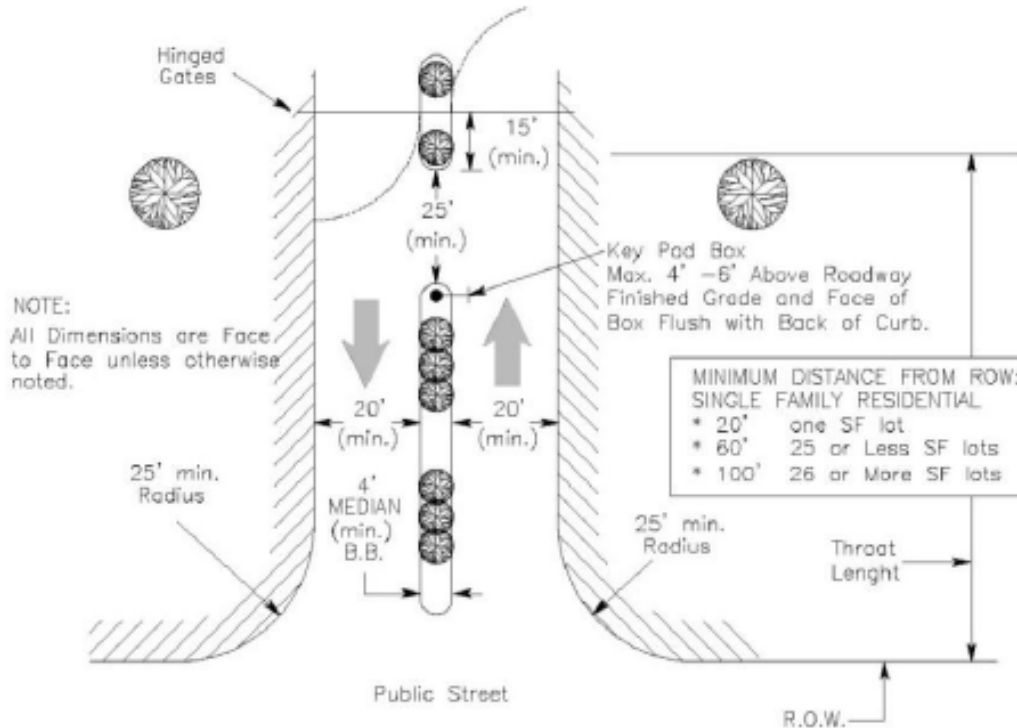
4. Converting Private Streets to Public Streets.

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, the 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 Subsection existing as of November 13, 1997, which has received 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 to ensure access for the immediate health, safety, and welfare of the public. The owners association responsible for such gate assumes all costs associated therewith.

Throat Depth Figure for Sliding Gates**Throat Depth Figure for Hinged Gates**

V. **Single-Family Residential Parking Requirements for Platting.**

1. **Purpose.**

The purpose of this Subsection is to establish requirements for new single-family and townhouse parking to aid in reducing neighborhood parking problems and maintain the certainty of access for emergency vehicles on local streets.

2. General Requirements.

This Subsection 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 the 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 subdivision, 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.

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-way width shall be dedicated equivalent to the increase in pavement width over twenty-seven (27) feet.
- 3) 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 higher.
- 4) As determined by the Development Engineer, engineering judgment shall override the requirement for bulb-outs set forth above if warranted by specific traffic conditions.

b. Narrow Streets.

- 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 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 Article 7, General Development Standards 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 of Article 7, General Development Standards of this UDO, 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 an owners 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; and
 - 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 Section of Article 7, General Development Standards of this UDO.
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.

Sec. 8.4. General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction.

The following sets forth standards of design for subdivisions situated within the extraterritorial jurisdiction:

A. Reserved Strips and Tracts Prohibited.

A plat shall not provide reserved strips or tracts of land. In addition, the effect of the phasing of a plat, provision of common areas, 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.

B. 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.

C. Streets.

1. Streets on the Comprehensive Plan Functional Classification & Context Class Map.

Where a subdivision encompasses or is adjacent to a thoroughfare as shown on the Comprehensive Plan Functional Classification & Context Class Map, the thoroughfare shall be constructed and included in the subdivision plat to maintain continuity in the approximate location as shown.

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 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 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 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.

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 Planning and Zoning Commission may allow 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 externally 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 Planning and Zoning 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 (100) year floodplain overtops the street, regardless of its classification.

5. **Intersections.**

In addition to the B/CS Unified Design Guidelines, proposed street intersections shall meet the minimum spacing and requirements of the Access Management and Circulation Section of Article 7, General Development Standards of this UDO.

6. **Dead-End Streets.**

Dead-end streets shall be prohibited except for short stubs to permit future extensions. Temporary turnarounds shall be required for stubs of more than one hundred (100) feet in length or the depth of one (1) lot, whichever is less.

7. **Culs-de-Sac.**

Culs-de-sac shall not exceed seven hundred fifty (750) feet in length. 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 the street right-of-way.

8. **Geometric Standards; Street Design Criteria.**

Streets shall be designed and constructed in accordance with the B/CS Unified Design Guidelines with the following modifications:

- a. Local streets shall be constructed to the rural residential street standards with a minimum right-of-way width of seventy (70) feet; and
- b. All thoroughfares, regardless of classification, shall be constructed to the rural collector standard with a minimum right-of-way width of one hundred (100) feet or larger if the thoroughfare classification requires additional right-of-way width.

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 fifty (50) percent 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 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 extraterritorial jurisdiction .
- 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.

D. Alleys.

Public alleys are prohibited in the extraterritorial jurisdiction.

E. Blocks.

- 1. To provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation, block length shall not exceed one thousand five hundred (1,500) feet.
- 2. If a plat is not bounded by a public through street or another qualifying break to block length, 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.
- 3. Block length shall not require a new street to enter the face of a block when the surrounding area of the block is subdivided so that a through movement is not possible, or a new block cannot be created.

F. Lots.

- 1. Lots shall be identified in numerical order within a block.
- 2. Lots shall be a minimum of one (1) acre in size.
- 3. Lots shall be at least one hundred (100) feet in width as measured at the street, except for lots around the bulb of a cul-de-sac shall be at least seventy-five (75) feet in width.
- 4. 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 lot size or lot width.
- 5. Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.
- 6. Lots shall be laid out so as not to cross municipal, county, school district, or utility service area boundaries.

G. Easements.

1. Utility Easements.

a. Minimum Utility Easements.

Utility easements not less than sixteen (16) feet in width shall be provided along the front of all lots on each side of a street. Where the front easement is impractical on one (1) side of the

street, a utility easement no less than twenty (20) feet in width shall be provided on the other side of the street. Utility easements ten (10) feet in width shall be required along the side and rear of all lots.

b. Additional Utility Easements.

Additional utility easements or additional easement width other than as described above may be required by the City Engineer or B/CS Unified Design Guidelines based on the number, size, configuration, or depth of existing, proposed, or anticipated utilities. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, the City Engineer may require twenty (20) foot width of easement along the rear of lots adjoining the unplatted area or ten (10) feet in width along the boundary of the subdivision or subdivision phase.

2. 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.

H. Access Ways.

Public Access Ways are prohibited in the extraterritorial jurisdiction.

I. Sidewalks.

Public sidewalks are prohibited in the extraterritorial jurisdiction.

J. Bicycle Facilities.

Public bicycle facilities are prohibited in the extraterritorial jurisdiction.

K. 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.
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 City of College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Water System Master Plan, 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 indicating that the non-City utility can properly serve the proposed subdivision. Construction of all water lines within a subdivision must comply with the B/CS Unified Design Guidelines. Water lines for these systems that are outside the subdivision are not required to meet City standards.

L. Wastewater Facilities.

1. **Private Septic Systems.**

On-site sewage disposal systems (private septic systems) shall be designed to meet all requirements of the County Health Department. These systems shall be licensed through the same agency and the license shall be kept current. A note shall be provided on the plat indicated such as above.

2. Gravity Sanitary Sewer System.

Gravity sanitary sewer systems shall be in accordance with the B/CS Unified Design Guidelines and all applicable state and federal requirements.

M. Special Flood Hazard Areas.

All Federal Emergency Management Agency (FEMA) special floodplain hazard areas shall be according to the requirements, jurisdiction, and enforcement of the applicable county regulations.

N. Drainage.

1. All drainage shall be in accordance with the B/CS Unified Design Guidelines 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.
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.**

Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed 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.

O. 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 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 the 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.

P. Streetlights.

Public streetlights are prohibited in the extraterritorial jurisdiction.

Q. Electric Facilities.

1. All subdividers shall ascertain which electric utility is certificated to serve the proposed subdivision.
2. Electric utility facilities may be installed underground or overhead.

3. The subdivider is responsible for contacting the appropriate electric utility provider to determine any additional requirements.

R. Monuments and Corner Markers.

1. All block corners, angle points, points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half (0.5) 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 to ensure a clear view between adjacent monuments.
3. Corner markers, consisting of a one-half (0.5) inch steel rod or three-fourths (0.75) inch pipe, two (2) feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

S. Owners Associations for Common Areas and Facilities.

1. An 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.
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 owners association is self-perpetuating and adequately funded to accomplish its purpose.

T. Private Streets and Gating of Roadways.

1. Gating of a public roadway is prohibited.
2. Streets required to meet block length or street projection requirements shall not be private or gated.
3. A private street may not cross an existing or proposed public thoroughfare as shown on the Comprehensive Plan Functional Classification & Context Class Map. A private street subdivision will not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian, and Greenways Master Plan.
4. Private streets shall be constructed to public street standards but located within a common area, private right-of-way, or private access easement.
5. All other private or gated street requirements shall be according to applicable county regulations.

U. City Participation.

The City will not participate in the cost of the subdivision or utilities outside the city limits, including garbage collection and street maintenance except for utilities dedicated to the City with a development agreement. Such utility service shall be in accordance with City Council Resolution #2-9-2006-13.04 (as amended) Regarding the Extension of Water and Sewer Utility Services to Properties within the Extraterritorial Jurisdiction (ETJ).

Sec. 8.5. Waiver of Subdivision Standards.

- A. The Planning and Zoning Commission may authorize a waiver from the regulation when, in their opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Commission shall prescribe only conditions that it deems not prejudicial to the public interest. In making the findings hereinbefore required, the Commission shall consider the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon

traffic conditions and public health, convenience, and welfare of the vicinity. No waiver shall be granted unless the Commission finds:

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 reasonable land use ;
 2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 3. That 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
 4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other property in the area in accordance with the provisions of this UDO.
- B. Such findings of the Planning and Zoning Commission shall be incorporated into the official minutes of the meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured, and substantial justice is done.
- C. **Waiver from Water Flow Requirements.**
- A waiver to fire flow provisions set out in the Water Facilities Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction Section above is prohibited.
- D. **Waiver from Lot Size.**
- With the exception of lots located within a City-authorized municipal utility district, a waiver to the minimum lot size provisions set out in the General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction Section above is prohibited.

Sec. 8.6. Responsibility for Payment for Installation Costs.

- A. **Developer Responsibilities.**
- The developer shall be responsible for the designing and installing of all public improvements which primarily serve the subdivision. This includes being responsible for the costs associated therewith that are shown on the plat or that may be off-site but needed to ensure the adequacy of public facilities and services for the subdivision; and subject to participation by the City or other third parties as may be allowed or required by applicable law, such as participation by the City for costs associated with oversizing of public improvements beyond that which is necessary to serve the subdivision. Facilities required by this UDO and the City of College Station Code of Ordinances shall be considered as primarily serving the subdivision unless otherwise determined by the City.
- B. **Streetlights.**
- The developer shall pay the entire cost of the subdivision streetlight installation, including the cost of service lines to supply electricity to the streetlights, and all engineering design costs. Once satisfactorily installed, approved, and accepted, the maintenance of the streetlights and the furnishing of electric energy to the streetlights shall be provided by the City.
- C. **Street Signs.**
- The developer will provide and install, at no cost to the City, all street name signs, including associated poles and hardware.
- D. **Engineering Inspection and Testing.**

1. The City will charge for engineering inspection during construction and for final inspection as established by City Council resolution from time to time; however, it is to be understood that the City will do no layout work or daily inspection.
2. The City requires testing by an independent laboratory acceptable to the City to ensure compliance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and approved plans and specifications of the construction of the infrastructure before final inspection and approval of that infrastructure. Charges for such testing shall be paid by the project owner/developer.

Sec. 8.7. Construction, Guarantee of Performance, and Acceptance of Public Infrastructure.

Construction of private improvements is prohibited until the requirements for constructing or guaranteeing the construction of public infrastructure are met as set forth herein.

A. Construction.

1. Development Permit.

Upon approval of the construction documents by the City Engineer and issuance of a development permit, the subdivider may proceed with the construction of public infrastructure. Neither the developer nor the contractor nor the subcontractor shall make a connection to or tap into the City water distribution system, electric system, or sanitary sewer system until this requirement is met. The developer shall furnish all necessary materials to make the final tap or connection.

2. Letter of Completion and Acceptance.

When the developer constructs the required public infrastructure, all such construction shall be inspected while in progress, by the City, and must be approved upon completion by the City Engineer. A letter of completion will be issued by the City Engineer when:

- a. The construction conforms to the approved plans and the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and all applicable City, state, and federal regulations;
- b. The developer provides construction red-lined record drawings signed by the contractor acceptable to the City Engineer that contain the following attestation:

"I, _____ General Contractor for _____ development, certify that the improvements shown on this sheet were actually built, and that said improvements are shown substantially hereon. I hereby certify that, to the best of my knowledge, the materials of construction and sizes of manufactured items, if any are stated correctly hereon."

General Contractor

- c. The developer and their agent/contractor, if applicable, sign the letter of completion which furnishes the City a written guarantee that all workmanship and materials shall be free of defects for one (1) year from the date of acceptance by the City Engineer; and
 - d. Off-site easements relating to the public infrastructure have been recorded or are presented to the City and are acceptable to be recorded.
3. Upon completion by the developer and formal acceptance by the City of the public infrastructure required to be completed by the developer, they shall become the property of the City of College Station.

B. Guarantee of Performance.

1. In lieu of the obligation to construct public infrastructure as set forth above, the developer may elect to file security guaranteeing the construction of the same to obtain final plat approval and to commerce

construction of private improvements. This may be accomplished in one (1) of the following two (2) ways:

a. **Performance Bond.**

The developer may file with the City Engineer a bond executed by a surety company holding a license to do business in the State of Texas, in an amount acceptable to the City Engineer of the City of College Station, and a form approved by the City Attorney. The developer shall state in writing a timeframe acceptable to the City by when such public improvements will be complete; or

b. **Letter of Credit.**

The developer has filed with the City Engineer an irrevocable letter of credit, in a form approved by the City, signed by a principal officer of a local bank, local savings and loan association, or other financial institution, acceptable to the City, agreeing to pay to the City of College Station, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the developer is responsible under this Section. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the developer's engineer and approved by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements which the developer is required to provide.

2. If one (1) of the two (2) types of security is filed by the developer and accepted by the City as described above, the City Engineer shall inspect and approve the construction of public improvements in accordance with the requirements of this UDO when the same occurs. If the developer fails to properly construct some or all required public improvements, the City Attorney shall, on the direction of the City Council, proceed to enforce the guarantees provided in this Section.
3. The City Engineer may extend the period by when completion of public improvements is to occur regardless of periods that may be iterated elsewhere in this UDO. Such extension of time shall be granted upon a showing of good cause and shall be reported to the Planning and Zoning Commission and recorded in the minutes. No such extension shall be granted unless security, as provided herein, has been provided by the developer covering the extended period and provided that such extension does not jeopardize the general public health, safety, and welfare.

Sec. 8.8. Requirements for Parkland Dedication.

A. **Purpose.**

It is hereby declared by the College Station City Council that public parks, 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. 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, Chapter 212 of the Texas Local Government Code, as amended.

This Section recognizes that parkland dedication is a fair, reasonable, and uniform method of financing these assets that do 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 extraterritorial jurisdiction, whether such development consists of new construction on vacant land or rebuilding and remodeling of multi-family dwellings that increases 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, because 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 City Council. They are shown on the Park Zones map below, 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 Comprehensive Plan and the Recreation, Park, and 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.

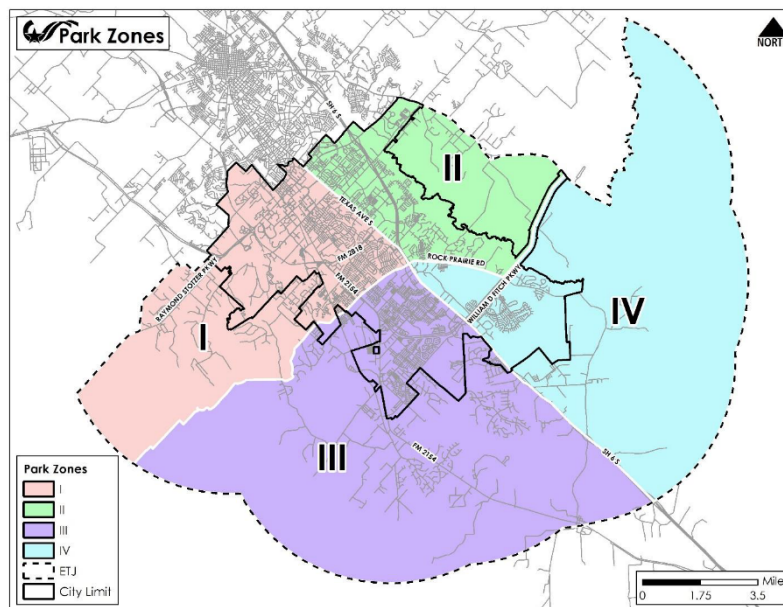
1. This Section applies to a landowner who develops land for residential use located within the city or its extraterritorial jurisdiction.
2. The parkland dedication and park development fees required by this Section are waived for any unit that qualifies as new, affordable housing to be sold to low-and 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 below, together with all explanatory matter thereon.

Zone boundaries typically follow key topographic features such as major thoroughfares, streams, city limits, and extraterritorial jurisdiction boundary lines. New park zones may be created, or existing zones amended, pursuant to procedures for amending the UDO.

Park Zone Map



D. Requirements.

1. General.

The City Manager or their 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 usable park. Requirements herein are based on actual dwelling units or bedrooms for the entire development. Increases or decreases in the 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 parkland and additional park development fees may be required in accordance with the requirements in this Section.

The delineation of park zones is identified in the Park Zones Subsection above. The schedule of fees and required land dedications are identified in the Parkland Dedication and Development Fees Subsection below.

2. Land Dedication.

- a. The amount of land to be dedicated for park purposes shall be as set forth in the Parkland Dedication and Development Fees Subsection below.

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 another alternative financial guarantee such as a cash deposit in the amount equal to the number of acres of parkland required 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 the Parkland Dedication and Development Fees Subsection below. 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 parkland and payment of the fee for the required improvements.

- b. Since residents living in the extraterritorial jurisdiction 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 the city 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 the Parkland Dedication and Development Fees Subsection below 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 the Credit for Private Park Amenities Subsection below shall be made.

3. Fee in Lieu of Land.

Instead 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 the Parkland Dedication and Development Fees Subsection below. 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 the Parkland Dedication and Development Fees Subsection below. Likewise, the City may, from time to time, require that land be dedicated in amounts as set forth in the Parkland Dedication and Development Fees Subsection below and that no fee in lieu of land will be accepted.

5. Approval Process for Parkland Dedication.

a. For the 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 Plats Section of Article 3, Development Review Procedures 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 their 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 parkland in the park zone of the proposed development for required parkland 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 their 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 the Parkland Dedication and Development Fees Subsection below; and
- 4) The proposed development of the park is consistent with the City of College Station's Recreation, Park, and Open Space Master Plan.

In making their decision, the City Manager or their designee may choose to submit such an application to the Parks and Recreation Advisory Board for its recommendation. In such event, the City Manager or their 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 & Equipment Standards. The amount of development fees assessed to a developer subject to this Section for parks is as shown in the Parkland Dedication and Development Fees Subsection below. The process for the approval and collection of development fees shall be the same as for the parkland dedication requirements to which the development relates and shall be processed simultaneously with the parkland 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 an 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 the Parks and Recreation Department or their designee and the Parks and Recreation Advisory Board upon submission of the final plat or 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 of public improvements for final plats, site plans, and building permit issuance, whichever is applicable.
 - c. All plans and specifications shall meet or exceed the City Park Facility & 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 parkland 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 one (1) year as set forth in the requirements in the City Park Facility & 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 the 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 their 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 apply may be subject to vesting as set forth in Chapter 245 of the Texas Local Government Code, as amended. 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 Recreation, Park, and Open Space Master Plan, adopted by the City Council in association with the Comprehensive 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 ten (10) years from the date received by the City for the 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 ten (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 another instrument, must request a refund within one (1) year of the expiration of the ten (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 twenty-five (25) percent 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 parkland 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 parkland dedication 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 & Equipment Standards.
 - b. The developer is required to submit to the City all invoices paid toward the construction of the private amenities.
 - c. 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 UDO, and other regulations, shall not be included in the credit computation.
5. Private recreation improvements shall be owned by an incorporated nonprofit owners association comprised of all property owners in the subdivision. The organization should operate under a recorded land agreement 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 owners 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 owners 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 a 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 the Parkland Park Land Guidelines and Requirements Subsection below.
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 the Construction of Park Improvements in Lieu of Development Fee Subsection above.

I. Parkland Guidelines and Requirements.

Parks should be easy to access and open to public view 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 all liens and encumbrances that interfere with its use for park

purposes. The City Manager or their 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 & 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 parkland.
4. Where feasible, park sites should be located adjacent to greenways and/or schools 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 park specifications in the City Park Facility & 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 fifty (50) percent 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 their 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 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 as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, the 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, the 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 the developer of a defect, failure, or abnormality in the work, the 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 the 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 the 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. Parkland Dedication and Development Fees.

Parkland dedication and development fees for developments located within the city limits and extraterritorial jurisdiction are indicated below. The City shall review the fees established and the amount of parkland 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					
	Proportionate Rate	Collection Rate as of 7/3/2022	Collection Rate as of 10/1/2022	Collection Rate as of 10/1/2023	Collection Rate as of 10/1/2024
Land dedication					
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:

Proportionate Rate Calculation	
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 (PPH - multi-family structures / PPH - single-family structures)	0.76
Dwelling units per acre of parks (total number of dwelling units / total park acres)	42.71
Adjustment ratio MFU/SFU ((1 - ratio of MFU/SFU PPH)/2)	0.12
Land dedication	
Single-family dwelling units per acre of parkland (dwelling units per acre of parks (1 + adjustment ratio MFU/SFU))	48
Multi-family-family bedroom units per acre of parkland (dwelling units per acres of parks (1 - adjustment ratio MFU/SFU) * PPH - multi-family structures)	83
Fee in lieu of land dedication	
Average cost per acre of neighborhood parkland	\$50,000
Average cost per acre of community parkland	\$44,250
Average cost per acre of passive parkland	\$16,250
Fair market value of existing neighborhood parkland (average cost per acre of neighborhood park land * neighborhood park acres)	\$28,374,335
Fair market value of existing community parkland (average cost per acre of community parkland * community park acres)	\$15,655,778
Fair market value of existing passive parkland (average cost per acre of passive parkland * passive park acres)	\$3,213,481
Total fair market value of existing parkland	\$47,243,595
Average fair market value of an acre of land (total fair market value of existing parkland / total park acres)	\$42,218
Average fee-in-lieu (average fair market value of an acre of land/dwelling units per acre of parks)	\$988
Fee in-lieu of land per single-family unit (average fee-in-lieu * (1 + adjustment ratio MFU/SFU))	\$1,106
Fee in-lieu of land per multi-family bedroom ((average fee-in-lieu * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)	\$395
Park development fee	

Reatta Meadows	
Cost (December 2017, adjusted for inflation to March 2022)	\$513,141.76
Acres	3.00
Cost per acre (cost/acres)	\$171,047
Northgate	
Cost (April 2019, adjusted for inflation to March 2022)	\$470,270.45
Acres	1.87
Cost per acre (cost/acres)	\$251,482
Average developed park cost per acre (average park cost/acres)	\$211,264
Average passive park cost per acre (15% of developed) ((neighborhood parks value + community parks value) / (neighborhood park acres + community park acres))	\$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 (total parks value / total park acres)	\$158,479
Average development cost per dwelling unit (average development cost per acre / dwelling units per acre of parks)	\$3,710
Development cost per single-family unit (development cost per dwelling unit * (1 + adjustment ratio MFU/SFU))	\$4,150
Development cost per multi-family bedroom ((development cost per dwelling unit * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)	\$1,486

Sec. 8.9. Certifications.**CERTIFICATE OF OWNERSHIP AND DEDICATION**

STATE OF TEXAS)

COUNTY OF BRAZOS)

I (we) _____, the owner(s) and developer(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of College Station, Texas, and whose name(s) is/are 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.

Owner(s)

STATE OF TEXAS)

COUNTY OF BRAZOS)

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/they 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

(Seal)

CERTIFICATE OF SURVEYOR AND/OR ENGINEER

STATE OF TEXAS)

COUNTY OF BRAZOS)

I, _____, Registered Public Surveyor (Engineer), No. _____, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

Surveyor (Engineer)

CERTIFICATE OF CITY ENGINEER

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.

City Engineer, City of College Station

CERTIFICATE OF PLANNING AND ZONING COMMISSION

I, _____, Chair 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 ____.

Planning and Zoning Commission Chair, City of College Station

CERTIFICATE OF THE COUNTY CLERK

Leave a space four (4) inches wide and two (2) inches tall for the Certificate of the County Clerk.

CERTIFICATE OF THE COUNTY CLERK

County Clerk, Brazos County, Texas

CERTIFICATE OF CITY PLANNER (for amending or minor plats)

I, _____, City Planner 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.

City Planner, City of College Station

CERTIFICATE OF APPROVAL (for plats in the extraterritorial jurisdiction)

This subdivision plat was duly approved by the Commissioners Court of Brazos County, Texas as the final plat of such subdivision on ____ day of _____, 20____. Signed this the ____ day of _____, 20____.

County Judge, Brazos County, Texas

CERTIFICATE OF NO ACTION TAKEN

I, _____, Chair of the Planning and Zoning Commission, hereby certify that the plat was filed with the Planning and Development Services Department on the ____ day of _____ and that the Planning and Zoning Commission failed to act on the plat within 30 days after the plat was filed.

Planning and Zoning Commission Chair, City of College Station

Article 9. Nonconformities**Sec. 9.1. General.**

Except as specified in this Article, any use, building, structure, or sign existing at the time of enactment of this UDO, or classification amendment applicable to its use, may be continued even though such use, building, structure, or sign may not conform with the provisions of this UDO for the district in which it is located; provided, however, that this Article shall not apply to any use, building, structure, or sign established in violation of this UDO or ordinance previously in effect in College Station.

Sec. 9.2. Nonconforming Uses.**A. Continuance.**

An existing use that is not in compliance with this UDO or subsequent amendments applicable to the use shall not be enlarged, extended, reconstructed, substituted, or structurally altered unless the use is brought into compliance with this UDO, except as follows:

1. Expansion.

- a. For properties designated as Neighborhood Conservation on the Comprehensive Plan Future Land Use & Character Map: When authorized by the Zoning Board of Adjustment in accordance with the provisions of this Article, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by such building, where such extension is necessary and incidental to the existing use of such building and does not exceed twenty-five (25) percent of the original area of nonconformity.
- b. For properties in all other areas: Buildings and structures devoted to nonconforming uses may be enlarged, extended, or structurally altered provided such enlargement, extension, or structural alteration is incidental to the existing use of existing buildings and does not exceed fifty (50) percent of the original area of nonconformity. Enlargements greater than fifty (50) percent of the original area of nonconformity shall require approval of the Zoning Board of Adjustment.

2. Conditional Use.

A use existing on the effective date of this UDO, or subsequent amendment applicable to its use, which would only be permitted as a conditional use, shall be a lawful nonconforming use until altered pursuant to the Conditional Use Permits Section of Article 3, Development Review Procedures of this UDO. In the event of issuance of a conditional use permit, such use becomes a permitted and lawful use.

B. Termination.

The City Council shall have the authority to initiate, on its motion, action to bring about the discontinuance of a nonconforming use under any plan whereby the full value of the structure can be amortized within a definite time period, taking into consideration the general character of the area and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment.

Whenever a nonconforming use has been discontinued and changed to a conforming use, or whenever a nonconforming use has been discontinued or abandoned for more than three (3) months, a presumption of intent to abandon said use shall have been established and the right to continue the former nonconforming use shall no longer exist. Subsequent operation as a nonconforming use shall be unlawful.

Sec. 9.3. Nonconforming Structures.**A. Enlargement; Alteration.**

1. A structure (including parking lots, parking structures, and parking areas) that is nonconforming by physical design may be enlarged or structurally altered as long as such enlargement or alteration otherwise complies with the terms of this UDO with the following exceptions:
 - a. Parking Requirements: The Administrator may make exceptions to the requirement of following the UDO for parking requirements for non-residential properties where there are physical limitations and a demonstrated inability to meet all standards of this UDO but may not waive more than fifty (50) percent of the required number of parking spaces.
 - b. Landscaping Requirements: The Administrator may make exceptions to the requirement of following the UDO for landscaping requirements for non-residential properties where there are

physical limitations and a demonstrated inability to meet all standards of this UDO but may not waive more than fifty (50) percent of required landscaping points.

- c. Buffer Requirements: The Administrator may reduce required buffer yard widths and plantings where there are existing structures being retained in the required buffer area or where there are other physical limitations and a demonstrated inability to meet all standards of this UDO so long as such reductions do not increase the existing degree of nonconformity.
2. In NG-1 Core Northgate, NG-2 Transitional Northgate, and NG-3 Residential Northgate, the whole building plot must come into compliance with the requirements of this UDO when more than fifty (50) percent of a building(s) on the site is enlarged or altered.

B. Termination.

The City Council shall have the authority to initiate on its motion or cause to be presented by interested property owner, action to bring about the discontinuance of a nonconforming structure under any plan whereby the full value of the structure can be amortized within a definite time period, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment.

Whenever a nonconforming structure has been discontinued or abandoned for more than three (3) months, a presumption of intent to abandon said structure shall have been established and the right to continue the former nonconforming structure shall be unlawful.

Sec. 9.4. Nonconforming Lots of Record.

A. Authority to Utilize for Single-Family Residence.

In any district in which single-family dwelling units are a permitted use, notwithstanding the regulations imposed by any other provisions of this Section, a single-family detached dwelling unit that complies with the restrictions below may be erected on a nonconforming lot that is not less than thirty (30) feet in width, consisting entirely of one (1) tract of land of not less than three thousand (3,000) square feet, and that:

1. Has less than the prescribed minimum lot area, width, and/or depth;
2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance; and
3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or other ordinances.

B. Regulations for Single-Family Use of Nonconforming Lots.

A nonconforming lot authorized to be used pursuant to this Section may be used for a single-family dwelling unit and no other structure except for a garage or carport. Construction of such single-family dwelling unit shall comply with all the regulations (except lot area, width, and depth) applicable to single-family dwelling units in the zoning district in which the lot in question is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. The dwelling unit shall be placed on the lot to provide a yard on each side of the dwelling unit.
2. The sum of the widths of the two (2) side yards on such lot shall be not less than the smaller of:
 - a. Twenty-five (25) percent of the width of the lot; or
 - b. The minimum total for both side yards prescribed by the dimensional standards for said zoning district.

3. No side yard shall be less than three (3) feet wide.

C. Regulations for Certain Nonconforming Lots Zoned R Rural.

1. A single-family dwelling unit and accessory structure(s) in areas zoned R Rural, may be erected or structurally altered on a nonconforming lot of record, that is not less than five thousand (5,000) square feet in area and not more than one (1) acre in area, so long as the structure or the addition to the structure complies with the setbacks established by the GS General Suburban zoning district.
2. A single-family dwelling unit or accessory structure located on property within the area annexed by Ordinance No. 2011-3331, may be erected or structurally altered on a nonconforming lot of record provided the proposed construction complies with the setback requirements established by the GS General Suburban zoning district.

D. Other Uses of Nonconforming Lots: Site Plan Required.

In any district in which single-family dwelling units are not permitted, a nonconforming lot of record which meets the requirements above may be used for any use permitted in the district in which it is located if, but only if, a site plan for such use has been approved in accordance with the provisions of the Site Plans Section of Article 3, Development Review Procedures of this UDO.

E. Lots Made Nonconforming by Right-of-Way Acquisition.

Any lot made nonconforming solely by means of dedication, condemnation, sale, or other conveyance for public right-of-way shall be allowed to pursue any allowed use as if such area were a part of the remaining lot, except that all applicable setbacks shall be adhered to.

F. Lots Made Nonconforming by Annexation.

Existing lots and platted or partially platted building plots made nonconforming by the zoning applied at the time of annexation shall be allowed to replat, provided that the resulting replat brings the property closer to compliance with current zoning district standards.

Sec. 9.5. Nonconforming Tracts.

Unplatted properties made nonconforming by the zoning applied at the time of annexation shall be allowed to plat, provided that the resulting lot contains the entire tract.

Sec. 9.6. Nonconforming Signs.

A. Continuation Allowed.

A lawfully nonconforming sign may continue in use except as otherwise provided in or authorized by this Section. A change in the information on the face of an existing nonconforming sign is allowed if the change does not increase the area of the sign face and involves no structural alteration.

B. Alteration; Expansion; Moving.

No nonconforming sign, by the voluntary act of the owner, shall be:

1. Changed or altered in any manner which would increase the degree of its nonconformity;
2. Expanded (sign face); or
3. Moved in whole or in part to any other location where it would remain nonconforming.

C. Signs Required to be Moved by the City.

Any nonconforming sign required to be moved or removed by the City shall be removed or relocated in accordance with the provisions of the Texas Local Government Code, as amended.

D. Regulations for Certain Nonconforming Properties Zoned R Rural.

Attached signs may either be erected or structurally altered on a nonconforming non-residential structure located on property within the area annexed by Ordinance No. 2011-3331, provided the proposed sign or alteration complies with the Signs Section of Article 7, General Development Standards of this UDO.

Article 10. Enforcement

Sec. 10.1. Enforcement by Administrator.

The Administrator, or their designee, shall have the authority to issue citations for the violation of the provisions of this UDO. In the event an individual signs a copy of the citation given to them, they thereby acknowledge receipt of the citation and promise to contact the Municipal Court and arrange for the entry of a plea and a hearing, where necessary, within ten (10) days of the date of the citation. If the defendant shall not sign a citation, the Administrator shall proceed to prepare and file a formal complaint with the Municipal Court and shall seek the issuance of a warrant, delivering the same to the appropriate law enforcement officer for the resulting arrest of the defendant.

A person who knowingly violates a written promise to appear in court, as provided above, commits a misdemeanor regardless of the disposition of the charge on which the ticket is issued.

Sec. 10.2. Penalties for Violation.

Any person who violates or fails to comply with the requirements of this UDO, or who builds or alters any building or structure in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and be liable to a fine pursuant to Chapter 1, General Provisions of the City of College Station Code of Ordinances.

Sec. 10.3. Penal Provisions.

A. Within City Limits.

Any person violating any provision of this UDO within the city limits shall be guilty of a misdemeanor, and upon conviction, shall be fined pursuant to Chapter 1, General Provisions of the City of College Station Code of Ordinances. Prosecution or conviction under this provision shall never be a bar to any other relief for violations of this UDO.

B. Outside City Limits.

Any person violating any provision of this UDO outside the city limits, but within the extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in the Within City Limits Subsection above be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

Sec. 10.4. Specific Enforcement and Penalties for Flood Hazard Protection.

A. Notification of Noncompliance.

If at any time development takes place for which an approved development permit has not been issued, or development occurs which does not conform to the plans and specifications upon which the issued development permit was based, the Administrator or their designee shall issue a written notice of noncompliance to the owner. The notice shall give a specific time allowance to the owner during which he must take one (1) of the following steps to bring the development into compliance with this UDO:

1. An acceptable application for a development permit must be filed with the Development Engineer for the entire scope of development taking place or proposed for the site;

2. The item or items which are not in compliance with the terms, conditions, and provisions of this UDO shall be corrected, added, or improved until they comply with this UDO, at which time the owner shall request, in writing, a re-inspection by the Development Engineer;
3. Modified construction plans shall be submitted to the Development Engineer which detail, in an acceptable manner, the remedial, additional, or corrective measures which must be taken to bring the development within the provisions and requirements of this UDO; or
4. An acceptable variance request, subject to the provisions of this UDO, shall be submitted to the Administrator which shall have the effect, if granted, of removing the requirements for which the development was determined to be in noncompliance.

The time allotment for these actions shall be reasonable and shall be determined according to the number, nature, and severity of the non-complying items. In no case shall that period exceed thirty (30) calendar days from the date of notification. If, in the opinion of the Development Engineer, a condition exists which is hazardous to the immediate safety of the public, they may seek remedies outside the scope of this Section.

B. Revocation or Suspension of Development Permit.

Upon expiration of the time allotment for remedial or corrective measures, the Development Engineer shall take one (1) of the following courses of action:

1. If, in the opinion of the Development Engineer, the owner has made, or is making, a good faith effort to remedy the offending situation, the Development Engineer may extend the time allotment previously granted if such extension is requested by the owner; or
2. Where an approved development permit has been issued for the development, the Development Engineer shall suspend the development permit. Written notice of said suspension, along with the terms and requirements for reinstating the development permit, shall be delivered to the owner.

Upon suspension of a development permit, all portions of the work being done on the property that is regulated by this UDO shall cease. These activities include but are not limited to grading, excavation, fill, berming, stripping, clearing, paving, placement of any storm sewer, drainage structure, inlet, or appurtenance thereto; any work within a defined area of special flood hazard, or placement of any structure, temporary or permanent, or any obstruction within the area of special flood hazard.

3. Upon finding that no approved development permit exists for the work or property in question or suspending an existing approved development permit, the Development Engineer shall issue a stop work order for all items of work on the subject property covered by this or other ordinances, any work permitted, licensed, or otherwise regulated by the City, or any work subject to inspection or approval by the City. The Development Engineer may enter the property to inspect and verify that the requirements of this UDO are being met.

All notices required by this Section shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting parties or permit holder(s), at the address given on the permit application.

C. Penalty Imposed.

Upon the finding of a violation of this UDO regarding flood hazard protection, the Development Engineer may file a complaint in the Municipal Court of the City of College Station against any person, firm, corporation, or other legal entity. In the event the judge finds any person, firm, corporation, or other legal entity to violate the terms, conditions, or requirements of this UDO, or provisions or conditions pursuant thereto, they shall find said person, firm, corporation, or other legal entity guilty of a misdemeanor; and upon conviction shall impose a fine pursuant to Chapter 1, General Provisions of the City of College Station Code of Ordinances. Prosecution under this provision shall not be a bar to any other relief for violation of this UDO.

D. Fine Not Exclusive Penalty.

In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this UDO, or to correct violations thereof, and, if applicable, appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.

Sec. 10.5. Specific Penalties for Certificates of Appropriateness and Certificates of Demolition.

A person is criminally responsible for a violation of the Certificates of Appropriateness Section and the Certificates of Demolition Section of Article 3, Development Review Procedures of this UDO if:

1. The person owns part or all of the property where the violation occurs,
2. The person is the agent of the owner of the property and is in control of the property, or
3. The person commits the violation or assists in the commission of the violation.

Sec. 10.6. Specific Enforcement and Penalties for Drainage and Stormwater Management.

A. Enforcement Responsibility.

The Administrator or their designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this UDO but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, and requirements and regulations of the City of College Station Code of Ordinances. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

B. Violations.

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished according to Chapter 1, General Provisions of the City of College Station Code of Ordinances.
2. The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or another person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. A violation of this Section is also declared a nuisance and may be enforced five thousand (5,000) feet outside the city limits.

C. Notice of Violations.

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to the Stormwater Discharges Article of Chapter 14, Environment and Natural Resources of the City of College Station Code of Ordinances. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this ordinance and is subject to additional penalties outlined herein.

D. Voluntary Compliance.

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

E. Stop Orders.

The Administrator has the authority to issue stop-work orders for any facility that commits any acts prohibited by this ordinance.

F. Appeals, Interpretation, and Variances.

Where applicable, any appeals, interpretations, or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations, or variances of the Administrator shall be to a court of competent jurisdiction directly.

Article 11. Definitions

Sec. 11.1. General.

- A. For the purpose of this UDO, certain words shall be interpreted as follows:
1. Words in the present tense include the future tense.
 2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
 3. The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
 4. The word "structure" shall include the word "building."
 5. The word "lot" shall include the words, "plot," "parcel," or "tract."
 6. The words "will" and "shall" are always mandatory and not merely directory.
- B. Words not specifically defined in the Defined Terms Section below shall take their common dictionary meaning, except as modified by use as terms of art in planning or engineering.

Sec. 11.2. Defined Terms.

Accessory Use, Structure, or Building: A residential or non-residential use, structure, or building which:

- (1) is subordinate to and serves a primary use or principal structure;
- (2) is subordinate in area, extent, or purpose to the primary use served;
- (3) contributes to the comfort, convenience, or necessity of occupants of the primary use served;
- (4) is located within the same zoning district as the primary use; and
- (5) is not used for commercial purposes other than legitimate home occupations in residential districts.

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 (15) foot wide public access easement or public right-of-way. A minimum five (5) foot sidewalk shall be constructed in the center of the access way, except where the access way provides a connection to a multi-use path, a minimum eight (8) foot sidewalk shall be provided.

Administrator: The Director of Planning and Development Services of the City of College Station, or their designee.

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. Adult motels provide 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 time period that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent room for a time period 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 that 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 that 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 that 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 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 that 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 wireless transmission facilities or stealth antennae.

Animal Care Facilities: A place where animals are boarded and/or bred including but not limited to stables and kennels.

Antenna: Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio frequency signals.

Antenna, Directional ("Panel" Antenna): An antenna that transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty (360) degrees.

Antenna, Omni-Directional ("Whip" Antenna): An antenna that transmits and receives radio frequency signals in a three hundred sixty (360) degree radial pattern.

Antenna, Parabolic ("Dish" Antenna): A bowl-shaped device for the reception and/or transmission of radio frequency signals in a specific directional pattern.

Appeal: 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.

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.

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 Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Map. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AE, AH, AO, A1—99, VO, V1—30, VE, or V.

Art Studio or Gallery: A structure where objects of art are created or displayed for 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.

Assisted Living/Residential Care Facility: A building used or designed for the housing of the aged, and/or mentally or physically handicapped persons who need assistance with activities of daily living and/or health care and/or personal care in a homelike setting and duly licensed by the State 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.

Banner/Flag: A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).

Banner, Commercial: 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.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year, often referred to as the one hundred (100) year flood.

Bed and Breakfast: 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 the total number of permanent and transient occupants does not exceed four (4) at any time.

Best Management Practices (BMP): 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. Best management practices 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.

Block: A tract or parcel 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 one hundred (100) year floodplain.

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 (100) year floodplain. As such, gated streets, private streets, culs-de-sac, alleys, private driveways, or access ways do not divide land into separate blocks.

Example of Different Block Lengths



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.

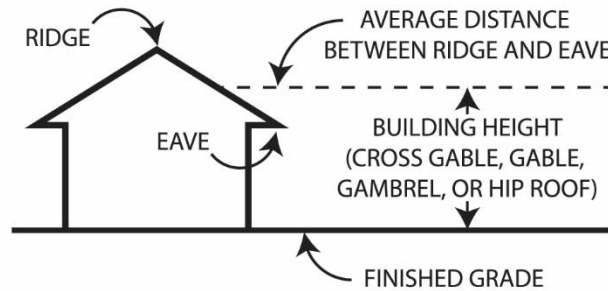
Body Rub Parlor: Any business enterprise where body rub services are provided to induce relaxation or for other purposes.

Building: 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.

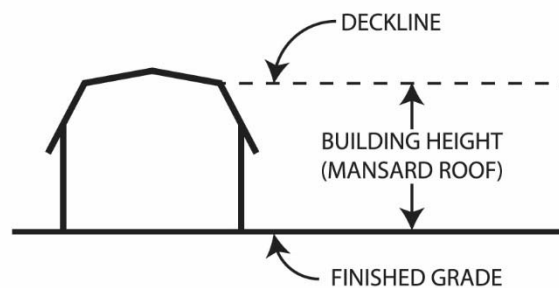
Building Height: The vertical distance measured from the finished grade and the height of the roof as described below. For buildings with multiple roof levels, the highest of the various roof levels must be used to determine the building height. The average height of multiple roof levels is not to be used to determine building height. Unless indicated in the figures below, the building height shall be the highest point of equipment located on top of a

structure such as satellite dishes, heating, and air conditioning units. See below for a list of figures showing how to calculate the building height for different roofs.

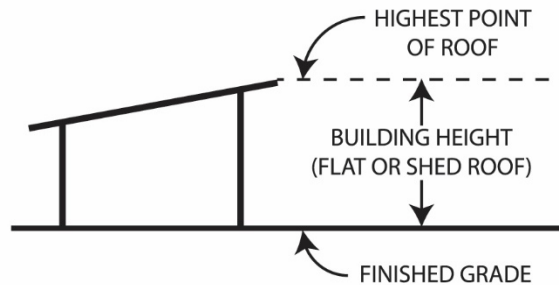
Building Height for a Cross Gable, Gable, Gambrel, or Hip Roof



Building Height for a Mansard Roof



Building Height for a Flat or Shed Roof



Building Official: The person designated by the Administrator as Building Official of the City of College Station, or their designee.

Building Plot: 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 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 the structure sits astride two (2) or more lots. In the event 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 the distance of pedestrian crossing.

Caliper: The width of the trunk of a tree measured at twelve (12) inches above grade.

Carport: A structure that 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.

City: The City of College Station, Texas, which is enabled the Texas Constitution and the Texas Local Government Code, as amended, to adopt land development regulations and processes.

City Attorney: The person employed as City Attorney of the City of College Station, or their designee.

City Council: The duly and constitutionally elected governing body of the City of College Station.

City Engineer: The person employed as City Engineer of the City of College Station, or their designee.

City Manager: The person employed as City Manager of the City of College Station, or their designee.

Classification Amendment: An amending zoning ordinance that 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.

Cluster Development: 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 does not exceed the maximum density limit for the underlying zoning district.

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, vegetables, 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 are 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, bars, and taverns are excluded from this definition.

Common Open Space: A parcel or parcels of land, 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.

Comprehensive Plan: The City of College Station's Comprehensive Plan, including any associated plans or studies adopted by the City Council.

Concept Plan: A written and graphic plan submitted for consideration of a P-MUD Planned Mixed-Use District or a PDD Planned Development District that indicates the proposed land uses and their overall impact on the subject land and surrounding lands in a conceptual form.

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.

Condominium: A dwelling unit available for sale contained within a multi-family development subject to covenants, conditions, or restrictions placing control over the common facilities owned by the condominium. This definition includes condominiums, cooperatives, trusts, partnerships, or other similar associations.

Construction Plans: The construction documents required to accompany the final plat or the building and site plans required for the issuance of a development permit and/or building permit.

Construction Site Notice: A written submission to the Municipal Separate Storm Sewer System (MS4) operator from an applicant stating that a small construction activity will be commencing and will operate under the provisions of the Texas Commission on Environmental Quality (TCEQ) General Permit TXR150000.

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. Each courtyard house 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 an owners association and preserved as a common open space. Vehicular access and garages shall be accessed via an alley or private drive.

Cul-de-Sac: A street having 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 on top of a building.

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. Said children or elderly adults are not members of the family of any person 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. Said persons are not members of the family living in the residence. Nothing in this definition shall conflict with the provisions of Chapter 123 of the Texas Human Resources Code, as amended.

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 person designated by the City Engineer as Development Engineer of the City of College Station.

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: 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: The 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 Facility: Any element necessary to convey stormwater flows from its initial contact with the earth to its disposition in an existing watercourse. Drainage facilities include but are not limited to both public and private storm sewers (closed conduits), streets, improved channels constructed in accordance with the adopted Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, unimproved drainage ways 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, and culverts.

Drainage System, Primary: The system of natural, improved, or channelized watercourses including all closed conduits, culverts, bridges, detention facilities, and retention facilities associated with the watercourses. All components of the primary drainage system 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 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-In/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: A structure providing two (2) dwelling units on a single lot or building plot.

Dwelling Unit: 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 man-made 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, Drainage: An interest in land granted to others for maintenance of a drainage facility on which certain uses are prohibited. Drainage easements provide for the entry and operation of machinery and vehicles for maintenance.

Easement, Historic Preservation: 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, a 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.

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.

Easement, Utility: An interest in land granted to the City, the public generally, and/or a private utility company for the 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 the maintenance of such utilities.

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 the education or instruction of students below the age of twenty (20). Auxiliary uses to these schools are included herein.

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 vocation or 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.

Elevation: The vertical distance from a datum, usually the National Geodetic Vertical Datum (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 porch consisting of a series of columns placed at regular intervals supporting a roof, normally attached as a colonnade.

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 prior to the effective date of the Flood Insurance Rate Map (FIRM). Existing construction may also be referred to as existing structures.

Existing Development: Any development 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) inch caliper or greater.

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. This definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

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 city limits, the outer boundaries of which are measured from

the extremities of the city limits, outward for such 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, Primary: The primary entrance façade of a principal building (not accessory buildings) or any façade of a principal building that faces a public right-of-way, private right-of-way, or public way.

Façade Work: The removal, 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 (1) 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 (1) unrelated person. Guardianship shall include foster children, exchange students, or those in the process of securing legal custody of a person under the age of eighteen (18). Any asserted common law marriage must be subject to an affidavit of record under the Texas Family Code, as amended, 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 Department of Homeland Security which administers the National Flood Insurance Program (NFIP).

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 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: An official map of a community, issued by the Federal Emergency Management Agency (FEMA), 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 Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Map.

Floodplain or Flood-Prone Area: Any land susceptible to being inundated by water from any source.

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 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 to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot.

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 one-hundredths (.01) feet, 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 Federal Emergency Management Agency (FEMA) floodway but always includes the Federal Emergency Management Agency (FEMA) floodway. The boundaries of the one hundred (100) 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: 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 meets 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 an 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 an owners association and having its primary means of access controlled by an electric or manual gate administered by the owners association.

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 Program Manager: The Greenways Program Manager of the City of College Station as designated by the Administrator.

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 (24) 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 Texas Human Resources Code, as amended.

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.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, exercise, or other customary and usual recreational activities, operated for profit or not-for-profit which is open only to members and guests of the club or facility.

Historic Association: Link of a property that contributes to an HP Historic Preservation Overlay 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.

Historic Contributing Resource: A building, site, structure, or object in an HP Historic Preservation Overlay that supports the Overlay's historical significance through historic location, design, setting, materials, workmanship, feeling, or association.

Historic Design: Quality of integrity applying to the elements that create the physical form, plan, space, structure, and style of a property in an HP Historic Preservation Overlay.

Historic Feeling: Quality of integrity through which a property that contributes to an HP Historic Preservation Overlay evokes the aesthetic or historic sense of past time and place.

Historic Integrity: Authenticity of the historic identity of a property that contributes to an HP Historic Preservation Overlay, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Historic Location: Quality of integrity retained by a property that contributes to an HP Historic Preservation Overlay historic property existing in the same place as it did during the period of significance.

Historic 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 an HP Historic Preservation Overlay.

Historic Non-Contributing Resource: A building, site, structure, or object in an HP Historic Preservation Overlay that does not support the Overlay's historical significance through historic, location, design, setting, materials, workmanship, feeling, or association.

Historic Setting: Quality of integrity applying to the physical environment of a property that contributes to an HP Historic Preservation Overlay.

Historic Workmanship: Quality of integrity applying to the physical evidence of the crafts of a particular culture, people, or artisan on a property that contributes to an HP Historic Preservation Overlay.

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, as well as the touring of occupied residences for the entertainment of a targeted audience.

Hospital: 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. This definition shall not 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: The percentage of a lot's area that is covered, or proposed to be covered, by impervious surfaces.

Impervious Surface: Any portion of a site occupied by materials or construction that limits the absorption of water by covering the natural land surface including, but 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 (50) percent 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 the 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 turnover and few pedestrians, but a large amount of truck traffic.

Irrigation System: A permanent, artificial watering system designed to transport and distribute water to plants.

Land Use: A use of land that 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 to protect from temporary flooding.

Levee System: A flood protection system that 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.

Lot: The physical and undivided tract or parcel of land as shown on a duly recorded plat.

Lot, Corner: A lot located at the intersection of and abutting upon two (2) or more streets.

Lot, Double Frontage or Through: A lot, other than a corner lot, which has frontage on more than one (1) street.

Lot, Flag: A lot that does not meet the minimum lot width requirements where access is derived from a narrow, private driveway.

Lot, Interior: 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 the 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, gravel or paved driveways, 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 the side yard area on the opposite side of the lot. Planning for all house locations is 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: The width of the lot measured between side lot lines along a line that is parallel to the front lot line or its chord located at the front setback line.

Lowest Floor: The lowest floor of the lowest enclosed area (including a 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 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, 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, in accordance with 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.

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, or persons under the direct supervision and control of such licensed persons.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929 or another datum to which the base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Micro-Industrial: A use engaged in basic processing and/or manufacturing of materials or products or parts on a limited scale, predominantly from extracted raw materials, entirely contained within a building and not deemed to be a public nuisance, as determined by the Administrator.

Mixed-Use Structure: A structure containing both residential and non-residential uses.

Mobile Food Vendor: Any business operating more than twenty-one (21) days per calendar year that 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.

Mobile Home: A structure that was constructed prior to 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.

Motor Vehicle: A self-propelled device that can be used to transport or draw persons or property not exclusively on stationary rails or tracks.

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 or building plot. 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 or building plot. Condominiums are included in this definition.

Multi-Family: A structure providing three (3) or more dwelling units on a single lot or building plot. Condominiums are included in this definition.

National Flood Insurance Program (NFIP): 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 prior to 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 another 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 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.

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 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-site sale of alcoholic beverages. Sexually oriented businesses/enterprises are not included in this definition.

Notice of Change: The notification of changes to the stormwater pollution prevention plan (SWP3) that is required by the Texas Pollutant Discharge Elimination System (TDPES) Stormwater Permits.

Notice of Intent: The advance notification that is required by the Texas Pollutant Discharge Elimination System (TDPES) Stormwater Permits prior to commencement of work.

Notice of Termination: The notification that is required by the Texas Pollutant Discharge Elimination System (TDPES) Stormwater Permits upon completion of work.

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 to be owned separately by more than one (1) person, whether or not related or participating in a joint enterprise.

Outdoor Display: The placement of goods for active sale outside a 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.

Owners Association: An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision—whether a lot, parcel site, unit plot, condominium, or any other interest—is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a prorated share of expense of the association, which may become a lien against the lot, parcel, unit, condominium, or other interest of the member. Homeowners associations and property owners associations are included in this definition.

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 higher on the Comprehensive Plan Functional Classification & Context Class Map. A pad site contains a standalone 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 thirty-three (33) percent of the total area of the building plot.

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, Overflow: Parking in excess of the minimum required by this ordinance and in excess of what is utilized regularly by the development.

Parking, Peripheral: Parking rows that abut the periphery or property lines associated with the proposed project site.

Parking, Side or Rear Yard: Required parking that is provided, in its entirety, behind a setback line of fifty (50) percent of the applicable zoning district's minimum lot depth.

Parking Row, Single: One (1) 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 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 the curbs.

Person: Every natural person, firm, partnership, joint venture, association, corporation, or other groups 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 that provides services related to grooming, appearance, care, or repair of personal apparel 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.

Planning and Zoning Commission: The duly appointed Planning and Zoning Commission of the City of College Station.

Plat: A map of a subdivision intended to be filed for record with the applicable County Clerk's Office showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., drawn to scale. This definition includes final plats, replats, amending plats, minor plats, development plats, and vacating plats meeting the requirements of this UDO.

Plat, Minor: As defined by Chapter 212 of the Texas Local Government Code, as amended. A subdivision involving four (4) or fewer lots fronting an existing street that does not require the creation of any new street or the extension of municipal facilities.

Portable Storage: Any unit, including but not limited to a trailer, box, or another 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.

Public, Civic, and Institutional Use, Structure, or Building: A use, structure, or building belonging to or used by the public for the transaction of public or quasi-public business including but not limited to parks, 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 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 in accordance with the Bryan/College Station Unified Design Guidelines with the following modifications:

- (1) 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.
- (2) A public way shall have a minimum pavement structure constructed to the 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.
- (3) 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.
- (4) Five (5) foot sidewalks shall be provided on each side of the drive and placed a minimum of three (3) feet from the back of the curb.

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.

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 in 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 acquisition or consolidation, or the clearance and rebuilding of an area consistent with the Comprehensive Plan, including any associated plans or studies adopted by the City Council.

Regulated Activity: 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.

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.

Release: 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.

Remote Emergency Access: A semi-permanent all-weather surface in accordance with 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 fifty (50) percent 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.

Repair Shop: 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.

Research Laboratory: An establishment or facility used for carrying on investigations in the natural, physical, or social sciences which may include engineering and product development.

Residential Sales Office/Model Home: A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like.

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.

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 dinners, 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 are derived from the sale of such beverages for off-site 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 in a permanent pool of water or permanent pool in conjunction with a temporary storage component.

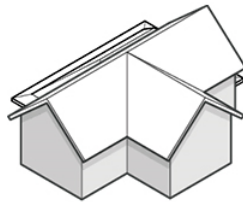
Reverse Vending Machine: An automated mechanical device that accepts at least one (1) or more types of beverage containers including but not limited to aluminum cans or glass and plastic bottles that issue cash refunds or redeemable credit slips. Sorting and processing occur entirely within the machine.

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.

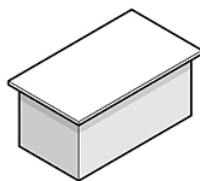
Reverse Vending Machine, Single Feed: A reverse vending machine that accepts materials one (1) item at a time.

Rooming/Boarding House: A group of rooms provided for persons other than members of the occupant family 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.

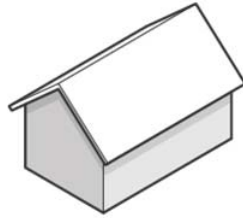
Roof, Cross Gable: Two (2) perpendicular gable roofs.



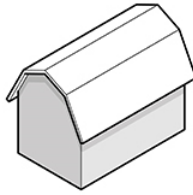
Roof, Flat: A roof with only enough pitch to allow drainage.



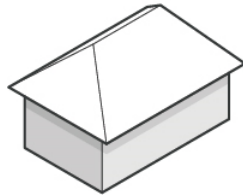
Roof, Gable: A ridged roof having one (1) or two (2) gabled ends (gable: the portion of the end of a building that extends from the eaves to the peak or ridge of the roof).



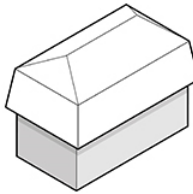
Roof, Gambrel: A roof whose slope on each side is interrupted by an obtuse angle that forms two (2) pitches on each side, the lower slope being steeper than the upper.



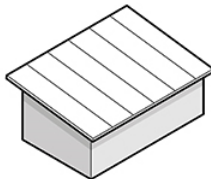
Roof, Hip: A roof formed by several adjacent inclining planes, each rising from a different wall of a building and forming hips at their adjacent sloping sides.



Roof, Mansard: A roof with a double pitch on all four (4) sides, the lower level having the steeper pitch.



Roof, Shed: 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.

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 that 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 lot or 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.

Sexually oriented businesses include, but are not limited to, adult retail stores, limited adult retail stores, adult arcades, 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 (FDA).

Shared Housing: A residential dwelling unit providing complete, independent living facilities designed to exceed occupancy levels of more than one (1) family. Such use may be identified and differentiated from other residential uses by considering a combination of structure or property characteristics that may be used to increase occupancy to more than one (1) family, such as:

- (1) A residential dwelling unit containing more than four (4) bedrooms or able to house more than four (4) people using other rooms such as dens, offices, game rooms, or similar spaces that have the potential to be used for sleeping purposes in accordance with the International Residential Code (IRC) definition of habitable space, as adopted;
- (2) A residential dwelling unit containing a similar bedroom-to-bathroom parity in excess of four (4);
- (3) A residential dwelling unit containing a high quantity of bathrooms, usually in excess of four (4), of which most can only be accessed through a bedroom or other room such as a den, office, game room, or similar space;
- (4) A residential dwelling unit that is in excess of one (1) story for the purpose of limiting the building footprint on the lot to meet impervious cover requirements;

- (5) The property where the residential dwelling unit is located does not contain a garage, or if it contains a garage, can support additional living space; and/or
- (6) The property where the residential dwelling unit is located contains a parking area that will allow parking in excess of four (4) vehicles.

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.

Shopping Center: A building plot developed or ultimately to be developed with two (2) or more stores, shops, or commercial enterprises 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 the safety of persons utilizing the facility and the general public.

Shrub: A woody perennial plant differing from a perennial herb by its woodier stem and from a tree by its low stature and habit of branching from the base.

Sign: Any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of a similar character that is used for the communication of commercial information, or communication of ideas or subjects of political significance.

Sign, Apartment/Condominium/Manufactured Home Park Identification: An attached sign or a freestanding monument sign with permanent foundation or moorings, designed for identification of a multi-family residential project or a manufactured home park project, and where adequate provision is made for permanent maintenance.

Sign, Area Identification: 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.

Sign, Attached: 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.

Sign, Campus/Wayfinding: A sign utilized as a traffic control device in off-street or access areas whose primary purpose is to direct traffic within a PDD Planned Development District or unified development that may include the names of tenants or businesses but does not contain any commercial logo or graphics.

Sign, Commercial: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

Sign, Development: A sign announcing a proposed subdivision or a proposed building project.

Sign, Directional Traffic Control: A sign utilized as a traffic control device in off-street parking or access areas whose primary purpose is not for advertisement.

Sign, Freestanding Commercial: A sign supported by one (1) or more columns, poles, or bars extended from the ground or an object on the ground, or that is erected on the ground. This 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.

Sign, Fuel Price: A sign used to advertise the current price of fuel at locations where fuel is sold.

Sign, Hanging: A sign suspended from the underside of a canopy or awning and located in front of building entrances, perpendicular to the façade.

Sign, Home Occupation: A sign used to identify the name and occupation of a person with a legal home occupation.

Sign, Low Profile: A sign with a permanent foundation that is not attached to a building but is a stand-alone sign which does not exceed sixty (60) square feet in area and four (4) feet in height.

Sign, Non-Commercial: 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.

Sign, Off-Premise Commercial: 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.

Sign, On-Premise Commercial: 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.

Sign, Political: 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.

Sign, Portable: 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 to sit upon the surface of the ground, without subsurface attachment or extension.

Sign, Projection: An attached sign end-mounted or otherwise attached to an exterior wall of a building and extends in whole or part more than twelve (12) inches beyond the face of the building.

Sign, Real Estate, Finance, and Construction: An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising the 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.

Sign, Roof: 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.

Sign, Special District Identification: 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, as set forth in the Design Districts and Overlay Districts Sections of Article 5, District Purpose Statements and Supplemental Standards of this UDO. The sign shall be used to display only the name, logo, or identifying information about the district, and no other commercial information.

Sign, Subdivision Identification: 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.

Single-Family: A structure providing one (1) dwelling unit on a single lot or building plot.

Single-Unit Dwelling: A detached structure, located within a larger development on a common lot, providing one (1) dwelling unit.

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 the installation of walls, accessory structures, and other similar additions.

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 the Site Plans Section of Article 3, Development Review Procedures of this UDO.

Sitwall: A combination of 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.

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 that 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 the 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 a 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: Any premises and structure used exclusively for the storage of more than five (5) automobiles.

Storage, Outdoor: The keeping of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours in an unenclosed area.

Storage, Self-Service: A structure containing separate, individual, and private storage spaces of varying sizes.

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.

Stormwater Management: All ordinances, standards, plans, and studies to ensure 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.

Stormwater Pollution Prevention Plan (SWP3): A plan required by a Texas Pollutant Discharge Elimination System (TDPS) 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.

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(s), firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their 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 that are 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 defined herein.

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.

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 Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO.

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:

- (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 another 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 the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that 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 8, Businesses of the City of College Station Code of Ordinances.

Texas Pollutant Discharge Elimination System (TDPEs): The regulatory program delegated to the State of Texas by the Environmental Protection Agency (EPA) pursuant to 33 USC § 1342(b).

Texas Pollutant Discharge Elimination System (TDPEs) Permit: A permit issued by the Texas Commission on Environmental Quality (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.

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, with 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 extends 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 Tower, Monopole: A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment.

Transmission Tower, Lattice: A self-supporting three (3) or four (4) sided, open, steel frame structure used to support telecommunications antenna and/or related equipment.

Transmission Tower, Guyed: 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.

Two-Unit Dwelling: A detached structure, located within a larger development on a common lot, providing two (2) dwelling units.

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 Facility: Infrastructure services and structures necessary to deliver basic utilities essential to 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 wireless telecommunication facilities.

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 are involved in such activities for 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 UDO is presumed to be in violation until that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or another 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 because of the overflow of flood water.

Wireless Telecommunication Facility: 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 that are open and unobstructed to the sky by any structure except as herein provided.

Yard, Exterior Side: A yard that faces and is parallel to a side street.

Yard, Front: 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.

Yard, Rear: 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.

Yard, Side: 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 the city in accordance with this UDO and consistent with the Comprehensive Plan Future Land Use & Character Map which is intended to preserve the quality of life and orderly development of the city.

Article 1. General Provisions

Sec. 1.1. Short Title.

This Ordinance shall be officially known and cited as the Unified Development Ordinance (UDO) of the City of College Station, Texas. References to "this Ordinance" or "this UDO" shall be interpreted as references to this Unified Development Ordinance.

Sec. 1.2. Authority.

This UDO is adopted under the authority of the constitution and laws of the State of Texas, including particularly Chapters 211 and 212 of the Texas Local Government Code, as amended, and pursuant to the provisions of the Charter and Ordinances of the City of College Station, Texas.

Sec. 1.3. Scope and Purpose.

A. This UDO is adopted for the purpose of promoting the public health, safety, and general welfare of the citizens of the City of College Station. More specifically, this UDO provides for the division of land into different districts, regulations of pertaining to such districts, regulations for the subdivision of land and drainage regulations pertaining thereto. These regulations are designed to be consistent with the Comprehensive Plan~~in accordance with a comprehensive plan~~. The ~~City of College Station's~~ Comprehensive Plan is the fundamental guide to all decisions made under this UDO. To ~~in order to~~ implement the broad goals of the plan, this UDO regulates land use and the division of land ~~in order to~~ achieve objectives of the plan that include, but are not limited to, the following:

- 1A. Promote the beneficial, economic, and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
- 2B. Protect the character and the established pattern of desirable development in each area;
- 3C. Prevent or minimize land-use incompatibilities and conflicts among different land uses;
- 4D. Establish a process that effectively and fairly applies the regulations and standards of this UDO and respects the rights of property owners and the interests of citizens; and
- 5E. Implements the Comprehensive Plan through compliance with its ~~individual~~ elements.

Sec. 1.4. Jurisdiction.

A. Land Within the City Limits.

Except as set forth below, this UDO applies to all land within the city ~~City~~ limits of ~~the City of~~ College Station. All structures and land uses constructed or commenced after the effective date of this UDO, and all enlargements of, additions to, changes in, and relocations of existing structures and uses occurring after the effective date of this UDO shall be subject to this UDO.

B. Land Within the Extraterritorial Jurisdiction of College Station.

The City of College Station and Brazos County are, jointly, the primary platting authority in the City's extraterritorial jurisdiction ~~(ETJ)~~ in Brazos County. Burleson County is the primary platting authority in the ~~that~~ portion of the City's extraterritorial jurisdiction ~~ETJ~~ which lies in Burleson County. The following Sections

of this UDO shall apply to all properties outside the ~~city~~ City limits of College Station, but lying within the City's extraterritorial jurisdiction ETJ as established by the Municipal Annexation Act:

1. Applicable portions of the Signs Section of Article 7, General Development Standards of this UDO~~Section 7.5, Signs (ref. Section 1-30, City of College Station Code of Ordinances);~~
2. Article 8, Subdivision Design and Improvements;
3. Articles ~~8~~ 10, Enforcement; and
4. Applicable definitions within Article 11, Definitions.

C. Land Zoned BioCorridor Planned Development District.

The City of College Station and the City of Bryan have adopted common development processes and standards for land that is zoned BioCorridor Planned Development District in each City's jurisdiction. The following Sections of the UDO shall not apply to property zoned BioCorridor Planned Development District:

1. Article 3, Development Review Procedures;
2. Article 6, Use Regulations;
3. Article 7, General Development Standards; and
4. Article 8, Subdivision Design and Improvements, with the exception of the Requirements for Parkland ~~Park Land~~ Dedication Section. Parkland Dedication of parkland shall remain in effect for properties ~~property~~ within the BioCorridor Planned Development District.

Sec. 1.5. Applicability.

- A. In their interpretation and application, the provisions of this UDO shall be held to be minimum requirements (including cases where minimum requirements are stated as a maximum standard) adopted for the promotion of public health, safety, and general welfare.
- B. Whenever the requirements of this UDO are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the Administrator shall govern. When making the determination, the Administrator must use the canons of statutory construction to determine the governing regulation.
- C. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this UDO shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other City, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

Sec. 1.6. Relationship to the Comprehensive Plan.

- A. It is intended that this UDO implement the ~~City's~~ planning policies of the City of College Station as adopted as part of the ~~City's~~ Comprehensive Plan, ~~as amended and periodically updated.~~
- B. The ~~City's~~ Comprehensive Plan, including and any associated plans or studies adopted by the City Council, shall be required prior to, or concurrent with, permitting development that ~~which~~ would conflict with such plan.
- C. The alignments of proposed thoroughfares, bicycle and pedestrian facilities, and other linear public facilities and infrastructure described and/or depicted as part of the ~~City's~~ Comprehensive Plan and associated ~~master~~ plans or studies are generalized locations that are subject to modifications to fit local conditions, budget constraints, and right-of-way and easement availability that warrant further refinement as development occurs. Alignments approved by the Administrator that are within one thousand (1,000) feet of the

alignment described and/or shown on the adopted plan documents will not require an ~~ordinance~~ amendment to the associated plan. The Administrator may update ~~geographic information system~~ ~~Geographical Information Systems~~ (GIS) map layers and other representations within the aforementioned discretion to reflect existing, approved, or studied conditions as development occurs.

Sec. 1.7. Effective Date.

This UDO shall become effective and be in full force and effect ninety (90) days from its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

Sec. 1.8. Annual Review.

The City Council shall review annually the Comprehensive Plan and this UDO. The review, or any delay in the review by the City Council, shall not affect the legality of the Comprehensive Plan or this UDO.

Sec. 1.9. Severability.

Should any section or provision of this UDO be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Sec. 1.10. Transitional Provisions.

A. Pending Construction.

1. Building Permits.

As provided by Chapter 245 of the Texas Local Government Code, ~~as amended~~, 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~~ ~~official zoning map~~ of the City of College Station shall remain in effect. Those districts are shown ~~in on~~ the following table:

Retained District	Name	Effective Date
WPC	Wolf Pen Creek Development 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 District	June 13, 2003
OV	Corridor Overlay	June 13, 2003

2. Renamed Districts.

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

Previous District	Previous Name	New District	New Name	Effective Date
<u>A-OX</u>	<u>Existing Rural Residential</u>	<u>A-O</u>	<u>Agricultural-Open</u>	<u>June 13, 2003</u>
<u>R-1A</u>	<u>Single-Family Residential</u>	<u>R-1</u>	<u>Single-Family Residential</u>	<u>June 13, 2003</u>
<u>M-1</u>	<u>Planned Industrial</u>	<u>M-1</u>	<u>Light Industrial</u>	<u>June 13, 2003</u>
<u>R-6</u>	<u>Apartment High Density</u>	<u>R-6</u>	<u>High Density Multi-Family</u>	<u>June 13, 2003</u>
<u>NG-2</u>	<u>Commercial Northgate</u>	<u>NG-2</u>	<u>Transitional Northgate</u>	<u>April 2, 2006</u>
<u>A-P</u>	<u>Administrative Professional</u>	<u>O</u>	<u>Office</u>	<u>October 7, 2012</u>
<u>C-1</u>	<u>General Commercial</u>	<u>GC</u>	<u>General Commercial</u>	<u>October 7, 2012</u>
<u>C-2</u>	<u>Commercial Industrial</u>	<u>CI</u>	<u>Commercial Industrial</u>	<u>October 7, 2012</u>
<u>A-O</u>	<u>Agricultural Open</u>	<u>R</u>	<u>Rural</u>	<u>September 22, 2013</u>
<u>A-OR</u>	<u>Rural Residential Subdivision</u>	<u>E</u>	<u>Estate</u>	<u>September 22, 2013</u>
<u>R-1</u>	<u>Single-Family Residential</u>	<u>GS</u>	<u>General Suburban</u>	<u>September 22, 2013</u>
<u>R-2</u>	<u>Duplex Residential</u>	<u>D</u>	<u>Duplex</u>	<u>September 22, 2013</u>
<u>R-3</u>	<u>Townhouse</u>	<u>T</u>	<u>Townhouse</u>	<u>September 22, 2013</u>
<u>R-7</u>	<u>Manufactured Home Park</u>	<u>MHP</u>	<u>Manufactured Home Park</u>	<u>September 22, 2013</u>
<u>WPC</u>	<u>Wolf Pen Creek Development Corridor</u>	<u>WPC</u>	<u>Wolf Pen Creek</u>	<u>June 22, 2023</u>

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
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
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GC	General Commercial	October 7, 2012
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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 following zoning districts shall henceforth be combined as reflected in the following table:

Combined Districts	Name	New District	New Name	Effective Date
R-4	Apartment/Low Density	R-4	Multi-Family	June 13, 2003
R-5	Apartment/Medium Density			
C-B	Business Commercial	C-1	General Commercial	June 13, 2003
C-1	General Commercial			
C-3	Planned Commercial	C-3	Light Commercial	June 13, 2003
C-N	Neighborhood Business			

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 Official 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
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
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 the 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
<u>HP</u>	<u>Historic Preservation Overlay</u>	<u>September 11, 2008</u>
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
MH	Middle Housing	November 6, 2022

6. **Redesignated District.**

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

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

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

Previous District	Name	Redesignated District	Name	Effective Date
PUD	Planned Unit Development	<u>PDD</u>	<u>Planned Development District</u>	<u>June 13, 2003</u>

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 ~~official zoning map on the effective date of this UDO~~ are hereby deleted:

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

Article 2. Development Review Bodies

Sec. 2.1. City Council.

A. General.

The City Council will be responsible for final action regarding the text of this UDO and the Official Zoning Map.

B. Powers and Duties.

As provided and established within the City of College Station Charter, the City Council has the following powers and duties regarding this UDO:

1. Appointments.

The City Council shall have the responsibility of appointing and removing any member of the Planning and Zoning Commission (~~P&Z~~), Zoning Board of Adjustment (~~ZBA~~), Design Review Board, Landmark Commission (~~LC~~), ~~Design Review Board (DRB)~~, and Bicycle, Pedestrian, and Greenways Advisory Board.

2. Final Action.

The City Council shall hear and take final action on the following:

- a. Development agreements and oversize participation agreements for City participation in cost-sharing of infrastructure improvements;
- b. Conditional use permits;
- c. Official Zoning Map ~~map~~ amendments (rezonings);
- d. Concept ~~plans~~ Plans for P-MUD Planned Mixed-Use Districts and PDD Planned Development Districts (~~PDD~~) and ~~Planned Mixed-Use Districts (P-MUD)~~;
- e. Unified Development Ordinance text ~~Text~~ amendments;
- f. Comprehensive Plan amendments;
- g. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities;
- h. Annexations;
- i. Appeal of the Planning and Zoning Commission's ~~P&Z's~~ decision regarding a development exaction appeal;
- ~~j. Appeal of the DRB's denial of a Gateway Grant;~~
- ~~jk.~~ Appeal of the Landmark Commission's ~~LC's~~ denial of a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~;
- ~~kl.~~ Appeal of the Landmark Commission's ~~LC's~~ decision of a certificate ~~Certificate~~ of demolition ~~Demolition~~; and
- ~~lm.~~ Petitions to form a municipal utility district ~~Municipal Utility District~~.

Sec. 2.2. Planning and Zoning Commission.

A. Creation.

The City Council shall provide for the appointment of a Planning and Zoning Commission and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms.

1. Number, Appointment.

A Planning and Zoning Commission is hereby created to consist of seven (7) members. Members shall be residents of the City of College Station and eligible voters. Additionally, one (1) or more ad hoc members may be appointed as needed or desired to review impact fee land use assumptions and capital improvements plans and to perform such other duties in accordance with Chapter 395 of the Texas Local Government Code, as amended.

2. Terms.

The term of office is three (3) years, ~~provided, however, that: (a) two of the four (4) commissioners whose terms expire January 2020 shall be appointed to a two year term; and (b) the three commissioners whose terms expire January 2022 shall be appointed to a two year term. Thereafter, all appointments shall be for three years.~~

3. Term Limits.

Terms of office shall be limited to ~~two consecutive three-year terms or~~ six (6) consecutive years. ~~A person appointed to fill an unexpired term may be appointed to only one (1) additional consecutive term.~~

4. Vacancies.

Vacancies shall be filled by the City Council for the unexpired term of any member whose position becomes vacant.

C. Officers, Meetings, Quorum.

1. Officers.

A ~~chairperson~~ Chairperson shall be appointed annually by the City Council. The Planning and Zoning Commission shall select a ~~vice-chairperson~~ Vice-Chair from among its members as needed.

2. Meetings.

Members of the Planning and Zoning Commission shall meet regularly, and the chairperson ~~Chairperson~~ shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. Quorum.

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation advanced to the City Council without a majority of positive votes from those members present shall be deemed a negative report.

4. Rules of Proceeding.

The Planning and Zoning Commission shall adopt its own rules of procedure.

5. Minutes.

The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department office of the Administrator and shall be a public record.

D. Powers and Duties.

The Planning and Zoning Commission shall have the following powers and duties:

1. Comprehensive Plan.

The Planning and Zoning Commission shall make recommendations for the effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan.

2. Recommendations.

The Planning and Zoning Commission shall review and make recommendations to the City Council subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. Conditional use permits;
- b. Official Zoning Map map amendments (rezonings);
- c. Concept plans Plans for P-MUD Planned Mixed-Use Districts and PDD Planned Development Districts (PDD) and Planned Mixed-Use Districts (P-MUD);
- d. Unified Development Ordinance text Text amendments;
- e. Comprehensive Plan amendments;
- f. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities;
- ~~g. Capital Improvement Plan (CIP) priorities;~~
- ~~gh.~~ Annexations; and
- ~~hi.~~ Petitions to form a municipal utility districtMunicipal Utility District.

3. Final Action.

The Planning and Zoning Commission shall hear and take final action on the following:

- a. Applicable appeals of decisions of the Design Review Board;
- b. Preliminary plans; and plats final plats, replats, development plats, and minor plats not approved by staff as set forth in the Plats Review Section in Article 3, Development Review Procedures of this UDO;
- c. Waivers of the standards in Article 8, Subdivision Design and Improvements of this UDO;
- d. Appeal of the Administrator's determination of a development Development exaction appeal;
- e. Appeal of the Administrator's denial of a final minor or amending plat;
- f. Appeal of the Administrator's determination regarding the applicability of plat requirements;
- g. Appeal of the Administrator's denial of an alternative parking plan; and
- h. Appeal of the Administrator's interpretation of the provisions of Article 8, Subdivision Design and Improvements of this UDO.

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

E. Staff.

-
1. The Administrator shall provide staff, ~~as needed~~, to the Planning and Zoning Commission as needed.
 2. Where ministerial acts have not been completed, the staff shall ~~ensure insure~~ that the changes to plats are completed as approved by the Planning and Zoning Commission.

Sec. 2.3. Zoning Board of Adjustment.

A. Creation.

The City Council shall provide for the appointment of a Zoning Board of Adjustment ~~(ZBA)~~ and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms.

1. Number, Appointment.

The Zoning Board of Adjustment shall consist of five (5) members who are residents of the City of College Station and eligible voters. Appointment of members shall be made by the City Council. The City Council may provide for the appointment of four (4) alternate members of the Zoning Board of Adjustment who shall serve in the absence of one (1) or more regular members when requested to do so.

2. Terms.

Each member of the Zoning Board of Adjustment shall be appointed for a term of two (2) years, ~~except that two (2) members appointed initially shall have terms of only one (1) year. After the initial appointments, two-Three (3) members shall be appointed in even-numbered years and two (2)~~ members shall be appointed in odd-numbered years to maintain a membership of five (5) members. Any alternate members appointed shall serve for the same period as the regular members and any vacancies shall be filled in the same manner as the regular members.

3. Vacancies.

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. Officers, Meetings, Quorum.

1. Officers.

A ~~chairperson~~ Chairperson shall be appointed annually by the City Council. The Zoning Board of Adjustment ~~ZBA~~ shall select a vice-chairperson ~~Vice-Chair~~ from among its members ~~as needed~~.

2. Meetings.

Meetings of the Zoning Board of Adjustment shall be held at the call of the ~~chairperson~~ Chairperson and at such other times as the Board may determine. Such ~~chairperson~~ Chairperson, or in ~~their~~ his absence the ~~vice-chairperson~~ acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board where a quorum is present shall be open to the public.

3. Quorum.

All cases heard by the Zoning Board of Adjustment will always be heard by a minimum number of four (4) members. Four (4) members shall constitute a quorum for the transaction of business and no variance or appeal shall be granted without a concurring vote of four (4) members.

4. Rules of Proceeding.

The Zoning Board of Adjustment shall adopt its own rules of procedure.

5. **Minutes.**

The Zoning Board of Adjustment shall keep minutes of its proceedings, indicating the vote of each member on each question or the fact that a member is absent or fails to vote, and shall keep records of its examinations and other official actions. The minutes and records shall be immediately filed in the Planning and Development Services Department office of the Administrator and shall be a public record.

D. **Powers and Duties.**

The Zoning Board of Adjustment shall have the following powers and duties:

1. **Variances.**

To hear and decide requests for variance from the setback, parking number or dimensions, parking island number or dimensions, sign (excluding sign regulations in the extraterritorial jurisdiction), maximum height, or lot size or dimension requirements of this UDO. Also, to hear and decide drainage variances (excluding landscaping provisions) in accordance with the Flood Hazard Protection Article of Chapter 105, Floods "Floods," Article II "Flood Hazard Protection" of the City of College Station Code of Ordinances when strict application of the provisions of the ordinance would result in unnecessary hardship.

Specifically excluded from the variance process are requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Section 3.6.E Site Plans Section of Article 3, Development Review Procedures of this UDO Plan Review Criteria. Such requests will be heard and decided by the Design Review Board.

Also excluded are roadway and infrastructure construction criteria and other subdivision regulations contained in with Article 8, Subdivision Design and Improvements of this UDO. Such requests shall require waivers granted by the Planning and Zoning Commission.

2. **Administrative Appeals.**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Administrator or their his designee in the enforcement of this UDO.

3. **Official Zoning Map.**

To interpret the intent of the Official Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Official Zoning Map.

4. **Nonconformities.**

To hear and decide requests for the completion, enlargement, extension, or structural alteration of buildings and structures devoted to non-conforming uses in accordance with the Section 9.2 'Nonconforming Uses Section of Article 9, Nonconformities' of this UDO.

5. **Special Exceptions.**

To hear and decide requests for special exceptions for the parking of vehicles on residential yards in accordance with the Stopping, Standing and Parking Article of Chapter 38, Traffic and Vehicles Chapter 38 'Traffic and Vehicles,' Article II 'Stopping, Standing, and Parking,' Section 38-43 'Parking, standing, or storing of recreational vehicles, trailer, or trucks in residential areas' of the City of College Station Code of Ordinances.

6. **Distance Requirements.**

To hear and consider deviations from the distance requirements for the keeping of domestic livestock, fowl, and rabbits in accordance with ~~the Livestock, Birds, Exotic Animals And Wild Animals Article of Chapter 6, Animals Chapter 6 'Animals,' Article V 'Livestock, Birds, Exotic Animals and Wild Animals'~~ of the City of College Station Code of Ordinances.

7. **Easterwood Field Airport Zoning.**

To hear and decide requests for appeals, special exemptions, and variances in accordance with the Easterwood Field Airport Zoning Ordinance.

E. **Staff.**

The Administrator shall provide staff ~~as needed~~, to the Zoning Board of Adjustment as needed.

Sec. 2.45. Design Review Board.

A. **Creation.**

A Design Review Board is hereby established by the City of College Station for the purpose of enhancing the City's ability to review sign, building, and site design issues, including architectural issues as specified in this UDO, by bringing expertise from the community to bear on these issues in designated design districts.

B. **Membership and Terms.**

1. The Design Review Board shall consist of seven (7) members. Six (6) of the members shall be appointed by the City Council.
 - a. The City Council shall appoint a representative with expertise from each of the following disciplines or groups:
 - 1) Architecture;
 - 2) Landscape architecture;
 - 3) Business; and
 - 4) Design district connection (e.g., developer, land owner, business owner, resident, or employee within a design district).
 - b. The City Council shall appoint two members that are citizens-at-large.
 - c. The ~~final seventh~~ regular member shall be the chairperson ~~Chairperson~~ of the Planning and Zoning Commission or their ~~his/her~~ designee.
2. With the exception of the chairperson ~~Chairperson~~ of the Planning and Zoning Commission or their ~~his/her~~ designee who shall serve on the Design Review ~~this~~ Board as long as the chairperson ~~Chairperson~~ serves as chair of the Planning and Zoning Commission, the term of office is three (3) years, ~~provided, however, that one (1) of the three members whose terms expire January 2020 shall be appointed to a two year term and two of the three members whose terms expire January 2022 shall be appointed to a two year term. Thereafter, all appointments shall be for three years.~~
3. The Design Review Board is a governmental body and shall comply with the Open Meetings Act.

C. **Officers, Meetings, Quorum.**

1. **Officers.**

A chairperson ~~Chairperson~~ shall be appointed annually by the City Council. The Design Review Board shall select a vice-chairperson ~~Vice-Chair~~ from among its members ~~as needed~~.

2. **Meetings.**

Members of the Design Review Board shall meet regularly, and the ~~chairperson~~ ~~Chairperson~~ shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes from those members present shall be deemed a negative report.

4. **Rules of Proceeding.**

The Design Review Board shall adopt its own rules of procedure.

5. **Minutes.**

The Design Review Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the ~~Planning and Development Services Department~~ ~~office of the Administrator~~ and shall be a public record.

D. **Powers and Duties.**

The Design Review Board has the following powers and duties:

1. **~~WPC~~ Wolf Pen Creek ~~Standards Waivers~~. ~~District Review~~**

The Design Review Board shall hear and decide requests for waivers from the standards in the Wolf Pen Creek (WPC) ~~Subsection subsection~~ of the Design Districts Section of Article 5, ~~District Purpose Statements and Supplemental Standards~~ of this UDO as limited to the possible waivers authorized by that ~~Subsections subsection~~.

2. **~~WPC~~ Wolf Pen Creek Parking Waivers.**

The Design Review Board shall hear and decide requests to vary from the amount of required parking in ~~WPC the~~ Wolf Pen Creek ~~District (WPC)~~.

3. **~~NG~~ Northgate District Standards Waivers.**

The Design Review Board shall hear and decide requests to vary from the standards in the Northgate Districts (NG) ~~Subsection subsection~~ of the Design Districts Section of Article 5, ~~District Purpose Statements and Supplemental Standards~~ of this UDO as limited to the possible ~~waivers~~ ~~Waivers~~ authorized by that ~~Subsections subsection~~.

4. **Driveway Appeals.**

The Design Review Board shall hear appeals to decisions of the Development Engineer regarding driveway appeals.

5. **Appeal of Requirement Based on Site Plan Review Criteria.**

The Design Review Board shall hear and decide appeals of the Administrator's application of site plan requirements to assure compliance with ~~the Site Plans Section and the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures of this UDO~~ ~~Sections 3.6.E, Site Plan Review Criteria, and 3.7.D, Additional Review Criteria for the WPC District.~~

6. **Buffer Appeals.**

The Design Review Board shall hear appeals of buffer requirements listed in ~~the Section 7.7, Buffer Requirements~~ ~~Section of Article 7, General Development Standards of this UDO.~~

7. **Non-Residential Architectural Standards Appeals.**

The Design Review Board shall hear and decide waiver requests as specified in the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO.

8. **Non-Residential Architectural Standards Alternative Compliance.**

The Design Review Board shall hear and decide on proposals for alternative compliance with ~~to~~ the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO.

E. **Staff.**

The Administrator shall provide staff ~~as needed~~, to the Design Review Board as needed.

Sec. 2.54. Landmark Commission.

A. **Creation.**

A Landmark Commission is hereby established by the City of College Station for the purpose of enhancing the City's ability to identify and protect historically and/or culturally significant districts, areas, sites, buildings, and structures by bringing expertise from the community in those areas related to the designation of HP Historic Preservation Overlays ~~Districts~~ and protection of the contributing elements within them.

B. **Membership and Terms.**

1. The Landmark Commission shall consist of seven (7) regular members and two (2) alternate members. Six (6) of the regular members and the two (2) alternate members shall be appointed by the City Council. City Council shall apportion membership according to the following fields of expertise or specialized knowledge:

a. One (1) member shall represent one (1) of the following fields or professions:

- 1) History; or
- 2) Archaeology; or

b. Two (2) members shall be the owners of the following:

- 1) Property in the ~~City's City of College Station~~ Historic Marker Program; or
- 2) Property within an HP a-Historic Preservation Overlay ~~District~~. If no HP Historic Preservation Overlay ~~District~~ has yet been applied to property in the City of College Station, a property owner(s) of land platted prior to 1970 may be considered.

c. Two (2) members shall represent any combination of the following fields or professions:

- 1) Architecture: an architect, previously registered architect, architect registered in another state, or professor in the field of architecture;
- 2) Landscape architecture: a landscape architect, previously registered landscape architect, landscape architect registered in another state, or professor in the field of landscape architecture;
- 3) Urban planning: a certified planner, previously certified planner, a planner with at least three (3) years of municipal planning experience, or professor in the field of urban planning; or

-
- 4) Historical preservation specialist: an experienced professional who provides technical and strategic expertise to promote the viability, reuse, and integrity of historic buildings and/or ~~properties~~property.
 - d. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Banking, finance, or economics;
 - 2) Real estate; or
 - 3) Law.
 - e. One (1) alternate shall represent the membership criteria identified ~~above~~in Subsection subsection-b above.
 - f. One (1) alternate shall represent any of the fields identified ~~above~~in Subsections subsections-a, c, or d above.

The ~~final seventh~~regular member shall be the chairperson ~~Chairman~~ of the Historic Preservation ~~Advisory~~ Committee or their ~~his~~ designee.

The City Council shall prioritize Landmark Commission candidates within each Subsection subsection above ~~on by~~ their demonstrated expertise and interest in historic preservation. In the event any of the memberships assigned to a particular field of expertise or specialized knowledge identified above in Subsections subsections-a, b, c, or d cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in historic preservation to fill such places.

2. Members shall be appointed for three (3) ~~-year~~ terms or until their successors are appointed. ~~Initially, one (1) member from subsection b and one (1) member from subsection c shall have terms of only one (1) year; the members of subsections a and d shall have terms of only two (2) years; and one (1) member from subsection b and one (1) member from subsection c shall have terms of three (3) years. After the initial appointments, t~~Two (2) members shall be appointed each year.
3. The Landmark Commission shall comply with the Open Meetings Act.

C. **Officers, Meetings, Quorum.**

1. **Officers.**

A chairperson ~~Chairperson~~ shall be appointed annually by the City Council. The Landmark Commission shall select a vice-chairperson ~~Vice-Chair~~ from among its members, ~~as needed~~.

2. **Meetings.**

Members of the Landmark Commission shall meet regularly, monthly and the chairperson ~~Chairperson~~ shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. **Rules of Proceeding.**

The Landmark Commission shall adopt its own rules of procedure.

5. **Minutes.**

The Landmark Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services Department ~~office of the Administrator~~ and shall be a public record.

D. Powers and Duties.

The Landmark Commission shall have the following powers and duties:

1. Duties.

- a. Review and approve surveys conducted and maintained by the City that include an inventory of significant historic, architectural, and cultural resources within ~~the City of~~ College Station according to guidelines established by the Texas Historical Commission;
- b. Utilize such surveys to identify potential property appropriate for the application of HP Historic Preservation Overlays;
- c. Review and approve surveys conducted and maintained by the City that include an inventory of all properties located within an HP a Historic Preservation Overlay ~~District~~ within ~~the City of~~ College Station;
- d. Nominate properties to the National Register of Historic Places;
- e. Establish an ad hoc three (3) -person Economic Review Panel when a property owner in an HP a Historic Preservation Overlay ~~District~~ requests a certificate ~~Certificate of demolition~~ ~~Demolition~~ based on the reason that no economically viable use of the property exists. The Economic Review Panel must be comprised of three (3) independent experts knowledgeable in one (1) or more of the following fields: the economics of real estate, building renovation, or redevelopment. "Independent" as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a City employee; is not a member of the Landmark Commission; and is not compensated for serving on the Economic Review Panel. The Economic Review Panel must consist of one (1) person selected by the Landmark Commission, one (1) person selected by the property owner, and one (1) person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third appointee within thirty (30) calendar days after submission of all of the required documentation supporting the application, the third appointee will be selected by the Administrator within five (5) days. Within thirty-five (35) calendar days after submission of all of the required documentation supporting the application, all appointments to the Economic Review Panel shall be made;
- f. Act in an advisory role to the City Council ~~of the City of College Station~~, all appointed boards and commissions, and City departments regarding the protection of local historic, architectural, and cultural resources;
- g. Review and make recommendations to the appropriate county historical commission ~~County Historical Commission~~ of all proposed National Register of Historic Places ~~Registration~~ nominations for properties within ~~the City of~~ College Station; and
- h. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.

2. Recommendations.

The Landmark Commission shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

-
- a. The effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan as it relates to historic preservation;
 - b. The adoption of Unified Development Ordinance text amendments as they relate to the designation of HP Historic Preservation Overlays ~~Districts~~ and the processes and standards for properties within HP Historic Preservation Overlays ~~Districts~~; and
 - c. The designation of HP Historic Preservation Overlays ~~Districts~~.

The Landmark Commission shall make recommendations to the City Council for the following:

- ~~1)a-~~ The utilization of state, federal, or private funds to promote the preservation of HP Historic Preservation Overlays ~~Districts~~ within ~~the City of~~ College Station, ~~;~~ and
- ~~2)b-~~ The acceptance of the dedication of easements ~~Historic Preservation Easements~~ for the purpose of historic preservation.

3. **Final Action.**

The Landmark Commission shall hear and take final action on the following:

- a. Applications for ~~certificates~~ Certificates of ~~appropriateness~~; Appropriateness,
- b. Applications for ~~certificates~~ Certificates of ~~demolition~~; Demolition, and
- c. Certifications of properties of ~~demolition~~ Demolition by ~~neglect~~ Neglect, notices to owners of certified ~~demolition~~ Demolition by ~~neglect~~ Neglect properties, and referrals for enforcement.

E. **Staff.**

The Administrator shall provide staff, including a Historic Preservation Officer, ~~as needed~~, to the Landmark Commission as needed.

Sec. 2.6. Bicycle, Pedestrian, and Greenways Advisory Board.

A. **Creation.**

A Bicycle, Pedestrian, and Greenways Advisory Board is hereby established by the City of College Station for the purpose of advising and recommending to the City Council, the Planning and Zoning Commission, and other appointed boards and commissions on all matters concerning bicycling, walking, and greenways.

B. **Membership and Terms.**

1. **Number, Appointment.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall consist of seven (7) members who are residents of the City of College Station and eligible voters. Appointment of members shall be made by the City Council. The Board shall consist of the following:

- a. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Real estate;
 - 2) Banking, finance, or economics;
 - 3) Law.
- b. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Recreation;
 - 2) Health;

-
- 3) Kinesiology.
 - c. Two (2) members that are residents with a demonstrated interest in walking, running, bicycling or open space preservation.
 - d. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Environmental/~~ecological sciences~~~~Ecological Sciences~~;
 - 2) Stormwater/~~floodplain management~~~~Floodplain Management~~;
 - 3) Natural ~~resources~~~~Resources~~.
 - e. One (1) member shall represent one (1) of the following fields or professions:
 - 1) Transportation ~~planning~~~~Planning~~;
 - 2) Engineering;
 - 3) Architecture;
 - 4) Landscape architecture;
 - 5) Urban planning.

The ~~final seventh~~ regular member shall be the ~~chairperson~~ ~~Chairman~~ of the Council Transportation ~~and Mobility~~ Committee or ~~their~~ ~~his~~ designee.

The City Council shall prioritize ~~d~~ Bicycle, Pedestrian, and Greenways Advisory Board candidates within each ~~Subsection~~ ~~subsection~~ above by their demonstrated expertise. In the event any of the memberships assigned to a particular field of expertise or specialized knowledge identified in the above ~~Subsections~~ ~~subsections~~ cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in bicycling, walking, and greenways to fill such places.

2. Terms.

With the exception of the ~~chairperson~~ ~~Chairman~~ of the Council Transportation ~~and Mobility~~ Committee or ~~their~~ ~~his/her~~ designee who shall serve on ~~the Bicycle, Pedestrian, and Greenways Advisory~~ ~~this~~ Board for as long as the ~~chairperson~~ ~~Chairman~~ serves on the Council Transportation ~~and Mobility~~ Committee, the term of office is three years, ~~provided, however, that:~~

~~(a) two of the four (4) members whose terms expire January 2020 shall be appointed to a two year term; and~~

~~(b) the two members whose terms expire January 2022 shall be appointed to a two year term. Thereafter, all appointments shall be for three years.~~

3. Vacancies.

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. Officers, Meetings, Quorum.

1. Officers.

A ~~chairperson~~ ~~Chairperson~~ shall be appointed annually by the City Council. The Bicycle, Pedestrian, and Greenways Advisory Board shall select a ~~vice-chairperson~~ ~~Vice-Chairperson~~ from among its members ~~as needed~~.

2. Meetings.

Members of the Bicycle, Pedestrian, and Greenways Advisory Board shall meet ~~regularly, monthly~~ and the ~~chairperson Chairperson~~ shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. **Quorum.**

Four (4) members shall constitute a quorum for ~~the~~ transaction of business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. **Rules of Proceeding.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall adopt its own rules of procedure.

5. **Minutes.**

The Bicycle, Pedestrian, and Greenways Advisory Board ~~shall Shall~~ keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be ~~immediately~~ filed in the ~~Planning and Development Services Department office of the Administrator~~ and shall be public record.

D. **Powers and Duties.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall have the following powers and duties:

1. **Duties.**

- a. Support the implementation of the ~~transportation Transportation~~ element of the Comprehensive Plan and the Bicycle, Pedestrian, and Greenways Master Plan;
- b. Promote and encourage bicycling and walking as ~~an~~ accepted ~~(alternate)~~ forms of transportation;
- c. Review project designs related to bicycle, pedestrian, and greenway improvements, including review of plats, site plans, and capital improvement projects;
- d. Assist in identifying and applying for alternative funding sources for bicycle, pedestrian, and greenway facilities, programs, services, and projects;
- e. Promote education and safety programs for bicyclists, pedestrians, and motorists;
- f. Facilitate citizen participation in local governments' consideration of matters involving bicycle, pedestrian, and greenway issues;
- g. Promote intergovernmental and public/private coordination on bicycle, pedestrian, and greenway matters including working with local businesses and other organizations; and
- h. Perform other duties as may be assigned ~~it by the City;~~

2. **Recommendations.**

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. The adoption of ~~Comprehensive Plan comprehensive plan~~ amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of ~~Unified Development Ordinance~~ text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee/~~Capital Improvement Plan CIP~~ priorities as they relate to bicycling, walking, and greenways.

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the City Council for the following:

- a. The adoption of Comprehensive Plan ~~comprehensive plan~~ amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of Unified Development Ordinance text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee/Capital Improvement Plan ~~CIP~~ priorities as they relate to bicycling, walking, and greenways.

E. Staff.

The Administrator shall provide staff ~~as needed~~, to the Bicycle, Pedestrian, and Greenways Advisory Board as needed.

Sec. 2.7. BioCorridor Board.

A. Creation.

A BioCorridor Board is hereby created for the purpose of enhancing the community's ability to consistently review subdivision, building, and site design issues of the unique, multi-jurisdictional BioCorridor Planned Development District. The BioCorridor Board shall bring governing expertise from each City and a representative of Texas A&M University to bear on these issues within the BioCorridor area.

B. Membership and Terms.

1. Number, Appointment.

A BioCorridor Board is hereby created to consist of seven (7) members as follows:

- a. Appointment of three (3) members shall be made by the College Station City Council. Two (2) of these appointments shall be members of the City of College Station's City's Planning and Zoning Commission. One (1) appointment shall be a member of the College Station City Council.
- b. Appointment of three (3) members shall be made by the Bryan City Council. Two (2) of these appointments shall be members of the City of Bryan's Planning and Zoning Commission. One (1) appointment shall be a member of the Bryan City Council.
- c. Appointment of one (1) member shall be made by the Chancellor of the Texas A&M University System or ~~their his~~ designee. This appointment shall be an employee of the Texas A&M University System.

2. Terms.

- a. Terms of members of the BioCorridor Board shall be for two (2) years or until their successors are appointed.
- b. Should a BioCorridor Board member no longer qualify for ~~their his or her~~ position, that member's term shall be ended immediately upon such disqualifying event (for example, if an appointed Planning and Zoning Commissioner is no longer a Commissioner for the City).

3. Vacancies.

Vacancies shall be filled by the governing entity/person responsible for the appointment.

C. Officers, Meetings, Quorum.

1. Officers.

A ~~chairperson~~ ~~Chairperson~~ and a ~~vice-chairperson~~ ~~Vice-Chairperson~~ shall be selected every two (2) years from among its members. The ~~chairperson~~ ~~Chairperson~~ and ~~vice-chairperson~~ ~~Vice-Chairperson~~ shall be municipal representatives and shall not be appointees from the same municipality. The ~~vice-chairperson~~ ~~Vice-Chairperson~~ may act as ~~chairperson~~ ~~Chairperson~~ when the ~~chairperson~~ ~~Chairperson~~ is not available.

2. **Meetings.**

Members of the BioCorridor Board shall meet as needed and the ~~chairperson~~ ~~Chairperson~~ shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public. The BioCorridor Board shall comply with the Open Meetings Act.

3. **Quorum.**

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendations advanced to a different regulatory entity without a majority of positive votes from those members present shall be deemed a negative recommendation.

4. **Rules of Proceeding.**

The BioCorridor Board may adopt its own rules of procedure consistent with this Ordinance.

5. **Minutes.**

The BioCorridor Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services office of the City of Bryan and shall be a public record. A copy of all such records shall be delivered to the Planning and Development Services office of the City of College Station by the City of Bryan within ten (10) working days of filing.

D. **Powers and Duties.**

The BioCorridor Board shall have the following powers and duties:

1. **Recommendations.**

- a. The BioCorridor Board shall review and make recommendations to City ~~staff~~ ~~Staff~~ of College Station and Bryan regarding improvements in the public realm that further the aesthetics, identity, and access to and within the BioCorridor Planned Development District.
- b. The BioCorridor Board shall review and make recommendations to the ~~City of College Station~~ ~~City's~~ Planning and Zoning Commission regarding ~~waivers~~ ~~Waivers~~ of the standards in the Subdivision Design and Improvements Section of ~~Exhibit D of Ordinance No. 2019-4085~~ ~~the BioCorridor Planned Development District ordinance.~~

2. **Final Action.**

The BioCorridor Board shall hear and take final action on the following:

- a. Special ~~district identification signs~~ ~~District Identification Signs~~ as set forth in ~~Ordinance No. 2019-4085~~ ~~the BioCorridor Planned Development District ordinance;~~
- b. Temporary signs promoting positive communications as set forth in ~~Ordinance No. 2019-4085~~ ~~the BioCorridor Planned Development District ordinance;~~
- c. Works of art and their locations when located in ~~the~~ public right-of-way or other public area as set forth in ~~Ordinance No. 2019-4085~~ ~~the BioCorridor Planned Development District ordinance;~~

- d. Appeal of the BioCorridor Review Committee's determination regarding the applicability of plat requirements;
- e. Appeal of the BioCorridor Review Committee's denial of a site plan as set forth in the Site Plan Review Section of Exhibit D of Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~;
- f. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements Section of Exhibit D of Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~;
- g. Appeal of the BioCorridor Review Committee's denial of an alternative parking plan;
- h. Alternative highway buffers standards ~~Highway Buffers Standards~~ as allowed in Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~; and
- i. Appeal of the terms of the highway buffers standards ~~Highway Buffer Standards~~ as set forth in Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~.

E. Staff.

The City of College Station and the City of Bryan shall provide staff support, ~~as needed~~, to the BioCorridor Board as needed.

1. BioCorridor Review Committee.

The BioCorridor Review Committee will provide background information and recommendations to the Board as set forth in Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~.

2. Administrative Support.

The City of College Station and/or the City of Bryan shall provide administrative support functions for each meeting, such as agenda posting and the filing of minutes.

3. Planning Representative.

Where ministerial acts have not been completed, the planning ~~Planning~~ representative of the City in which the project is located shall ensure that the changes to plats and/or plans are completed as approved by the BioCorridor Board.

Sec. 2.8. Administrator.

A. Designation.

The Director of Planning and Development Services shall serve as the Administrator~~The City Manager shall designate the Administrator for the City of College Station~~. Where this UDO assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

B. Powers and Duties.

The Administrator shall have the following powers and duties:

1. Administration and Enforcement.

The Administrator shall administer and enforce the provisions of this UDO.

2. Interpretation.

The Administrator is responsible for interpreting the provisions of this UDO. The Administrator shall make written interpretations of this UDO when requested, setting forth the reasons and explanation therefore.

3. **Building Permits.**

The Administrator shall review and certify that the proposed construction, moving, alteration, or use of the land either does or does not comply with the provisions of this UDO prior to the issuance of a building permit ~~Building Permit~~ by the Building Official.

4. **Final Action.**

The Administrator shall review and take final action on the following:

- a. Sign permits;
- b. Site plans;
- c. Architectural reviews;
- d. Administrative adjustments;
- e. Preliminary plans ~~Plans~~ as set forth in the Plats Section of Article 3, Development Review Procedures Section 3.4, Plat Review, of this UDO;
- f. Plats as set forth in the Plats Section of Article 3, Development Review Procedures of this UDO ~~Minor and amending plats~~;
- g. Determination of building plot as set forth in the General Provisions Section of Article 7, General Development Standards of this UDO ~~(Section 7.2, General Provisions)~~;
- h. Certificate of appropriateness routine maintenance work ~~Appropriateness Routine Maintenance Work~~ reviews;
- i. Determination regarding the applicability of plat requirements; and
- j. Alternative parking plans as set forth in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO ~~(Section 7.3, Off-Street Parking)~~.

5. **Other Duties.**

- a. The Administrator, or their ~~his~~ designee, shall serve as the Historic Preservation Officer (~~HPO~~) for the City ~~of College Station~~. As such, the Historic Preservation Officer HPO shall serve as a representative of the Landmark Commission and shall be responsible for coordinating the Landmark Commission's preservation activities with the Historic Preservation ~~Advisory~~ Committee, those of state and federal agencies, and with local, state, and national nonprofit preservation organizations.
- b. The Administrator shall perform other duties imposed under the provisions of the City of College Station Code of Ordinances, ~~as amended from time to time~~.
- c. The Administrator shall administer and enforce the regulations of the Easterwood Field Airport Zoning Ordinance.

Sec. 2.9. Building Official.

A. **Designation.**

The Administrator shall designate the Building Official for the City of College Station. The Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

B. Powers and Duties.

The Building Official shall have the following powers and duties:

1. Building Inspections.

The Building Official shall have the power to conduct inspections of buildings and premises to carry out ~~their his~~ duties herein and to determine compliance with the provisions of this UDO.

2. Building Permits.

The Building Official shall issue ~~building permits~~ **Building Permits**.

3. Certificate of Occupancy.

The Building Official shall issue ~~certificates~~ **Certificates** of ~~occupancy~~ **Occupancy**.

4. Certificates of Completion.

The Building Official shall issue ~~certificates~~ **Certificates** of ~~completion~~ **Completion**.

Sec. 2.10. Development Engineer.

A. Designation.

The City Engineer shall designate the Development Engineer ~~for the City of College Station~~.

B. Responsibility.

The Development Engineer, or ~~their his~~ designee, shall implement, administer, and oversee the provisions, terms, and conditions of all engineering and flood hazard protection requirements within this UDO. The Development Engineer may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Development Engineer may reasonably determine.

C. Powers and Duties.

The Development Engineer has the following powers and duties ~~regarding in regard to~~ engineering requirements and flood hazard protection:

1. Review and approve, approve with conditions, or deny driveway applications;
2. Maintain and hold open for public inspection all records ~~of pertaining to~~ the provisions of the flood hazard protection regulations;
3. Review and approve, approve with conditions, or deny all applications for development permits;
4. Assure that adequate inspection of construction permitted under the terms and provisions of this UDO ~~is are~~ carried out in accordance with the permitted plan;
5. Maintain, update, and provide to interested parties at a reasonable cost the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
6. Assure that adequate maintenance of drainage pathways, including altered or relocated waterways, is provided such that capacity for carrying stormwater flows is maintained;
7. Provide interpretation, where required, of boundaries of ~~areas~~ **Areas** of ~~special flood hazard~~ **Special Flood Hazard**, location of ~~the~~ floodway, and water surface elevations, when disputes arise during review;

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8. Provide information to the Zoning Board of Adjustment, Municipal Court, or City Council, as applicable on all variance requests, administrative appeals, enforcement actions, and proposed amendments to the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details as required;
 9. Review and utilize any acceptable new flood study data in accordance with the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
 10. Notify adjacent communities and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of notification to the Federal Insurance Administration;
 11. Review and make recommendations to the City Council concerning development agreements~~Development Agreements~~;
 12. Interpret the terms and provisions of ~~the~~Section 7-9, Flood Hazard Protection Section of Article 7, General Development Standards of this UDO, as required, as they apply to each project, in accordance with the stated purpose of that Section;
 13. Review permits for proposed development to ensure that all necessary permits have been obtained from those ~~federal~~Federal, ~~state~~State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
 14. Review and approve or deny alternative materials or standards for site construction; and
 15. Review, evaluate and provide recommendations regarding appeals to a development exaction~~development exaction appeals~~.

Sec. 2.11. BioCorridor Review Committee.

A. Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~. The Committee is comprised of staff from both cities, with the Committee serving as the designated administrative officer as set forth in Ordinance No. 2019-4085~~the BioCorridor Planned Development District ordinance~~ and state law. The BioCorridor Review Committee shall bring planning, engineering, and other areas of municipal expertise from each City to bear on proposals within the BioCorridor Planned Development District.

B. Membership.

The BioCorridor Review Committee shall consist of four (4) core members. Other City employees may be invited to participate on an ad hoc basis.

1. Core Members~~members~~.

- a. The City Manager of each municipality shall designate two (2) ~~city~~ employees from their~~his/her~~ municipality. One (1) employee shall be a planner and one (1) an engineer or engineer in training familiar with development review procedures.
- b. The BioCorridor Review Committee's main point of contact for a development project proposal shall be the planner on the Committee from the City~~city~~ in which the majority of the project is located.

2. Ad Hoc Members~~hoc members~~.

As the BioCorridor Review Committee determines appropriate, ad hoc members may be called upon for their expertise on particular matters.

Ad hoc members may consist of governmental and utility employees such as:

- a. A representative from College Station Utilities or Bryan Texas Utilities;
- b. A representative from the Fire Marshall's office;
- c. A representative from the ~~solid waste Sanitation~~ department; or
- d. The City's transportation planner or transportation engineer.

Ad hoc members shall be designated by their respective City Manager.

C. Powers and Duties.

The BioCorridor Review Committee shall have the following powers and duties:

1. Administration and Enforcement.

The BioCorridor Review Committee shall carry out their duties as set forth in ~~Ordinance No. 2019-4085the BioCorridor Planned Development District ordinance~~, including ensuring compliance with the BioCorridor Site Design Guidelines, Bryan/College Station Unified Design Guidelines, boundaries of ~~areas~~ Areas of ~~special flood hazard~~Special Flood Hazard, location of ~~the~~ floodway, and water surface elevations.

The BioCorridor Review Committee shall review and take action on the following as set forth in ~~Ordinance No. 2019-4085the BioCorridor Planned Development District ordinance~~:

- a. ~~Plats~~Minor and amending plats;
 - b. Site plans;
 - c. Construction documents;
 - d. Structure plans as they relate to exterior aesthetic design standards (not ~~building code~~ Building Code review);
 - e. Sign permits;
 - f. Development permits;
 - g. Administrative adjustments;
 - h. Alternative parking plans;
 - i. Driveway applications;
 - j. Determination of building plot; and
 - k. Determination of plat applicability.
2. In the event the BioCorridor Review Committee is unable to reach a consensus, the ~~planning~~ Planning or ~~engineering~~ Engineering representative (as appropriate) from the ~~City~~ city in which the majority of the project will be located shall make the final determination.

Sec. 2.12. Summary of Review Authority.

The following table summarizes the authority of the various review bodies and staff.

Summary of Review Authority

<u>Development Review Procedure</u> PROCEDURE	City Council	<u>Planning and Zoning</u> P&Z Comm.	Zoning Board of Adj.	Design Review Board	Land. Comm.	Bike, Ped. & Grnwy	Admin.	Building Official	Dev. Engr.
KEY: A = Appeal R = Recommend D = Final Action/Decision RR = Review/Report									
CITY COUNCIL (CC)									
Oversize Participation	D								RR
Development Agreement	D						RR		R
Conditional Use <u>Permit</u> permit	D	R					RR		
<u>Official</u> Zoning Map Amendment	D	R					RR		
<u>Official</u> Zoning Map Amendment (HP)	D	R			R		RR		
<u>P-MUD</u> /PDD/ P-MUD Concept Plan	D	R					RR		
<u>Unified Development Ordinance</u> Text Amendment	D	R				R	RR		
Compre <hensive< h="">- Plan Amendment</hensive<>	D	R				R	RR		
Impact Fee/CIP Priorities	D	R				R			RR
Annexations	D	R					RR		
Municipal Utility Districts	D	R					RR		
PLANNING AND ZONING COMMISSION (P&Z)									
Preliminary Plan*** (with waiver of Discretionary Item discretionary item) (a)		D					RR		R
Final -Plat		D					RR		R
Development Plat		D					RR		R
Waiver of Subdivision Standard		D					RR		R
Development Exaction Appeal	A	D							RR
ZONING BOARD OF ADJUSTMENT (ZBA)									
Variance			D				RR	R	RR
Administrative Appeal			D				RR		
<u>Official</u> Zoning Map Interpretation			D				RR		
DESIGN REVIEW BOARD (DRB)									
<u>Site Plan in</u> WPC-District Site Plan				A			D		R
WPC-District -Building/Sign Permit Review in WPC				A			D		
WPC -Parking Waivers in WPC		A		D			RR		
NG -Waivers in NG				D			RR		
Non-Residential <u>Architectural</u> (NRA) Arch. Standards- Waiver				D			RR		
<u>NRA</u> -Non-Residential Arch. Standards- Alternative- Compliance				D			RR		
LANDMARK COMMISSION (LC)									

Certificates of Appropriateness	A				D		RR		
Certificates of Demolition	A				D		RR		
ADMINISTRATOR									
Architectural Reviews							D		
Interpretation		A <u>(b)**</u>	A				D		
Sign Permit			A				D		
Site Plan				A <u>(c)*</u>			D		R
Administrative Adjustment			A				D		
WPC District Building or Sign, Minor			A				D		
Preliminary Plan <u>(a)***</u>							D		R
Minor or Amending Plat		A					D		R
<u>P-MUD/PD</u> Concept Plan		A					D		
Minor Amendment-									
Certificate of Appropriateness, Routine <u>Maintenance Work</u>					A		D		
NG Roof Color Palette Amendment		A					D		
Alternative Parking Plans		A					D		
Determination of Plat Applicability		A					D		R
BUILDING OFFICIAL (BO)									
Building Permit								D	
Certificate of Occupancy							R	D	R
Certificate of Completion							R	D	R
DEVELOPMENT ENGINEER (DE)									
Development Permit									D
Driveway Application				A					D
Alternative Construction- Material				A					D
<u>* Section 3.6.E. Site Plan Review Criteria and 3.7.F. Wolf Pen Creek Design District General Site Plan Review Criteria only.</u> <u>** Subdivision Regs. only.</u> <u>*** See UDO Section 3.4, Plat Review, for specific review authority.</u> KEY: A=Appeal R=Recommend D=Final Action/Decision RR=Review/Report									

Notes:

- (a) See the Plats Section of Article 3, Development Review Procedures of this UDO for specific review authority.
- (b) Standards of Article 8, Subdivision Design and Improvements only.
- (c) Standards of the Site Plans Section and the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures of this UDO only.

Article 3. Development Review Procedures

Sec. 3.1. Applicability.

The provisions of this ~~Article article~~ shall not apply to land ~~that is~~ zoned BioCorridor Planned Development District.

Sec. 3.2. General Approval Procedures.

A. Conformity with Unified Development Ordinance (~~UDO~~) and the Comprehensive Plan.

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on ~~any and~~ all persons seeking to develop, redevelop, or otherwise change existing land uses within the ~~city corporate limits of the City of College Station~~ and, where applicable, its extraterritorial jurisdiction (~~ETJ~~). Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way, and improvement of specified facilities including, but not limited to, pedestrian facilities, bicycle facilities, thoroughfares, etc.

B. ~~Pre-Application application~~ Conference.

Prior to the submission of any application required by this UDO, applicants are encouraged to schedule and attend an optional pre-application conference with the City ~~staff~~ Staff. Pre-application conferences with City ~~staff~~ Staff may be used to discuss, in general, procedures, standards, or regulations relating to a proposed development. If a pre-application conference is requested, the Administrator may require the applicant to submit information prior to the pre-application conference to allow City ~~staff~~ Staff time to review the proposal. Any proposed development submitted or discussed as a part of a pre-application conference shall not be considered a plan, plat, or permit application but will be considered an informal request for information prior to the actual plat, plan, or permit application.

C. Application Forms and Fees.

The following regulations shall apply to all applications:

1. Forms.

Applications required under this UDO shall be submitted using correct, completed forms, where applicable, along with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required.

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's ~~geographic information system~~ Geographic Information System (GIS).

3. Fees.

Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.

- a. All required fees shall be made payable to "The City of College Station."

-
- b. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw ~~the such~~ application prior to any notification, review, or action taken, shall be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City except that the filing fee required for text or map amendments shall not be refundable.
 - c. The Administrator may waive or reduce development-related fees on a case-by-case basis pursuant to applicable law or when the City is the applicant.

D. Application Deadline.

~~All applications shall be completed and submitted to the Administrator in accordance with a submittal deadline schedule established by the City. All applications not delivered to the City by a date and time according to the submittal deadline schedule shall be considered timely received for the next official submittal deadline.~~ An application shall not be considered officially submitted until application completeness has been determined in accordance with this UDO.

E. Application Completeness.

An application shall be considered submitted only after the Administrator has determined it is complete as set forth herein. This includes determining whether it is accompanied ~~by with~~ any required forms, mandatory information (including all exhibits), and the applicable fee. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this UDO nor precludes that additional information and/or documents may still be required as identified during the formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. An application of any kind under this Article expires and ~~forfeits the~~ application fee ~~forfeited~~ on or after the forty-fifth (45th) day after the application is deemed incomplete if:

1. The applicant fails to provide documents or other information necessary to comply with the technical requirements of this UDO as to form and content of the submittal;
2. The City notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, noting the date the application will expire if same is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notice.

No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

F. Standards of Review.

Applications shall be reviewed based on the ordinances which are in effect at the time the permit application is submitted ~~to with~~ the City. It is the responsibility of the applicant to inform the Administrator if vesting is claimed on a specific project application and to which ordinance the claim is vested in accordance with Chapter 245 of the Texas Local Government Code, ~~as amended~~. This information shall be conveyed to the Administrator as part of the permit application. The Administrator may attempt to inform the applicant if a project ~~can is able to~~ vest to a previously adopted ordinance. Notwithstanding anything in this UDO to the contrary, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code, ~~as amended~~, or other applicable law.

G. Required Public Notice.

1. Summary of Notice Required.

Notice shall be required for development review as shown in the following table.

Summary of Notice Required			
Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendments s	X	X <u>(a)</u> ^{**}	X
<u>Official</u> Zoning Map Amend ments _s (Rezoning s)	X	X	X
<u>Unified Development Ordinance</u> Text Amend ments _s	X		X
Conditional Use Permit s	X	X	X
Plats Subdivision— Re Plats ⁺	X <u>(b)</u> ⁺	X <u>(b)</u> ⁺	X
Design District — Site Plans/ Building Permits dg			X
Certificate s of Appropriateness			X
Certificate s of Demolition (No economically viable use)	X	X	X
Variances— ZBA	X	X	X
Appeals — Site Plan <u>and</u> & Driveway			X
Waiver s — Subdivision Design			X
Waiver s — Buffer Requirements			X
Administrative Appeals	X		X
Development Exaction Appeal s			X

Notes:

* — Only when required per the Texas Local Government Code.

(a)^{**} Applies only to amendments to the Comprehensive Plan's Future Land Use & ~~and~~ Character Map. This shall ~~shall~~ not apply to ~~Comprehensive Plan~~ major evaluations and updates to the Comprehensive Plan, which have their own public notification and input processes.

(b) Only when required per the Texas Local Government Code, as amended.

2. Specific Notice Requirements.

a. Published Notice.

Notice of the public hearing ~~A Public Hearing Notice~~ shall be placed by the Administrator at least once in the official newspaper of the City before the fifteenth (15th) day before the date of the hearing for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice.

Notice ~~A notice~~ of the public hearing shall be sent to owners of record of real property, as indicated by the most recently approved municipal tax roll, within two hundred (200) feet of the parcel under consideration. The notice may be served by its deposit, properly addressed with postage paid, in U.S. mail before the fifteenth (15th) day before the date of the hearing.

c. Content of Notice.

A published or mailed notice shall provide at least the following specific information:

- 1) The general location of land that is the subject of the application;
- 2) The substance of the application, including the magnitude of the proposed development and the current zoning district;
- 3) The time, date, and location of the public hearing; and
- 4) A phone number to contact the City.

d. **Mailed Notice of Approval Requirements.**

As required ~~by per~~ the Texas Local Government Code, ~~for certain replats, such a replat~~ that does not have a public hearing shall provide notice of approval to owners of record (as indicated by the most recently approved municipal or county tax roll) of lots in the original subdivision that are within two hundred (200) feet of the lots to be replatted. The notification shall be mailed no later than the fifteenth (15th) day after the replat is approved. The notice must include the zoning ~~designation~~ of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

3. **Public Hearing Signs.**

In addition to meeting the minimum statutory notice requirements, for the purpose of notifying the public the Administrator may require the installation of a sign on the property advertising the public hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

4. **Required Hearings and Reviewing Body.**

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Required Hearings and Reviewing Body				
Application Type	Zoning Board of Adjustment	Landmark Commission	Planning and Zoning Commission	City Council
Comprehensive Plan Amendments			X	X
Official Zoning Map Amendments (Rezoning)			X	X
Official Zoning Map Amendments (Rezoning -- HP Historic Preservation Overlay District)		X	X	X
Certificates of Demolition (No economically viable use)		X		
Unified Development Ordinance Text Amendments			X	X
Conditional Use Permits			X	X
Plats (a) Subdivision ⁺			X	
Variances -- ZBA	X			
Administrative Appeals	X			
Development Exaction Appeals			X	X (b) ⁺⁺

Notes:

(a)⁺ Only when required per the Texas Local Government Code, as amended.

(b)⁺⁺ Request is considered by Council only if Planning and Zoning Commission's decision is appealed.

H. **Simultaneous Processing of Applications.**

Two (2) or more forms of review and approval are typically required in the development process. Development proposals that require applications for Official Zoning Map ~~amendments~~ Amendments

~~(Rezoning)~~ are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, ~~preliminary plans~~ Preliminary Plans are to be acted upon by the Planning and Zoning Commission or the Administrator before a subsequent ~~final plat~~ Final Plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each ~~individual~~ application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.

I. Expiration of Applications, Permits, and Projects.

1. Expiration of Inactive Applications.

An application that has been determined to be administratively complete and written staff review comments provided to the applicant shall be deemed expired and closed in ninety (90) calendar days from the date the most recent written review comments were provided by the City to the applicant, if the applicant has not ~~acted~~ taken action by providing written response comments and revised documents to the Administrator that seek to address the review comments.

2. Expiration of Approved Permits.

- a. Unless otherwise specified by this UDO, any individual permit, authorization, or approval required in this UDO expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this UDO, if no progress has been made towards completion of the project. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code, as amended.
- b. If no expiration date was in effect at the time the approval of the permit occurred, an expiration date of twenty-four (24) months from the approval shall apply.

3. Expiration of Projects.

- a. For projects requiring more than one (1) permit, authorization, or approval, there shall be a project expiration date of five (5) years from the date the first complete application is filed for the project or from the date vesting occurs pursuant to Chapter 245 ~~of the~~ of the Texas Local Government Code, as amended if no progress is made towards completion of the project or if the expiration date is not otherwise further extended pursuant to the terms of this UDO. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code, as amended.
- b. Any application for a new permit, authorization for approval, or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it ~~concerning in regard to~~ the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

J. Appeals from Development Exaction Requirements.

1. Purpose.

The purpose of a petition for relief from a dedication or public infrastructure requirement is to ensure that the application of uniform dedication and construction standards to a proposed development does not result in a disproportionate burden on the property when considering the nature and extent of the demands created by the proposed development on the City's roadways and other public infrastructure.

2. Applicability.

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or to construct public improvements as required by this UDO, the Bryan/College Station Unified Design Guidelines, or any other public infrastructure standards in any ordinance or regulation to a plat application or ~~to any~~ related development application authorized by the City or attached as a condition to approval of the application. A petition for relief shall not be used to waive a standard on grounds subject to other appeal and waiver criteria set forth outlined in this UDO.

3. Petition Requirements.

a. Form of Petition.

The petition for relief from a dedication or construction requirement shall allege that the application of the standards relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure.

b. Required Supporting Documentation.

The applicant shall provide information in support of the petition for relief that includes the following:

- 1) Total capacity of the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;
- 2) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure by the proposed dedication of an interest in land or construction of public infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public infrastructure;
- 3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of public infrastructure. In making this comparison, the impacts on the City's public infrastructure system(s) from the entire development shall be considered;
- 4) The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;
- 5) All Any and all other information that alleges the dedication or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;
- 6) The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and
- 7) Only costs directly related to the dedication or construction requirements should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.

c. Time for Filing Petition and Supporting Documentation.

A petition for relief from a dedication or construction requirement shall be ~~submitted to filed with~~ the Development Engineer within fourteen (14) calendar days following the Planning and Zoning Commission's decision to approve, conditionally approve or deny an application for approval of an application. The information in support of the petition as set forth above shall be ~~submitted to filed with~~ the Development Engineer within sixty (60) calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing. The Development Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

D. Land in the Extraterritorial Jurisdiction ~~(ETJ)~~.

Where land or facilities to be dedicated are located in the extraterritorial jurisdiction ~~ETJ of the City~~ and are to be dedicated to the applicable county, a petition for relief or documentation in support of the petition shall be accepted as complete for review by the Development Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the applicable county.

4. Processing of Petitions and Decision.

a. Responsible Official.

The Development Engineer shall be the responsible official for reviewing a petition for relief from a dedication or construction requirement. Where the petition is for relief from the dedication of land or construction of a facility in the extraterritorial jurisdiction ~~City's ETJ~~ that is to be dedicated to the applicable county, the Development Engineer shall coordinate a recommendation with the appropriate county official responsible for reviewing plats.

b. Evaluation and Recommendation.

- 1) The Development Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the Planning and Zoning Commission for their consideration and recommendation to the City Council, if applicable.
- 2) In evaluating the petition and documentation, the Development Engineer shall consider ~~take into account~~ the maximum amount of any impact fees to be charged against the development for the type of public infrastructure that is the subject of the petition, or similar developments on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure. The Development Engineer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.
- 3) ~~To in order to~~ achieve proportionality between the demands created by a proposed development on public facilities and the City's obligation to provide adequate public facilities, the City may participate in the costs of public infrastructure, credit or offset the developer's proposed obligations, or otherwise relieve the property owner of any of the obligations in response to a petition for relief from a dedication or construction requirement.

c. Decision-Maker.

The Planning and Zoning Commission shall decide the petition for relief from a dedication or construction requirement.

d. Public Hearing.

The Planning and Zoning Commission shall conduct a public hearing within thirty (30) calendar days after the final documentation supporting the petition is filed by the applicant with the Development Engineer.

e. **Burden of Proof.**

The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement imposes a disproportionate burden on the applicant.

f. **Decision.**

The Planning and Zoning Commission shall consider the petition for relief from a dedication or construction requirement based on ~~upon~~ the following criteria:

- 1) The Planning and Zoning Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure, and whether the application of the standard or condition reasonably benefits the development.
- 2) In making such determination, the Planning and Zoning Commission shall consider the documentation submitted by the applicant, the report and recommendation of the Development Engineer, and, where the property is located within the extraterritorial jurisdiction ~~City's ETJ~~, any recommendations from the county official, as applicable.

g. **Action.**

Based on the decision criteria stated in the Appeals from Development Exaction Requirements Subsection above, the Planning and Zoning Commission may take one (1) or more of the following actions:

- 1) Deny the petition for relief, and impose the dedication or construction requirement as required by this UDO;
- 2) Deny the petition for relief in whole or in part, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on the City's water, wastewater, storm drainage, parks, roadway system, or other public infrastructure; or
- 3) Grant the petition for relief in whole or in part, and waive any dedication or construction requirement to the extent necessary to achieve proportionality, including consideration of alternative designs for the public infrastructure systems or improvements.

h. **Notification of Decision on Petition.**

The applicant shall be notified of the decision on the petition for relief by the Development Engineer within fourteen (14) calendar days following the Planning and Zoning Commission's decision.

5. **Appeal of the Decision on a Petition for Relief.**

a. **Initiation of an Appeal.**

The applicant, the Administrator, or no less than four (4) voting members of the City Council may appeal the decision of the Planning and Zoning Commission within fourteen (14) calendar days following the date of the Commission's decision:

-
- 1) For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.
 - 2) The Administrator may, on ~~their his/her own~~ initiative, appeal the decision of the Planning and Zoning Commission by scheduling an appeal on the City Council's next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.
 - 3) For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Planning and Zoning Commission's decision at its next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.

b. Notification of Appeal.

Both the applicant and the City shall be notified of the appeal request within fourteen (14) calendar days. Appeals by the applicant shall include all documentation submitted for the appeal.

c. Council Decision.

The City Council shall consider a properly submitted appeal at its next available regularly scheduled meeting. The City Council may affirm, modify, or reverse the decision of the Planning and Zoning Commission by a simple majority vote. The decision of the City Council is final.

6. Expiration or Failure to File Application.

Where an application was denied based upon the imposition of the standard requiring the dedication of land or construction of a required public infrastructure and the Planning and Zoning Commission's decision, if not further appealed (or the City Council's decision if further appealed as applicable), is to grant some level of relief, the applicant must resubmit the application within sixty (60) calendar days following the date the relief is granted. If such re-submittal of the application is not made within the sixty (60)-day period, the relief granted by the Commission (or City Council as applicable) on the petition shall expire.

7. Effect of Relief.

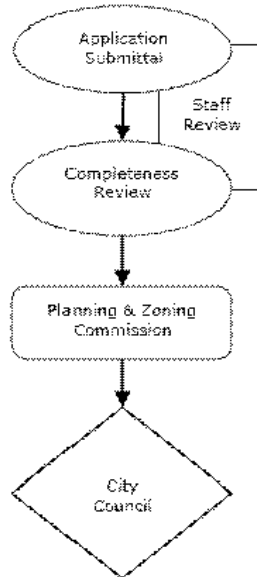
- a. The Development Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Planning and Zoning Commission on the petition.
- b. The relief granted on the petition shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

K. Figures and Flow Charts.

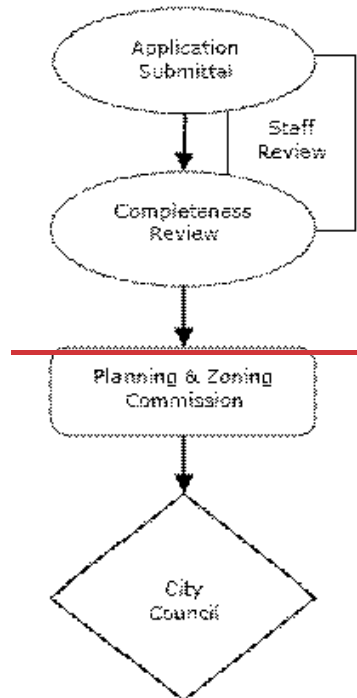
The figures and flow charts provided in this UDO are intended to be graphical representations of procedures or standards set forth in this UDO to assist in understanding the requirements of this UDO and are not intended to be requirements themselves.

Sec. 3.322. Comprehensive Plan Amendments.

Comprehensive Plan Amendment Process



A. Purpose.



For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the cityCity, the Comprehensive Plan, including specifically, the Future Land Use & Character Map Land Use Plan and the Functional Classification & Context Class MapThoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the cityCity.

B. Initiation of Amendment.

An amendment may be initiated by:

1. ~~The~~ 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 Comprehensive Plan amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section ~~above in Article 3 of this UDO.~~

D. Time Limitations on Applications.

Comprehensive Plan ~~amendment~~ ~~Amendment~~ applications may be submitted on a rolling basis, except during the six (6) month period prior to a ~~Comprehensive Plan~~ major evaluation or update ~~to the Comprehensive Plan~~. The beginning of the six (6) month time limitation period shall be determined by counting backward from the expected date of the ~~Comprehensive Plan~~ evaluation or update public hearing before the Planning and Zoning Commission.

E. Approval Process.

1. Project Proposal Meeting.

After ~~applying~~ ~~submitting an application~~ for a Comprehensive Plan ~~amendment~~ ~~Amendment~~ to the Future Land Use ~~& and~~ Character Map or attending a ~~pre-application conference~~ ~~Pre-Application Conference~~ relating to the same, the applicant shall request to set up a ~~project proposal meeting~~ ~~Project Proposal Meeting~~ with City ~~staff~~ ~~Staff~~. The purpose of this meeting is to begin communicating with the local neighborhood early ~~on~~ in the process, and is not a forum for final decisions or the acceptance of formal comments concerning public support or opposition.

Project ~~proposal meetings~~ ~~Proposal Meetings~~ shall abide by the following minimum requirements:

- ~~a1.~~ The applicant or an authorized representative must schedule and facilitate a minimum of one ~~project proposal meeting~~ ~~Project Proposal Meeting~~ to discuss the application or proposal. At a minimum, property owners within 200 feet of the subject property must be notified by the applicant or authorized representative.
- ~~B2.~~ When possible, City staff shall be present at the meeting to address questions relating to City processes and requirements.
- ~~C3.~~ The ~~project proposal meeting~~ ~~Project Proposal Meeting~~ shall be held on or ~~near in close proximity to~~ the subject property, or virtually.
- ~~D4.~~ The ~~project proposal meeting~~ ~~Project Proposal Meeting~~ shall be held ~~thirty (30) to sixty (60)~~ days prior to the corresponding Planning and Zoning Commission meeting.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and ~~existing~~ conditions in the ~~city~~ ~~City~~, and ~~give a~~ report to the ~~Planning and Zoning~~ Commission and ~~City~~ Council.

3. Recommendation by Planning and Zoning Commission.

a. Notice.

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section ~~above in Article 3 of this UDO~~, and shall recommend to the City Council such action as the Commission deems proper.

b. **Public Hearing.**

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

c. **Review and Action by Planning and Zoning Commission.**

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan, and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.

4. **City Council Action.**

a. **Notice.**

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section ~~above in Article 3 of this UDO~~, before taking final action on a petition to amend the Comprehensive Plan.

b. **Public Hearing.**

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. **Review and Final Action by City Council.**

In determining whether to approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Changed or changing conditions in the subject area of the ~~city~~City;
- 2) Compatibility with the existing uses, development patterns, and character of the immediate area concerned, the general area, and the ~~city~~City as a whole;
- 3) Impact on environmentally sensitive and natural areas;
- 4) Impacts on infrastructure, including water, wastewater, drainage, and the transportation network; and
- 5) Consistency with the goals and strategies set forth in the Comprehensive Plan.

F. **Limitation on Reapplication.**

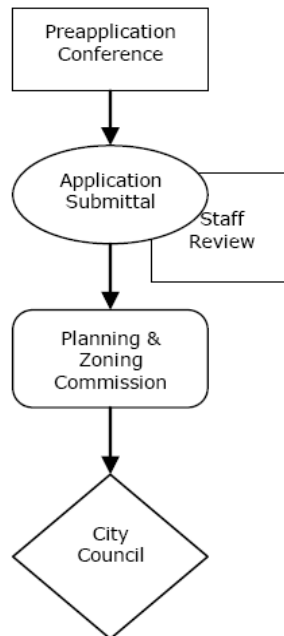
If a petition for a plan amendment is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during ~~the~~ 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; or

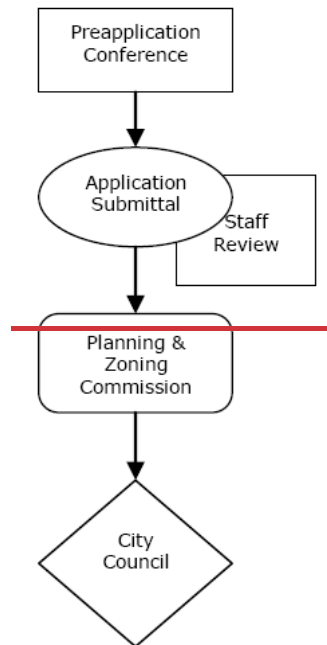
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2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
 3. A new application 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 or intensities); or
 4. The final decision on the application was based on a material mistake of fact.

Sec. 3.43. Official Zoning Map Amendments (Rezoning~~s~~).

Official Zoning Map Amendment Review Process



A. Purpose.



To establish and maintain sound, stable, and desirable development within the territorial limits of the city~~City~~, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or ~~in the city~~ City generally; or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be consistent with the Comprehensive Plan, including the Future Land Use & Character Map~~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. The 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 an Official Zoning Map zoning map~~zoning map~~-amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section above and herein. As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section of in Article 7, General Development Standards of this UDO.

1. Application requests for a P-MUD Planned Mixed-Use District or PDD 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
 - c. A concept plan Concept Plan as described in the Concept Plans (P-MUD and PDD Districts) Review~~Section below in Article 3 of this UDO.~~

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2. Application requests for an NCO 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 district. 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~~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~~Petition Committee Member~~.
 3. Application requests for a ROO 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 or original subdivisions that apply jointly in one application, in support of the overlay district. 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~~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~~Petition Committee Member~~.
 4. Application request for an HP 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~~Designation Report. Upon initiation of the historic designation procedure, the Historic Preservation Officer shall coordinate research to compile a written report regarding the 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~~ 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 historic contributing and non-contributing resources to the proposed district; and
 - 4) A description of the boundaries of the proposed HP Historic Preservation Overlay ~~District~~, including subareas and areas where new construction will be prohibited.

D. Approval Process.

1. ~~Pre-Application~~ application Conference.

Prior to the submission of an application for an Official Zoning Map amendment~~Amendment~~, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above~~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 an Official Zoning Map amendment~~Amendment~~ for an NCO Neighborhood Conservation Overlay~~NCO~~ or ROO Restricted Occupancy~~ROO~~ Overlay Rezoning, all potential applicants shall request to set up a neighborhood meeting~~Neighborhood Meeting~~ with City staff~~Staff~~.

b. Historic Preservation Officer.

Prior to the submission of an application for an Official Zoning Map amendment~~Amendment~~ for an HP Historic Preservation Overlay ~~District rezoning~~, all potential applicants shall request a neighborhood meeting~~Neighborhood Meeting~~ with the Historic Preservation Officer. The purpose of the meeting is to present information about the proposed overlay district and explain the rezoning process ~~of rezoning~~ to the neighborhood.

3. Review and Report by Administrator.

With the exception of applications for HP Historic Preservation Overlays ~~Districts~~, once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan and ~~subject to~~ the criteria enumerated in this Section. The Administrator shall Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing. If the Administrator determines that the request is not in conformity with the Comprehensive Plan, the application shall not be accepted, and no further processing shall occur until the Official Zoning Map amendment conforms.

4. **Review and Report by Historic Preservation Officer.**

An application for an HP 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, the criteria of this Section, ~~subject to the criteria enumerated in Article 4, Zoning Districts~~, and the Historic Preservation Overlay ~~District~~ Subsection of the Overlay Districts Section of in Article 5, District Purpose Statements and Supplemental Standards of this UDO. The Historic Preservation Officer shall ~~and~~ give a report to the Landmark Commission on the date of the scheduled public hearing.

5. **Referral to Landmark Commission.**

The Historic Preservation Officer, upon receipt of an application to amend the Official Zoning Map to an HP 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 above 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 HP Historic Preservation Overlays ~~Districts~~, the Administrator, upon receipt of a petition to amend the Official Zoning Map, shall refer the same to the Planning and Zoning Commission for study, hearing, and report. For an application to amend the Official Zoning Map to an HP 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 above in Article 3 of this UDO. The Planning and Zoning 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 above 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, as amended, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (¾) of all members of the City Council to take effect. 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 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;
- 3) Whether the property to be rezoned is physically suitable for the proposed zoning district;
- 4) Whether there are 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 HP Historic Preservation Overlay ~~s-Districts~~, the City Council shall consider if the proposed amendment contains one or more properties in property(ies)-and an environmental setting that which meets two (2) or more of the criteria for designation of an HP Historic Preservation Overlay ~~District~~ as described in the Historic Preservation Overlay ~~District~~ Subsection of the Overlay Districts Section of in Article 5, District Purpose Statements and Supplemental Standards of this UDO.

e. Effect of Historic Preservation Overlay ~~District~~ Zoning Upon Official Public Records.

Upon designation of a property with an HP 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 Central County Appraisal District, as well as the Official Zoning Map ~~official zoning map of the City of College Station~~.

E. Limitation on Reapplication.

If an rezoning 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 the 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.

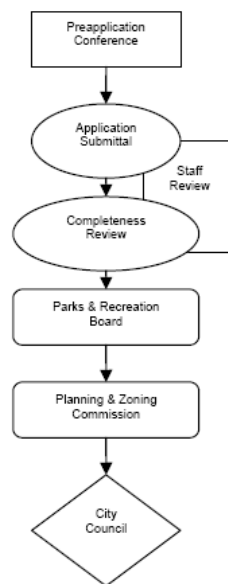
F. Repeal of a Single-Family Overlay District.

A repeal of a single-family overlay district is considered a rezoning and is subject to the Official Zoning Map amendment ~~Amendment~~ requirements herein and may be initiated by:

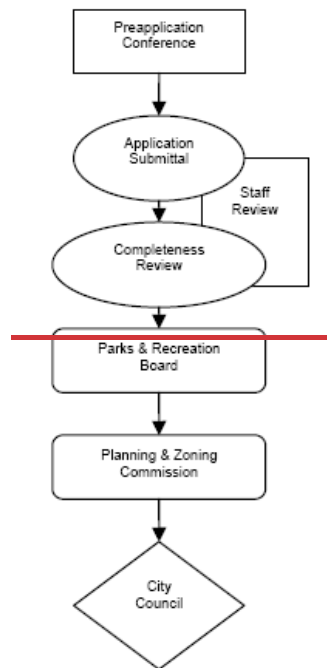
1. The City Council ~~on its own motion~~;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. By a petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision, or contiguous phases of original subdivisions that applied jointly, in support of repealing the overlay district.

Sec. 3.5. Concept Plans Review (P-MUD and PDD ~~and P-MUD~~ Districts).

Concept Plan Review Process



A. Applicability.



A ~~concept plan~~ Concept Plan shall accompany a P-MUD Planned Mixed-Use District or PDD Planned Development District rezoning application to ensure the intent of the UDO is met by the proposed planned district standards. ~~be required for all proposed Planned Development District (PDD) or Planned Mixed-Use District (P-MUD) rezonings.~~

B. Application Requirements.

A complete application for a ~~concept plan~~ Concept Plan shall be submitted to the Administrator with a ~~P-MUD Planned Mixed-Use District or PDD Planned Development District or P-MUD~~ rezoning application as set forth in the General Approval Procedures Section ~~above in Article 3 of this UDO,~~ unless otherwise specified in this Section.

C. Concept Plan Approval Process.

1. ~~Pre-Application application~~ Pre-Application Conference.

Prior to submitting a ~~concept plan~~ Concept Plan, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above ~~and for the purposes as set forth elsewhere in this UDO for preapplication conferences.~~

2. Review and Report by the Parks and Recreation Advisory Board.

If the proposed area involves any required or voluntary parkland dedication, the ~~concept plan~~ Concept Plan must be reviewed by the Parks and Recreation Advisory Board. Parks and Recreation Advisory Board recommendations shall be forwarded to the City Council.

3. Review and Report by the Greenways Program Manager.

If the proposed area includes a greenway dedication as shown on the Bicycle, Pedestrian, and Greenways Master Plan, or if the applicant is proposing greenway dedication or voluntary sale, the ~~concept plan~~ Concept Plan must be reviewed by the Greenways Program Manager. The Greenways Program Manager's recommendation shall be forwarded to the City Council.

4. **Review and Recommendation by the Administrator.**

The Administrator shall review the ~~concept plan~~ Concept Plan and recommend approval, approval with conditions, or disapproval of the same.

5. **Review and Recommendation by the Planning and Zoning Commission.**

The Planning and Zoning Commission shall review the ~~concept plan~~ Concept Plan and recommend to the City Council approval, approval with conditions, or disapproval of the same.

6. **City Council Final Action.**

The City Council shall review the ~~concept plan~~ Concept Plan and approve, approve with conditions, or disapprove.

D. **Concept Plan Requirements.**

A ~~concept plan~~ Concept Plan shall not be considered or reviewed as a complete site plan application. The ~~concept plan~~ Concept Plan for the proposed development shall include the following:

1. A general plan showing the location and relationship of the various land uses permitted in the development;
2. A range of proposed building heights;
3. A written statement addressing the drainage development of the site;
4. The general location of detention/retention ponds and other major drainage structures;
5. A list of general bulk or dimensional variations sought;
6. If general bulk or dimensional variations are sought, provide a list of community benefits and/or innovative design concepts to justify the request;
7. The general location of ~~the~~ building and parking areas;
8. Open spaces, parkland, conservation areas, greenways, parks, trails, and other special features of the development; and
9. Buffer areas or a statement indicating buffering proposed.

E. **Review Criteria.**

The Administrator and Planning and Zoning Commission shall recommend approval and the City Council may approve a ~~concept plan~~ Concept Plan if it finds that the ~~concept plan~~ Plan meets the following criteria:

1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;
2. The proposal ~~conforms is in conformity~~ with the policies, goals, and objectives of the Comprehensive Plan, ~~including any associated plans or studies adopted by the City Council and any subsequently adopted Plans~~, and will be consistent with the intent and purpose of this Section;
3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development;
4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by an ~~an~~ homeowners association;
5. The development includes ~~the~~ provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities;

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6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity; and
 7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

F. Minimum Requirements.

Unless otherwise indicated in the approved ~~concept plan~~ Concept Plan, the minimum requirements for each development shall be those stated in this UDO for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted. Modification of these standards may be considered during the approval process of the ~~concept plan~~ Concept Plan. If modification of these standards is granted with the ~~concept plan~~ Concept Plan, the Administrator will determine the specific minimum requirements.

G. Compliance with Other Regulations.

The approval of a ~~concept plan~~ Concept Plan shall not relieve the developer from responsibility for complying with all other applicable sections of this UDO and other codes and ordinances of the City of College Station unless such relief is granted in the approved ~~concept plan~~ Concept Plan.

H. Owners Association Required.

An owners' association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service, and parking areas, common open spaces, buffer areas, and common recreational areas at the time the development plan is submitted. If an owners' association is required, documentation must be submitted to the City at the time of platting to assure compliance with the provisions of this UDO.

~~I.~~ Modifications.

Any deviations from the approved ~~concept plan~~ Concept Plan shall require City Council approval except as provided in the Minor Amendment to Concept Plan Subsection ~~for~~ below.

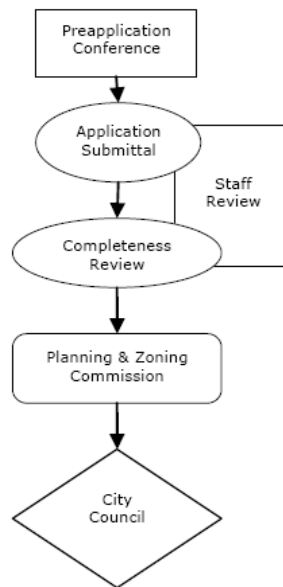
J. Minor Amendment to Concept Plan.

Minor additions and modifications to the approved ~~concept plan~~ Concept Plan meeting the following criteria ~~below~~ may be approved by the Administrator:

1. Minor additions to structures as determined by the Administrator;
2. Minor new accessory structures if the location does not interfere with the existing site layout (e.g., circulation, parking, loading, storm-water management facilities, open space, landscaping, buffering);
3. Minor additions to parking lots;
4. Clearing or grading of areas not depicted on the ~~concept plan~~ Concept Plan as a conservation area, greenway, or park; and
5. Final determination of the specific meritorious modifications such as setbacks, lot size, dimensional standards, etc., granted generally as part of the ~~concept plan~~ Concept Plan.

Sec. 3.16. Conditional Use Permits.

Conditional Use Permit Review Process



A. Purpose.

Conditional use ~~Use~~ permits ~~review~~ allows for City Council discretionary approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDO.

B. Applicability.

Conditional uses ~~Uses~~ are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density, ~~Density~~ and intensity, and may require the imposition of additional conditions to ensure the appropriateness and compatibility of the use at a particular location.

C. Applications.

A complete application for a conditional use ~~Conditional Use~~ permit shall be submitted to the Administrator as set forth in the General Approval Procedures Section above in Article 3 Development Review Procedures of this UDO. A complete site plan ~~Site Plan~~ must accompany all applications for a conditional use ~~Conditional Use~~ permit.

D. Approval Process.

1. Pre-Application ~~application~~ Conference.

Prior to the submission of an application for a conditional use ~~Conditional Use~~ permit, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed development ~~Development~~ subject to the criteria enumerated in the Conditional Use Review Criteria Subsection

below and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing~~Public Hearing~~.

3. **Planning and Zoning Commission Recommendation.**

a. **Notice.**

The Planning and Zoning Commission shall publish, post, and mail notices in accordance with the General Approval Procedures Section above~~in Article 3 Development Review Procedures of this UDO~~.

b. **Public Hearing.**

After review of the conditional use permit~~Conditional Use~~ application, subject to the criteria enumerated in the Conditional Use Review Criteria Subsection below, the Planning and Zoning Commission shall hold a public hearing~~Public Hearing~~ and recommend to the City Council such action as the Planning and Zoning Commission deems proper.

4. **City Council Action.**

a. **Notice.**

The City Council shall publish, post, and mail notices in accordance with the General Approval Procedures Section above~~in Article 3 of this UDO~~.

b. **Public Hearing.**

The City Council shall hold a public hearing~~Public Hearing~~ after review of the conditional use permit~~Conditional Use~~ application, subject to the criteria enumerated in the Conditional Use Review Criteria Subsection~~Section E~~ below. With consideration of the recommendation provided by the Planning and Zoning Commission, the City Council shall approve, approve with modifications or conditions, or disapprove the conditional use permit~~Conditional Use~~ application.

E. **Conditional Use Review Criteria.**

The City Council may approve an application for a conditional use permit~~Conditional Use~~ where it reasonably determines that there will be no significant negative impact upon residents of surrounding properties~~property~~ or upon the general public. The City Council shall consider the following criteria in its review:

1. **Purpose and Intent of the Unified Development Ordinance.**

The proposed use shall meet the purpose and intent of this UDO and the use shall meet all the minimum standards established in this UDO for this type of use.

2. **Consistency with the Comprehensive Plan.**

The proposed use shall be consistent with the development~~Development~~ policies and goals and objectives as embodied in the Comprehensive Plan.

3. **Compatibility with the Surrounding Area.**

The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

4. **Harmonious with the Character of the Surrounding Area.**

The proposed site plan~~Site Plan~~ and circulation plan shall be harmonious with the character of the surrounding area.

5. **Infrastructure Impacts Minimized.**

The proposed use shall not negatively impact existing ~~uses Land Uses~~ in the area or ~~in the city City~~ through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.

6. **Effect on the Environment.**

The proposed use shall not negatively impact existing ~~land uses Land Uses~~ in the area or ~~in the city City~~.

F. **Additional Conditions.**

The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this UDO and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, utilities, drainage facilities, sidewalks, and screening.

G. **Enlargement, Modification, or Structural Alteration.**

1. A ~~building Building~~, ~~premise Premise~~, or use under a ~~conditional use Conditional Use~~ permit may be enlarged, modified, structurally altered, or otherwise changed without applying for a new ~~conditional use Conditional Use~~ permit provided the Administrator determines that the changes do not:
 - a. Increase the height of ~~structures Structures~~;
 - b. Increase ~~building Building~~ square footage from its size at the time the original ~~conditional use Conditional Use~~ permit was granted by greater than ten ~~percent (10%) percent~~;
 - c. Reduce the distance between a ~~building Building~~ or noise-generating activity on the property and an adjacent, off-site residential ~~use Land Use~~. This provision shall not apply should the property and the residential ~~use Land Use~~ be separated by a major thoroughfare depicted on the ~~Comprehensive Plan Functional Classification & Context Class Map City's Thoroughfare Plan~~; or
 - d. Reduce the buffer yard or buffer plantings as indicated on the previously approved ~~site plan Site Plan~~.
2. The Administrator may require a new application for a ~~conditional use Conditional Use~~ permit for any reason when an enlargement, modification, or structural alteration is proposed.
3. All other enlargements, modifications, structural alterations, or changes shall require the approval of a new ~~conditional use Conditional Use~~ permit.

H. **Duration; Expiration; Suspension; Violation; Revocation.**

1. **Duration.**

A ~~conditional use Conditional Use~~ permit shall remain in effect until it expires, is suspended, or is revoked in accordance with this Section.

2. **Expiration.**

A ~~conditional use Conditional Use~~ permit shall expire if:

- a. A construction permit, if any, for the ~~conditional use Conditional Use~~ has not been approved within one (1) year of the date of approval of the ~~conditional use Conditional Use~~ permit;
- b. The construction permit subsequently expires;
- c. The ~~conditional use Conditional Use~~ has been discontinued for a period exceeding three (3) months; or

d. A termination date attached to the conditional use ~~Conditional Use~~ permit has passed.

3. Suspension.

In accordance with the authority granted to municipalities by the state, the City shall have the right to immediately suspend the conditional use ~~Conditional Use~~ permit for any property where the premises ~~Premises~~ are determined to be an immediate hazard to the health and safety of any person or an immediate danger to any adjacent property. The suspension shall be for a period not to exceed twenty-four (24) hours or until the danger or hazard is removed.

4. Violation.

It is unlawful for any person ~~Person~~ to violate or to cause or permit to be violated any terms or conditions of a conditional use ~~Conditional Use~~ permit or upon which a conditional use ~~Conditional Use~~ permit was issued.

5. Revocation.

The revocation of a conditional use ~~Conditional Use~~ permit shall follow the following revocation procedure:

a. If the Administrator determines, based on inspection or investigation by the City, that there are reasonable grounds for revocation of a conditional use ~~Conditional Use~~ permit, a public hearing shall be set before the Planning and Zoning Commission for a recommendation and a public hearing before the City Council for the consideration of an ordinance amendment. Circumstances that warrant revocation of an approved conditional use ~~Conditional Use~~ permit application shall include but not be limited to the following:

- 1) There is a conviction of a violation of any of the provisions of this UDO ~~the Unified Development Ordinance~~, the ordinance approving the conditional use ~~Conditional Use~~, or any ordinance of the City of College Station that occurs on the property for which the conditional use ~~Conditional Use~~ permit is granted;
- 2) The building ~~Building~~, premise ~~Premise~~, or uses under the conditional use ~~Conditional Use~~ permit is enlarged, modified, structurally altered, or otherwise significantly changed without the approval of a separate conditional use ~~Conditional Use~~ permit for such enlargement, modification, structural alteration, or change, unless Administrator had determined that such enlargement, modification, or structural alteration did not require a new conditional use ~~Conditional Use~~ permit, as described in the Applicability Subsection above;
- 3) Violation of any provision of the site plan ~~Site Plan~~ encompassing the property for which the conditional use ~~Conditional Use~~ permit was issued ~~for~~, terms, or conditions of a conditional use ~~Conditional Use~~ permit; or
- 4) The conditional use ~~Conditional Use~~ permit was obtained by fraud or ~~with~~ deception.

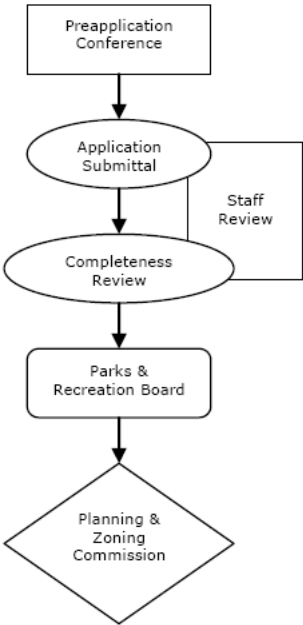
b. The revocation process shall be conducted as for the conditional use ~~Conditional Use~~ permit, including giving notice to the holder of the conditional use ~~Conditional Use~~ permit and property owners within 200 feet of the public hearings in the manner provided in the Required Public Notice Subsection of the General Approval Procedures Section above in Article 3 Development Review Procedures of this UDO.

c. The City Council may revoke the conditional use ~~Conditional Use~~ permit, deny the revocation and allow the conditional use to continue, or deny the revocation and amend the conditional use ~~Conditional Use~~ permit to attach conditions to assure that the terms, conditions, and requirements of the conditional use ~~Conditional Use~~ permit be met.

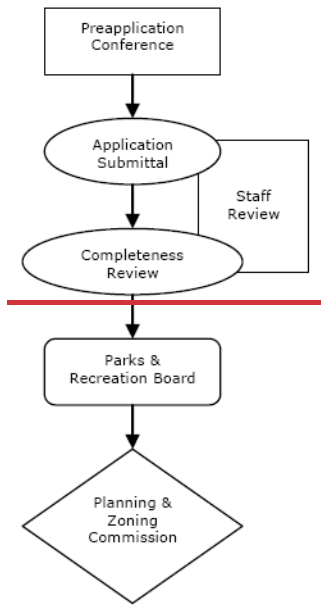
Upon the effective date of the revocation set by the City Council, it shall be unlawful to undertake or perform any activity that was previously authorized by the conditional use ~~Conditional Use~~ permit. The property subject to the conditional use ~~Conditional Use~~ permit may be used for any permitted use within the base zoning district.

Sec. 3.74. Plats Review.

Plat Review Process



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

2) Final Plats and Replats.

A final plat Final Plat is required for the subdivision of all property within the city City limits or extraterritorial jurisdiction ~~ETJ of the City of College Station~~. A final plat Final Plat shall include the entire preliminary plan Preliminary Plan area or less when the final plat Final Plat adheres to the phasing identified on the approved preliminary plan Preliminary Plan. The final plat Final Plat shall conform to the preliminary plan Preliminary Plan as approved

by the ~~Administrator~~Planning and Zoning Commission, provided it incorporates all changes, modifications, corrections, and conditions imposed by the ~~Administrator~~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~~ Preliminary Plan shall not be required prior to the application of a ~~minor plat~~ Minor Plat or ~~amending plat~~ Amending Plat. Pursuant to ~~the Delegation of Approval Responsibility Section of Subchapter A, "Regulations of Subdivisions,"~~ Chapter 212 of the Texas Local Government Code, as amended, 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~~ Plats described in ~~the Amending Plat Section of Subchapter A, "Regulations of Subdivisions,"~~ Chapter 212 of the Texas Local Government Code, as amended;
- (b) Minor ~~plats~~ Plats or ~~replats~~ 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 described in 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, as amended, and that does not require the creation of any new street or the extension of municipal facilities.

4) **Vacating Plats.**

A ~~vacating plat~~ 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~~ Final Plat.

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

The following subdivisions are exempt from ~~subdivision plat~~ Subdivision Plat requirements:

- 1) A division of land into parts greater than five (5) acres within the ~~city~~ 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 the expansion of street right-of-way;
- 3) Any ~~lot(s)~~ 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 ~~on in~~ which the Subdivision Regulations applied to the property through the 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, as amended. 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.**

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- a. The City ~~of College Station~~ chooses to be covered by Subchapter B, "Regulation of Property Development," ~~of~~ Chapter 212 of the Texas Local Government Code, as amended. Any person who proposes the development of a tract of land or lot of record not located within a recorded subdivision within the ~~city City~~ limits or the extraterritorial jurisdiction ~~(ETJ) of the City of College Station~~ must have a development plat Development Plat of the tract prepared in accordance with this Section. New development may not begin on the property until the development plat 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 Development Plat requirements:

- 1) When an applicant is required to file a preliminary plan Preliminary Plan or final plat Final Plat pursuant to other requirements of this Section, a development plat Development Plat is not required in addition thereto.
- 2) The development of a tract of land within the ~~city 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 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, as amended. 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 Development Plat within the ~~city City~~ limits when no parkland, public infrastructure, or public dedication is required on the subject tract.

CB. Determination of Plat Applicability.

Upon written application and in compliance with Chapter 212 of 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 to be provided by the applicant ~~in order~~ to make the requested determination.

DE. Application Requirements.

1. **Pre-Application application 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 pre-application conference in accordance with the Pre-

~~Application Conference Subsection of the General Approval Procedures Section above 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 electronic form acceptable to the Administrator and compatible with the City's geographic information system ~~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 of this UDO;
 - 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 points. Primary control points or descriptions and ties to ~~a such~~ control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be oriented ~~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 the line, design pressure and product transported through the line shall be shown;

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- (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;
 - (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 (100)-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 City~~ limits line, and current zoning district boundaries;
 - 14) Vicinity map which shows ~~the~~ general location of ~~the~~ subject property to existing streets in College Station ~~and~~ to its ~~city City~~ limits. No scale is required but a north arrow is to be included;
 - 15) ~~The Show~~ number of residential lots and average lot size when applicable;
 - 16) Provide a note to identify a ~~cluster development Cluster Subdivision~~ when applicable;
 - 17) Provide any oversize participation requests that will be sought;
 - 18) Provide ~~a~~ title report for ~~the~~ 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 Preliminary Plan~~ to identify the ~~residential parking option Residential Parking Option~~ chosen from the Single-Family Residential Parking Requirements for Platting ~~Section of Article 8, Subdivision Design and Improvements of this UDO~~, when applicable; and
 - 21) As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact ~~Analyses Analysis~~ Section ~~of in~~ Article 7, ~~General Development Standards~~ of this UDO.

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

When submitting ~~plats 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 ~~of this UDO~~ unless expressly provided for otherwise;

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- 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 a title report for the 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 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 the general location of the subject property to existing streets in College Station ~~and to its~~ city ~~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 of whether or not contiguous properties are platted;
 - 12) The location of the one hundred (100)-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 development ~~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~~ Plat shall also include the following, based on a 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 the Certifications Section of, Article 8 Subdivision Design and Improvements of this UDO.)
 - 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 twenty-four (24) inches by thirty-six (36) inches;
- (b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detailed ed 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, a ~~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 the 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;~~

~~1920)~~ Provide a note on the final plat ~~Final Plat~~ to identify the residential parking option ~~Residential Parking Option~~ chosen from the Single-Family Residential Parking Requirements

for Platting Section of Article 8, Subdivision Design and Improvements of this UDO, when applicable; and

- ~~204~~) If the subject property is zoned MH Middle Housing, provide a note on the ~~final plat~~ Final Plat to identify the list of proposed residential product type(s) to ensure the correct application of the Middle Housing Project Types and Dimensional Standards Table Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

ED. 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. 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.

FE. 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 ~~Preliminary Plan~~ application, the Administrator may review and approve or deny the application ~~based on~~ . The Administrator shall review the Preliminary Plan application for compliance with the following elements:

~~1(a)~~ The City's Comprehensive Plan, including any associated plans or studies adopted by the City Council ~~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;~~

~~2(b)~~ Existing zoning of the property, if applicable;

~~3(e)~~ Article 8, Subdivision Design and Improvements of this UDO;

~~4(d)~~ Form and content as required in the General Approval Procedures Application Requirements ~~Section above of this UDO~~;

~~5(e)~~ If phased, the preliminary plan ~~Preliminary Plan~~ must demonstrate the 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

~~6(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 ~~Preliminary Plan~~ application for compliance with the Requirements for Parkland Dedication ~~Section parkland dedication requirements~~ of Article 8, Subdivision Design and improvements of this UDO 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

~~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 Preliminary Plan~~ application includes one or more waiver requests or discretionary items, the Administrator shall forward the ~~preliminary plan 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 ~~and~~ & 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 Preliminary Plan~~ with modifications based on compliance with the same elements listed in the Review and ~~Approval Recommendation~~ by Administrator Subsection above. 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 Preliminary Plan~~ shall mean the following:

- 1) Approval of a ~~preliminary plan 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 Development Permit~~ application with construction plans and a ~~final plat Final Plat~~ application.
- 2) Approval of a ~~preliminary plan Preliminary Plan~~ shall not constitute approval of a ~~final plat Final Plat~~. Application for approval of a ~~final plat Final Plat~~ will be considered only after the requirements for ~~preliminary plan Preliminary Plan~~ approval as specified herein have been fulfilled and after all other specified conditions have been met.
- 3) If a ~~final plat 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 Preliminary Plan~~, the Planning and Zoning Commission may, upon written application of the applicant, extend the approval for a one-time additional twelve (12)-month period. The request for consideration of an extension shall be submitted to the Administrator at least thirty (30) days before the ~~preliminary plan Preliminary Plan~~ approval expires.
- 4) Each ~~final plat Final Plat~~ which is a phase of an approved ~~preliminary plan Preliminary Plan~~ shall extend the expiration date of the ~~preliminary plan Preliminary Plan~~ an additional two (2) years from the date the ~~final plat Final Plat~~ was approved by the Planning and Zoning Commission.
- 5) If a ~~preliminary plan Preliminary Plan~~ is phased, ~~final plats Final Plats~~ shall only be permitted to proceed to the Planning and Zoning Commission in the numerical order set forth ~~by on~~ the ~~preliminary plan Preliminary Plan~~.

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

a. **Minor Amendments.**

Minor amendments of an approved ~~preliminary plan Preliminary Plan~~ may be in an application for approval of a ~~final plat Final Plat~~ without the necessity of filing a new application for approval of a ~~preliminary plan Preliminary Plan~~. Minor amendments may include adjustments in street or alley alignments and lengths, phasing, the adjustment in lot lines that do not result in the

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 Planning and Zoning Commission, ~~and 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 Preliminary Plan~~ not constituting a minor amendment shall be considered a major amendment and require the approval of a new ~~preliminary plan Preliminary Plan~~ application by the Administrator or the Planning and Zoning 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 Preliminary Plan~~. The Administrator shall ~~determine make the determination of~~ whether the proposed amendments are deemed minor or major amendments. At the discretion of the Administrator, a new ~~preliminary plan Preliminary Plan~~ application that proposes major amendments may be processed simultaneously with a ~~final plat Final Plat~~ application.

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 Planning and Zoning Commission, the applicant may withdraw the proposed amendments by written request and retain the previously approved ~~preliminary plan 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 Preliminary Plan~~, if applicable;
 - (b) ~~The City's Comprehensive Plan,~~ including any associated plans or studies adopted by the City Council~~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 of this UDO;
 - (e) Form and content as required in the General Approval Procedures Section above~~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

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- (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 ~~of in~~ Article 8, Subdivision Design and Improvements 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~~Preliminary Plan, the Parks and Recreation Advisory Board shall review the plat application for compliance with the Requirements for Parkland Dedication Section ~~parkland dedication requirements~~ of Article 8, Subdivision Design and Improvements of this UDO, 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 Planning and Zoning Commission's action shall be based on compliance with the review elements listed in the Review and Recommendation by Administrator Subsection above Final Plat, Replat, Vacating Plat, and Development Plat Review and the 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 ~~of 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's Office 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 ~~with to~~ all applicable requirements of this UDO including those elements identified in the Preliminary Plan Review Subsection above and the following procedures:
- 1) Consideration of the approval, approval with conditions, or ~~recommendation of recommended~~ denial of the plat by the Administrator usually within fifteen (15) days of filing a minor plat ~~Minor Plat~~ or amending plat ~~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 Planning and Zoning 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 ~~Planning and Zoning~~ Commission meeting minutes, the Administrator shall make them available to the applicant;
- 5) A report shall be made to the ~~Planning and Zoning~~ Commission at each meeting notifying the Commission of any ~~minor plats~~ ~~Amending Plats~~ or ~~amending plats~~ ~~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~~ ~~Minor Plat~~ or ~~amending plat~~ ~~Amending Plat~~ shall be recorded in the ~~Office of the~~ County Clerk's Office of the county in which the plat is located when all requirements and conditions have been met.

GF. 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 ~~of this UDO~~.

HG. Platting in Planned ~~Development~~ Districts (~~P-MUD Planned Mixed-Use District~~ and ~~PDD Planned Development District~~ and ~~P-MUD~~).

If the subject property is zoned as a ~~P-MUD Planned Mixed-Use District~~ or ~~PDD Planned Development District (PDD)~~ or ~~Planned Mixed-Use District (P-MUD)~~, the City Council may approve a ~~concept plan~~ ~~Concept Plan~~ that provides for general modifications to the site development and subdivision standards. The general modifications shall be indicated on the approved ~~concept plan~~ ~~Concept Plan~~ or within the rezoning ordinance.

IH. 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~~ ~~County~~, the stricter standard shall apply.

J. Failure to Obtain Plat Approval.

1. If plat approval is required for the subdivision of property or development of property and ~~the~~ 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~~ ~~City~~ limits or ~~extraterritorial jurisdiction ETJ of the City of College Station~~ at the ~~Office of the~~ County Clerk's Office 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 ~~the Certifications Section of Article 8, Subdivision Design and Improvements of~~ 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.

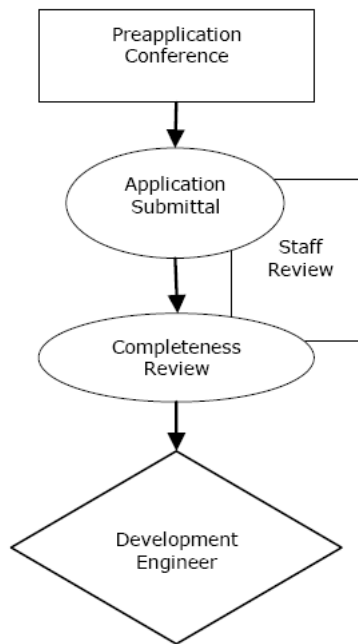
b. The City Secretary shall, when directed by the City Council, cause a certified copy of ~~the said such~~ resolution under the corporate seal of the City to be recorded in the Deed Records of the county in which the plat is located ~~County~~.

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 in which the plat is located ~~County~~ stating that the property is no longer in violation.

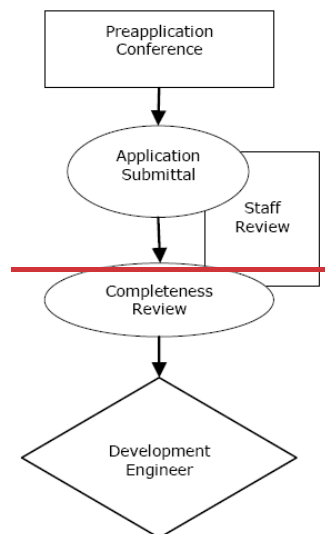
~~Per Ordinance No. 2011-3308 (January 13, 2011)~~

Sec. 3.89. Development Permits.

Development Permit Review Process



A. **Applicability.**



A development permit shall be required prior to any development ~~activity, as defined in Article 11, Definitions,~~ to ensure conformance to the provisions and requirements of this UDO. The following uses are exempt from the permitting requirements of this Section, but shall otherwise meet all of the requirements of this UDO and the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, and the Drainage and Stormwater Management Section ~~of in~~ Article 7, General Development Standards of this UDO:

1. Customary and incidental grounds maintenance, landscaping, and gardening;

-
2. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated ~~area~~ Area of special flood hazard; ~~and Special Flood Hazard~~.
 3. Uses by a landowner of their property for bona fide agricultural purposes.

B. Approval Process.

Prior to the issuance of a development permit, the following requirements shall be met:

1. **~~Pre-Application~~ application Conference.**

~~Prior to the submission of an application for a development permit, applicants are encouraged to schedule and attend an optional pre-application conference following the procedure laid out in the Pre-Application Conference Subsection of the General Approval Procedures Section above. A preapplication conference may be held with the Development Engineer, or his designated representative, if the property contains areas of special flood hazard.~~

2. **Application.**

A complete application for a development permit shall be submitted to the Development Engineer as set forth in the General Approval Procedures Section ~~above~~ in Article 3 of this UDO.

3. **Review and Action by the Development Engineer.**

The Development Engineer shall review the required information and application form and shall take one (1) of the following actions:

- a. Approve the development permit;
- b. Disapprove the development permit;
- c. Approve the development permit with conditions; or
- d. Require additional information or an engineering conference with the applicant or their ~~his~~ engineer.

4. **Review Criteria.**

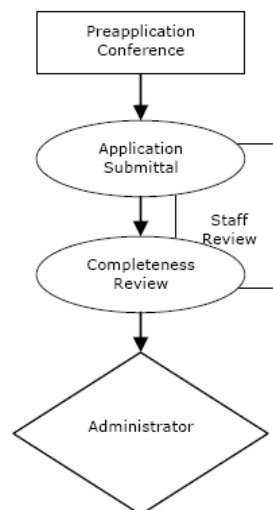
Approval or denial of a development permit by the Development Engineer shall be based on the following relevant factors:

- a. The danger to life or property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The maintenance and operational costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;
- g. The necessity for ~~to~~ the facility of a waterfront location, where applicable;
- h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- i. The barricading of existing trees to remain on the property and count as protected trees under the Landscaping and Tree Protection Section ~~of in~~ Article 7, General Development Standards of this UDO; and
 - j. Compliance with this UDO.
5. **Notification of Decision.**
- a. The applicant shall be notified in writing of the action ~~of the Development Engineer prescribed above~~. If the development permit has been disapproved, the specific reasons for disapproval shall be indicated in the notification. If additional information is required of the applicant, the specific requirements shall be indicated in the notification. A final determination of the approval or disapproval of the development permit, considering the additional information, shall be made, and written notification to the applicant is given within ten (10) working days after acceptance of the complete application.
 - b. Any proposal which includes areas of special flood hazard within the following special drainage areas shall receive written notice of approval or disapproval of the development permit from the Development Engineer within sixty (60) working days after receipt of the proposal:
 - 1) The entirety of Carter's Creek;
 - 2) The main channel of Lick Creek;
 - 3) Wolf Pen Creek from the Earl Rudder Freeway to the confluence with Carter's Creek; and
 - 4) The Brazos River.

Sec. 3.96. Site Plans ~~Review~~.

Site Plan Review Process



A. **Applicability.**

- 1. Prior to the development of any use or structure other than single-family (excluding ~~manufactured home parks~~ Manufactured Home Parks), duplex, or townhouse ~~residential development~~, a site plan shall be approved by the City in accordance with this Section.

2. ~~No development described in paragraph 1. above~~ shall be lawful or permitted to proceed without final site plan approval. A site plan approved as part of a conditional use permit shall be considered a site plan approval.

23. If the subject property is zoned ~~P-MUD Planned Mixed-Use District or PDD Planned Development District as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD)~~, the City Council may approve a ~~concept plan~~ Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved ~~concept plan~~ Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements at the time a site plan is approved. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved ~~concept plan~~ Concept Plan.

3. If the subject property is zoned WPC Wolf Pen Creek, no private development shall be lawful or permitted to proceed without site plan approval. Site plan approval shall be required for all site plans as part of a conditional use permit. The Administrator may require traffic and parking impact studies, a review of existing occupancy, and other reasonable data to determine the impact of the project.

B. General Requirements.

1. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.

2. If the subject property is zoned WPC Wolf Pen Creek, all associated rehabilitation, façade work, and other construction must be conducted after and in compliance with approved elevations, colors, and materials, and comply with all requirements in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. Such review may take place concurrent with the site plan review or may take place separately as provided in the Development Permits Section above.

C. Application Requirements.

A complete application for site plan approval shall be submitted to the Administrator as set forth in the General Approval Procedures Section ~~above in Article 3 in this UDO~~. The application shall include a landscape plan illustrating compliance with the requirements of the Landscaping and Tree Protection Section ~~of in~~ Article 7, General Development Standards of this UDO. Where applicable, applicants shall submit information, documents, and materials required in the Non-Residential Architectural Standards Section and Traffic Impact Analyses Section ~~of in~~ Article 7, General Development Standards of this UDO.

D. Site Plan Approval Process.

Site plan ~~review~~ applications shall be processed in accordance with the following requirements:

1. **~~Pre-Application~~ application Conference.**

Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above ~~and for the purposes as set forth elsewhere in this UDO for preapplication conferences.~~

2. **Final Action by the Administrator.**

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the Administrator shall approve or conditionally approve the site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

E. Site Plan Review Criteria.

The Administrator may request changes to the site plan to accomplish the following requirements. ~~To the~~
~~order to~~ be approved, a site plan must provide for:

1. Safe and convenient traffic control, handling, and vehicle queuing;
2. Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property;
3. Efficient and economic public utilities;
4. Public road or street access;
5. Safe and efficient internal access including public, private, or emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion that complies with Chapter 7, Health and Sanitation, of the City ~~of College Station's~~ Code of Ordinances;
8. Runoff, drainage, and flood control;
9. Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities, and solid waste facilities;
10. Compliance with standards, guidelines, and policies of the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards~~City's adopted Streetscape Plan referenced in Article 8, Subdivision Design and Improvements;~~
11. Clear indication of what constitutes the building plot for purposes of signage; and
12. Location and density of buildings or dwelling units where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles.

F. Additional Site Plan Review Criteria for the WPC Wolf Pen Creek Design District.

All development within the WPC Wolf Pen Creek design district shall comply with the Site Plan Review Criteria Subsection above. In addition, the following standards, which affect the appearance of a development, shall govern the evaluation of a design submission in the WPC Wolf Pen Creek design district:

1. Conformance with the Comprehensive Plan, including any associated plans or studies adopted by the City Council;
2. Exterior space utilization;
3. Material selection;
4. Compatibility with existing development in the design district;
5. Vehicular, pedestrian, and bicycle circulation;
6. Building location and orientation; and
7. Specific standards listed in the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO.

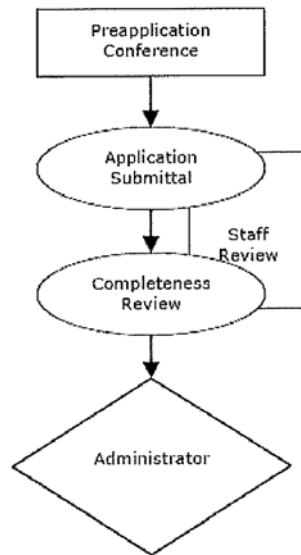
G. Appeal.

Appeals of site plans denied by the Administrator where the denial was based upon or a condition was imposed to assure compliance with the Site Plan Review Criteria Subsection or Additional Site Plan Review Criteria for the WPC Wolf Pen Creek Design District Subsection ~~described~~ above, shall be submitted to the

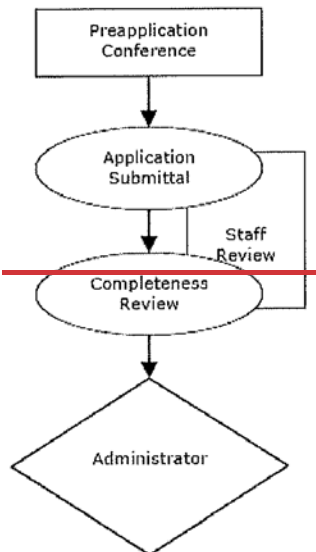
Design Review Board within thirty (30) days of the decision. If no appeal is filed within thirty (30) days, the decision shall be final.

The Design Review Board shall have the same authority and use the same review criteria as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable site-related conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this UDO.

~~Sec. 3.7. Wolf Pen Creek Design District Site Plan Review.~~



~~A. Applicability.~~



~~1. Design District.~~

Prior to any development in the Wolf Pen Creek district (WPC) excluding minor additions such as storage buildings, fencing and the like, an applicant must obtain design district site plan approval under this Section.

In reviewing a project, the Administrator may require traffic and parking impact studies, a review of existing occupancy, and other reasonable data to determine the impact of the project.

~~2. Design District Site Plan Review Required.~~

No private development shall be lawful or permitted to proceed without final design district site plan approval. Design district site plan approval shall be required for all site plans as part of a conditional use permit.

~~3. General Requirements.~~

- ~~a. All improvements reflected on approved site plans must be constructed at the time of development.~~
- ~~b. All associated rehabilitation, façade work, and other construction must be conducted subsequent to and in compliance with approved elevations, colors, and materials, and comply with all requirements in the Wolf Pen Creek Design District. Such review may take place concurrent with the site plan review, or may take place separately, as provided in Section 3.9, Development Permit.~~
- ~~c. All terms and conditions of site plan approval must be met at the time of development.~~

~~B. Application Requirements.~~

A complete application for site plan approval shall be submitted to the Administrator as set forth in the General Approval Procedures Section Article 3 of this UDO. The application shall include a landscaping plan illustrative compliance with the requirements of the Landscaping and Tree Protection Section Article 7 of this UDO. Where applicable, applicants shall submit information, documents, and materials required in the Non-Residential Architectural Standards Section and Traffic Impact Analyses Section Article 7 of this UDO.

~~C. Wolf Pen Creek Design District Site Plan Approval Process.~~

Wolf Pen Creek district site plan review applications shall be processed in accordance with the following requirements:

~~1. Preapplication Conference.~~

Prior to the submission of an application for design district site plan approval, 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.

~~2. Decision by the Administrator.~~

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Design Districts Section in Article 5 of this UDO, and the review criteria below, the Administrator shall approve the design district site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan.

~~D. Additional Review Criteria for the WPC District.~~

All development within the Wolf Pen Creek District shall comply with the Site Plan Review Criteria as outlined in Section 3.6.E of this UDO. In addition, the following standards, which affect the appearance of a development, shall govern the evaluation of a design submission in the WPC district:

- ~~1. Conformance to the City's Comprehensive Plan;~~

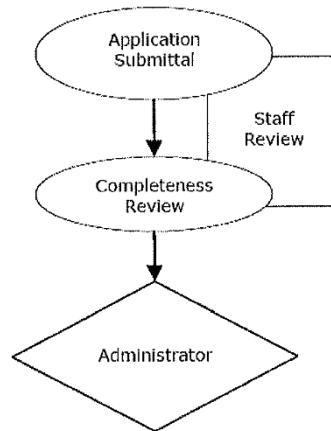
2. ~~Exterior space utilization;~~
3. ~~Material selection;~~
4. ~~Compatibility with existing development in the design district;~~
5. ~~Vehicular, pedestrian, and bicycle circulation;~~
6. ~~Building location and orientation; and~~
7. ~~Specific standards listed in the Design Districts Section in Article 5 of this UDO.~~

~~E. Appeal.~~

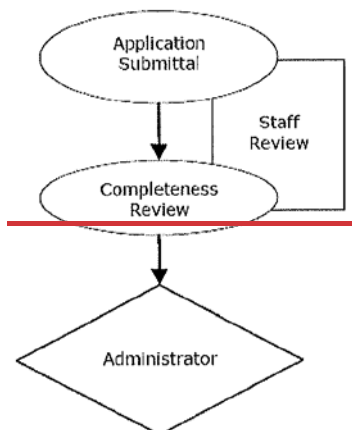
~~Appeals of site plans denied by the Administrator where the denial was based upon or condition imposed to assure compliance with the Additional Review Criteria for the WPC District described above, shall be submitted to the Design Review Board within thirty (30) days of the decision. If no appeal is filed within thirty (30) days, the decision shall be final.~~

~~In the event of an appeal, the Design Review Board shall use the same review criteria as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable site-related conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this UDO.~~

~~Sec. 3.8. Wolf Pen Creek Design District Building and Sign Review.~~



~~A. Applicability.~~



1. ~~In the Wolf Pen Creek district (WPC), all substantial maintenance (including but not limited to rehabilitation, façade work, and, change or exterior materials or other construction, including the replacement or alteration of signs) shall be subject to the WPC district building and sign review process.~~
2. ~~All Building and Sign review required in this Design District, including minor additions to a site (accessory buildings and structures, change of solid waste disposal location, painting, and landscaping) shall be reviewed by the Administrator.~~

~~B. Application.~~

~~A complete application for building or sign review in a design district shall be submitted to the Administrator as set forth in the General Approval Procedures Section of this UDO.~~

~~C. Decision by Administrator.~~

~~1. Design Review.~~

~~The Administrator shall apply the standards for the applicable district as set forth in the Design Districts Section in Article 5 of this UDO. In considering such matters, the Administrator may rely on special area plans or studies adopted by the City Council.~~

~~2. Written Decision.~~

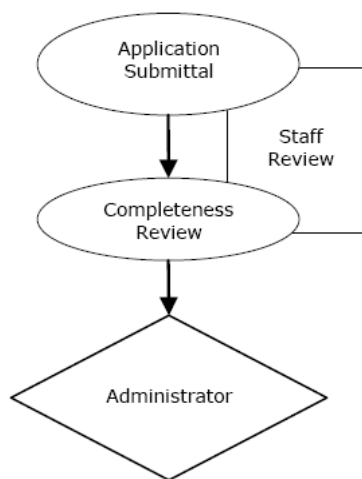
~~If approval is granted, the decision shall be communicated in writing to the applicant.~~

~~D. Waivers.~~

~~The Design Review Board shall hear and decide requests for waivers from the standards in the Wolf Pen Creek (WPC) subsection of the Design Districts Section of Article 5 of this UDO as limited to the possible waivers authorized by that subsection.~~

Sec. 3.105. Sign Permits.

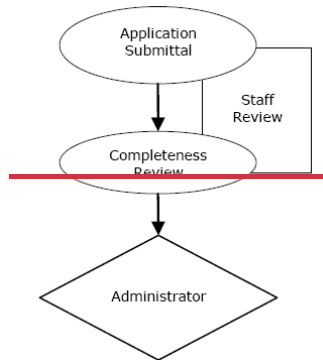
Sign Permit Review Process



A. Applicability ~~Sign Permits Required.~~

No sign shall hereafter be installed, erected, moved, added to, or structurally altered without a permit issued by the Administrator, except in conformity with the provisions of this Section, unless the Administrator is so directed by the Zoning Board of Adjustment as provided by this UDO. In the WPC Wolf Pen Creek design

district, all substantial maintenance (including the replacement or alteration of signs) shall be subject to the sign permit review process detailed in this Section.



~~1. No sign shall hereafter be installed, erected, moved, added to, or structurally altered without a permit issued by the Administrator, except in conformity with the provisions of this Section, unless he is so directed by the Zoning Board of Adjustment as provided by this UDO.~~

12. A sign permit shall be required for the following:

- a. Apartment/condominium/manufactured home park identification signs;
- b. Attached signs;
- c. Development signs;
- d. Freestanding signs;
- e. Low profile signs;
- f. Roof signs; and
- g. Subdivision and area identification signs.

~~23.~~ No sign permit shall be required for the following:

- a. Real estate, finance, and construction signs;
- b. Directional traffic control signs;
- c. Home occupation signs; and
- d. Non-commercial signs.

34. It shall be the responsibility of the owner or the leasing agent to assign the available attached freestanding or freestanding sign building sign square footage to individual building tenants. In no case shall this be the responsibility of the Administrator. In no case may the cumulative total of individual signs for a multi-tenant building exceed the allowable area available or attached or freestanding signs.

B. Application.

A complete application for a sign permit ~~plan~~ shall be submitted to the Administrator Building Official as set forth in the General Approval Procedures Section above in Article 3 of this UDO.

C. Review and Action by the Administrator.

The Administrator must review each sign permit application in light of this UDO and act to approve, approve with conditions, or deny the permit. The Administrator may approve grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with

this UDO. As applicable, the Administrator shall apply the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. In considering such matters, the Administrator may rely on special area plans or studies adopted by the City Council.

D. Maintenance and Repair.

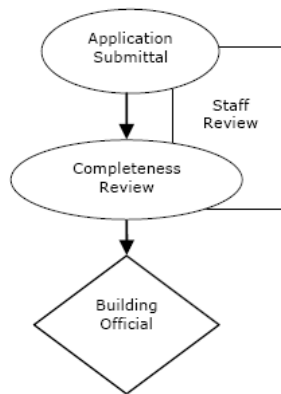
1. Cleaning, painting, repainting, and other normal maintenance and repair of a sign shall not require a permit unless a structural or size change is made. Maintenance includes the replacement of a sign face. Repainting or replacement of materials in the WPC Wolf Pen Creek design district must receive approval of either the Administrator or the Design Review Board ~~as provided in the Wolf Pen Creek District Building and Sign Review Section in Article 3 of this UDO.~~
2. Repair of conforming signs, damaged as a result of accidents or acts of God, shall be exempt from permit fees when they are being restored to their original condition.

E. Waivers (WPC Wolf Pen Creek only).

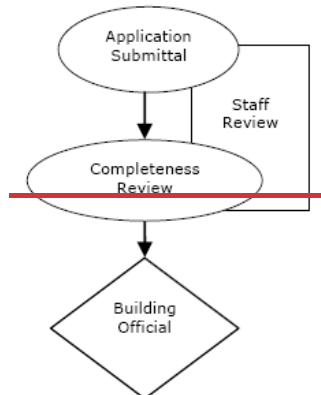
The Design Review Board shall hear and decide requests for waivers from the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

Sec. 3.112. Building Permits.

Building Permit Review Process



A. Applicability~~Building Permit Required.~~



1. 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 Building Permit~~ issued under the provisions of this ~~Section Article~~ for land use or construction in the City shall be considered valid unless signed by the Building Official.

2. In the WPC Wolf Pen Creek design district, all substantial maintenance (including but not limited to rehabilitation, façade work, and change of exterior materials or other construction) shall be subject to the building permit review process detailed in this Section. All building permits required in the WPC Wolf Pen Creek design district, including minor additions to a site (accessory buildings and structures, change of solid waste disposal location, painting, and landscaping) shall be reviewed by the Administrator.

B. Application for Building Permit.

1. Applications for ~~building permits Building Permits~~ for single-family, duplex, townhouse, or ~~courtyard house 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 on the lot, if any; and the location and dimensions of the proposed building or alteration, easements, and required setbacks.

Applications for multi-family (including ~~multiplex Multiplex~~) and ~~non-residential 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 Plans ~~Review~~ Section ~~above 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 ~~the his~~ signature of the Building Official 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 ~~of in~~ Article 7, General Development Standards of this UDO.
5. Where applicable, applicants shall submit information and materials required in the Non-Residential Architectural Standards Section ~~of in~~ Article 7, General Development Standards 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 the Residential Dimensional Standards Section of in Article 5, ~~District Purpose Statements and Supplemental Standards of this UDO~~ 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 International Building Code, as adopted. 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 International Building Code, as adopted.
2. If the subject property is zoned P-MUD Planned Mixed-Use District or PDD as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the City Council may approve a concept plan ~~Concept Plan~~ that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved concept plan ~~Concept Plan~~. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements during the at the time of building permit review. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved concept plan ~~Concept Plan~~.

E. Decision by Administrator (WPC Wolf Pen Creek only).

1. Design Review.

The Administrator shall apply the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO. In considering such matters, the Administrator may rely on special area plans or studies adopted by the City Council.

2. Written Decision.

The decision of approval or denial shall be communicated in writing to the applicant.

F. Waivers (WPC Wolf Pen Creek only).

The Design Review Board shall hear and decide requests for waivers from the standards in the WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO as limited to the possible waivers authorized by that Subsection.

Sec. 3.123. Certificate~~s~~ of Occupancy.

A. Applicability.

A certificate ~~Certificate~~ of occupancy ~~Occupancy~~ shall be required for any of the following:

1. Occupancy ~~and use~~ of a building hereafter erected or enlarged;
2. Change in use of an existing building to a different use category ~~Use Category~~;
3. Any change in a nonconforming use or structure; or
4. As required by Section 110 of the International Building Code, ~~as adopted and amended, Section 110.~~

B. Application.

Once all required building inspections have been reviewed by the Building Official and ~~he finds~~ no violation of the provisions of the Code is found, the Building Official shall issue a certificate ~~Certificate~~ of occupancy ~~Occupancy~~ for the structure ~~or use~~.

C. Review and Action by Building Official.

Upon the request for a certificate ~~Certificate~~ of occupancy ~~Occupancy~~, the Building Official shall inspect the use or structure. If the Building Official determines that the use or structure complies with all applicable

provisions of the International Building Code, as adopted, ~~and amended~~ and this UDO, a certificate ~~Certificate~~ of occupancy ~~Occupancy~~ shall be issued.

D. Temporary Certificate of Occupancy.

Pending the issuance of a certificate ~~Certificate~~ of occupancy ~~Occupancy~~, a temporary certificate ~~Temporary Certificate~~ of occupancy ~~Occupancy~~ may be issued by the Building Official. The temporary certificate ~~Temporary Certificate~~ of occupancy ~~Occupancy~~ shall be valid for a period established by the Building Official, pending completion of ~~an~~ additional requirements or during partial occupancy of a structure and as provided in Section 110 of the International Building Code, as adopted ~~and amended~~.

E. Unlawful to Occupy Without Valid Certificate of Occupancy.

It is unlawful to occupy any building that does not have a validly issued certificate ~~Certificate~~ of occupancy ~~Occupancy~~ or temporary certificate ~~Temporary Certificate~~ of occupancy ~~Occupancy~~.

Sec. 3.134. Certificates of Completion.

A. Applicability.

A certificate of completion shall be required for any of the following:

1. Use of a parking lot hereafter constructed or enlarged not in conjunction with a building or structure;
2. Site changes including but not limited to landscaping, parking lots, façade changes in a design district, or a change to an existing site that is not done in conjunction with a building or structure that requires a building permit; or
3. Site improvements associated with a telecommunications tower.

B. Application.

Once all required building inspections have been reviewed by the Building Official and ~~he finds~~ no violation of the provisions of the International Building Code, as adopted ~~are found~~ ~~Code~~, the Building Official shall issue a certificate ~~Certificate~~ of completion ~~Completion~~ for the structure.

C. Review and Action by Building Official.

Upon the request for a certificate ~~Certificate~~ of completion ~~Completion~~, the Building Official shall inspect the structure. If the Building Official determines that the structure complies with all applicable provisions of the International Building Code, as adopted, and this UDO, a certificate ~~Certificate~~ of completion ~~Completion~~ shall be issued.

D. Temporary Certificate of Completion.

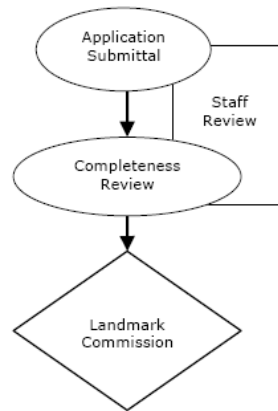
Pending the issuance of a certificate ~~Certificate~~ of completion ~~Completion~~, a temporary certificate ~~Temporary Certificate~~ of completion ~~Completion~~ may be issued by the Building Official. The temporary certificate ~~Temporary Certificate~~ of completion ~~Completion~~ shall be valid for a period established by the Building Official, pending compliance with approved development plans.

E. Unlawful to Utilize Without Valid Certificate of Completion.

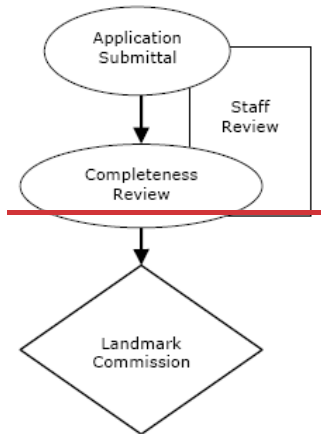
It is unlawful to utilize any structure that does not have a validly issued certificate ~~Certificate~~ of completion ~~Completion~~ or temporary certificate ~~Temporary Certificate~~ of completion ~~Completion~~.

Sec. 3.1~~40~~. Certificates of Appropriateness.

Certificate of Appropriateness Review Process



A. Applicability.



1. Prior to any construction, reconstruction, alteration, restoration, or rehabilitation of any structure or any property within an HP Historic Preservation Overlay ~~District~~, or any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way that affects the appearance and cohesiveness of any structure or any property within an HP Historic Preservation Overlay ~~District~~, an applicant must obtain a certificate Certificate of appropriateness Appropriateness in accordance with this Section.
2. No building permit shall be issued for proposed work within an HP Historic Preservation Overlay ~~District~~ until a certificate Certificate of appropriateness Appropriateness has first been issued as required by the UDO. The certificate Certificate of appropriateness Appropriateness shall be in addition to and not in place lieu of any building permit that may be required by any other ordinance of the City of College Station.

B. Application Requirements.

A complete application for a certificate Certificate of appropriateness Appropriateness shall be submitted to the Administrator as set forth in the General Approval Procedures Section above in Article 3 of this UDO. The application shall include, where applicable:

-
1. Detailed description of proposed work;
 2. Proposed building plans (this will not constitute a building plan submittal for review for a building permit);
 3. Landscaping plans showing landscaping features and vegetation species, sizes, and locations;
 4. Landscape protection plans;
 5. Location and photographs of the property and adjacent properties;
 6. Elevation drawings of the proposed changes, if available;
 7. Samples of materials to be used;
 8. Specifications for architectural features and materials; and
 9. Any other information that the Landmark Commission or Historic Preservation Officer may deem necessary ~~in order to~~ visualize the proposed work.

C. Certificate of Appropriateness Approval Process.

Certificate of appropriateness ~~Appropriateness~~ applications shall be processed in accordance with the following requirements:

1. Pre-Application ~~application~~ Conference.

Prior to the submission of an application for a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section ~~above~~ all potential applicants may request a preapplication conference with the Administrator. The purpose of the preapplication conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO; however, the preapplication conference does not fulfill the requirements for formal review or submittal as set forth in this UDO.

2. Review and Report by the Historic Preservation Officer.

Upon receipt of an application for a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~, the Historic Preservation Officer shall determine whether the application is to be reviewed under the Standard Certificate of Appropriateness Review Criteria Procedure or the Routine Maintenance Work Review Procedure. If the application is to be reviewed under the Standard Certificate of Appropriateness Review Criteria Procedure, the following applies. If the application is to be reviewed under the Routine Maintenance Work Review Procedure, the procedure in the Routine Maintenance Work Review Procedure Subsection below subsection E. below will apply.

Under the Standard Certificate of Appropriateness Review Criteria Procedure, the Historic Preservation Officer will review the application to determine if the proposed plan is consistent with all applicable provisions of this UDO and the City's Comprehensive Plan. The Historic Preservation Officer will forward the his report on the application to the Landmark Commission with a recommendation for approval, denial or conditional approval.

3. Review by the Landmark Commission.

The Landmark Commission shall review the application in a public meeting and may approve, approve with conditions, or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by the publication of the agenda of the meeting.

4. **Final Action by the Landmark Commission.**

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay ~~District~~ Subsection of the Overlay Districts Section of ~~in~~ Article 5, District Purpose Statements and Supplemental Standards of this UDO, and the review criteria in the Standard Certificate of Appropriateness Review Criteria Subsection below, the Landmark Commission shall approve the plan. A determination that all requirements and provisions have not been satisfied shall result in disapproval of the plan.

D. **Standard Certificate of Appropriateness Review Criteria** ~~for Approval of a Certificate of Appropriateness.~~

The Landmark Commission shall approve a certificate ~~Certificate of appropriateness~~ Appropriateness if it finds:

1. **For Historic Contributing Resources.**

- a. The proposed work is consistent with The Secretary of the Interior's Standards for Rehabilitation, The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings, Preservation Briefs, and all related interpretative documents published by the U.S. Department of Interior;
- b. The proposed work will not have an adverse effect on the architectural features of the structure;
- c. The proposed work will not have an adverse effect on the HP Historic Preservation Overlay ~~District~~; and
- d. The proposed work will not have an adverse effect on the future preservation, maintenance, and use of the structure or the HP Historic Preservation Overlay ~~District~~.

2. **For Historic Non-Contributing Resources.**

The proposed work is compatible with the HP Historic Preservation Overlay ~~District~~.

E. **Certificate of Appropriateness** ~~Routine Maintenance Work Review Procedure.~~

1. If, upon review of an application for a certificate ~~Certificate of appropriateness~~ Appropriateness, the Historic Preservation Officer determines that an applicant is seeking a certificate ~~Certificate of appropriateness~~ Appropriateness to authorize only routine maintenance work, the Historic Preservation Officer shall review the certificate ~~Certificate of appropriateness~~ Appropriateness application to determine whether the proposed work complies with the regulations contained in this Section and approve, approve with conditions, or deny the application. The Historic Preservation Officer may also forward the application to the Landmark Commission for any reason.
2. Routine maintenance work ~~Maintenance Work~~ on a property is considered to be:
 - a. The installation of a chimney located on an accessory building, or on the rear fifty (50) percent of a main building and not part of a corner side façade;
 - b. The installation of an awning located on an accessory building, or ~~on~~ the rear façade of a primary structure;
 - c. The installation of a wood or chain link fence that is not painted or stained;
 - d. The installation of gutters and downspouts of a color that matches or compliments the dominant trim or roof color;
 - e. The installation of skylights and solar panels;
 - f. The installation of storm windows and doors; and/or
 - g. The restoration of original architectural elements; ~~;~~

-
3. The applicant may appeal the Historic Preservation Officer's decision by submitting to the Historic Preservation Officer a written request for appeal within ten (10) calendar days of the decision. Upon the written request for appeal, the Landmark Commission will review the application under the Standard Certificate of Appropriateness Review Criteria Subsection above~~Procedure~~.

F. Expiration of Approval.

For plans that do not require the issuance of a building permit, work to complete the plans shall commence and be completed within twenty-four (24) months from the date of approval of the application. The Historic Preservation Officer may authorize a single extension of a certificate ~~Certificate~~ of appropriateness ~~for Appropriateness~~ up to six (6) months upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

For plans that require the issuance of a building permit, if a building permit has not been issued for the proposed work within twenty-four (24) months from the date of approval of the application, the Historic Preservation Officer may authorize a single extension of a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ up to six (6) months upon demonstration of the lack of changed or changing conditions in the area. A certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ shall be valid as long as there is a valid building permit.

G. Appeals.

An applicant for a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ dissatisfied with the action of the Landmark Commission related to the issuance or denial of a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ shall have the right to appeal to the City Council within ten (10) calendar days after the date of such action. In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

H. Limitation on Reapplication.

If a final decision is reached denying a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~, no further applications may be considered for the subject matter of the denied certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ for one (1) year from the date of the final decision unless the Landmark Commission waives the time limitation because the Landmark Commission finds that there are changed circumstances sufficient ~~to~~ warrant a new hearing.

I. Revocation.

The Historic Preservation Officer may, in writing, revoke a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ if:

1. The certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ was issued based on ~~on the basis of~~ incorrect information supplied by the applicant, or
2. The work is not performed in accordance with the certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~.

J. Amendment to a Certificate of Appropriateness.

A certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ may be amended by submitting a new certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ application to the Historic Preservation Officer. The application shall then be subject to either the Standard Certificate of Appropriateness Review Criteria ~~Procedure~~ or the Routine Maintenance Work Review Procedure.

K. Ordinary Maintenance.

Other than the routine maintenance work ~~Routine Maintenance Work~~ listed in the Routine Maintenance Work Review Procedure Subsection above, a certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ shall

not be required for the ordinary maintenance and repair of any exterior architectural feature of a property within an HP Historic Preservation Overlay ~~District~~ which does not involve a change in design, material, or outward appearance such as:

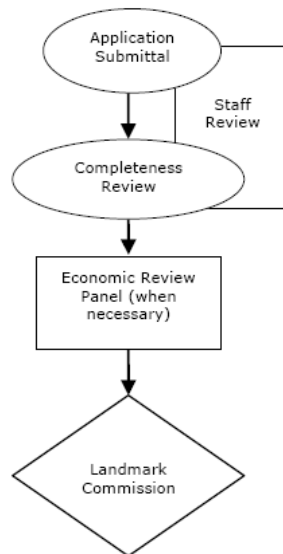
1. The replacement of a roof of the same or an original material that does not include a change in color;
2. The application of paint that is the same as the existing;
3. Minor repair using the same material and design as the original;
4. The repair of sidewalks and driveways using the same type and color of materials;
5. The process of cleaning (including but not limited to low-pressure water blasting and stripping, but excluding sandblasting and high-pressure water blasting); and
6. The painting, replacing, duplicating, or stabilizing deteriorated or damaged non-original architectural features (including but not limited to roofing, windows, columns, and siding) ~~in order~~ to maintain the structure and ~~to~~ slow deterioration.

L. Temporary Emergency Repairs.

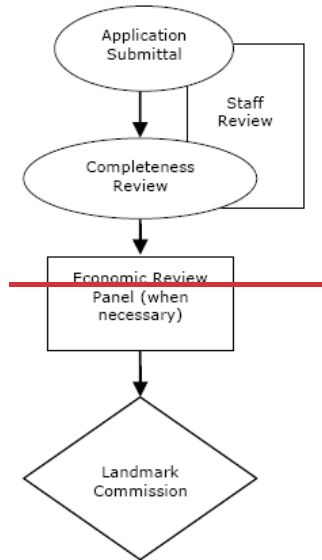
If the Building Official determines that a building or structure in an HP Historic Preservation Overlay ~~District~~ poses an immediate threat to persons or property, the Building Official may take any action authorized under the City of College Station Code of Ordinances to make the building or structure safe without the requirement of a ~~certificate~~ Certification of ~~appropriateness~~ Appropriateness. The Building Official shall send a written report of such actions to the Landmark Commission.

Sec. 3.151. Certificates of Demolition.

Certificate of Demolition Review Process



A. Applicability.



1. Prior to any demolition or removal of any structure or portion thereof on any property within an HP Historic Preservation Overlay ~~District~~, an applicant must obtain a certificate Certificate of demolition Demolition in accordance with this Section.
2. No building permit shall be issued for proposed work within an HP Historic Preservation Overlay ~~District~~ until a certificate Certificate of demolition Demolition required by the UDO has first been issued by the Landmark Commission. The certificate Certificate of demolition Demolition shall be in addition to, and not in place lieu of, any building permit that may be required by any other ordinance of the City of College Station.
3. No permit for the demolition of a structure or property within an HP Historic Preservation Overlay ~~District~~, including secondary buildings and landscape features, shall be granted by the Building Official without the review of a completed application for and approval of a certificate Certificate of demolition Demolition by the Landmark Commission.

B. Application Requirements.

A property owner seeking demolition or removal of a structure, including secondary buildings and landscape features, on a property in an HP Historic Preservation Overlay ~~District~~ shall submit a complete application for a certificate Certificate of demolition Demolition to the Administrator as set forth in the General Approval Procedures Section above in Article 3 of this UDO. The application shall include:

1. An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.
2. An indication that the demolition or removal is sought for one (1) or more of the following reasons:
 - a. To replace the structure with a new structure that is more appropriate and compatible with the HP Historic Preservation Overlay ~~District~~;
 - b. No economically viable use of the property exists;
 - c. The structure poses an imminent threat to public health or safety; or
 - d. The structure is noncontributing to the HP Historic Preservation Overlay ~~District~~ because it is newer than the period of historic significance.

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3. An application "~~to~~ ~~re~~-replace the structure with a new structure that is more appropriate and compatible with the HP Historic Preservation Overlay ~~District~~" shall also include:
- Records depicting the original construction of the structure, including drawings, pictures, or written descriptions where available;
 - Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
 - Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure;
 - Complete architectural drawings of the new structure; and
 - A guarantee agreement between the owner and the City that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee must:
 - Contain a statement of intent to construct the proposed structure by a specific date in accordance with architectural drawings approved by the City through the certificate ~~Certificate~~ of appropriateness ~~Appropriateness~~ process;
 - Require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or an other arrangement acceptable to the Administrator to ensure the construction of the new structure; and
 - Be approved as to form by the City Attorney.
4. An application that "~~no~~ ~~Ne~~-economically viable use of the property exists" shall also include:
- The past and current uses of the structure and property;
 - The name of the owner. If the owner is a legal entity, the type of entity and state in which it is registered;
~~1) If the owner is a legal entity, the type of entity and states in which it is registered.~~
 - ~~c.2)~~ The date and price of purchase or other acquisition of the structure and property, ~~and~~ the party from whom it was acquired, and the owner's current basis in the property~~;~~
 - ~~d.3)~~ The relationship, if any, between the owner and the party from whom the structure and property were acquired. ~~If one (1) or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified;~~
 - ~~e.4)~~ The assessed value of the structure and property according to the two (2) most recent tax assessments;
 - ~~f.5)~~ The amount of real estate taxes on the structure and property for the previous two (2) years;
 - ~~g.6)~~ The current fair market value of the structure and property as determined by an independent licensed appraiser;
 - ~~h.7)~~ All appraisals obtained by the owner and prospective purchasers within the previous two (2) years in connection with the potential or actual purchase, financing, or ownership of the structure and property;
 - ~~i.8)~~ All listings of the structure and property for sale or rent within the previous two (2) years, prices asked, and offers received;
 - ~~j.9)~~ A profit and loss statement for the property and structure containing the annual gross income for the previous two (2) years; itemized expenses (including operating and maintenance costs) for the previous two (2) years, including proof that adequate and competent management

procedures were followed; the annual cash flow for the previous two (2) years; and proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor;

~~k.10)~~ A mortgage history of the property during the previous five (5) years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property;

~~l.11)~~ All capital expenditures during the current ownership;

~~m.12)~~ Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions;

~~n.13)~~ A study of the restoration of the structure or property, performed by a licensed architect, engineer, or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for ~~ten years~~ a ten-year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property;

~~o.14)~~ Any consideration is given by the owner to profitable adaptive uses for the structure and property;

~~p.15)~~ Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations;

~~q.16)~~ Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure; and

~~r.17)~~ Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.

5. An application to demolish or remove a structure that "~~poses~~ Poses an imminent threat to public health or safety" shall also include:

- a. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
- b. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer; and
- c. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

6. An application to demolish or remove a structure that is "~~noncontributing~~ Noncontributing to the HP Historic Preservation Overlay ~~District~~" because the structure is newer than the period of historic significance" shall also provide:

- a. Documentation that the structure is noncontributing to the HP Historic Preservation Overlay ~~District~~;
- b. Documentation of the age of the structure; and
- c. A statement of the purpose of the demolition.

7. Any other evidence the property owner wishes to submit in support of the application.

8. Any other evidence requested by the Landmark Commission or the Historic Preservation Officer.

C. ~~Certificate of Demolition~~ **Approval Process.**

Certificate of ~~demolition~~ Demolition applications shall be processed in accordance with the following requirements:

1. **Pre-~~Application~~ application Conference.**

Prior to the submission of an application for a ~~certificate~~ Certificate of ~~demolition~~ Demolition, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with the Pre-Application Conference Subsection of the General Approval Procedures Section above. ~~all potential applicants may request a preapplication conference with the Administrator. The purpose of the preapplication conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO; however, the preapplication conference does not fulfill the requirements for formal review or submittal as set forth in this UDO.~~

2. **Application.**

When a complete application for a ~~certificate~~ Certificate of ~~demolition~~ Demolition has been submitted to the City, the application will begin a mandatory sixty (60) -day stay of demolition. The ~~certificate~~ Certificate of ~~demolition~~ Demolition approval process will continue concurrently with the stay of demolition, but the Landmark Commission shall not take final action before the stay ~~of~~ demolition has expired.

3. **Review and Report by the Historic Preservation Officer.**

If the application is determined to be consistent with all applicable provisions of this UDO and the ~~City's~~ Comprehensive Plan, or if the application is recommended for denial or conditional approval, the Historic Preservation Officer shall report such consistency, inconsistency, or proposed conditions to the Landmark Commission.

4. **Review by an Economic Review Panel.**

For an application that "~~no~~ No economically viable use of the property exists", within thirty-five (35) days after ~~the~~ the appointment of the Economic Review Panel as provided in the Landmark Commission Section of Article 2, Development Review Bodies of this UDO, ~~the Panel~~ the Panel shall review the submitted documentation, ~~hold~~ hold a public hearing, ~~consider~~ consider all options for renovation, adaptive reuse, and redevelopment, ~~and~~ and forward a written recommendation to the Landmark Commission. The Historic Preservation Officer shall provide administrative support to the Economic Review Panel. The Economic Review Panel's recommendation shall be based on the same standard for approval to be used by the Landmark Commission. An application that "~~no~~ no economically viable use of the property exists" will not be considered complete until the Economic Review Panel has made its recommendation to the Landmark Commission. If the Economic Review Panel is unable to reach a consensus, the report will indicate the majority and minority recommendations. If the Economic Review Panel does not meet within thirty-five (35) days after ~~the~~ the appointment, a recommendation of "~~no~~ no economically viable use of the property" will be forwarded to the Landmark Commission.

5. **Review by the Landmark Commission.**

The Landmark Commission shall review the application for a ~~certificate~~ Certificate of ~~demolition~~ Demolition in a public meeting and may approve, approve with conditions, or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by ~~the~~ the publication of the agenda of the meeting.

6. **Final Action by the Landmark Commission.**

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay ~~District~~ Subsection of the Overlay

~~Districts Section of in~~ Article 5, District Purpose Statements and Supplemental Standards of this UDO, and the review criteria in the Criteria for Approval of a Certificate of Demolition Subsection below, the Landmark Commission shall approve the plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the plan. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the Landmark Commission.

D. Approval Criteria for Approval of a Certificate of Demolition.

In considering an application for a certificate Certificate of demolitionDemolition, the Landmark Commission shall deny the application unless it makes the following findings:

1. The Landmark Commission shall deny an application for a certificate Certificate of demolitionDemolition to replace a structure with a new structure unless it finds that:
 - a. The new structure is more appropriate and compatible with the HP Historic Preservation Overlay ~~District~~ than the structure to be demolished or removed; and
 - b. The owner has the financial ability and intent to build the new structure. The Landmark Commission must first approve the certificate Certificate of appropriateness Appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application for a certificate Certificate of demolitionDemolition.
2. The Landmark Commission shall deny an application for a certificate Certificate of demolitionDemolition to remove a structure because of "no economically viable use of the property" unless it finds that:
 - a. The structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);
 - b. The structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and
 - c. The owner has failed during the last two (2) years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.
3. The Landmark Commission shall deny an application for a certificate Certificate of demolitionDemolition to remove a structure that poses an imminent threat to public health or safety unless it finds that:
 - a. The structure constitutes a documented major and imminent threat to public health and safety;
 - b. The demolition or removal is required to alleviate the threat to public health and safety; and
 - c. There is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.
4. The Landmark Commission shall deny an application for a certificate Certificate of demolitionDemolition to remove a structure that is noncontributing to the HP Historic Preservation Overlay ~~District~~ because it is newer than the period of historic significance unless it finds that:
 - a. The structure is noncontributing to the HP Historic Preservation Overlay ~~District~~;
 - b. The structure is newer than the period of historic significance for the HP Historic Preservation Overlay ~~District~~; and

-
- c. Demolition of the structure will not adversely affect the historic character of the property or the integrity of the HP Historic Preservation Overlay ~~District~~.

E. Appeals.

1. Any interested person may appeal the decision of the Landmark Commission to the City Council by filing a written notice with the Administrator within ten (10) calendar days after the decision of the Landmark Commission. If no appeal is made of a decision to approve a ~~certificate~~ Certificate of ~~demolition~~ Demolition within ~~ten (10) days~~ the ten-day period, the Building Official shall issue the permit to allow demolition or removal. If an appeal is filed, the City Council shall hear and decide the appeal within sixty-five (65) ~~calendars~~ days of its filing.
2. In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

F. Limitation on Reapplication.

If a final decision is reached denying a ~~certificate~~ Certificate of ~~demolition~~ Demolition, no further applications may be considered for the subject matter of the denied ~~certificate~~ Certificate of ~~demolition~~ Demolition for one (1) year from the date of the final decision unless the Landmark Commission waives the time limitation because the Landmark Commission finds that there are changed circumstances sufficient to warrant a new hearing.

G. Expiration of Approval.

A ~~certificate~~ Certificate of ~~demolition~~ Demolition expires if the work authorized by the ~~certificate~~ Certificate of ~~demolition~~ Demolition is not commenced within one hundred eighty (180) days from the date of final approval. A final, one-time extension for the commencement of work of ninety (90) days may be granted by the Administrator upon written request by the applicant showing circumstances beyond the control of the applicant. If the ~~certificate~~ Certificate of ~~demolition~~ Demolition expires, a new ~~certificate~~ Certificate of ~~demolition~~ Demolition must first be obtained before the work can commence.

H. Demolition by Neglect.

1. Prohibition.

No owner or person with an interest in real property included within an HP Historic Preservation Overlay ~~District~~ shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or structural compromise which would, in the judgment of the Landmark Commission, produce a detrimental effect upon the character of the HP Historic Preservation Overlay ~~District~~ as a whole or the life and character of the property itself. Examples of such deterioration include⁷ but are not limited to:

- a. Deterioration of the foundation¹²;
- b. Deterioration of floor supports¹² or the addition of floor supports that are insufficient to carry the loads imposed¹²;
- c. Deterioration of walls, windows, doors, or other vertical supports, or the addition of such supports that are of insufficient size or strength to carry the loads imposed¹²;
- d. Deterioration of roof or other horizontal members¹²;
- e. Deterioration of exterior chimneys¹²;
- f. Deterioration or crumbling of exterior stucco or mortar¹²;
- g. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors¹².

-
- h. Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint or ~~another~~ protective coating;
 - i. Any fault, defect, or condition in the structure that renders it structurally unsafe or not properly watertight; ~~and~~;
 - j. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for ~~the~~ public safety.

2. **Procedure.**

a. **Purpose.**

The purpose of the ~~demolition Demolition~~ by ~~neglect Neglect~~ procedure is to allow the Landmark Commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

b. **Request for Investigation.**

Any interested party may request that the Historic Preservation Officer investigate whether a property is being ~~demolished Demolished~~ by ~~neglect Neglect~~.

c. **First Meeting With the Property Owner.**

Upon receipt of a request, the Historic Preservation Officer and ~~City~~ Building Official shall meet with the property owner or the property owner's agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the Historic Preservation Officer shall prepare a report for the Landmark Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

~~d~~ **Certification and Notice.**

After review of the report in a public meeting, the Landmark Commission may vote to certify the property as a ~~demolition Demolition~~ by ~~neglect Neglect~~ case. If the Landmark Commission certifies the structure as a ~~demolition Demolition~~ by ~~neglect Neglect~~ case, the Landmark Commission shall notify the property owner or the property owner's agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within thirty (30) days and set a deadline for completion of the repairs. The notice shall be sent by certified mail.

e. **Second Meeting With the Property Owner.**

The Historic Preservation Officer and the ~~City~~ Building Official shall meet with the property owner or the property owner's agent with control over the structure ~~at least~~ within sixty (60) days after the notice was sent to inspect any repairs.

f. **Referral for Enforcement.**

If the property owner or the property owner's agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the Landmark Commission may refer the ~~demolition Demolition~~ by ~~neglect Neglect~~ case to the ~~City's~~ Code Enforcement Division for appropriate enforcement action to prevent ~~demolition Demolition~~ by ~~neglect Neglect~~.

l. **Demolition by Condemnation.**

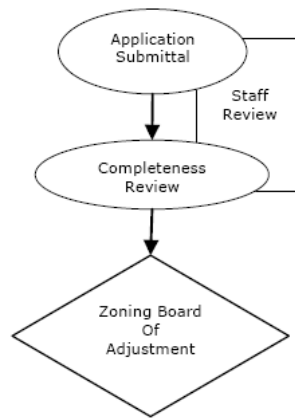
Reasonable attempts to engage a property owner in a ~~demolition~~ ~~Demolition~~ by ~~neglect~~ ~~Neglect~~ procedure shall be made when there is ~~a~~ concern for the deterioration of a structure, but when a structure or equipment is found by the ~~City~~ Building Official to be a dangerous structure, the provisions of the City of College Station Code of Ordinances regulating dangerous structures will apply.

J. **Historic Preservation Fund.**

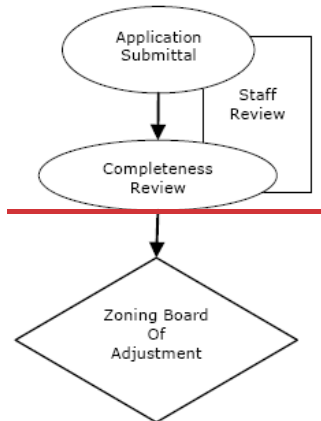
1. The City ~~of College Station~~, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.
2. The historic preservation fund is composed of the following funds:
 - a. Outside funding (other than City general funds or capital funds), such as grants and donations, made to the City for the purpose of historic preservation and funding partnerships with community organizations.
 - b. Damages recovered pursuant to Chapter 315 of the Texas Local Government Code, as amended, ~~Section 315.006~~ from persons who illegally demolish or adversely affect historic structures.
3. The outside funding may be used for financing the following activities:
 - a. Necessary repairs in ~~demolition~~ ~~Demolition~~ by ~~neglect~~ ~~Neglect~~ cases;
 - b. Full or partial restoration of low-income residential and nonresidential structures;
 - c. Full or partial restoration of publicly owned historic structures;
 - d. Acquisition of historic structures, places, or areas through gift or purchase;
 - e. Public education of the benefits of historic preservation or the regulations governing HP Historic Preservation Overlays ~~Districts~~; and
 - f. Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.
4. Damages recovered pursuant to Chapter 315 of the Texas Local Government Code, as amended, ~~Texas Local Government Code Section 315.006~~ must be used only for the following purposes:
 - a. Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure;
 - b. Restoration, using as many of the original materials as possible, of the historic structure; and
 - c. Restoration of another historic structure.

Sec. 3.169. Variances.

Variance Review Process



A. Purpose.



The Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this UDO. The Zoning Board of Adjustment shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this UDO would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the cityCity, and that the granting of the variance would preserve the spirit and intent of the UDO Ordinance and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured, and substantial justice done.

B. Applicability.

The Zoning Board of Adjustment shall have the authority to grant variances from the standards in this UDO except for waivers of the standards in Article 8, Subdivision Design and Improvements of this UDO, which may be made by the Planning and Zoning Commission during the subdivision process, and requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Site Plans Review Section above in Article 3 of this UDO, which may be made by the Design Review Board. Any variance request for up to ten (10) percent may be treated as an administrative adjustment ~~Administrative Adjustment~~ subject to the requirements of the Administrative Adjustments Section below in Article 3 of this UDO.

C. Application.

A complete application for a variance shall be submitted to the Administrator as set forth in the General Approval Procedures Section ~~above in Article 3 of this UDO.~~

D. Action by the Zoning Board of Adjustment.

1. Public Hearing.

Following notice in accordance with the General Approval Procedures Section ~~above in Article 3 of this UDO,~~ the Zoning Board of Adjustment shall hold a public hearing.

2. Variance Review.

Upon completion of the public hearing and after review of the variance application subject to the criteria listed in ~~the Criteria for Approval of Variance Subsection Section E~~ below, the Zoning Board of Adjustment shall make a written finding and give its approval, approval with limitations, or disapproval of the variance.

E. Criteria for Approval of Variance.

1. Required Findings.

The Zoning Board of Adjustment may authorize a variance from the requirements of this UDO when an unnecessary hardship would result from the strict enforcement of this UDO. In granting a variance, the Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the Zoning Board of Adjustment shall ~~consider take into account~~ the nature of the proposed use of the land involved, the existing use of land in the vicinity, the possibility that a nuisance will be created, and the probable effect of such variance upon traffic conditions and ~~upon~~ public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board makes affirmative findings in regard to all of the following criteria:

a. ~~Special Extraordinary~~ Conditions.

That there are ~~extraordinary or~~ special conditions affecting the land involved such that strict application of the provisions of this UDO will deprive the applicant of the reasonable use of ~~their his~~ land. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

b. Other Property.

That these conditions do not generally apply to other property in the vicinity.

c. Enjoyment of a Substantial Property Right.

That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

d. Hardships.

That the hardship is not the result of the applicant's ~~own~~ actions.

The ~~Zoning~~ Board ~~of Adjustment~~ may consider the following as grounds to determine whether compliance with this ordinance as applied to a structure that is the subject of the variance would result in unnecessary hardship:

- 1) The financial cost of compliance is greater than fifty ~~(50)~~ percent ~~(50%)~~ of the appraised value of the structure as shown on the most recent ~~ly appraisal roll certified to the assessor for the city under Chapter 26 of the Texas Tax Code~~ ~~approved municipal tax roll~~;

-
- 2) Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent ~~(25%)~~ of the area on which development may physically occur;
 - 3) Compliance would result in the structure not being in compliance with a requirement of a City of College Station ordinance, building code, or other requirement;
 - 4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - 5) The City considers the structure to be a nonconforming structure.
- e. **Subdivision.**

That the granting of the variance will not have the effect of preventing the orderly subdivision of ~~other~~ land in the area in accordance with the provisions of this UDO.
 - f. **Flood Hazard Protection.**

That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements of this UDO.
 - g. **Comprehensive Plan.**

That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.
 - h. **Utilization.**

That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
 - i. **Substantial Detriment.**

That the granting of the variance 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 UDO.
2. **Limitations.**

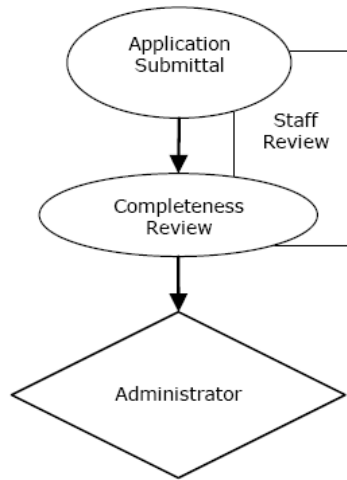
The Zoning Board of Adjustment may not grant a variance where the effect would be any of the following:

 - a. To allow the establishment of a use not otherwise permitted in the applicable zoning district;
 - b. To increase the density of a use; above that permitted by the applicable district;
 - c. To extend physically a nonconforming use ~~of land~~; or
 - d. To change the zoning district boundaries shown on the Official Zoning Map.
 3. **Profitability Not to Be Considered.**

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

Sec. 3.178. Administrative Adjustments.

Administrative Adjustment Review Process



A. Purpose.

Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this UDO.

B. Applicability.

The Administrator shall have the authority to authorize adjustments of up to ten (10) percent from any dimensional standard or numerical requirement set forth in this UDO. Any adjustment requests greater than ten (10) percent shall be treated as a variance handled by the Zoning Board of Adjustment subject to the requirements of the Variance Section above in Article 3 of this UDO.

C. Application.

A complete application for an administrative adjustment shall be submitted to the Administrator as set forth in the General Approval Procedures Section above in Article 3 of this UDO.

D. Review and Action by Administrator.

The Administrator shall review the application and approve, approve with conditions, or deny the application based upon the criteria in the Administrative Adjustment Criteria Subsection below. A written decision including affirmative findings on the criteria set forth below shall be sent to the applicant.

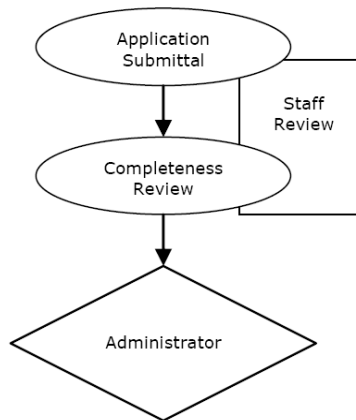
E. Administrative Adjustment Criteria.

1. To approve an application for an administrative adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
 - a. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b. That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the ~~immediate~~ vicinity of the proposed development; and

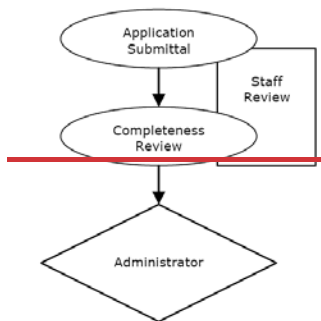
- c. That granting the adjustment will be generally consistent with the purposes and intent of this UDO.
2. In the event ~~that~~ the Administrator finds that the applicant has not met the ~~above~~ criteria, the applicant may request that the application be forwarded to the Zoning Board of Adjustment as a variance request subject to the requirements of the Variances Section ~~above in Article 3 of this UDO~~.

Sec. 3.1~~87~~. Written Interpretations.

Written Interpretation Process



A. Applicability.



The Administrator shall have the authority to make all written interpretations concerning the provisions of this UDO.

B. Request for Interpretation.

A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public.

C. Interpretation by Administrator.

1. The Administrator shall:
 - a. Review and evaluate the request in light of the text of this UDO, the Official Zoning Map, the Comprehensive Plan, ~~the Subdivision Regulations~~, and any other relevant information;
 - b. Consult with other staff, as necessary; and
 - c. Render an opinion.

2. The interpretation shall be provided to the applicant in writing.

D. **Official Record.**

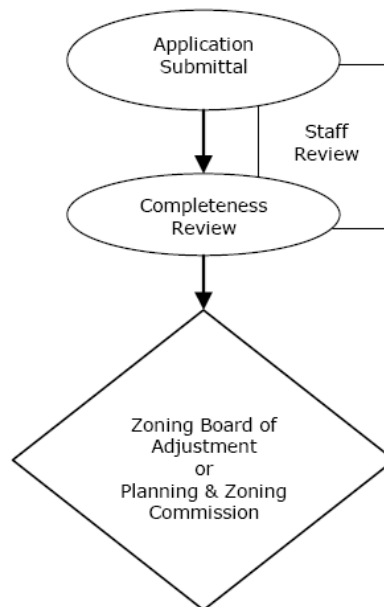
The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

E. **Appeal.**

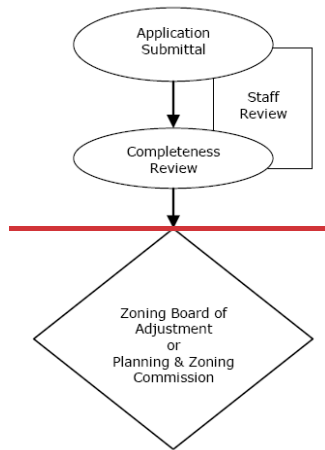
Appeals of written interpretations made by the Administrator shall be filed only by a party affected by the written interpretation with the Zoning Board of Adjustment, or for appeals of written interpretations of Article 8, Subdivision Design and Improvements of this UDO~~the Subdivision Regulations~~, the Planning and Zoning Commission, within twenty (20) days of the decision in accordance with the procedures found in the Administrative Appeals Section below in Article 3 of this UDO. If no appeal is filed within twenty (20) days, the written interpretation shall be final.

Sec. 3.1920. Administrative Appeals.

Administrative Appeal Review Process



A. **Applicability.**



1. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by, or any officer or department affected by, specific points found in any of the following final decisions of the Administrator:
 - a. Written interpretations of the text of this UDO; or
 - b. Denial of a building permit ~~Building Permit~~ or site plan based on interpretation of Article 7, General Development Standards of this UDO.
2. Appeals to the Planning and Zoning Commission may be taken by any person aggrieved by, or any officer or department affected by specific points found in the Administrator's written interpretations of the text of Article 8, Subdivision Design and Improvements ~~the Subdivision Regulations~~.

B. Effect of Appeal.

An appeal to the Zoning Board of Adjustment ~~ZBA~~ stays all legal proceedings in furtherance of the appealed action ~~appealed from~~, unless the Administrator from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed ~~with him~~, that because of the by reason of facts stated in the certificate a stay would, in the Administrator's his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court ~~Court~~ of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

C. Deadline for Submission of Application.

An appeal from any final decision of the Administrator ~~or Director of Planning and Development Services~~ shall be filed with the Administrator within twenty (20) days after the date the decision is made. If no appeal is filed within twenty (20) days, the decision shall be final.

D. Application.

A complete application for an administrative appeal shall be submitted to the Administrator as set forth in the General Approval Procedures Section above in Article 3 of this UDO.

E. Record of Administrative Decision.

The Administrator shall forthwith transmit to the Zoning Board of Adjustment or the Planning and Zoning Commission, as appropriate, all the papers constituting the record of the action appealed.

F. Hearing.

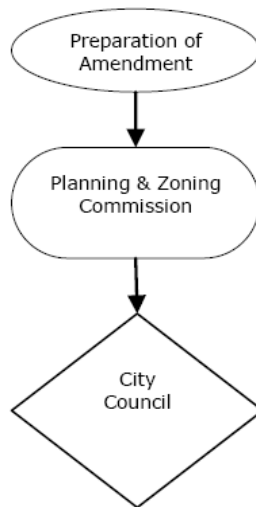
The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, shall set a reasonable time for the appeal hearing and give public notice as set forth in the General Approval Procedures Section ~~above in Article 3 of this UDO~~, as well as due notice to the parties in interest. The Board or Commission shall decide the appeal at their next meeting for which notice can be provided following the hearing and not later than the sixtieth (60th) day after the date the appeal is filed.

G. Final Action by Zoning Board of Adjustment or Planning and Zoning Commission.

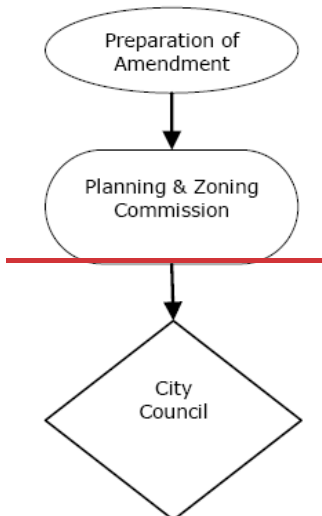
The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, may only consider the specific interpretive language of the Administrator and may reverse or affirm wholly or partly, or may modify the interpretation appealed from. In any case, the Board or Commission shall only present findings regarding specific errors made in the Administrator's interpretation.

Sec. 3.201. Unified Development Ordinance Text Amendments.

Unified Development Ordinance Text Amendment Process



A. Purpose.



For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the ~~city~~City, the text of this UDO may be altered from time ~~_to_~~time.

B. Initiation of Amendments.

An amendment to the text of this UDO may be initiated by:

1. ~~The~~ City Council ~~on its own motion~~;
2. The Planning and Zoning Commission; or
3. The Administrator.

C. Approval Process.

1. Review and Report by Administrator.

The Administrator shall review the proposed text amendment in light of the Comprehensive Plan and give a report to the Planning and Zoning Commission.

2. Referral to Planning and Zoning Commission.

The Administrator shall refer the same to the Planning and Zoning Commission for study, hearing, and report. The Planning and Zoning Commission may direct staff to proceed with drafting the amendment and scheduling the necessary public hearings, forward the proposed text amendment to City Council for direction, or determine not to pursue the proposed amendment. The City Council may not enact the proposed text amendment until the Planning and Zoning Commission makes its report to the City Council.

3. Recommendation by Planning and Zoning Commission.

a. Notice.

The Administrator shall publish and post public notice in accordance with the General Approval Procedures Section ~~above in Article 3 of this UDO~~, and shall recommend to the City Council such action as the Planning and Zoning Commission deems proper.

b. Public Hearing.

A public hearing shall be held by the Planning and Zoning Commission before making a recommendation to the City Council.

4. City Council Action.

a. Notice.

The Administrator shall publish and post notices in accordance with the General Approval Procedures Section ~~above in Article 3 of this UDO~~, before taking final action on the amendment.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the text amendment.

Article 4. Zoning Districts

Sec. 4.1. Establishment of Districts.

For the purpose of this UDO, portions of the city, as specified on the Official Zoning Map, are hereby divided into the zoning districts enumerated below. The intensity regulations applicable for such districts are designated in the respective Sections of Article 5, District Purpose Statements and Supplemental Standards, and the use regulations are designated in Article 6, Use Regulations of this UDO.

Table 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
Retired Districts	
<u>R-1B</u>	<u>Single-Family Residential</u>
<u>R-4</u>	<u>Multi-Family</u>
<u>R-6</u>	<u>High Density Multi-Family</u>
<u>C-3</u>	<u>Light Commercial</u>
<u>R&D</u>	<u>Research & Development</u>
<u>M-1</u>	<u>Light Industrial</u>
<u>M-2</u>	<u>Heavy Industrial</u>
<u>NPO</u>	<u>Neighborhood Prevailing Overlay</u>

Planned Districts	
P-MUD	Planned Mixed-Use District
PDD	Planned Development District
Design Districts	
WPC	Wolf Pen Creek Development Corridor
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate
Overlay Districts	
OV	Corridor Overlay
RDD	Redevelopment District
HP	<u>Historic Preservation Overlay</u>
Single-Family Overlay Districts	
ROO	Restricted Occupancy Overlay
NCO	Neighborhood Conservation Overlay
HP	<u>Historic Preservation Overlay</u>
Retired Districts	
R-1B	Single-Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
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.

Sec. 4.2. Official Zoning Map.

- A. The ~~city~~ City is hereby divided into the ~~above~~ zoning districts listed in the Establishment of Districts Section above, as shown on the Official Zoning Map, together with all explanatory matter thereon, and adopted by reference and declared to be a part of this UDO. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of College Station under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Official Zoning Map Section of Article 4, Zoning Districts Section 4.2 of the Unified Development Ordinance (UDO) of the City of College Station, Texas."

- B. If, in accordance with the provisions of this UDO and ~~Chapter 211~~ 211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council and signed by the Mayor.
- C. Approved zoning changes shall be entered on the Official Zoning Map by the Administrator and each change shall be identified on the Map with the date and number of the Ordinance making the change.

-
- D. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this UDO. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this UDO and punishable as provided under ~~the Section 10.2,~~ Penalties for Violation Section of Article 10, Enforcement of this UDO.
 - E. Regardless of the existence of purported copies of the Official Zoning Map which may from time ~~-to-~~time be made or published, the Official Zoning Map, which shall be located in the ~~Planning and office of the~~ Development Services Department, shall be the final authority as to the current zoning ~~status-~~of land and water areas in the ~~city~~City. The Official Zoning Map shall be available to the public at all hours when the City Hall is open to the public.
 - F. An electronic version of the Official Zoning Map, kept as a map layer in the City's geographic information system ~~Geographic Information System~~ (GIS) in the ~~Planning and Office of the~~ Development Services Department, may be used and maintained as the Official Zoning Map.
 - G. A zoning atlas, or zoning book, may be prepared and maintained as necessary for the use of City employees and has no official status.

Sec. 4.3. Replacement of Official Zoning Map.

- A. This UDO hereby incorporates the Official Zoning Map.
- B. Unless the prior Official Zoning Map has been lost or has been ~~totally~~ destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records ~~of pertaining to its~~ adoption or amendment.

Sec. 4.4. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such ~~lot~~ lines.
- C. Boundaries indicated as approximately following ~~city~~ City limits shall be construed as following such ~~city~~ City limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of ~~a~~ change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated above as parallel to~~,~~ or extensions of features~~,~~ shall be so construed. The scale of the map shall determine distances not specifically indicated in a classification amendment.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Zoning Board of Adjustment (~~ZBA~~) shall interpret the district boundaries as provided in ~~the Section 2.3,~~ Zoning Board of Adjustment Section of Article 2, Development Review Bodies of this UDO.

Sec. 4.5. Application of District Regulations.

A. Uniformity.

The ~~zoning~~ regulations as set forth by this UDO within each ~~zoning~~ district shall be applied uniformly for each class or kind of building; however, the regulations vary from district to district in accordance with their respective purposes ~~and for the~~ character of each district and ~~the its peculiar~~ suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

B. Newly Annexed Territory.

The administration of this UDO to newly annexed territory shall consider the following provisions:

1. Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the R Rural ~~zoning district~~~~District~~.
2. Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair, or demolition within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.
3. No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:
 - a. Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
 - b. Beginning to use land in the area in the manner that was planned for the land before the ninetieth (90th) day before the effective date of the annexation if:
 - 1) One (1) or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity ~~wh~~ere required by law for the planned land use; and
 - 2) ~~An completed~~ application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this ~~Section~~~~section~~, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.
4. In accordance with ~~Chapter 43S 43.002. Continuation of Land Use~~, of the Texas Local Government Code, ~~as amended~~, the City may apply the following regulations within ~~all~~ newly annexed ~~territories~~~~territory~~:
 - a. A regulation relating to the location of sexually ~~-~~oriented businesses;
 - b. A regulation relating to preventing imminent destruction of property or injury to persons;
 - c. A regulation relating to public nuisances;
 - d. A regulation relating to flood control;
 - e. A regulation relating to the storage and use of hazardous substances;
 - f. A regulation relating to the sale and use of fireworks; or
 - g. A regulation relating to the discharge of firearms in accordance with Chapter 229 of the Texas Local Government Code, as amended.

-
5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and ~~upon~~ the relevant decisions of ~~federal State~~ and ~~state Federal~~ courts. The applicant may submit any written evidence to the Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

Article 5. District Purpose Statements and Supplemental Standards

Sec. 5.1. Residential Zoning Districts.

Occupancy of any dwelling unit in the following districts shall be limited to "one (1) family" as defined by Article 11, Definitions of this UDO unless otherwise authorized by this UDO.

A. **R 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~~ City can occur.

B. **WE 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 ~~(2)~~ acres or more but may be one ~~(1)~~ 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 ~~development~~ option may be used only in the area designated Wellborn Estate-Open on the Comprehensive Plan Future Land Use ~~& and~~ Character Map.

C. **E 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. **WRS 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 of at least ~~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 Future Land Use ~~& and~~ Character Map.

E. **RS 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. **GS 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.

~~GH.~~ **T 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 dwelling units shall conform to GS General Suburban standards.

HG. D 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 dwelling units shall conform to GS General Suburban standardsStandards.
2. Where parking is provided in the front yard of a duplex, an eight (8)-foot setback shall be required between the property line and the nearest side of the parking pad. This eight (8)-foot setback area must contain a three (3)-foot screen consisting of a continuous berm, hedge, or wall. In addition, an eight (8)-foot setback shall be required between the dwelling unit and the nearest side of the parking pad.

I. MH 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 housesCourtyard Houses, live-work unitsLive-Work Units, and small Small- and medium multiplexesMedium Multiplexes. This district 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. Developments in this district 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 this MH district are individually platted, distinguishing them from structures in the MF Multi-Family zoning district.

J. MF Multi-Family-(MF).

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

The following supplemental standards shall apply to this district:

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

2. Townhouse dwelling units shall conform to T Townhouse standards.

K. MU Mixed-Use-(MU).

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

The following supplemental standards shall apply to this district:

1. Supplemental Standards for MU:

a. Non-residential uses with a minimum depth of thirty (30) feet are required on the ground floor if adjacent to Texas Avenue, Harvey Road, University Drive, or Earl Rudder Freeway.

2b. A minimum of thirty (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.

~~3c.~~ The ~~floor area ratio~~ ~~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 ~~floor area ratio~~ ~~FAR~~ calculation. Surface parking, even if covered, will not count toward the required ~~floor area ratio~~ ~~FAR~~.

~~4d.~~ The ground floor of structures shall be a minimum of ~~twenty-five (25)~~ percent of the lot area.

L. **MHP ~~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:

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 ~~s~~ 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.

Sec. 5.2. Residential Zoning District Dimensional Standards.

A. **Dimensional Standards for Non-Clustered and Clustered Developments.**

The following tables ~~establishes~~ dimensional standards that shall be applied within residential zoning districts for non-clustered and clustered developments ~~the Residential Zoning Districts~~, unless otherwise identified in this UDO:-

Dimensional Standards for Non-Clustered Developments <u>Residential Zoning Districts</u>												
KEY: SF = square feet DU = Dwelling Unit												
		R	W	E	WRS	RS	GS	T	D	MHP	MF	MU
		(a)	(a)	(a)	(a)	(a)	(a)					
Non-Clustered Residential Zoning Districts												
		R (a)	WE (a)	E (a)	WRS (a)	RS (a)	GS (a)	T	D	MHP	MF	MU
Min Lot Area per Dwelling Unit (DU)	Average	3 acres	2 acres	1 acre	20,000 SFsq. ft.	10,000 SFsq. ft.	5,000 SFsq. ft.	2,000 SFsq. ft.	3,500 SFsq. ft.	N/A	N/A/one	N/A/one

Absolute Min Lot Area per Dwelling Unit (DU)	2 acres	2 acres	1 acre	20,000 SFsq.-ft.	6,500 SFsq.-ft.	5,000 SFsq.-ft.	2,000 SFsq.-ft.	3,500 SFsq.-ft.	N/A	N/A one	N/A one
Min Lot Width	N/A one	100' (M)	100' (M)	70'	70'	50'	N/A one	35'/DU (Eb)	N/A	N/A one	N/A one
Min Lot Depth	N/A one	N/A one	N/A one	N/A one	N/A one	100'	N/A one	100'	N/A	N/A one	N/A one
Min Front Setback (Hc)	50'	30'	30'	25'	25'	25' (Dd)	25' (Dd)	25' (Dd)	15'	15'	N/A one
Max. Front Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15'	N/A	15' (Oe)
Min Side Setback	20'	10'	10'	7.5' (Qf) (g)	7.5' (Qf) (g)	7.5' (Qf) (g)	7.5' (g) (Ah)	7.5' (Gg)	7.5'	(Ah) (Bi)	N/A one
Min Side Street Setback	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	N/A one
Max. Side Street Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15' (Oe)
Min Side Setback between Structures (B)	N/A	15'	15'	15'	15'	15'	7.5'	15'	7'	None	
Min Rear Setback (Lj)	50'	20'	20'	20'	20'	20'	20'	20' (Fk)	15'	20'	20'
Max. Impervious Cover (R)	30% (I)	30% (I)	30% (I)	40% (I)	50% (I)	55% (I)	75% (I)	65% (I)	(m)	(mS)	(mS)
Max. Height (n) (p)	35' (p)(G)(K)(L)	35' (p)(G)(K)	35' (p)(G)(K)(L)	35' (p)(G)(K)	35' (p)(G)(K)(L)	2.5 Stories/35' (p)(G)(K)(L)	35' (p)(G)(K)(L)	2.5 Stories/35' (p)(G)(K)(L)	N/A (t)	N/A (G)(L)	N/A (G)(L)
Min. Number of Stories	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 Stories
Max. Dwelling Units/Acre (Subdivision Gross)	0.33	0.5	1-0	2-0	4-00	8-0	14-0	12-0	10-0	30-0	N/A
Min Dwelling Units/Acre	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	N/A
Clustered Residential Zoning Districts											
	R	WE	E(N)(P)	WRS	RS(I)	GS(I)(P)	I	D	MHP	MF	MU
Min. Average Lot Area per Dwelling Unit (DU)	N/A	1-Acre	20,000 SF Average	8,000-SF	8,000-SF Average	None	N/A	N/A	N/A	N/A	N/A
Absolute Min. Lot Area per		1-Acre	10,000 SF	8,000-SF	6,500-SF	None					

Dwelling Unit (DU)											
Min. Lot Width		100'(M)	100'(M)	None	None	None					
Min. Lot Depth		None	None	None	None	None					
Min. Front Setback (H)											
Min. Side Setback											
Min. Street Side Setback											
Min. Rear Setback (L)											
Max. Impervious Cover (P)		30%	30%	40%	50%	55%					
Max. Height		35'(G) (K)	35'(G) (K)	35'(G) (K)	35'(G) (K)	2.5 Stories/ 35'(G) (K)(L)					
Max. Dwelling Units/Acre (Subdivision Gross)		0.5	1.0	2.0	4.00	8.0					

Dimensional Standards for Clustered Developments

KEY: SF = square feet DU = Dwelling Unit

	<u>R</u>	<u>WE (a) (q)</u>	<u>E (a) (r)</u>	<u>WRS (a) (q)</u>	<u>RS (a)</u>	<u>GS (a)</u>	<u>T</u>	<u>D</u>	<u>MHP</u>	<u>MF</u>	<u>MU</u>
Min. Average Lot Area per Dwelling Unit	N/A	1 acre	20,000 SF	8,000 SF	8,000 SF	N/A	N/A	N/A	N/A	N/A	N/A
Absolute Min. Lot Area per Dwelling Unit		1 acre	10,000 SF	8,000 SF	6,500 SF	N/A					
Min. Lot Width		100' (s)	100' (s)	N/A	N/A	N/A					
Min. Lot Depth		N/A	N/A	N/A	N/A	N/A					
Min. Front Setback (t)		30'	30'	25'	25'	25'					
Min. Side Setback (t)		10'	10'	7.5'	7.5'	7.5'					
Min. Street Side Setback (t)		15'	15'	15'	15'	15'					
Min. Rear Setback (t)		20'	20'	20'	20'	20'					
Max. Impervious Cover (n)		30%	30%	40%	50%	55%					
Max. Height (p) (q) (r)		35'	35'	35'	35'	2.5 Stories/35'					
Max. Dwelling Units/Acre (Subdivision Gross)		0.5	1	2	4	8					

Notes:

- (a) Developments within a single-family overlay district shall follow the standards of the Single-Family Overlay Districts Section below or the Ordinance authorizing the Official Zoning Map amendment for an NCO Neighborhood Conservation Overlay.
- (b) The minimum lot width for a duplex may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (c) For lots designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use & Character Map that were created by plat before July 15, 1970, the front setback for a new single-family dwelling unit shall be based on the front setbacks of the adjacent lots per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- ~~(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) Maximum side street and front setbacks may be measured from the edge of a public easement when it is greater than 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.
- (f) Minimum side setback may be reduced to five (5) feet where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under reduced side setbacks requires prior approval by the Administrator 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.
- (g) Zero lot line construction of a residence is allowed where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under lot line construction requires prior approval by the Administrator. 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 of this UDO for more information.
- (h) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (i) 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.

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- (j) For lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (k) The minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (l) 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 their designee.
- Work that is performed by the homeowner and/or resident that does not require a building permit, that is less than one hundred twenty (120) square feet, and that does not cause the lot to exceed the applicable maximum impervious cover, does not require an impervious coverage permit.
- (m) Maximum impervious cover shall be determined by an engineered drainage analysis performed in conjunction with the Drainage Section of the Bryan/College Station Unified Design Guidelines and as approved by the City Engineer or their designee.
- (n) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (o) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (p) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
- (q) Refer to the Cluster Development Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO when using the cluster development option in the Wellborn Community Plan area.
- (r) Estate lots that are part of a subdivision existing on or before September 12, 2013, are not permitted to use cluster development standards without Official Zoning Map amendment approval, which incorporates the entire subdivision.
- (s) In cluster developments built to urban street standards, there is no minimum lot width per the Cluster Development Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO.
- (t) 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. Refer to the Cluster Development Subsection in the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO for more information.
- ~~(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.~~

BB. MH 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~~Zoning District~~, unless otherwise identified in this UDO.

MH Middle Housing Product Types and Dimensional Standards									
<u>KEY: SF = square feet</u>									
Housing Product Type	Live-Work	Townhouse	Reduced Setback Single-Family	Single-Family	Courtyard Houses	Split-Lot Duplex	Duplex	Small Multiplex	Medium Multiplex
Min. Lot Area per	2,250 SF sq-ft.	2,250 SF sq-ft.	2,250 SF sq-ft.	3,200 SF sq-ft.	4,000 SF sq-ft.	2,250 SF sq-ft.	2,250 SF sq-ft.	1,500 SF sq-ft.	800 SF sq-ft.

Dwelling Unit (DU)									
Min. Lot Width	25'	25'	25'	40'	40'	25'	50'	60' (a)	80'
Min. Lot Depth	90'	90'	90'	80'	80'	90'	90'	100'	100'
Max. Number of Attached Units	N/A	6	N/A	N/A	N/A	2	2	4	12
Min. Front Setback	15' (b)	15' (b)	15' (b)	15' (b)	5'	15' (b)	15' (b)	15' (b)	15' (b)
Max. Front Setback	25'	25'	25'	25'	15'	25'	25'	25'	25'
Min. Side Setback	5'	5'	5' (c)	5'	5'	5'	5'	10'	10'
Min. Side Street Setback	5'	5'	5'	5'	15' (b)	5'	5'	5'	5'
Min. Setback between Structures	10'	10'	10'	10'	10'	10'	10'	10'	20'
Min. Rear Setback (d) (e)	40'	40'	40'	40'	20'	40'	40'	40'	40'
Max. Impervious Cover	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	55% (g)	(f)	(f)
Max. Height (h) (i) (j)	35'	35'	35'	35'	35'	35'	35'	35'	35'
Min. Number of Stories	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
Max. Dwelling Units/Acre (Subdivision Gross)	16	16	16	12	16	20	20	24	24
Parking	Front/Rear (k)	Front/Rear (k)	Front/Rear (k)	Front/Rear/Side (k)	Rear	Rear	Rear	Rear	Rear

Notes:

- (a) For ~~small multiplex~~ ~~Small Multiplex~~ products, lot width may be reduced to thirty (30) feet if the building is two (2) stories or taller.
- (b) The Administrator may decrease the minimum setback to less than fifteen (15) feet, but not less than five (5) feet, with an administrative adjustment ~~Administrative Adjustment~~ if there are no utility or right-of-way constraints.

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- (c) For zero lot line development, refer to the Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO. ~~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 land uses, as depicted in the Comprehensive Plan Future Land Use & and Character Map.
 - (e) The rear setback can be reduced to twenty (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 Drainage Section of the Bryan/College Station 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 Drainage Section of the Bryan/College Station 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) Refer to the ~~Reference~~ Easterwood Field Airport Zoning Ordinance regarding height limitations.
 - (j) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO. ~~Shall abide by Section 7.2 H., Height.~~
 - (k) Front parking shall be allowed only when three (3) or fewer parking spaces are required on the lot.

Sec. 5.3. Non-Residential Zoning Districts.

AB. O Office ~~(O)~~.

This district will accommodate selected commercial businesses that provide a service rather than sell products, either retail or wholesale. The uses allowed have relatively low traffic generation and require limited location identification.

BC. SC Suburban Commercial ~~(SC)~~.

This district is intended to provide for limited commercial uses that are compatible with nearby neighborhoods. The district allows for a range of uses, with the impacts mitigated through minimum distance and buffering requirements from adjacent single-family residential use.

The following supplemental standard shall apply to this district:

The gross floor area of a single structure in this district shall not exceed fifteen thousand (15,000) square feet in area.

CD. WC Wellborn Commercial ~~(WC)~~.

This district is intended to provide for low-density commercial uses that provide services to nearby neighborhoods. Such uses shall be limited in size and not accommodate ~~for~~ drive-thru services. Specific design elements should be incorporated into such developments to limit the visual impact on the community and enhance the defined character. This zoning district is only permitted in areas designated as Wellborn Commercial on the Comprehensive Plan Future Land Use & and Character Map.

DE. GC General Commercial ~~(GC)~~.

This district is designed to provide locations for general commercial purposes, that is, retail sales and service uses that function to serve the entire community and its visitors.

EF. CI Commercial Industrial ~~(CI)~~.

This district is designed to provide a location for outlets offering goods and services to a limited segment of the general public. The allowed uses in this district ~~included~~ primarily serve other commercial and industrial enterprises.

FG. BP Business Park ~~(BP)~~.

This district is designed for uses that primarily serve other commercial and industrial enterprises, and include administrative and professional offices, commercial industrial, research and development-oriented light industrial, light manufacturing, and non-polluting industries. Uses in this district need good access to arterial level thoroughfares, but have relatively low traffic generation and require limited location identification.

The development of business parks should be in a campus-like setting with structures grouped and clustered, and should be heavily landscaped to minimize the impacts of business park uses and associated parking areas on adjacent properties and public roadways. Impacts of the uses will be limited through buffering and architecture of the buildings.

The following supplemental standards shall apply to this district:

1. All processes and business activities shall be conducted inside buildings with the exception of commercial gardens. ~~Commercial Gardens; and~~
2. All BP Business Park zoning districts will be a minimum of five (5) acres in area.

GH. BPI Business Park Industrial ~~(BPI)~~.

This district is designed to provide land for manufacturing and industrial activities that have nuisance characteristics greater than activities permitted in the BP Business Park district. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses. Generally, these uses need good access to arterial roadways, but should be offset from public roadways and adjacent properties by using the BP Business Park district and its associated development to screen and buffer the uses. The uses allowed have relatively low traffic generation and require limited location identification.

HI. CU College and University ~~(CU)~~.

This district is applied to land which is located within the boundaries of the Texas A&M University campus or is owned by the Texas A&M University System.

IA. NAP Natural Areas Protected ~~(NAP)~~.

This district is designed for public ~~publicly owned property~~ or private property intended for the conservation of natural areas. Properties in this district ~~with this designation~~ are relatively undeveloped and are often used for recreational or open space purposes or for the conveyance of floodwaters. Properties in this district ~~with this designation~~ are not projected for conversion to more intense land use in the future by the Comprehensive Plan.

Sec. 5.4. Non-Residential Zoning District Dimensional Standards.

The following table establishes dimensional standards that shall be applied within non-residential zoning districts ~~the Non-Residential Zoning Districts~~, unless otherwise identified in this UDO:

Non-Residential Zoning Districts								
	O	SC	WC	GC	CI	BP	BPI	NAP

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Min. Lot Area	N/A one	N/A None	N/A None	N/A one	N/A one	N/A one	N/A one	N/A
Min. Lot Width	24'	50'	50'	24'	24'	100'	100'	N/A
Min. Lot Depth	100'	100'	100'	100'	100'	200'	200'	N/A
Min. Front Setback	25'	25'	25'	25'	25'	25' (aE)	25' (aE)	N/A
Min. Side Setback (b) (c)	7.5' (A) (B)	7.5' (A) (B)	7.5' (A) (B)	7.5' (A) (B)	7.5' (A) (B)	7.5' (A) (B)	7.5' (A) (B)	N/A
Min. St. Side <u>Street</u> Setback	15'	15'	15'	15'	15'	15' (aE)	15' (aE)	N/A
Min. Rear Setback	15'	15'	20'	15'	15'	15' (aE)	15' (aE)	N/A
Max. Height (d) (e)	N/A (C) (F)	2 Stories/ 35' (D)(f)	2 Stories/ 35' (D)(f)	N/A (C) (F)	N/A (C) (F)	N/A (C) (F)	N/A (C) (F)	N/A (F)

Notes:

- (a) Buildings shall be setback a minimum of fifty (50) feet from all public streets adjacent to the perimeter of the business park development as shown on the approved preliminary plan.
- ~~(Ab)~~ A minimum side setback of seven and one-half (7.5) feet shall be required for each building or group of contiguous buildings.
- ~~(Bc)~~ 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 separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
- ~~(Cd)~~ Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO. See Section 7.2.H, Height.
- (e) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- ~~(Df)~~ Maximum building height is two (2) stories and thirty-five (35) feet, measured at the highest point of the roof or roof peak. Buildings Section 7.2.H, Height applies to buildings over one (1) -story shall comply with the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- ~~(E) Buildings shall be setback a minimum of fifty (50) feet from all public streets adjacent the perimeter of the business park development, as shown on the approved Preliminary Plan document.~~
- ~~(F) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.~~

Sec. 5.5. Retired Districts.

Retired ~~districts~~ ~~Districts~~ include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect, but these districts are not available for any new Official Zoning Map amendment ~~Amendment~~ proposals.

A. **R-1B Single-Family Residential ~~(R-1B)~~.**

-This district is designed to provide land for detached single-family residential suburban development. This district contains lots that are larger than the minimum GS General Suburban lot, but smaller than the minimum E Estate lot.

B. **R-4 Multi-Family ~~(R-4)~~.**

This district provides land for the development of apartment and condominium units at low to medium densities. This district may serve as a transitional zone between ~~lower-low~~ density residential areas and other residential or non-residential areas.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

C. **R-6 High Density Multi-Family** ~~(R-6).~~

This district contains land used for a variety of housing types, but primarily multi-multiple family dwelling units. This district is designed to provide the highest density in the community for developments ~~in close proximity to the Texas A&M~~ University.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

D. **C-3 Light Commercial** ~~(C-3).~~

-This district is designed to provide locations for commercial sites that are too small for many permitted uses in the GC, General Commercial zoning district ~~District~~. These are moderately low traffic generators that have little impact on adjacent areas or ~~on adjacent~~ thoroughfares.

The following supplemental standards shall apply to this district:

1. No C-3 Light Commercial zoning district, including adjacent C-3 Light Commercial zoning districts, shall exceed a combined total of five (5) acres in area.

EF. **M-1 Light Industrial** ~~(M-1).~~

-This district is provided for offices, research and development activities, and high technological, light manufacturing, and non-polluting industries that are self-contained. It is further intended that the M-1 Light Industrial zoning district ~~District~~ may be compatible with adjacent uses in any other district, depending upon the character of the operation and the conditions imposed.

FG. **M-2 Heavy Industrial** ~~(M-2).~~

-This district is designed to provide land for manufacturing and industrial activities with the generation of nuisance characteristics greater than activities permitted in the CI Commercial Industrial and M-1 Light Industrial zoning districts. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses.

GE. **R&D Research & Development** ~~(R&D).~~

-This district is designed for administrative and professional offices, and research and development-oriented light industrial uses meeting the standards and performance criteria established in this Section ~~section~~. These uses could be compatible with low-intensity commercial uses and all residential uses, thereby maintaining the character and integrity of neighborhoods. This district should be carefully located in areas where there is sufficient access to arterial level ~~level~~ thoroughfares.

The following supplemental standards shall apply to this district:

1. **Performance Criteria for All Uses.**
 - a. ~~Impervious Surface:~~ Impervious cover surface is limited to seventy (70) percent.

- b. ~~Floor Area Ratio (FAR):~~ The maximum floor area ratio FAR in this district shall not exceed fifty (50) percent.
- c. ~~Building Materials:~~ All main buildings shall have not less than ninety (90) percent of the total exterior walls, excluding doors, windows and window walls, constructed or faced with brick, stone, masonry, stucco or precast concrete panels.
- cd. ~~Signs:~~ Any detached or freestanding signage shall meet the criteria for low-profile signs established in the Section 7.5, Signs Section of Article 7, General Development Standards of this UDO. ~~Materials shall match building façade materials.~~
- de. ~~Other District Regulations:~~ Uses should be designed to provide adequate access and internal circulation such that travel through residentially-zoned or developed areas is precluded. All processes are to be conducted inside buildings and there shall be no outside storage or business activity. Any business operations occurring during the hours between 7:00 p.m. and 6:00 a.m. must meet all the performance criteria established in this Sectionsection, as well as limit vehicular access into the site through a designated access point that mitigates any adverse impacts of the traffic on surrounding residential areas.

2. ~~Additional Standards.~~

- a. ~~This Section section~~ may be applied to any conditional use proposed in this district when either the Administrator or Development Engineer believes that the existing performance standards contained in this UDO are insufficient to address the proposed use because of its technology or processes and thus, will not effectively protect adjacent existing or future land uses. One (1) or both shall so advise the Planning and Zoning Commission in writing.
- b. In such cases, the Planning and Zoning Commission shall hold a hearing to determine whether a professional investigation or analysis should be performed to identify and establish additional reasonable standards. If so determined, based on the information presented at the hearing, the Planning and Zoning Commission will identify the areas to be investigated and analyzed and will direct the staff to conduct the appropriate research necessary to develop standards for the successful management of the new project. Any ~~and all~~ costs incurred by the City to develop additional standards shall be charged to the applicant and included as an addition to the cost of either the building permit fee or rezoning application fee.

H. NPO Neighborhood Prevailing Overlay ~~(NPO).~~

~~This~~ district is designed to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the character of the neighborhood. The NPO Neighborhood Prevailing Overlay does not prevent the construction of new single-family structures or the renovation, remodel, repair, or expansion of existing single-family structures, but, rather ensures that new single-family structures are compatible with existing single-family structures. The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay ~~district~~ are to be applied in addition to the underlying use and site restrictions.

All single-family and accessory structures within the NPO Neighborhood Prevailing Overlay district are subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

- 1. **Minimum Front Setback.**
- 2. **Maximum Front Setback.**

~~The~~ maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3. **Minimum Side Street Setback.**

4. **Minimum Lot Size.**

~~The minimum~~ ~~Minimum~~ lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.

5. **Building Height.**

-Building height refers to the vertical distance measured from the finished grade, or the base flood elevation, where applicable, and the following points:

- a. The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- b. The highest point of a mansard roof; or
- c. The highest point of the coping of a flat roof.

6. **Maximum Lot Coverage.**

-Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface. The maximum lot coverage cannot exceed the maximum impervious cover allowed in the underlying zoning district. Lot coverage includes all structures and impervious surfaces on a site, including but not limited to patios, gravel or paved driveways ~~—gravel or paved~~, accessory structures, and sidewalks.

7. **Garage Location and Orientation.**

-New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface.

8. **Tree Preservation.**

-Any existing tree ~~of eight~~ (8)-inch caliper or greater in good form or condition and reasonably free of damage by insects and/or disease located outside of the buildable area is required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one (1) foot per ~~caliper~~-inch caliper measured as a radius from the tree trunk. Barricades must be in place before ~~prior to~~ any development activity on the property including but not limited to grading.

9. **Landscape Maintenance.**

-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 inch caliper for inch caliper, or as determined by the Administrator.

Sec. 5.6. Retired District Dimensional Standards.

A. **Retired Residential Zoning Districts.**

The following table establishes dimensional standards that shall be applied within the retired residential zoning districts ~~Retired Residential Zoning Districts~~, unless otherwise identified in this UDO:

Retired Residential Zoning Districts			
KEY: SF = square feet			
	R-1B <u>(a)</u>	R-4	R-6
Min. Lot Area per Dwelling Unit (DU)	8,000 <u>SF</u> SF	<u>N/A</u> None	<u>N/A</u> None
Min. Lot Width	<u>N/A</u> None	<u>N/A</u> None	<u>N/A</u> None

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Min. Lot Depth	N/A None	N/A None	N/A None
Min. Front Setback (b) (H c)	25' (D)	25' (D)	25' (D)
Min. Side Setback	7.5' (Cd)	7.5' (A e) (fB)	7.5' (A e) (Bf)
Min. Side Street Setback	15'	15'	15'
Min. Side Setback between-Between Structures (Bf)	15'	7.5'	7.5'
Min. Rear Setback (lg)	20'	20'	20'
Max. Impervious Cover- (M)	55% (h)	(Ni)	(Ni)
Max. Height (j) (k)	2.5 Stories/35' (G)(K)(L)	N/A(G)(L)	N/A(G)(L)
Max. Dwelling Units/Acre	6- 0	20- 0	30- 0

Notes:

- (a) Developments within an NPO Neighborhood Prevailing Overlay or NCO Neighborhood Conservation Overlay shall follow the standards of the Neighborhood Prevailing Overlay (NPO) Subsection of the Retired Districts Section or the Districts Subsection of the Single-Family Overlay Districts Section below and the Ordinance authorizing the Official Zoning Map amendment for an NPO Neighborhood Prevailing Overlay or NCO Neighborhood Conservation Overlay.
- (b) 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.
- (c) For lots designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use & Character Map that were created by plat before July 15, 1970, the front setback for a new single-family dwelling unit shall be based on adjacent lots per the Required Yards (Setbacks) Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO.
- (d) Zero lot line construction of a residence is allowed where properties on both sides of a lot line are owned and/or developed simultaneously by a single party. Development under lot line construction requires prior approval by the Administrator. 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 of this UDO for more information.
- (A~~e~~) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B~~f~~) 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 7.1 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) For lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley per the Required Yards (Setbacks) Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO. Reference Section 7.2 D.1.b for lots with approved rear access.~~
- ~~(h) 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 their designee.~~
- ~~(i) Maximum impervious cover for R-4 and R-6 zoning districts shall be determined by an engineered drainage analysis performed in conjunction with the Drainage Section of the Bryan/College Station Unified Design Guidelines and as approved by the City Engineer or their designee.~~
- ~~(j) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.~~
- ~~(k) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.~~
- ~~(J) Reference Section 5.12 for areas in Neighborhood Prevailing Standards Overlay Districts and reference 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) 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.~~
- ~~(N) Maximum impervious cover for R-4 and R-6 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. Retired Non-Residential Zoning Districts.

The following table establishes dimensional standards that shall be applied within the retired non-residential zoning districts ~~Retired Non-Residential Zoning Districts~~, unless otherwise identified in this UDO:

Retired Non-Residential Zoning Districts				
KEY: SF = square feet				
	C-3	M-1	M-2	R&D
Min. Lot Area	N/A ne	N/A ne	N/A ne	20,000 SF
Min. Lot Width	24'	100'	N/A ne	100'
Min. Lot Depth	100'	200'	N/A ne	200'
Min. Front Setback	25'	25'	25'	30'

Min. Side Setback <u>(a)</u>	<u>7.5'</u> (A) (b)	<u>7.5'</u> (A) (b)	<u>7.5'</u> (A) (b)	30' (B)
Min. St. Side <u>Street</u> Setback	15'	15'	25'	30'
Min. Rear Setback	15'	15'	15'	30' (Dc)
Max. Height <u>(d) (e)</u>	N/A(C)	N/A(C)	N/A(C)	N/A(C)

Notes:

- (a) 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 separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
- ~~(Ab)~~ A minimum side setback of seven and one-half (7.5) feet shall be 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 separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.~~
- ~~(C) See Section 7.2.H, Height.~~
- ~~(Dc)~~ When abutting land that has a non-residential zoning or existing land use non-residentially zoned or used land, the rear setback may be reduced to twenty (20) feet.
- (d) Shall abide by the Low-Density Residential Height Protection Subsection in the General Provisions Section of Article 7, General Development Standards of this UDO.
- (e) Refer to the Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.

Sec. 5.7. Planned Districts (P-MUD and PDD).

A. Purpose.

The P-MUD Planned Mixed-Use District ~~(P-MUD)~~ and the PDD Planned Development District ~~(PDD)~~ are intended to provide such flexibility and performance criteria that which produce:

1. A maximum choice in the type of environment for working and living available to the public;
2. Open space and recreation areas;
3. A pattern of development that which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion;
4. A creative approach to the use of land and related physical development;
5. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs;
6. An environment of stable character in harmony with surrounding development; and
7. A more desirable environment than would be possible through the strict application of other Sections sections or districts in this UDO.

B. P-MUD Planned Mixed-Use District (P-MUD).

The purpose of this district is to allow permit areas that which encourage the mixing of land uses such as retail/commercial, office, parks, multi-family, and attached single-family. These uses are developed together

in a manner that allows interaction between the uses and that allows each use to support the other uses. Within any P-MUD Planned Mixed-Use District, residential and non-residential land uses shall each constitute at least twenty (20) percent of the overall land uses within the mixed-use development. The remaining sixty (60) percent may be any combination of residential or non-residential land uses. The residential uses supply provide the patrons and employees for the office and commercial uses. ~~The success of these mixed-use areas is directly related to the sensitive master planning of the site layout.~~

The P-MUD Planned Mixed-Use District is appropriate in Redevelopment Areas as identified by the Comprehensive Plan Future Land Use & Character Map areas where the land use plan reflects Planned Development or Redevelopment as a land use category. A P-MUD Planned Mixed-Use District may be used to allow permit new or innovative concepts in land utilization that are not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to prevent the insure against misuse of increased flexibility.

C. **PDD Planned Development District** ~~(PDD).~~

The purpose of the PDD Planned Development District is to promote and encourage innovative development that is sensitive to surrounding land uses and ~~to~~ the natural environment. If this necessitates varying from certain standards, the proposed development should demonstrate community benefits.

The PDD Planned Development District is appropriate in areas where ~~the land use plan reflects~~ the specific commercial, residential, or mix of uses proposed in the PDD Planned Development District is reflected in the Comprehensive Plan Future Land Use & Character Map. A PDD Planned Development District may be used to allow permit new or innovative concepts in land utilization that are not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to prevent the insure against misuse of increased flexibility.

Sec. 5.8. Design Districts.

A. **WPC Wolf Pen Creek** ~~(WPC).~~

This district is designed to promote development that is appropriate along Wolf Pen Creek, which, upon creation was a predominantly open and undeveloped area challenged by drainage, erosion, and flooding issues. Development proposals are designed to encourage the public and private use of Wolf Pen Creek and the development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan.

All development within the WPC Wolf Pen Creek design district ~~District~~ shall be subject to the following supplemental standards:

1. **Development Criteria.**

- a. This Section is intended to ensure that development occurs in compliance with the Wolf Pen Creek Master Plan ~~for the Wolf Pen Creek Corridor~~. Pertinent to appearance is the design of the site, buildings and structures, plantings, signs, street hardware, and miscellaneous other objects that are observed by the public.
- b. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the city ~~City~~, preserve taxable values, and promote the public health, safety, and welfare.

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- c. ~~To In order to~~ create and ~~then~~ preserve a distinctive atmosphere and character in the WPC Wolf Pen Creek ~~design district~~development corridor, elements listed in ~~the~~ Additional Review Criteria for the WPC Wolf Pen Creek Design District Subsection of the Site Plans in WPC Wolf Pen Creek Section of Article 3, Development Review Procedures ~~Design District Site Plan Review section~~ of this UDO, shall be considered in the review of all projects and proposals for development.

2. **Dedication/Development of Drainage and Pedestrian Accessways.**

Except for minimum reservation areas dedicated or developed ~~consistent in accordance~~ with the Wolf Pen Creek Master Plan, the flood fringe area may be reclaimed upon approval of reclamation plans by the City Engineer.

- a. The upstream phase ~~Upstream Phase~~ of the development corridor along Wolf Pen Creek means the area between Texas Avenue and Dartmouth Drive. The area to be dedicated or developed consists of the properties described in Ordinance No. 2003-#2640 and the floodway and ~~the~~ minimum reservation line as defined in the Wolf Pen Creek Master Plan for all other properties within the upstream phase ~~Upstream Phase~~ of the development corridor ~~Development Corridor~~.
- b. The downstream phase ~~Downstream Phase~~ of the development corridor along Wolf Pen Creek means the area between Dartmouth Drive and the Earl Rudder Freeway. The area to be dedicated or developed consists of ~~the~~ property described in Ordinance No. 2001-#2534 and shall be referred to as the minimum reservation area.
- c. Where applicable, the floodway and the minimum reservation line for the upstream phase ~~Upstream Phase~~ of the development corridor, and/or the minimum reservation area for the downstream development phase ~~Downstream Development Phase~~, shall be indicated on the site plan.
- d. Upon development of the property within the WPC Wolf Pen Creek ~~design district~~development corridor, the minimum reservation area may be:
- 1) Dedicated in fee simple or as a drainage and access easement, or
 - 2) Improved by the developer to conform with the standards of the development corridor.
- e. Property within the minimum reservation area will:
- 1) Provide drainage capacity necessary to convey the floodwaters of Wolf Pen Creek while accommodating the increased runoff from ~~the~~ development of properties along the creek;
 - 2) Provide an area to accommodate pedestrian access from, to, and between developments along the banks of Wolf Pen Creek ~~in order~~ to lessen congestion along adjacent roadways for patrons of businesses along the corridor;
 - 3) Provide an area as necessary to address and prevent erosion of creek banks resulting from development both along the Wolf Pen Creek in the development corridor and ~~from~~ floodwaters received from upstream of the development corridor;
 - 4) Provide an area necessary for public improvements to the development corridor including but not limited to trails, lighting, irrigation, benches, kiosks, foot-bridges with hand-rails, trash receptacles, culverts, signage, landscaping, emergency call boxes, public art, and bicycle racks; and
 - 5) Provide access for drainage and facilities maintenance as necessary to support private development within the development corridor.
- f. All development shall be ~~consistent in accordance~~ with the Wolf Pen Creek Corridor Study and Master Plan (1988), the Revised Wolf Pen Creek Master Plan (adopted July 9, 1998, updated

March 2005), and the "Conceptual Plan, Trail System" prepared by Robert B. Ruth, dated February 25, 2001.

- g. Permitted private development within the minimum reservation area where dedication is not made may include but is not limited to:
 - 1) Cleaning and removal of brush and bank stabilization;
 - 2) Erosion control;
 - 3) Pedestrian walkways, lighting, and access easements; and
 - 4) Preservation of the natural setting of the creek.
 - h. Cross sections as shown in the original Wolf Pen Creek Master Plan shall be used in designing improvements unless otherwise approved by the Administrator.
 - i. The developer or property owner may submit any improvements to the City for dedication. Upon acceptance, the City will maintain those facilities to the same standards as other public development along the creek.
3. **Fill Materials.**
- Fill materials must be placed or stored in accordance with a site plan approved by the Development Engineer.
- a. Fill must not be placed over existing utility lines without permission of the City ~~of College Station~~.
 - b. Fill must not be stored or placed under the driplines of any tree three (3) inches ~~es or greater in~~ caliper or greater.
 - c. Stored fill materials must be maintained in an aesthetically pleasing manner.
 - d. Materials may be hauled in or excavated for lake construction.
4. **Lighting.**
- Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design. Light fixtures shall be compatible with fixtures used elsewhere in the district.
5. **Solid Waste.**
- a. Owners shall be encouraged in the joint use of solid waste collection agreements. Collection points may also act as vehicular access points for park maintenance vehicles.
 - b. Building service areas and solid waste collection points shall be screened from the Wolf Pen Creek ~~creek~~ corridor, trail system, parking, ~~and~~ vehicular use areas, and dedicated streets and shall not be within twenty (20) feet of the minimum reservation line. Screening shall consist of living plant materials, fences, ~~and~~ or walls.
6. **Relationship of Buildings to Site.**
- a. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - b. The location and placement of buildings on individual sites shall reflect consideration for roadway access, the preservation of major existing natural vegetation adjacent to the creek, visual impact, and the relationship to surrounding developments.

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- c. All developments adjacent to the creek shall orient a focal point (i.e., primary entrance, patio, seating area, etc.) to the floodplain of the creek and have pedestrian access to the trail system. Service areas and loading docks should not directly face the creek.

7. Relationship of Buildings and Site to Adjoining Area.

Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

- a. Attractive landscape transition to adjoining properties shall be provided.
- b. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
- c. Joint vehicular access agreements from dedicated streets are encouraged and may be required by the Administrator.
- d. Park access easements for vehicular and pedestrian traffic shall be indicated on the site plan.

8. Building Design.

All buildings shall comply with the Non-Residential Architectural Standards Section of Article 7, General Development Standards of this UDO, except as follows:

- a. Materials shall be selected for harmony of the building with adjoining buildings.
- b. Any façade visible from the creek must provide a minimum of ten (10) percent 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.
- c. Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator.
- d. Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- e. Monotony of design in single or multiple building projects shall be avoided. Variations of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

9. Miscellaneous Structures and Street Hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, the scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to the site, landscape, buildings, and signs.

10. Landscaping.

Landscape elements included in these criteria consist of all forms of plantings and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. In addition to the requirements of the Landscaping and Tree Protection Section of Article 7, General Development Standards ~~section~~ of this UDO, all landscaping shall meet the following:

- a. Where natural or existing topographic patterns contribute to the beauty and utility of a development adjacent to the creek, they should be preserved and incorporated into the design

of the development. Modification to topography will be permitted where it contributes to a good appearance.

- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking, and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, ~~and~~ color, and ~~for~~ its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
- i. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

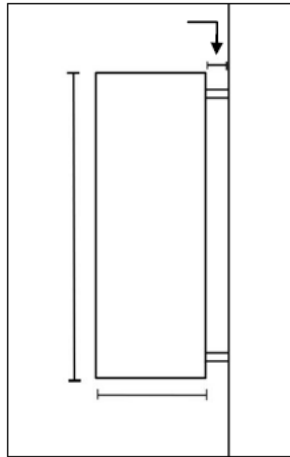
11. Signs.

a. Sign Standards.

- 1) Multi-family projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
- 2) Non-residential projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition~~al~~ to meeting the standards listed below in this Section.
- 3) Mixed-use projects shall follow the requirements of allowed signage for ~~GC C-1~~ General Commercial in addition to meeting the standards listed below in this Section.

b. Projection Signs.

Example Projection Sign

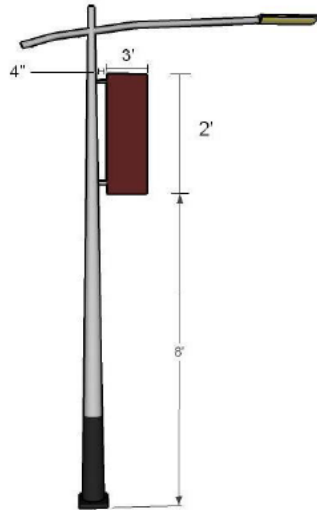


Projection signs will be allowed in the WPC Wolf Pen Creek design district ~~District~~ with the following restrictions:

- 1) One (1) projection sign per frontage along a public right-of-way will be allowed except where otherwise stated in this Section.
- 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 façadeface. Excluding the four (4)-inch ~~minimum~~ clearance requirement, no part of a projection sign shall project more than three (3) feet from the building façadeface.
- 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) Signs may be attached to site lighting located on private property with the following restrictions:
 - a) ~~Developments~~ will be allowed one (1) light pole sign for every one hundred fifty (150) feet of building plot frontage in lieu of a permitted freestanding sign.
 - b) ~~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.~~

- c)- Light pole signs shall not exceed six (6) square feet in size and shall have a minimum of eight (8) feet of clearance from the walkway grade.
- d)- Light pole signs shall have a minimum clearance of four (4) inches from the edge of the light pole. ~~Excluding, and excluding~~ the four (4) inches of ~~inch~~ clearance, light pole signs shall not project more than three (3) feet from the edge of the light pole.

Example Light Pole Sign



c. **Design Criteria.**

In addition to the Signs Section of Article 7, General Development Standards of this UDOCity's Sign Standards, the Administrator shall evaluate all proposed signage according to the following criteria:

- 1) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- 2) The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it principally relates.
- 3) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

12. **Maintenance.**

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.
- d. Major maintenance activities that occur after a project is complete shall be reviewed by Administrator. These activities include any replacement of light fixtures or standards, and major

fence or landscape work or replacement. The intent is to ~~ensure~~ ~~insure~~ that the development standards of this UDO are maintained throughout the life of a project.

13. Waivers.

The Design Review Board shall hear and decide requests for waivers to the standards of ~~this Section the Wolf Pen Creek Design District section of this UDO as listed below~~. The ~~Design Review Board DRB~~ shall approve waivers found to meet the intent of the standards of ~~this Section the Wolf Pen Creek Design District section of this UDO~~ and the Wolf Pen Creek Master Plan. Financial hardship may not be considered in the review or determination of a waiver proposal.

~~Design Review Board DRB~~ review and waiver approval shall be limited to the following items:

- a. Relief from specific requirements related to building orientation and access for the improvement of existing buildings if it can be proven by the applicant that existing site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.
- b. Alternatives to the requirements related to building orientation and access when physical characteristics limit the site or provide for unique orientation and access opportunities.

B. ~~NG~~ Northgate Districts ~~(NG)~~.

Adjacent to Texas A&M University's north side, the Northgate area encompasses one ~~(1)~~ of the oldest urban areas in College Station, and, therefore, Northgate plays a prominent role in ~~the~~ development and service of both the City of College Station and Texas A&M University. It is characterized as a unique "campus neighborhood" containing local businesses, churches, and off-campus housing ~~near in close proximity to the University~~.

Concepts related to ~~traditional neighborhood development~~ ~~Traditional Neighborhood Development (TND)~~, which promotes a mixture of non-residential and residential uses in a pedestrian-oriented setting, have been incorporated within the standards for the Northgate ~~zoning districts~~ ~~District~~. Other ~~traditional neighborhood development~~ ~~TND~~ concepts incorporated into the Northgate ~~zoning districts~~ ~~District~~ include increased density, compatible high-quality building design, and specialized signage. The ~~end~~ result is intended to be a unique, pedestrian-friendly, dense urban environment that allows citizens of College Station and students of Texas A&M ~~University~~ to eat, work, live, and recreate in an area within close proximity to the University.

1. Districts.

The Northgate area consists of three (3) districts: ~~(1)~~ NG-1 Core Northgate, ~~(2)~~ NG-2 Transitional Northgate, and ~~(3)~~ NG-3 Residential Northgate. Any reference and/or requirement made in this Section shall apply to all Northgate districts unless otherwise specified. These zoning districts incorporate regulations ~~consistent in accordance~~ with the Northgate Redevelopment Implementation Plan.

a. NG-1 Core Northgate.

This mixed-use district applies to areas containing a diversity of pedestrian-oriented retail, dining/restaurant, housing, and entertainment businesses that are ~~in close proximity~~ to on- and off-campus dormitories. Regulations are designed to aid structural rehabilitation and redevelopment while promoting new high-density, mixed-use, pedestrian-oriented infill development with an urban character.

b. NG-2 Transitional Northgate.

This district is intended for areas in Northgate containing larger retail commercial uses and undeveloped land. This district also serves to transition from suburban-style commercial development to high-density, mixed-use redevelopment. This zoning district shall incorporate regulations designed to aid mixed-use development, pedestrian circulation, and redevelopment

with an urban character. Any development in NG-2 Transitional Northgate may develop under the standards herein of NG-1 Core Northgate.

c. **NG-3 Residential Northgate.**

This district is intended for areas in Northgate containing a variety of residential uses and structures. This district applies to areas determined to be suitable for ~~high-higher~~ density residential developments due to its ~~close~~ proximity to Texas A&M University. NG-3 Residential Northgate incorporates regulations designed to aid pedestrian-oriented redevelopment for high-density residential and limited commercial uses.

2. **Additional Use Standards.**

The permitted and conditional uses ~~set forth outlined~~ in the Types of Uses Section of Article 6, Use Regulations section of this UDO shall meet the following additional requirements related to the district in which the proposed project is located.

a. **NG-1 Core Northgate.**

- 1) Buildings with frontage on Church Avenue, University Drive, College Main, Boyett Street from University Drive to Church Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this UDO Ordinance.
- 2) Parking lots that are an ancillary use must be abutting the primary use.
- 3) Residential uses are only allowed in buildings that also contain commercial uses.
- 4) The maximum allowable gross floor area on the ground floor per single retail establishment is ten thousand (10,000) square feet.
- 5) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

b. **NG-2 Transitional Northgate.**

- 1) Buildings with frontage on Church Avenue, University Drive, South College Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this UDO Ordinance.
- 2) The maximum allowable gross floor area on the ground floor per single retail establishment is forty thousand (40,000) square feet.
- 3) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

c. **NG-3 Residential Northgate.**

Non-residential uses permitted within NG-3 Residential Northgate shall meet each of the following requirements:

- 1) ~~Places of Worship Exemption: Any Expansion, addition, or renovation to existing Places of worship or construction of new Places of Worship~~ are exempt from these requirements.
- 2) Non-residential uses may occupy no more than fifty (50) percent of the total square footage of any building~~(s)~~ or group of buildings developed in a building plot.
- 3) Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred (100) percent of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
- 4) The maximum allowable gross floor area per single retail establishment is five thousand (5,000) square feet.

3. Building Design Considerations for Historic Properties.

a. Applicability.

The following existing structures are reflected as a medium or high priority in the Northgate Historic Resources Survey. Possible address discrepancies may be resolved by referencing the Northgate Historic Resources Survey.

NG-1		
105—107 College Main 101 Church	106 College Main 417 University	108 College Main 106 College Main
109 College Main 113 College Main	110 College Main 501 University	111 College Main 108 College Main
113 College Main 217 University	217 University Drive 505 University	303 Boyett Street 109 College Main
303 University Drive	401—405 University Drive 303 Boyett	417 University Drive 110 College Main
501 University Drive 335 University	505 University Drive 400 Boyett	111 College Main
401—405 University	105—107 College Main	318 First Street
NG-3		
416—418 College Main	500 College Main	415 Tauber

b. Standards.

Rehabilitation of these structures shall follow the following standards:

- 1) The historic character of a property will be retained and preserved. Distinctive materials or features and spatial relationships that characterize a property shall not be removed or altered.
- 2) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 3) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires the replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

c. Process.

All proposals affecting the materials, construction, or colors of a historic structure must be approved by the Administrator. The Administrator shall first consider the proposal in light of the standards listed above, then according to the standards set forth below ~~in Section 5.B.4 Building Design Standards.~~

4. **Building Design Standards.**

The following standards shall apply to all structures in the Northgate zoning districts, ~~including residential.~~

a. **Building Orientation and Access.**

- 1) All buildings that have right-of-way frontage on Church Avenue shall orient their primary entrance façades toward Church Avenue.
- 2) All buildings that have right-of-way frontage on University Drive shall orient their primary entrance façades toward University Drive.
- 3) The primary entrance façades of all buildings not on Church Avenue or University Drive shall front a public right-of-way.
- 4) If a building has frontage on University Drive and South College Avenue, the primary entrance façade shall be oriented to one (1) of the rights-of-way at the developer's discretion. A public entrance façade shall be oriented toward the other right-of-way(s).
- 5) In the event a building has frontage on more than one (1) right-of-way (not including Church Avenue, University Drive, or South College Avenue), the Administrator shall determine to which right-of-way the primary entrance façade shall be oriented. A public entrance façade shall be oriented toward the other right-of-way(s).
- 6) 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.
- 7) All residential dwelling units in a building with less than twelve (12) residential dwelling units shall have access from the primary entrance façade. This access may not be through an area with a fence or wall taller than four (4) feet, a garage, or a parking area.

b. **Building Transparency.**

~~Exemption:~~ Sanctuaries in places of worship are exempted from this requirement.

- 1) For maximum pedestrian visibility of the non-residential use(s), non-residential structures and the commercial portions of mixed-use structures shall be at least fifty (50) percent transparent between zero (0) feet and eight (8) feet above ground level of the primary entrance façade and at least thirty (30) percent transparent between zero (0) feet and eight (8) feet on the façade fronting other rights-of-way. In the event ~~that~~ more than two (2) façades require transparency, the Administrator may determine which two (2) façades require minimum transparency. The Administrator may also forward the question to the Design Review Board for any reason.
- 2) Glass shall be clear or tinted, not reflective. Glass block and other materials that are semi-transparent shall not be used to meet this requirement.
- 3) Roll-up doors must be at least seventy-five (75) percent transparent between zero (0) feet and eight (8) feet above ground level for all façades facing a right-of-way.

c. **Architectural Relief.**

-
- 1) For all façades facing a right-of-way, the first two (2) stories or first twenty-eight (28) feet above ground level shall use architectural detail to provide visual interest by incorporating a minimum of two (2) design elements every twenty-five (25) feet from the following options: canopies, permanent decorative awnings, hood/drip molding over windows, cornices, corbelling, quoining, stringcourses, pilasters, columns, pillars, arcades, bay/oriel windows, balconies that extend from the building, recessed entries, stoops, and porches.
 - 2) Along all other façades not facing a right-of-way and not screened by another building located within fifteen (15) feet of the façade, there shall be at least two (2) design elements as listed above for every forty (40) feet. These façades shall be similar and complementary to the primary entrance façade.
 - 3) ~~Instead in lieu~~ of the above requirements, buildings with fewer than twelve (12) residential units shall provide individual architectural relief such as a front porch, balcony, or bay window for each unit on each façade. Architectural relief is not required on façades that are within fifteen (15) feet of another building that screens the façade.
 - 4) Alternative architectural features may be considered for approval by the Design Review Board.

d. **Roof Type.**

- 1) Shed, mansard, and gambrel roofs are prohibited.
- 2) Hip and gable roofs may only be used when the vertical plane(s) of any roof facing a right-of-way is interrupted by an architectural detail.

e. **Exterior Building Materials.**

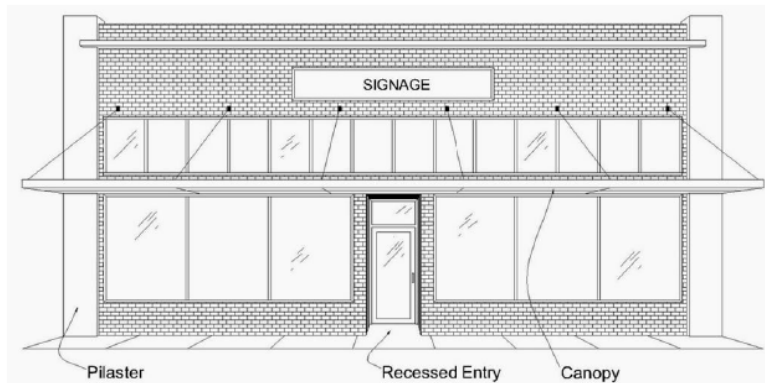
All structures within a building plot shall have materials that are similar and complement each other. When determining ~~the~~ area herein, windows and doors are included.

- 1) The following applies only to the first two (2) stories or ~~the~~ first twenty-eight (28) feet above ground level of all structures, excluding parking garages.

All façades, except those within fifteen (15) feet of another building that screens the façade, shall consist of a minimum of twenty-five (25) percent of one (1) or more of the following building materials. Parking garages are excluded from this requirement. All other materials except as authorized herein or by the Design Review Board, are prohibited.

- a) Fired brick;
 - b) Natural stone;
 - c) Marble;
 - d) Granite;
 - e) Tile; and/or
 - f) Any concrete product so long as it has an integrated color and is textured or patterned (not aggregate material or split-face CMU) to look like brick, stone, marble, granite, or tile; or is covered with brick, stone, marble, granite, or tile or a material fabricated to simulate brick, stone, marble, granite, or tile.
- 2) In addition, all façades may utilize the following materials subject to the stated limitations. Parking garages are excluded from these limitations. All other materials are prohibited.

-
- a) Stucco, hard-board, split-face CMU with integrated color, 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 each façade.
 - b) Wood or cedar siding, stainless steel, chrome, standing seam metal, and premium grade architectural metal may be used as architectural accents and shall not cover greater than twenty (20) percent of any façade.
 - c) Glass block and other materials that are semi-transparent shall not cover more than fifteen (15) percent of any façade. Places of worship are exempted from this limitation.
 - d) Continuous ribbon window systems and glazed curtain walls are prohibited.
 - e) Smooth face, tinted concrete blocks shall only be used as an accent and shall not cover more than five (5) percent of any façade.
 - f) Galvanized steel and painted steel are allowed on doors, including roll-up doors.
 - g) Steel, standing seam metal, and/or architectural metal may be used as a roof and/or canopy/awning with no limitation of percentage.
- 3) The façades of parking garages may utilize any material, but may only use steel, standing seam metal, and/or architectural metal as an architectural accent (limited to twenty (20) percent of any façade) and as a roof and/or canopy/awning (with no limitation).
- f. **Exterior Building Colors.**
- 1) Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator.
 - 2) Metallic (except copper and silver metallic-colored roofs) and fluorescent colors are prohibited on any façade or roof.
 - 3) When applying brick, colors normally found in manufactured fired brick are permitted. All colors of natural stone are permitted.
 - 4) Colors samples shall be submitted for approval to the ~~Office of the~~ Administrator.
- g. **Canopies/Awnings.**
- 1) Canopies/awnings shall not completely obstruct any window. Transom windows may be located under canopies/awnings.
 - 2) Canopies/awnings are considered part of the building façade. A maximum of one (1) color shall be used for all canopies/awnings on a single building façade (excluding the business logo).



- 3) Canopies/awnings shall consist of cloth, canvas, steel, standing seam metal, architectural metal, and/or perforated metal (not corrugated) and shall be maintained in good repair. Canopies/awnings that are used to meet the required building setback shall not be cloth or canvas, but shall be a permanent structure integrated into the building's architecture, consisting of materials similar to that of the rest of the building.
- 4) Canopies/awnings located over the public right-of-way shall require a private improvement ~~Private Improvement~~ in the public right ~~Public Right~~ of way permit ~~Way agreement (PIP)~~ in addition to the necessary building permit ~~Building Permit~~.

5. On-Street Parking Standards.

- a. Existing head-in parking that requires backing maneuvers into a right-of-way shall be removed with all proposed development, redevelopment, rehabilitation, and façade projects within any Northgate district.
- b. All proposed development, redevelopment, rehabilitation, and façade projects with frontage on a right-of-way(s) designated for on-street parking ~~in the Northgate On-Street Parking Plan~~, shall install such parking ~~in accordance with the plan~~. For residential uses, non-metered, parallel spaces may be counted toward off-street parking space requirements.

6. Off-Street Parking Standards.

All off-street parking shall meet the requirements specified in the Off-Street Parking Standards Section of Article 7, General Development Standards of section found elsewhere in this UDO, except as specifically provided herein:

- a. Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than two hundred (200) feet to the right(s)-of-way or is not completely located behind a habitable structure. Lots with frontage on University Drive and Church Avenue shall not have surface parking that is closer than two hundred (200) feet to Church Avenue or is not completely located behind a habitable structure.
- b. There shall be no minimum number of parking spaces required for non-residential uses.
- c. Off-street parking facilities for residential uses shall meet seventy-five (75) percent of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- d. No interior islands are required.

- e. Where off-street surface parking is to be installed adjacent to a right-of-way, there shall be a six ~~(6)~~-foot setback from the required sidewalk to the parking pavement. The parking area shall be screened along one hundred (100) percent of the street frontage (minus driveways and visibility triangles) with shrubs or a brick, stone, tinted CMU, or concrete product textured or patterned to look like brick or stone wall a minimum of three (3) feet in height, and within three (3) feet of the sidewalk. Walls shall be complementary to the primary building and shall be constructed as sitwalls.
- f. No off-street surface parking or circulation aisle shall be located between the primary entrance façade of a building and a right-of-way. Parking shall be located ~~at to~~ the rear or side of a building. Two (2) exceptions are:
 - 1) Sites on the South College Avenue right-of-way may have up to one (1) circulation aisle against the right-of-way with parking on each side of the aisle.
 - 2) Hotel and residential uses may have porte cocheres and temporary, loading/unloading parking, not to exceed ten (10) spaces, against the right-of-way.
- g. Ramps shall not be built on the exterior of parking garages.
- h. Steel guard cables on garage façades are prohibited.
- i. ~~To~~~~in order to~~ break up the parking lot area, minimize the visual impact on pedestrians, and encourage pedestrian movement through the districts, one (1) or a combination of the following parking concepts is required for parking that provides more than sixty (60) parking spaces with more than one (1) parking row:
 - 1) Parking is located in a garage.
 - 2) The parking structure is located on the interior of the block, screened from public view by habitable structures, and is not located adjacent to a right-of-way.
 - 3) For every sixty (60) parking spaces, there shall be a separate and distinct parking area connected by driving lanes but separated by a landscaping strip a minimum of ten (10) feet wide the full length of the parking row. At a minimum, landscaping shall be one (1) canopy tree (one and one-half ~~(1.5)~~-inch caliper or greater) for every twenty-five (25) linear feet of the landscaping strip.

In addition, at least seventy-five (75) percent of all end islands in the parking lot must be irrigated and landscaped with a minimum one and one-half ~~(1.5)~~-inch caliper canopy tree, one and one-quarter ~~(1.25)~~-inch caliper non-canopy tree, or enough shrubs three (3) feet in height at time of planting to cover seventy-five (75) percent of the island. Islands not landscaped shall be treated with brick pavers, ground cover, and/or perennial grass.

7. **Bicycle Parking Standards.**

Specific bicycle racks utilized shall be as identified in the [Northgate Specific Standards Section of the City of College Station Site Design Standards-Design Standards: Northgate](#).

- a. For non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above two thousand (2,000) square feet shall be required.
- b. For residential uses, a minimum of one (1) bicycle space per dwelling unit shall be required.
- c. In no case shall more than twenty (20) bicycle parking spaces per business or residential building be required.

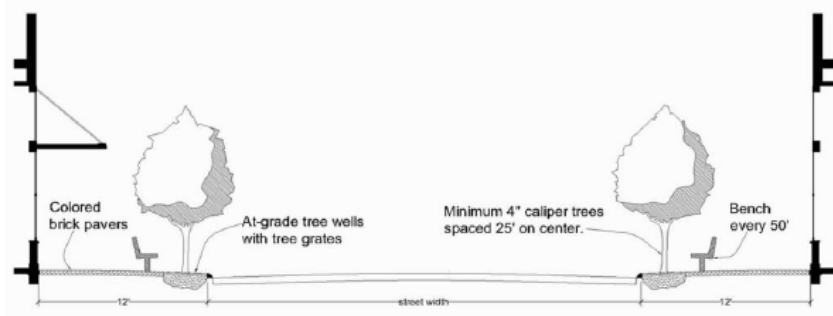
- d. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be separated at least three (3) feet from the building or other walls, landscaping, or other features to allow for ease and encouragement of use. Bicycle parking facilities may be permitted on sidewalks or other paved surfaces with a private improvement in the public right-of-way permit PIP (when necessary) and provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- e. Required bicycle parking may be consolidated with the bicycle parking of adjacent properties and provided off-site if the bicycle rack location is within one hundred (100) feet of the main entry façade of the building and with written agreement from the property owners.

8. Sidewalk Standards.

Sidewalks shall be incorporated into all proposed development and redevelopment projects within any Northgate zoning district. In the event ~~that~~ a sidewalk exists on a site before prior to development or redevelopment and does not meet all sidewalk and streetscape standards set forth outlined herein, the sidewalk must be upgraded to meet current standards (including American National Standards and Texas Accessibility Standards).

- a. Sidewalks shall be required along both sides of all rights-of-way.
- b. Sidewalks widths shall be as follows:
 - 1) Sidewalks shall be a minimum of twelve (12) feet in width on University Drive and South College Avenue.
 - 2) Sidewalks shall be a minimum of ten (10) feet in width on Church Street and College Main.
 - 3) Sidewalks shall be a minimum of eight (8) feet in width on all other streets in Northgate.
- c. Sidewalks shall be located directly adjacent to the back of the curb. The Administrator may approve alternate locations to eliminate encroachments of streetscaping materials that would reduce the clear space of the sidewalk to less than six (6) feet. The Administrator may also approve alternate locations for sidewalks along South College Avenue and Wellborn Road to address public safety concerns.
- d. Sidewalks or parts of sidewalks that lie outside, but are located next to, the right-of-way shall be covered by a dedicated public access easement initiated by the property owner so that they will be dedicated for public use and maintenance.
- e. Sidewalks shall be constructed of colored brick pavers on the exterior (visible) layer as specified in the Northgate Specific Standards Section of the City of College Station Site Design Standards~~Design Standards: Northgate~~.

Sidewalk and Street Tree Requirements for University Drive and South College Avenue



~~Graphic represents sidewalks and street tree requirements for University Drive or South College~~

9. **Landscape and Streetscape Standards.**

For NG-1 Core Northgate and NG-3 Residential Northgate, the standards set forth herein are ~~instead in lieu of the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO.~~

For NG-2 Transitional Northgate, the standards set forth herein are in addition to ~~the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO.~~

Any landscape/streetscape improvements may be located within the public right-of-way pursuant to a ~~private improvement Private Improvement~~ in the public right-of-way permit Public Right-of-Way agreement (PIP).

Specific landscaping elements and streetscape hardware (benches, street-lights, etc.) utilized shall be as identified in the Northgate Specific Standards Section of the City of College Station Site Design Standards.

a. **Street Trees.**

- 1) On University Drive, Church Avenue, Wellborn Road, South College Avenue, First Street, Boyett Street, College Main Avenue, and Nagle Street, installation of street trees that are a minimum of four (4) -inch caliper ~~street trees~~ shall be located in at-grade tree wells with tree grates (or raised tree wells or planters on University Drive and College Main Avenue only) and shall be spaced at a maximum of twenty-five (25) feet on center and located adjacent to the back of curb. ~~Back-of-curb placement is not required along Wellborn Road and South College Avenue when an alternative location for the sidewalk is approved as provided for in the Sidewalk Standards Section above Section 5.8.B.8.c above.~~ On all other streets not listed above, installation of street trees that are a minimum of three (3) -inch caliper ~~street trees~~ shall be located in at-grade tree wells with tree grates ~~{(raised tree wells or planters may be used when eight (8) feet of clear space can be maintained on the sidewalk)}~~ and spaced at a maximum of twenty-five (25) feet on center and located adjacent to the back of curb.

Alignment of such street trees shall commence twenty (20) feet from street intersections. Spacing and location of street trees may be varied upon approval by the Administrator for the purpose of minimizing conflicts with other streetscape elements and utilities, minimizing conflicts with the required sight distance at street intersections, ensuring unobstructed views of traffic control devices, and ensuring adequate Fire Department access. In areas of concentrated retail activity, street trees may be placed at different intervals upon approval by the Administrator for the purpose of minimizing the obstruction of views of non-residential uses.

- 2) In locations where a healthy and mature four (4) inch caliper or greater canopy tree ~~equal to four (4) inches in caliper or greater~~ currently exists, the requirements for a new tree may be waived or modified by the Administrator. Such trees must be maintained, barricaded, and otherwise fully protected during the project's construction phase and shall be replaced with trees meeting the specifications herein if they are damaged or die.
- 3) All in-ground vegetated areas, trees, and above-ground planters shall include an automated irrigation system. Irrigation will not be required for existing trees that are properly barricaded during construction according to the Landscaping and Tree Protection

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Section of Article 7, General Development Standards of this UDO (see the Landscaping and Tree Protection section of this UDO) during construction.

b. **Landscaping.**

Any area between the inside or interior of the sidewalk edge and the building façade and/or parking area not utilized as outdoor café seating is required to be one hundred (100) percent landscaped/streetscaped and irrigated. Eligible landscape/streetscape improvements shall include raised masonry planter boxes or planter pots, at-grade planting beds, seating benches, light features, decorative railings, masonry walls not exceeding three (3) feet in height, decorative wrought iron fencing, additional pedestrian areas finished with brick pavers, or other elements in the Northgate Specific Standards Section of the City of College Station Site Design Standards featured in the College Station Streetscape Plan. Live plant material must be included where feasible in each proposal.

c. **Sidewalk Benches.**

A minimum of one (1) sidewalk bench shall be provided for every fifty (50) linear feet of building frontage along a right-of-way. In no case shall more than four (4) sidewalk benches per building façade be required.

d. **Building and Site Lighting.**

- 1) Building illumination and architectural lighting shall be indirect (no light source visible). Exposed neon tube may be used.
- 2) Light standards for parking lots shall reflect the style of the building plot's architecture or be complementary to that style. Standards shall not be greater than twenty (20) feet in height.

e. **Street Lights.**

- 1) Street-light location and type shall be as determined by College Station Utilities ~~Electric~~ and the Administrator.
- 2) The installation and cost of the lighting shall be performed by the developer or their ~~his~~ authorized construction representative subject to compliance with the utility street-light installation standards of ~~the~~ College Station Utilities ~~Department~~.
- 3) Once satisfactorily installed, approved, and accepted by College Station Utilities, the maintenance of the street-lights and the furnishing of electric energy to the street-lights shall be provided by the City.

f. **Trash Receptacles.**

If installed, trash receptacle locations shall be shown on the landscape plan. One (1) trash receptacle may be located within an intersection's sight distance triangle described in the General Provisions Section of Article 7, General Development Standards ~~the Visibility at Intersections in All Districts section~~ of this UDO.

g. **Newspaper Racks.**

If installed, newspaper racks shall be placed so that a four (4) -foot minimum clear space is maintained on the sidewalk.

10. **Dumpster and Mechanical Equipment Standards.**

The following standards are in addition to the requirements of the Solid Waste [Section of Article 7, General Development Standards of this UDO](#)~~section of the General Development Standards article of this UDO~~.

- a. Any dumpster and other waste storage area or container other than streetscape trash receptacles shall be located ~~at to~~ the rear of the building served by the dumpster, area, and/or container. The Administrator may adjust this standard where a required entrance façade is located at the rear of the building or when parking is provided on the side of a building.
- b. Where feasible, consolidation of dumpsters may be required by the City.
- c. Solid waste storage areas, mechanical equipment, air conditioning, electrical meter, ~~and~~ service components, and similar utility devices, whether ground level, wall mounted, or roof-mounted, shall be screened from view from rights-of-way. Exterior screening materials shall be opaque and the same as predominantly used on the exterior of the principal building. Such screening shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance. Acceptable methods of screening various equipment include encasements, parapet walls, partition screens, or brick walls. Screening may be omitted or modified upon approval of the Administrator for the purpose of complying with safe working clearances around electrical meters, electrical panels, transformers, and related electrical service equipment.
- d. Mechanical equipment shall be located to minimize noise intrusion off-site.

11. Detention Pond Screening Standard.

Detention ponds shall be screened from view along one hundred (100) percent of rights-of-way using berms, shrubs, walls, or a combination of these to achieve a three [\(3\)](#)-foot high screen measured from the ground level. Walls shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance.

12. Sign Standards.

- a. Signage shall not obscure other building elements such as windows, cornices, or architectural details.
- b. Illuminated plastic signs are prohibited.
- c. The following types of signage may be used. All others are prohibited.
 - 1) **Attached Signs.**
 - a) Refer to the Signs [Section of Article 7, General Development Standards of this UDO](#)~~section of the General Development Standards article of this UDO~~.
 - b) Exposed neon may be used in attached signage.
 - 2) **Window Signs.**
 - a) Window signs shall allow for the majority of the display area to be open for pedestrian window shopping and shall not cover more than thirty-three (33) percent of the window area.
 - b) Exposed neon may be used in window signage.
 - 3) **Hanging Signs.**
 - a) Hanging signs shall be suspended from canopies/awnings and located in front of building entrances, perpendicular to the façade.
 - b) A maximum of one (1) sign per building entrance is allowed.

- c) The 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/over the public right-of-way shall require a ~~private improvement~~ Private Improvement in the ~~public right-of-way permit~~ Public Right-of-Way agreement (PIP) in addition to the necessary ~~building permit~~ Building Permit.

4) **Projection Signs.**

- a) Projection signs are allowed in NG-1 Core Northgate and NG-2 Transitional Northgate only.
- b) Projection signs shall be mounted perpendicular to buildings. They shall have a minimum of eight (8) feet of clearance from the walkway grade and four (4) inches of clearance from the building face (barber poles are exempted from these clearance requirements). All extremities of projection signs, including supports, frames, and the like, shall not project more than three (3) feet from the building face.
- c) A maximum of one (1) sign per building is allowed.
- d) Buildings with one (1) story may have a sign that shall not exceed six (6) square feet in size. For each additional building story, an additional four (4) square feet of signage is allowed, up to a maximum of eighteen (18) square feet.
- e) Projection signs located in/over the public right-of-way shall require a ~~private improvement~~ Private Improvement in the ~~public right-of-way permit~~ Public Right-of-Way agreement (PIP) in addition to the necessary ~~building permit~~ Building Permit.
- f) Exposed neon may be used in projection signage.

5) **Low Profile Signs.**

- a) In NG-2 Transitional Northgate only, one (1) low profile sign per one hundred fifty (150) linear feet of a building plot along South College Avenue may be permitted.
- b) Refer to the Signs Section of Article 7, General Development Standards of this UDO ~~standards-section of the General Development Standards article of this UDO~~.
- c) Exposed neon may be used in low-profile signage.
- d. If more than twenty-five (25) percent of the square footage of a building is demolished, any nonconforming signage associated with the building must also be demolished. The signage will not be considered "grandfathered", and no other permits will be issued for the site by the City of ~~College Station~~ until the signage has been removed.

13. **Outside Storage and Display Standards.**

The following standards are in lieu of the Outdoor Storage and Display Section of Article 7, General Development Standards of this UDO ~~section of the General Development Standards article of this UDO~~.

- a. Outdoor storage of materials or commodities is prohibited.
- b. Temporary or portable buildings of any kind are prohibited except during the construction of site-planned facilities.
- c. Outside sales/outside display areas shall be located within five (5) feet of a required entrance façade and shall only be located in front of the property/business that is selling item(s). A four (4)-foot minimum clear space on sidewalks shall be maintained.

1) ~~Exception. Subsection c. will~~ This does not apply if a business ~~is~~ has a valid Northgate outdoor dining and entertainment permit issued under Chapter 8, Businesses of the City of College Station Code of Ordinances ~~Chapter 4 "Business Regulations" Section 4-21 "Northgate Outdoor Dining and Entertainment."~~

- d. All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

14. **Waivers.**

The Design Review Board ~~(DRB)~~ shall review requests for deviations from the standards of this Section ~~the Northgate Districts section of this UDO as listed below.~~ The Design Review Board DRB shall approve waivers found to meet the intent of the standards of this Section ~~the Northgate Districts section of this UDO~~ and the Northgate Redevelopment Implementation Plan. Financial hardship may not be considered in the review or determination of a waiver proposal.

Design Review Board DRB review and waiver approval shall be limited to the following items:

- a. Relief from the building design standards for historic properties if the proposed building improvements or additions generally conform to the ~~section of this Ordinance addressing~~ Building Design Considerations for Historic Properties Subsection above ~~Standards for the Northgate zoning districts,~~ and if the property building improvements or additions generally preserve the historical appearance and architectural character of the building.
- b. Relief from specific requirements related to building orientation and access for the improvement of existing buildings if it can be proven by the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.
- c. Alternatives to the requirements related to building orientation and access when physical characteristics limit the site or provide for unique orientation and access opportunities.
- d. A reduction in the percentage of required building transparency for the rehabilitation of existing buildings if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
- e. Alternatives to the requirements related to building transparency for new construction if the alternatives substantially provide the same visual interest for the pedestrian.
- f. Alternate architectural features to meet the requirements related to architectural relief when the proposed architectural details substantially provide a level of uniqueness to the building at the pedestrian scale.
- g. Along non-primary entrance façades that do not abut a right-of-way and that require design elements, murals may be considered by the Design Review Board to meet the two-design element requirement. Mural topics may include architecture and/or Texas A&M University. Murals may not contain copy or logo advertising any business.
- h. Substitutions of building materials for buildings if the applicant shows that:
 - 1) 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 and the material is similar and comparable in quality and appearance to the materials allowed in the Building Design Standards Exterior Building Materials Sub ~~section above of this Ordinance for the Northgate zoning districts;~~ or
 - 2) The material is an integral part of a themed building (for example, a 50's diner in chrome).

-
- 3) No variance shall be granted to minimum building material requirements specified for buildings ten thousand (10,000) square feet or greater in area or for building plots with a cumulative structure square footage of ten thousand (10,000) square feet or greater.
- i. Alternative materials on façade work that does not involve an expansion of an existing building as defined in Article 9, Nonconformities of this the Nonconformities section of the UDO or constitute redevelopment if the applicant shows that:
 - 1) The materials allowed in the Building Design Standards Subsection above Exterior Building Materials section of this Ordinance for the Northgate zoning districts cannot be utilized without a structural alteration(s) to the existing building; and
 - 2) A licensed professional engineer or architect verifies in writing that a structural alteration is required to apply the permitted façade materials to the building.
 - j. Alternatives to the requirements related to surface area parking lots. Alternatives must separate the parking areas so that no more than sixty (60) parking spaces are located in the same vicinity without substantial visual separation from additional parking spaces.
 - k. A decrease in parking requirements for residential uses provided that the applicant submits a parking study that supports the decrease based on reasonable assumptions of parking availability. Unless shared or off-site parking is provided as allowed in the Alternative Parking Plans Subsection of the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO~~section of the General Development Standards article of this UDO~~, in no case shall the Design Review Board allow DRB permit a reduction in the number of required spaces:
 - 1) To less than the number recommended within the parking study, or
 - 2) To more than a fifty (50) percent reduction in the amount of parking required for residential uses by the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards ~~section of~~ this UDO.
 - l. An increase in the distance requirement for shared and/or off-site parking when ~~the~~ shared or off-site parking is provided in a parking garage.
 - m. Relief from the sidewalk width standard when bringing an existing sidewalk up to a current standard where existing physical conditions prohibit ~~the~~ sidewalk expansion.
 - n. Alternatives to the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO ~~Landscape and Streetscape Standards~~ for projects utilizing an existing structure(s) if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
 - o. Relief from the two-story requirement for casual and fine dining restaurants (not "fast food") and theaters in NG-2 Transitional Northgate if all façades are a minimum of twenty-five (25) feet in height and all façades give the appearance of a two-story structure as determined by the Design Review Board.
 - p. Relief from the minimum height requirement in NG-1 Core Northgate and NG-2 Transitional Northgate for an existing structure undergoing only façade rehabilitation if the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.

Sec. 5.9. Design District Dimensional Standards.

The following table establishes dimensional standards that shall be applied within the design districts~~Design Districts~~, unless otherwise identified in this UDO:

<u>Design Districts</u>				
KEY: SF = square feet				
	NG-1	NG-2	NG-3	WPC
Min. imum Lot Area	N/A None	N/A None	N/A None	2,400 SF SF
Min. imum Lot Width	N/A None	N/A None	N/A None	24'
Min. imum Lot Depth	N/A None	N/A None	N/A None	100'
Min. imum Front Setback	N/A None	N/A None	N/A None	25' (H _a)
Min. imum Side Setback	N/A None	N/A None	N/A None	N/A None (A _b)
Min. imum Side Street Setback	N/A None	N/A None	N/A None	15'
Min. imum Rear Setback	N/A None	N/A None	N/A None	15'
Min. imum Setback from Back of Curb (B _c)	10'	10'	10'	N/A None
Max. imum Setback from Back of Curb (B _c)	20' (C)(d) _(e) (f)	25' (C)(d) _(e) (f)	20' (C)(d) _(e) (f)	N/A None
Max. imum Height (g)	N/A (h)	N/A (h)	N/A (h)	N/A (h)
Min. imum Number of Stories	2 Stories -(G _h)	2 Stories -(G _h)	2 Stories -(G _h)	N/A None
Min. imum Floor to -Area Ratio-(F _{AR})	1:1 (F)(i) _(j)	0.75:1 (F)(i) (j)	1:1 (F)(i) _(j)	N/A None

Notes:

- (a) The 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.
- (~~A~~_b) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (~~B~~_c) Minimum/maximum setback from the back of any curb, including includes lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (~~C~~_d) If the width of any public easement or right-of-way is more than in excess of the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (~~D~~_e) Maximum setback from the back of curb for University Drive is twenty-five (25) feet, Wellborn Road is thirty-five (35) feet, and South College Avenue is one hundred (100) feet for South College.
- (~~E~~_f) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of thirty-five (35) feet.
- (g) Refer to the Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (~~F~~) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.
- (~~G~~_h) The two-story requirement shall not apply to structures existing on or before April 2, 2006.

~~(H) 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.~~

(i) Places of ~~worship~~ Worship are exempt from the ~~floor~~ Floor to area ratio ~~Area Ratio (FAR)~~ requirement in all NG Districts.

(j) ~~This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or an area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.~~ ~~(J) ——— Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.~~

Sec. 5.10. Overlay Districts.

In the event ~~that~~ an area is rezoned to apply an overlay district ~~provisions~~, this district shall apply to all multi-family, commercial, and industrial property, and where applicable, to single-family, duplex, or townhouse development. The underlying district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

A. OV Corridor Overlay ~~(OV)~~ District.

-This district is established to enhance the image of gateways and key entry points, major corridors, and other areas of concern, as determined by the City Council, by maintaining a sense of openness and continuity.

The following supplemental standards shall apply to this district:

1. **Setbacks.**

-All buildings will be set back forty (40) feet from the right-of-way. Where parking is located in the front of the building, there shall be a front setback of twenty (20) feet from the right-of-way to the parking area and all drive aisles.

2. **Signs.**

Freestanding signs shall be limited to the restrictions of the Signs Section of Article 7, General Development Standards of this UDO ~~signs-section of the General Development Standards article of this UDO~~, but shall not exceed the height of the building.

3. **Building Colors.**

-Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator. The applicant must provide elevation drawings and color samples.

4. **Special Restrictions for Retail Fuel Sales.**

-In cases where the underlying zoning district allows fuel sales ~~permits gasoline service stations~~ and a station is proposed, the following restrictions shall apply:

a. **Activities Restricted.**

- 1) No major emergency auto repair; and
- 2) No body, fender, or paint work.

b. **Signs.**

- 1) Sign height shall be restricted by the provisions of the Signs Section of Article 7, General Development Standards of this UDO ~~signs-section of the General Development Standards article of this UDO~~, but shall not exceed the height of the building.

-
- 2) No freestanding fuel price signage shall be permitted.
 - 3) Signs for air, water, and other similar services or products must meet the criteria for exempt signs as provided in the Signs Section of Article 7, General Development Standards of this UDO~~signs-section of the General Development Standards article of this UDO~~.

B. **RDD Redevelopment District ~~(RDD)~~.**

~~The~~ purpose of this district is to facilitate the redevelopment of existing nonconforming commercial centers through flexible or relaxed standards, which can accommodate existing physical limitations and take extraordinary circumstances into account. The RDD Redevelopment District ~~(RDD)~~ is an overlay district. The permissible uses on any site shall be governed by the underlying zoning.

The following supplemental standards shall apply to this district:

1. **Location.**

~~An~~ RDD Redevelopment District ~~(RDD)~~ may be established upon any commercially ~~-~~zoned property where the initial development was developed ~~established~~ a minimum of twenty (20) years before ~~prior to~~ the rezoning request and the proposed redevelopment meets the intent of this Section~~section~~. Special consideration should be given to those areas considered "gateways" and/or historic, and those with ~~close~~ proximity to Texas A&M University.

2. **Standards.**

~~Although~~ every effort should be made to meet all requirements of this UDO, designated RDD Redevelopment Districts may be allowed to waive up to fifty (50) percent of required parking standards and landscaping where physical limitations and the site's location and relationship to the goals of the Comprehensive Plan warrant consideration. A lesser percentage may be established as part of the approval process.

3. **Criteria for Evaluation.**

~~Evaluation~~ of all sites and site plans for rezoning to RDD Redevelopment District shall consider the following:

- a. Conformance with the Comprehensive Plan;
- b. Aesthetic contribution of the proposed redevelopment;
- c. Economic viability of the existing site;
- d. Physical limitations and the demonstrated inability to meet current requirements;
- e. Public health and safety standards; and
- f. Effort made to meet all standards of this UDO.
- g. Full engineering of sites may not be required for the establishment of an RDD Redevelopment District; however, a preliminary engineering study will be required which assesses parking, vehicular access and circulation, drainage, and utility requirements.

4. **Procedure for Establishment.**

~~The~~ procedure for rezoning to RDD Redevelopment District shall be the same as any other rezoning application except that a site plan of the proposed redevelopment of the site shall be carefully evaluated to ascertain the site plan's benefit to achieving the goals of the Comprehensive Plan. Elevations of proposed structures may be required as part of the review process, or to determine eligibility for rezoning.

Full engineering may not be required for evaluating a property for rezoning. Varying levels of information may be required by the Administrator depending upon the peculiarities of any given site.

The site plan components shall govern the redevelopment of the site following the approval of an RDD Redevelopment District.

C. HP Historic Preservation Overlay.

1. Purpose.

The HP Historic Preservation Overlay is intended to provide for the protection and preservation of places and areas of historical, cultural, and architectural importance and significance. Such action is necessary to promote the economic, cultural, educational, and general welfare of the public. Specifically, this district has the following expressed purposes:

- a. To protect and enhance the landmarks and districts which represent distinctive elements of College Station's historic, architectural, and cultural heritage;
- b. To foster civic pride in the accomplishments of the past;
- c. To protect and enhance College Station's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- d. To ensure the harmonious, orderly, and efficient growth and development of College Station;
- e. To promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within College Station; and
- f. To encourage stabilization, restoration, and improvements of such properties and their values.

2. Applicability.

The HP Historic Preservation Overlay may be applied to districts, areas, or individual property, regardless of the base zoning district or current use of the properties, that:

- a. Are at least forty (40) years old;
- b. Meet at least two (2) of the criteria listed below; and
- c. Possess historic integrity that is evident through historic qualities including location, design, setting, materials, workmanship, feeling, and association.

3. Criteria for Designation of HP Historic Preservation Overlays.

A property or district may be designated if it:

- a. Possesses significance in history, architecture, archeology, and culture;
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- c. Is associated with events that have made a significant impact in our past;
- d. Embodies the distinctive characteristics of a type, period, or method of construction;
- e. Represents the work of a master designer, builder, or craftsman;
- f. Represents an established and familiar visual feature of the neighborhood or city; or
- g. Is eligible for listing on the National Register of Historic Places, Recorded Texas Historic Landmark, or a State Archaeological Landmark, as determined by the Texas Historical Commission.

4. Removal of an HP Historic Preservation Overlay.

Upon recommendation of the Landmark Commission to the Planning and Zoning Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth in this UDO for designation, the Planning and Zoning Commission may recommend to the City Council and the City Council may remove an HP Historic Preservation Overlay made under this Section.

Sec. 5.11. Single-Family Overlay Districts.

A. Purpose.

Single-~~family overlay districts~~ ~~Family Overlay Districts~~ create an additional zoning district that is superimposed over the underlying zoning district. Single-~~family overlay districts~~ ~~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.

~~Single-family overlay districts~~ ~~The Single-Family Overlay Districts~~ may only be applied to neighborhoods zoned and developed for single-family ~~dwelling units~~ ~~residences~~.

C. General Provisions.

1. The yard, lot, building height, and open space regulations of the ~~single-family overlay districts~~ ~~Single-Family Overlay Districts~~ must be read in accordance with the yard, lot, building height, and open space regulations in the Residential Dimensional Standards ~~Section above~~ and ~~the General Provisions Section of Article 7, General Development Standards Required Yards sections~~ of this UDO. In the event of a conflict between the ~~single-family overlay district~~ ~~Single-Family Overlay Districts~~ and these ~~Sections~~ ~~sections~~, the ~~single-family overlay district~~ ~~Single-Family Overlay District~~ controls.
2. The City Council may approve a ~~single-family overlay district~~ ~~Single-Family Overlay District~~ for the boundaries of original subdivisions, or multiple contiguous phases of original subdivisions that apply jointly.
3. An application for an ~~Official Zoning Map amendment to include a single-family overlay district~~ ~~Single-Family Overlay District~~ may be ~~filed 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 ~~or each phase of an original subdivision~~ that apply jointly.

D. Districts.

1. ROO Restricted Occupancy Overlay-District (ROO).

1a. Purpose.

The ROO Restricted Occupancy Overlay ~~District (ROO)~~ is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods. ROO ~~Restricted Occupancy Overlays are~~ is intended to preserve the single-family character of residential neighborhoods.

2b. Applicability.

The regulations of the ROO Restricted Occupancy Overlay apply to each ~~individual~~ single-family dwelling and accessory living quarter within the overlay~~district~~.

3e. General Provisions.

- 1) The standards set forward in a ROO Restricted Occupancy Overlay must be based on the findings of the ~~petition committee~~Petition Committee.
- 2) The ~~petition committee~~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~~Petition Committee shall consist of one property owner from each phase included in the application.
- 3) To be eligible to apply for a ROO Restricted Occupancy Overlay, improvements must exist on at least 51 percent of the platted single-family lots in the original subdivision.

4d. 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 the definition of family in the Defined Terms Section of Article 11, Definitions of this UDO. ~~41.2 "Defined Terms" in the definition of "Family."~~ Accessory living quarter requirements are further specified in the Accessory Uses Section ~~6.5 "Accessory Uses" within the standards for "Living Quarters."~~of Article 6, Use Regulations of this UDO.

5e. Legacy Clause.

- ~~a.1)~~ Occupancy levels in individual single-family dwellings and accessory living quarters within an original subdivision, existing at the time a ROO Restricted Occupancy Overlay 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 the Nonconforming Uses Section of Article 9, Nonconformities of this UDO, 9.2 "Nonconforming Uses" shall apply, with the exception of the Continuance Subsection.~~Section 9.2.A.1. "Expansion."~~
- ~~b.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 Restricted Occupancy Overlay was adopted.
- ~~c.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 Restricted Occupancy Overlay 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:
 - ~~1a)~~ That granting the enlargement or expansion will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - ~~2b)~~ 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
 - ~~3e)~~ That granting the enlargement or expansion will be generally consistent with the purposes and intent of this UDO.
- ~~d.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 Restricted Occupancy Overlay was adopted, provided that the structural alteration or renovation does not enlarge or expand the structure.

e.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 Restricted Occupancy Overlay 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:

- 1a) That granting the structural alteration or renovation will ensure the same general level of land use compatibility as the otherwise applicable standards;
- 2b) That granting the structural alteration 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
- 3e) That granting the structural alteration or renovation will be generally consistent with the purposes and intent of this UDO.

f.6) The use shall come into compliance with the ROO Restricted Occupancy Overlay standards at such time that any of the following occur:

- 1a) The single-family dwelling or accessory living quarter is demolished;
- 2b) The subdivision of land occurs, creating an additional lot or building plot;
- 3e) ~~Nonconforming~~ ~~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 the Abandonment Subsection in the Nonconforming Uses Section of Article 9, Nonconformities of this UDO Section 9.2.C, "Abandonment", or cause a loss of the legal nonconforming use status;
- 4d) The structure containing the nonconforming use is enlarged, expanded, structurally altered, or renovated beyond the standards provided above in ~~this Section~~ Section 5.11 D.1.e.2 through 5.11 D.1.e.5; or
- 5e) The termination of registration with the City's Rental Registration program.

E2. NCO Neighborhood Conservation Overlay ~~Districts (NCO).~~

1a. Purpose.

The NCO 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 Neighborhood Conservation Overlay is intended to provide additional standards ~~for to~~ demolitions, new construction, additions, and redevelopment to promote development that is compatible with the existing character of the neighborhood. NCO Neighborhood Conservation Overlays ~~districts~~ are based on an in-depth study of the existing neighborhood conditions, and should be used to protect the unique assets and qualities of the neighborhood. NCO Neighborhood Conservation Overlays ~~districts~~ may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect.

2b. Applicability.

The regulations of the NCO Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

3e. General Provisions.

~~a.1)~~ The standards set forward in an NCO Neighborhood Conservation Overlay must be based on the findings of the petition committee~~Petition Committee~~.

~~b.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.

~~c.3)~~ NCO Neighborhood Conservation Overlays ~~districts~~ may not apply to neighborhoods originally platted in the last ten (10) years from the date of application submittal.

4d. Options for Inclusion.

In applying for an NCO Neighborhood Conservation Overlay~~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.

a.1) Minimum Front Setback.

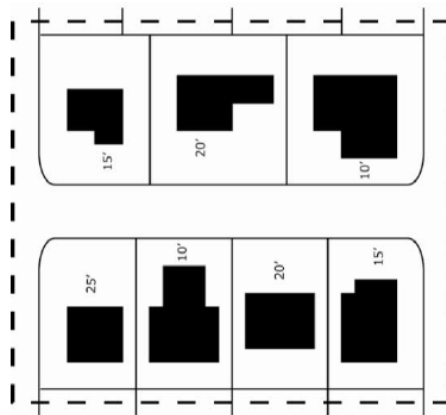
If a minimum front setback is selected for inclusion, the petition committee~~Petition Committee~~ may select one (1) of the following methods of determining minimum front setback based on research of the subject neighborhood:

1a) Contextual front setbacks as provided for in the Required Yards (Setbacks) Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO; or

2b) Contextual front setbacks as provided for in the General Provisions Subsection above of this Single-Family Overlay Districts section of the UDO; or

3e) Fixed front setbacks. 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.

Example Front Setbacks



b.2) Minimum Side Street Setback.

If a minimum side street setback is selected for inclusion, the petition committee~~Petition Committee~~ may select one (1) of the following methods of determining minimum side street setback based on research of the subject neighborhood:

1a) Contextual side street setbacks as provided for in the Section 5.2 Residential Dimensional Standards Section above; or

-
- ~~2b)~~ 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.

~~c.3)~~ **Minimum Lot Size (Area, Width, and Depth).**

If ~~a~~ minimum lot size is selected for inclusion, the ~~petition committee~~ ~~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:

- ~~1a)~~ Lot size (area and width) as provided for in the ~~Platting and Replatting within Older Residential Subdivisions Subsection in the Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Platting and Replatting in Older Residential Neighborhoods subsection in~~ Article 8, Subdivision Design and Improvements ~~of this UDO~~; or
- ~~2b)~~ Contextual lot size as provided for in ~~the Residential Dimensional Standards Section above~~ ~~Section 5.2 Residential Dimensional Standards~~; or
- ~~3e)~~ Fixed lot size. A fixed lot size may be established; however, it may not be less than the lot size required ~~by the of~~ underlying zoning ~~district~~ or more than the existing median size of building plots in the district.

~~d.4)~~ **Maximum Building Height.**

If maximum building height is selected for inclusion, the ~~petition committee~~ ~~Petition Committee~~ may select one (1) of the following methods of determining maximum building height based on the research of the subject neighborhood:

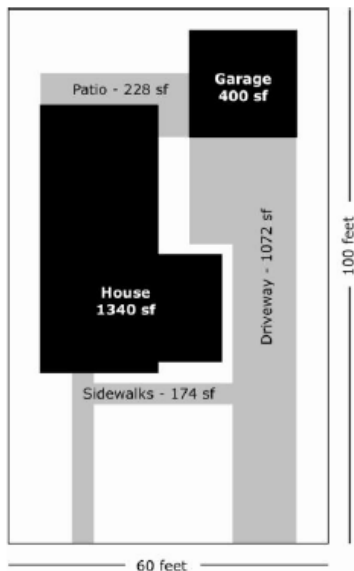
- ~~1a)~~ Contextual building height as provided for in ~~the Residential Dimensional Standards Section above~~ ~~Section 5.2 Residential Dimensional Standards~~; or
- ~~2b)~~ Fixed building height. A fixed building height may be established; however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

~~e.5)~~ **Tree Preservation.**

If tree preservation is selected for inclusion, the ~~petition committee~~ ~~Petition Committee~~ may choose to preserve any existing trees ~~s~~ with a minimum of eight ~~(8) -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~~ ~~caliper measured as a radius radius measured~~ from the tree trunk. Barricades must be in place ~~before 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~~ ~~Petition Committee~~ to exclude specific tree species from preservation requirements.

~~f.6)~~ **Landscape Maintenance.**

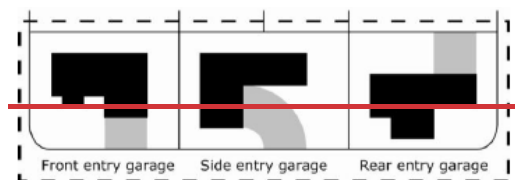
If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on-site ~~inch~~ caliper for ~~inch~~ caliper, or as determined by the Administrator.



~~g.7)~~ Maximum Impervious Surface.

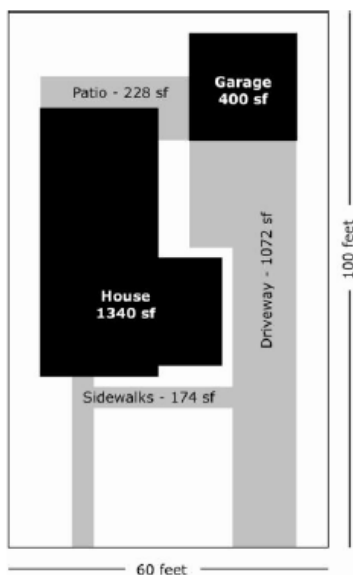
If a maximum impervious surface is selected for inclusion, a maximum impervious surface may be limited to any number between the calculated neighborhood median and the maximum, as allowed by the UDO.

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%) percent of the proposed decked area for the purpose of impervious cover.



~~8) — Garage.~~

Example Impervious Surface Identification

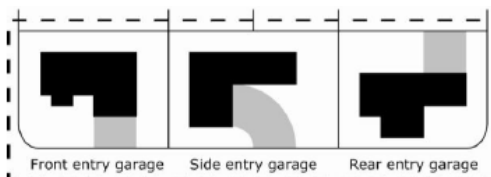


hA. Garage Access.

If garage access is selected for inclusion, the ~~petition committee~~ 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:

- 1a) Front entry; or
- 2b) Side entry; or
- 3e) Rear entry.

Garage Access Options



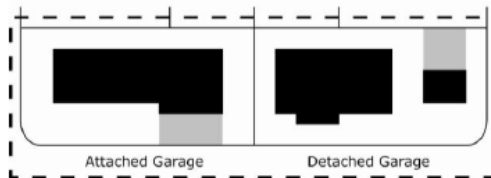
iB. Garage Connection.



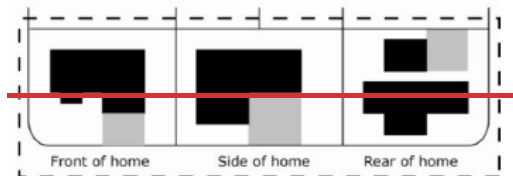
If garage connection is selected for inclusion, the ~~petition committee~~ Petition Committee may select one (1) of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- 1a) Attached to the single-family structure; or
- 2b) Detached from the single-family structure.

Garage Connection Options



j€. **Garage Location.**



If garage location is selected for inclusion, the petition committee ~~Petition Committee~~ may select one (1) of the following garage locations based on the most frequent location of garages concerning in relation to the primary single-family structure within the subject neighborhood:

- 1a) In front of the single-family structure; or
- 2b) To the side of the single-family structure; or
- 3e) To the rear of the single-family structure.

Garage Location Options



kĐ. **Garage Size.**

If garage size is selected for inclusion, the petition committee ~~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.

l£. **Garage Requirement.**

If a garage requirement is selected for inclusion, the petition committee ~~Petition Committee~~ may require that a garage be required on properties within the subject neighborhood.

m.9) **Off-Street Parking.**

If off-street parking is selected for inclusion, the petition committee ~~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, garage connection, or garage location:-

- 1a) Set a minimum off-street parking standard of three (3) spaces per residential unit;
- 2b) Set a maximum number of off-street parking spaces;
- 3e) Set a maximum parking area and location per yard;

4d) 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.~~

~~n.11) Fencing.~~

~~If fencing Fencing is selected for inclusion, the petition committee Petition Committee may select the required materials and maximum height.~~

~~Sec. 5.12. Historic Preservation Overlay District.~~

~~A. Purpose.~~

~~The Historic Preservation Overlay District is intended to provide for the protection and preservation of places and areas of historical, cultural, and architectural importance and significance. Such action is necessary to promote the economic, cultural, educational, and general welfare of the public. Specifically, this district has the following expressed purposes:~~

- ~~1. To protect and enhance the landmarks and districts which represent distinctive elements of College Station's historic, architectural, and cultural heritage;~~
- ~~2. To foster civic pride in the accomplishments of the past;~~
- ~~3. To protect and enhance College Station's attractiveness to visitors and the support and stimulus to the economy thereby provided;~~
- ~~4. To insure the harmonious, orderly, and efficient growth and development of the City;~~
- ~~5. To promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City; and~~
- ~~6. To encourage stabilization, restoration, and improvements of such properties and their values.~~

~~B. Applicability.~~

~~The Historic Preservation Overlay District may be applied to districts, areas, or individual property, regardless of the base zoning district or current use of the property(ies), that:~~

- ~~1. Are at least forty (40) years old;~~
- ~~2. Meet at least two (2) of the criteria listed below; and~~
- ~~3. Possess integrity that is evident through historic qualities including Location, Design, Setting, Materials, Workmanship, Feeling, and Association.~~

~~C. Criteria for Designation of Historic Preservation Overlay Districts.~~

~~A property or district may be designated if it:~~

- ~~1. Possesses significance in history, architecture, archeology, and culture;~~

-
- ~~2. — Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;~~
 - ~~3. — Is associated with events that have made a significant impact in our past;~~
 - ~~4. — Embodies the distinctive characteristics of a type, period, or method of construction;~~
 - ~~5. — Represents the work of a master designer, builder, or craftsman;~~
 - ~~6. — Represents an established and familiar visual feature of the neighborhood or City; or~~
 - ~~7. — Is eligible for listing on the National Register of Historic Places, Recorded Texas Historic Landmark, or a State Archaeological Landmark, as determined by the Texas Historical Commission.~~

~~D. — Removal of a Historic Preservation Overlay District.~~

~~Upon recommendation of the Landmark Commission to the Planning and Zoning Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth in this UDO for designation, the Planning and Zoning Commission may recommend to the City Council and the City Council may remove an Historic Preservation Overlay District made under this section.~~

Article 6. Use Regulations

Sec. 6.1. Purpose.

The intent of this Article is to provide ~~for~~ patterns of land use consistent with the Comprehensive Plan, and to encourage the arrangement of land uses ~~so as~~ to minimize conflicts among various types of land use activities while recognizing the City's need for such activities.

Sec. 6.2. Applicability.

The provisions of this ~~Article~~ article shall not apply to property zoned BioCorridor Planned Development District.

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 ~~based on 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 ~~the Specific Use Standards Section below~~[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 ~~the Specific Use Standards Section below~~[Section 6.4, Specific Use Standards](#). Conditional uses are subject to all other applicable regulations of this UDO.

~~[Click here to access a PDF version of the Use Table.](#)~~

USE TABLE	Residential Districts													Non-Residential Districts								Retired Districts				Design Districts								
	USE TABLE																																	
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**	
KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards; C = Conditional Use; ** = District with Supplemental Standards (refer to Article 5, District Purpose Statements and Supplemental Standards) ***Commercial, Office, and Retail Uses in MH Middle Housing are allowed in Live-Work Units only																																		
RESIDENTIAL USES																																		
Assisted Living/Residential Care Facility														P	P		P																	
Boarding and Rooming House										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(a)±	P	P	P
Multi-Family built prior to January 2002										P	P													P	P						P	P	P	P
Multi-plex, Medium									P	P																								
Multi-plex, Small									P	P																								
Shared Housing									P	P																						P	P	P
Single-Family Detached	P	P	P	P	P	P	P	P	P				P										P											
Single-Unit Dwelling										P																								
Split-Lot Duplexes								P	P																									
Townhouse							P		P	P			P											P	P									P
Two-Unit Dwelling										P																								
Live-Work Unit									P*					P*	P*																			
PUBLIC, CIVIC, AND INSTITUTIONAL USES																																		

Conference/Convention Center										P	P		P				P	P												P	P	P		
Country Club	P	P	P	P	P	P							P				P	P																
Day Care, Commercial										P	P	P	C	P	P	P	P														P	P	P	
Drive-In/ThruDrive-in/thru-window										(c)							P*	P													C		P*	
Dry Cleaners and Laundry											P	P		P*	P*	P	P*	P	P												P*	P*	P*	P*
Fraternal Lodge														P				P	P													P	P	P
Fuel Sales														P*				P*																
Funeral Homes																		P	P	P											P			
Golf Course or Driving Range	P*													P*				P*	P*															
Health Club/Sports Facility, Indoor											P	P		P		P	P	P	P											P		P	P	
Health Club/Sports Facility, Outdoor											P	P*		P				P	P												P	P*	P	
Hotels											P	P		P		P		P													P	P	P	
Mobile Food Court											C4	C4		C4				C4													C4	C4	C4	
Night Club, Bar, or Tavern											C	C		C				C													C	P	P	
Offices											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		P	C			P	P												P		P*	
Personal Service Shop											P	P	P		P	P	P	P	P											P		P	P	
Printing/Copy Shop											(c)																					P	P	P
Radio/TV Station/Studios											P	P		P	P			P	P	P	P										P	P	P*	
Recreational Vehicle (RV)-Park																																		
Restaurants											P	P		P			P*	P*	P												P*		P	P
Retail Sales - Single Tenant over 50,000 SF												P						P															P	
Retail Sales and Service											P	P		P			P*	P*	P*	P*											P		P	P
Retail Sales and Service - Alcohol												C		P					P*	P*											P		C	P

Sexually Oriented Business (SOP)	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*				
Storage, Self Service															P*	P*	P	P		P							P*		P				
Vehicular Sales, Rental, Repair, and Service																	P*	P*		P									P*				
Wholesales/Services																	P*	P*	P	P									P	P			
INDUSTRIAL AND MANUFACTURING USES																																	
Bulk Storage Tanks/Cold Storage Plant																		P		P									P				
Micro-Industrial																	P*	P*		P											P*	P*	
Industrial, Light																		P	P	P								P	P	P			
Industrial, Heavy																				P									P				
Recycling Facility - Large																		P*		P									P				
Salvage Yard																				P*									P*				
Scientific Testing/Research Laboratory																		P	P	P								P		P			
Storage, Outdoor - Equipment or Materials																		P	P*	P								P	P				
Truck Stop/Freight or Trucking Terminal																				P									P				
Utility	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*	P*	P*	
Warehousing/Distribution																		P	C	P								P	P				
Waste Services																				P									P				
Wireless Telecommunication Facilities - Intermediate	P*												P*	P*			P*	P*	P*	P		P*					P*	P*	P*	P*	P*	P*	
Wireless Telecommunication Facilities - Major	C										P*			C			C	C	C	P		C				C	C	P*	C				

Wireless Telecommunication Facilities- Unregulated	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
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Notes:

- (a) ~~** District with Supplemental Standards (Refer to Article 5).~~
- ~~¹-Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.~~
- (b) ~~²-Hotels are only allowed when accessory to a country club ~~Country Club~~ development and are limited to a maximum of fifteen (15) rooms.~~
- (c) Permitted in live-work units only.
 - ~~³-Refer to Section 6.4.Z "Recreational Vehicles Park Standards (RV Parks)" for Specific Use Standards.~~
 - ~~⁴-Refer to Section 6.4. AC "Mobile Food Courts" for Specific Use Standards.~~

Sec. 6.4. Specific Use Standards.

The following specific use standards shall apply to ~~those uses listed below and~~ identified in the Types of Use Section above Use Table in Section 6.3, Types of Use, with a "P*." A site plan review, as required by the Site Plans Section of Article 3, Development Review Procedures of this UDO Section 3.6, Site Plan Review, is required for all specific uses identified herein. For the purposes of this Sectionsection, buffers shall comply with the Buffer Requirements Section of Article 7, General Development Standards of this UDO Section 7.7, Buffer Requirements unless specified herein. For the purposes of this Sectionsection, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family dwelling unitshousing, 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.; Animal care 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.

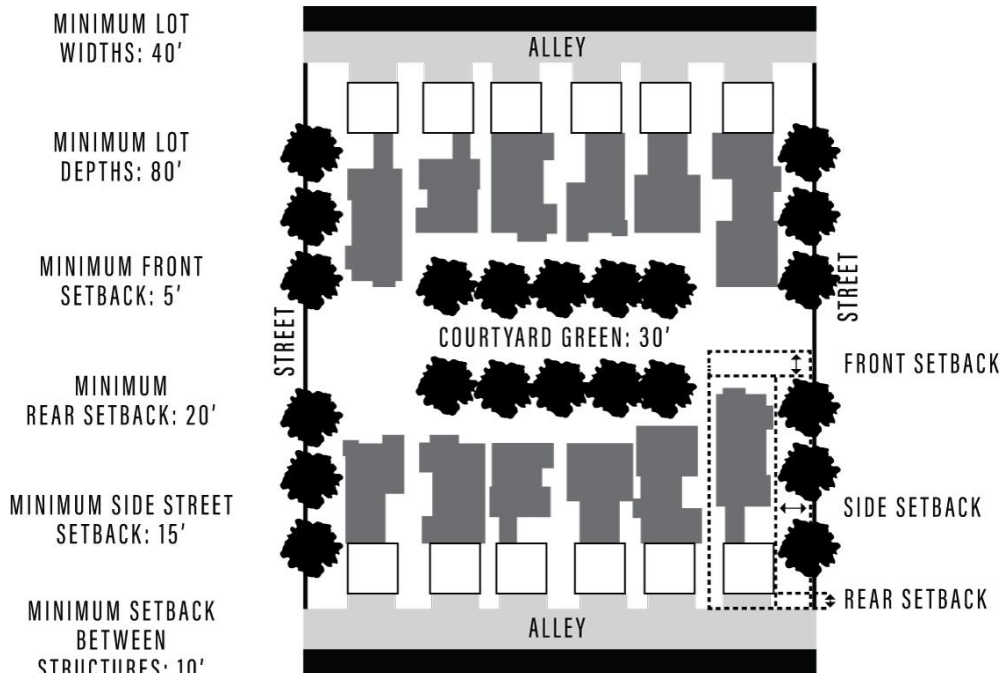
1. Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least fifty (50) feet from all property lines and not closer than one hundred fifty (150) feet from an existing residential use.
2. No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

E. Courtyard House.

Courtyard house House developments are also subject to the following requirements:

1. A courtyard house Courtyard House development shall not have more than twelve (12) units around one courtyard.
2. The width of the courtyard green, independent of the individual lots, shall be no less than thirty (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 thirty-six (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:

Example Courtyard House Development



F. **Drive-In/Thru-Window.**

1. In all Northgate ~~zoning districts~~[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 [one hundred fifty \(150\)](#) 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.

G. **Dry Cleaners/Laundry.**

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

H. **Fuel Sales.**

1. Any vehicle repair uses must comply with [the Vehicular Sales, Rental, Repair, and Service Subsection below](#)~~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 the Signs Section of Article 7, General Development Standards of this UDO~~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 Drive-Thru~~ car wash designed to accommodate one (1) vehicle shall be permitted as an accessory use.
7. In C-3, ~~Light Commercial~~, ~~fuel~~s 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 Fuel Sales~~ will be considered a permitted land use on properties with existing ~~fuel sales Fuel Sales~~ as of April 14, 2011.

I. 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 the Buffer Requirements Section of Article 7, General Development Standards of this UDO~~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.

J. 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 (25)-foot buffer yard and a six (6)-foot privacy fence, in accordance with the Buffer Requirements Section of Article 7, General Development Standards of this UDO~~Section 7.7, Buffer Requirements~~.

K. Health Club/Sports Facility (Outdoor).

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

LAC. **Live-Work Unit.**

1. The square footage of the live-work unit ~~Live-Work Unit~~ may not be greater than as set forth in the ~~City's adopted~~ International Building Code ~~(IBC)~~, as ~~adopted same may from time to time be amended~~. Currently, said maximum size is three thousand (3,000) square feet. Further, the non-residential use may not be more than fifty (50) percent ~~(50%)~~ of each live-work unit~~Live-Work Unit~~.

2. Each ~~live-work unit 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 ~~accessed 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.

M.L. Manufactured Homes.

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 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 ~~cityCity~~.
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.

NAB. Micro-Industrial Uses.

1. All production activities must be conducted within an enclosed building. No outside storage is allowed.
2. All ~~micro-industrial 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)~~

QAD. Mobile Food Court.

Mobile food court shall mean a land use approved through a ~~conditional use permit 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 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:

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- 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 Article 7, General Development Standards of this UDO~~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 so as not to disturb other surrounding property owners.
- 3) A short-term mobile food court shall:
- a) Be located a minimum of one hundred (100) feet from a single-family, duplex, or townhouse zoning district.
 - b) Have a site manager that will remain on the 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 3:00 a.m. and 5:00 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 Plans Review Section~~section~~ of Article 3, Development Review Procedures of this UDO, the applicable requirements of Article 7, General Development Standards of this UDO, and the Specific Use Standards for Mobile Food Courts Subsection below~~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 Article 7, General Development Standards of this UDO~~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 so 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 so 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 one hundred (100) feet from a single-family, duplex, or townhouse zoning district.
 - b) Have a site manager that will remain on the 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 3:00 a.m. and 5:00 a.m.
 - f) Comply with general site plan requirements described in the Site Plans ~~Review Section~~section of Article 3, Development Review Procedures of this UDO, the applicable requirements of Article 7, General Development Standards of this UDO, and the Specific Use Standards for Mobile Food Courts Subsection below~~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.

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 Section of Article 7, General Development Standards of this UDO~~Unified Development Ordinance~~.
- f. A minimum of two (2) off-street parking ~~Off-Street Parking~~ spaces shall be provided per mobile food vendor pad site.
- g. A minimum of a twenty (20) ~~(20')~~-foot 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 Article 7, General Development 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 Article 7, General Development Standards of this UDO~~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.

PM. Mobile Home.

~~After the effective date of this UDO, a~~ mobile home~~, after the effective date of this UDO,~~ may not be located within the city corporate-limits of College Station for residential usedwelling. A mobile home legally located within the city 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.

QN. Parking as a Primary Use.

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

RZ. Places of Worship.

1. Where the parking lot abuts residential development, a ten (10)-foot buffer yard with buffer plantings and a minimum six (6)-foot privacy fence is required pursuant to the Buffer Requirements Section of Article 7, General Development Standards of this UDO~~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 (15)-foot buffer yard with buffer plantings and a six (6)-foot privacy fence is required pursuant to the Buffer Requirements Section of Article 7, General Development Standards of this UDO~~Section 7.7, Buffer Requirements~~.

SO. Radio/TV Station/Studios.

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

TAA. Recreational Vehicle Park Standards (RV Parks).

1. Recreational vehicle parks ~~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. Recreational vehicle parks ~~RV Parks~~ shall be considered a non-residential use and shall meet the Buffer Requirements Section of Article 7, General Development Standards of this UDO ~~buffer requirements as found in Article 7~~ as a commercial use, regardless of zoning.
3. No person shall operate a recreational vehicle park ~~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 recreational vehicle park ~~RV Park~~ shall comply with the general site plan requirements of the Site Plan Review Section of Article 3, Development Review Procedures of this UDO~~Article 3, Site Plan Review~~, and shall meet the following supplemental criteria:
 - a. The minimum area of a recreational vehicle park ~~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 recreational vehicle parks ~~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 recreational vehicle parks ~~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.

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- 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 ~~recreational vehicle park 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 ~~recreational vehicle RV~~ site, the remainder may be located in an approved parking area. ~~The size~~ Size and paving of all parking spaces shall conform to the requirements in ~~the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO~~Article 7 regarding Off-Street Parking Standards.
 - i. In all ~~recreational vehicle parks 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 ~~recreational vehicle park 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 ~~lit~~ lighted to ensure ~~the~~ safety of users.
 - j. ~~Recreational vehicle parks RV Parks~~ shall permit only seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in a ~~recreational vehicle park RV Park~~ for more than one hundred twenty (120) days in any twelve ~~(12)~~ -month period.~~Per Ordinance No. 3271 (August 26, 2010)~~

UP. 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 ~~recycling~~ 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.

VR. Restaurant.

- 1. In C-3 Light Commercial, and ~~WC~~ Wellborn Commercial, drive-ins and drive-thrus are prohibited.
- 2. In SC Suburban Commercial restaurants with a ~~drive-in or drive-thru drive-ins/thru~~ must be located a minimum of ~~one hundred fifty (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 the adjacent thoroughfare and access:
 - a. Freeway/~~expressway and four- or six-lane major arterial~~~~Expressway and Four- or Six-Lane Major Arterial~~: ~~eight~~ Eight thousand (8,000) square feet;
 - b. Four-~~lane minor arterial and four-lane major collector~~~~Lane Minor Arterial and Four-Lane Major Collector~~: ~~seven~~ Seven thousand (7,000) square feet; or
 - c. Two-~~lane major collector~~ ~~Lane Major Collector~~ and smaller: ~~five~~ 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.

WQ. Retail Sales ~~of~~ /Manufactured Homes.

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

XS. Sales and Service (Retail and Wholesale).

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

Sales/Storage Matrix

		Storage	
		Minor	Major
Sales	Wholesale	C General Commercial GC General Commercial	CI Commercial -Industrial CI Commercial Industrial
	Retail	GC General Commercial	CI Commercial Industrial
	Retail.....SALES	GC General Commercial	CI Commercial-Industrial
		MinorSTORAGE.....	Major

1. Storage is allowed in GC General Commercial, if the square ~~footage 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 ~~footage feet~~ of storage is less than fifty (50) percent of the total gross building area.
3. Sales are allowed in CI Commercial Industrial if the square ~~footage feet~~ of sales is less than fifty (50) percent of the total gross building area, exclusive of the office area.
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, the gross floor area ~~Gross-Floor-Area~~ of a single structure shall not exceed fifteen thousand (15,000) square feet.
6. In WC Wellborn Commercial, the gross floor area ~~Gross-Floor-Area~~ of a single structure shall not exceed ten thousand (10,000) square feet.

YF. Salvage Yard.

1. Salvage or junkyards shall be visually screened on the front, rear, and all sides ~~utilizing by means of~~ a solid eight (8)-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 (1.5~~1/2~~) cubic feet or more, from which the door has not been removed.

ZU. 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 ~~applying 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_i;
- c. Los Angeles, California;
- d. Indianapolis, Indiana;
- e. Phoenix, Arizona;
- f. St. Paul, Minnesota;
- g. Beaumont, Texas_i;
- h. Seattle, Washington;
- i. Austin, Texas.

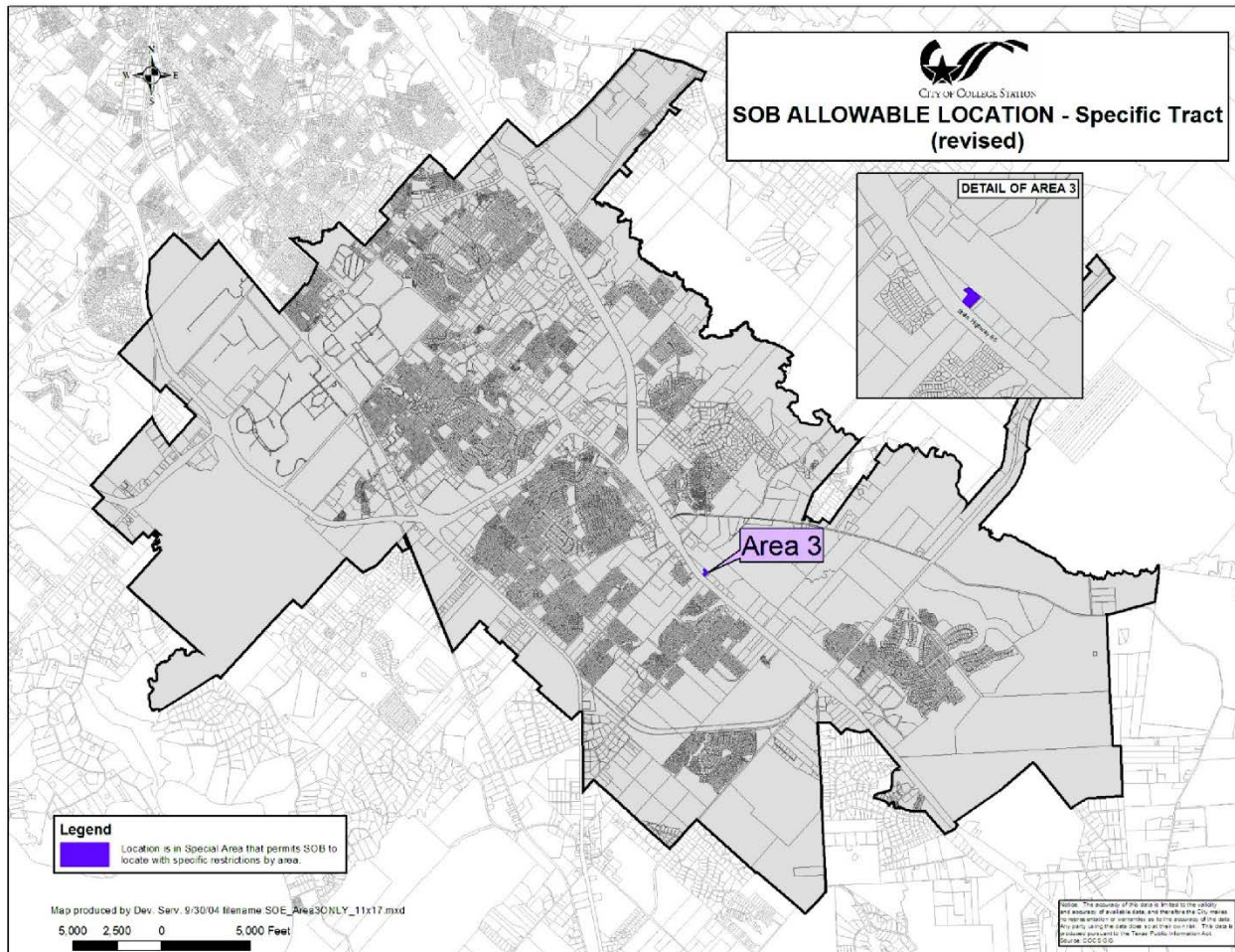
2. Permitted Locations.

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.

- 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.

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- 3) Where ~~the~~ 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 ~~fifty (50) percent one-half (1/2)~~ 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 ~~two-tenths (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.**

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 ~~their his~~ investment in ~~their his~~ sexually_-oriented business by the date for the termination of such uses, the owner may request additional time by making an application with the Administrator no later than the date for termination of the use.

b. **Application for Additional Time.**

The owner shall file, with ~~their his~~ request for additional time, all data ~~they 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 ~~their his~~ investment in the sexually_-oriented business;
- 2)- The owner will be unable to recoup ~~their 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 an 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;
- 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.

AAV. Storage (Self-Service).

1. Accessory uses are prohibited.
2. In SC Suburban Commercial, ~~self-service storage Self-Service Storage~~ and outdoor storage must be located a minimum of ~~one hundred fifty (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 ~~one hundred fifty (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 Self-Service Storage~~ will be considered a permitted land use on properties with existing ~~self-service storage Self-Service Storage~~ as of April 14, 2011.

ABW. Utilities.

Activities not wholly contained within a building that abuts single-family residential uses shall construct a twenty ~~(20)~~-foot buffer yard with a six ~~(20)~~-foot privacy fence, in accordance with ~~the Buffer Requirements Section of Article 7, General Development Standards of this UDO~~Section 7.7, Buffer Requirements.

ACX. Vehicular Sales, Rental, Repair, and Service.

1. Vehicles undergoing repair, painting, or body work ~~that which~~ will remain on-site ~~for more than 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 ~~that which~~ is completely screened from public view.

ADY. Wireless Telecommunication Facility ~~(WTF)~~.

1. Purpose.

The purpose of this ~~Section~~ section is to establish regulations ~~for 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:

- a. It is in the public interest to promote competition in ~~high-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. Wireless Telecommunication Facility ~~WTF~~ Categories.

~~To In order to~~ expedite the siting and review process, wireless telecommunications facilities ~~WTfs~~ have been divided into use categories. The review process is more thorough as the intensity of the use increases.

a. Unregulated Facilities.

The wireless telecommunications facilities ~~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 of College Station ~~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 the support structure.
- 4)- Directional antenna one (1) meter or less measured across the longest dimension and not extending over twelve (12) feet above the 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 the support structure.
- 6)- Attached wireless telecommunications facilitiesWTFs.
- 7)- Antenna collocating on an existing tower.

c. **Major Facilities.**

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.~~

34. Requirements for Attached Wireless Telecommunication Facilities ~~WTFs~~.

- a. Wireless telecommunications facilities ~~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 located ~~locating~~ on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with the 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 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 limits ~~City~~, the extraterritorial jurisdiction ~~City's ETJ~~, and ~~or~~ within at least one (1) mile of the city limits ~~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 wireless telecommunications facility ~~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 wireless telecommunications facilities ~~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 Federal Aviation Administration (FAA), the FCC, and any other agency of the federal government ~~Federal Government~~ with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

45. 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 a stealth antenna ~~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 located ~~locating~~ within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of 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 ~~Federal Government~~ with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

56. Requirements for New Transmission Towers.

a. **Setbacks.**

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

b. **Proximity to Major Thoroughfares.**

To preserve and protect the appearance of the City's major thoroughfares and entrances to the city ~~City~~, additional setbacks are placed on wireless telecommunications facilities ~~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 Comprehensive Plan Functional Classification & Context Class Map~~Thoroughfare Plan~~.

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

c. **Separation Between Towers.**

~~To in order to~~ prevent tower proliferation and protect the city's ~~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 wireless telecommunications facilities ~~WTFs~~ are subject to the normal height restrictions for each zoning district where they are permitted by right. In any zoning district where a tower is a 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 ~~Stealth Tower~~ definition of this ordinance by the approving authority may be located in any zoning district with a conditional use permit~~Conditional Use Permit~~. Approved stealth towers ~~Stealth Towers~~ do not have to meet the tower separation or thoroughfare setback requirements of this Section~~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 the Landscaping and Tree Protection Section of Article 7, General Development Standards of this UDO~~Section 7.6, Landscaping and Tree Protection~~. Plant materials and/or fencing that effectively screen the wireless telecommunications facility ~~WTF~~ site from the view of the public right-of-way will be required.

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- 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)- ~~Wireless telecommunications facilities WTFs~~ shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable ~~authorities~~ 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~~ Conditional Use Permit for a ~~wireless telecommunications facility WTF~~ shall include the following items (in addition to the site plan and other information required for a standard ~~conditional use permit CUP~~ application):

- 1)- An inventory of the applicant's existing and future towers that are ~~either~~ within the ~~city limits~~ City, the ~~extraterritorial jurisdiction~~ City's ETJ, ~~and or~~ within at least one (1) mile of the ~~city limits~~ 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)- 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 ~~(1)~~ -mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures, and applicable thoroughfares as ~~set forth outlined in the Proximity to Major Thoroughfares Subsection above~~ 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 ~~wireless telecommunications facility 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 ~~wireless telecommunications facility 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~~ 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~~ ~~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 (~~0.5~~) mile radius of the proposed new tower site, including City-owned property.
 - b) An ~~sworn~~ affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within a one-half (~~0.5~~) 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 microcells, cannot be utilized to accomplish the provision of ~~the applicant's~~ telecommunications services.

6.7. Conditional Use Permits.

Major ~~wireless telecommunications facilities~~ ~~WTFs~~ must apply for a conditional use permit (~~CUP~~) as set forth outlined in the Types of Use Section above ~~Section 6.4.X.3, Permit table Locations~~, under the procedures set forth in the Conditional Use Permit Section of Article 3, Development Review Procedures of this UDO ~~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 conditional use permit ~~CUP~~ for wireless telecommunications facilities ~~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 ~~massing 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.

78. Abandonment.

Any wireless telecommunications facility ~~WTF~~ that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of ~~such the~~ facility shall remove same within sixty (60) days of receipt of notice from the City notifying the 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 wireless telecommunications facility ~~WTF~~, then this provision shall not become effective until all users cease operations on the tower.

Sec. 6.5. Accessory Uses.

A. Accessory Uses.

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

1. The use or structure is subordinate to and serves a primary use or principal structure;
2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

B. Accessory Structures.

1. In combination, all accessory uses shall contain no more square footage than twenty-five (25) percent of the habitable floor area of the principal structure or four hundred (400) square feet, whichever is greater. Garage or carport areas devoted to the storage of vehicles shall not be included in the calculation of the twenty-five (25) percent restriction.
2. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a building permit ~~Building Permit~~.
3. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots, rear setbacks shall be measured from the rear property line. In no event shall more than thirty (30) percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
4. The maximum impervious cover of the lot's applicable zoning district, as defined in the Residential Dimensional Standards Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO ~~Section 5.2 Residential Dimensional Standards~~, shall not be exceeded by the addition of accessory uses or structures.
5. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters.
 - a. A minimum rear setback of fifteen (15) feet; and,

-
- b. A maximum building eave height of eight (8) feet.

6. Garage and Carports.

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of twenty (20) feet. A minimum side yard setback of twenty (20) feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a. A minimum rear setback of twenty (20) feet; and,
- b. A minimum side street setback of twenty (20) feet is required for garages or carports that face onto side streets.

7. Living Quarters.

In areas zoned and used for single-family residential use, accessory living quarters are allowed subject to the following:

- a. The property owner resides on-site and uses the subject property as their primary residence.
- b. There is a limit of one (1) accessory living quarter per building plot.
- c. No more than two (2) unrelated persons live in the accessory living quarters; and
- d. One (1) additional off-street parking space is provided for the living quarters.

C. Home Occupation.

A home occupation is ~~an that~~ accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

1. ~~In-Home~~ In-home Day Care (six (6) or fewer people).

2. Bed and Breakfast.

A bed and breakfast facility shall be considered accessory to a single-family dwelling.

- a. No more than four (4) unrelated individuals may occupy the property overnight.
- b. The facility must maintain a residential appearance and be the permanent residence of the proprietor.
- c. Limit ~~the~~ number of rooms to four (4) where shared/common bathrooms may be provided.
- d. No cooking facilities are permitted in individual rooms.

3. Taxicab Services.

Taxicab services may be permitted as a home occupation provided that no more than two (2) commercial vehicles associated with a taxicab service are parked or stored on- or off-street at any time.

~~Per Ordinance No. 3281 (September 9, 2010)~~

4. Exclusions to Home Occupations.

No home occupation shall be permitted that results in any of the following:

- a. Changes the outside appearance of the dwelling;
- b. Is visible from the street;

-
- c. Generates traffic, parking, ~~sewerage, or water~~ use, or wastewater use in excess of what is normal in the residential neighborhood;
 - d. Results in the off-street or on-street parking of more than two (2) vehicles at any ~~one (1)~~ time not owned by members of the occupant family;
 - e. Creates a hazard to persons or property;
 - f. Results in electrical interference;
 - g. Is a nuisance;
 - h. Results in ~~the~~ any outside storage or display; or
 - i. Includes employment within the home or on the premise of persons other than members of the occupant's family.

5. **Prohibited Home Occupations.**

The following are prohibited as home occupations:

- a. Barber, beauty, and other personal service shops;
- b. Animal care facilities~~hospitals, stables, or kennels~~;
- c. Dance studios, or schools;
- d. Mortuaries;
- e. Private clubs;
- f. Repair shops;
- g. Restaurants;
- h. Automobile paint or repair shops;
- i. Doctor, dentist, veterinarian, or other medically related offices; or
- j. Rooming/boarding house~~Boarding House~~.

D. **Recycling Facilities - Small.**

1. **Single-Single Feed Reverse Vending Machines.**

Single-Single feed reverse vending machines may be located with a permit either in the interior or immediate exterior of commercial, industrial, or public facilities.

2. **Small Collection Facilities.**

Small collection facilities may be permitted when established on an improved surface in conjunction with an existing commercial or industrial use or public facility. The host facility must comply be in ~~compliance~~ with all City codes. No facility may occupy more than five hundred (500) square feet, nor occupy more than five (5) parking spaces of the host site. All vehicular and pedestrian circulation aisles shall be unobstructed.

a. **Setbacks.**

Each facility shall be set back at least ten (10) feet from any right-of-way line when located in front of the host use. Side, side street, and rear setbacks established for commercial uses shall be maintained.

Containers intended for twenty-four-hour donation of materials shall be a minimum of forty (40) feet from property zoned or developed for residential use. Attended facilities within one

hundred (100) feet of residentially ~~zoned~~ or developed property shall operate between the hours of 9:00 a.m. and 7:00 p.m.

b. **Landscaping.**

A small collection facility shall not be placed on the host site in such a manner as to impair the landscaping required for the subject site.

c. **Parking.**

One (1) space will be required if an attendant is provided. Occupation of parking spaces by the collection facility and attendant shall not reduce available parking spaces below the minimum number required by ordinance for the host site.

d. **Noise.**

Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially ~~zoned~~ or developed property ~~otherwise~~; noise levels shall not exceed seventy (70) dBA.

e. **Signage.**

Each container must be clearly labeled with a sign, limited to one (1) per container and no larger than twenty (20) percent of the side upon which the sign is placed, to provide information about ~~pertaining to~~ the type of material to be collected within the container, and the name and telephone number of a person responsible for maintenance who may be contacted at all times.

E. **Portable Storage Structures.**

1. **General Provisions.**

- a. A permit shall be obtained prior to placing a portable storage ~~Portable Storage~~ container on the property unless otherwise exempted herein.
- b. The following are exempt from the requirements of this Section:
 - 1) ~~Property~~ with an active building or development permit.
 - 2) ~~Properties~~ zoned M-2 ~~Heavy Industrial~~ or BPI Business Park Industrial. M-2 Heavy Industrial and BPI Business Park Industrial that abut residential zoning districts or uses shall comply with this exemption.
 - 3) ~~Sites~~ in which storage containers constitute a principal use, as determined by the Administrator.
 - 4) ~~Containers~~ that receive site plan approval ~~as per~~ the 3-b, Development of a Permanent Storage Container Area Subsection below of this Section.
- c. Placing material on top of, or the vertical stacking of, portable storage ~~Portable Storage~~ containers is prohibited.
- d. Permits shall be posted on the storage container. If a container is replaced by another during the permit period, the permit shall be removed and placed on the newly placed container. If the container is visible from a right-of-way, then the permit shall be posted visibly from ~~in view of~~ the right-of-way.
- e. Storage containers shall be placed outside of the right-of-way and the sight triangle as established in the Visibility at Intersections in all Districts Subsection of the General Provisions Section of Article 7, General Development Standards of this UDO ~~App. A, § 7.2 C., Visibility at Intersections in all Districts.~~

-
- f. Storage containers shall be placed on an improved surface as specified in the Surfacing Subsection of the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDOApp. A, § 7.3 F., Off-Street Parking Standards, Surfacing.
 - g. In the event of a natural disaster ~~or of~~ extenuating circumstance, the Administrator may grant that a permit be extended up to thirty (30) additional days.
 - h. An application for a permit ~~for of~~ a storage container shall be accompanied by a fee as established ~~from time to time~~ by a resolution of the City Council.
2. **Additional Provision for Residential Property.**
- a. No more than one (1) portable storage ~~Portable Storage~~ container shall be allowed at a time per dwelling unit.
 - b. A permit is not required for the first fourteen (14) days a storage container is located on residential property. An extension for up to an additional fourteen (14) days may be obtained through an approved permit. A storage container shall not be located on residential property for longer than twenty-eight (28) days.
 - c. No more than two (2) permits may be issued to a dwelling unit per calendar year and there shall be a minimum of thirty (30) days between issuance of permits.
 - d. No storage container shall exceed a height of eight (8) feet, a width of eight (8) feet, or a floor area of one hundred thirty (130) square feet.
 - e. Storage containers may be screened from view of the right-of-way and adjacent properties instead of being placed on an improved surface.
3. **Additional Provisions for Non-Residential Property.**
- a. **Temporary Placement.**
 - 1)- Each address shall be allowed one (1) storage container. Additional storage containers are permissible provided that all containers do not utilize the area of more than five (5) percent of the existing parking spaces, or sixteen (16) spaces, whichever is smaller.
 - 2)- Storage container(s) shall not be allowed more than three (3) separate ~~time~~ periods per calendar year and there shall be a minimum of thirty (30) days between the issuance of permits.
 - 3)- A permit shall remain valid for a maximum of forty-five (45) days. If multiple permits are allowed, ~~as per 3.a.1 above,~~ all containers must be removed within forty-five (45) days of the date ~~of~~ the initial permit is issued.
 - 4)- Storage containers shall not be placed in the front yard of a site, adjacent to right-of-way, or interfere with on-site traffic flow. If rear or side yard placement is not possible, the alternate location shall be approved by the Administrator.
 - 5)- Storage containers shall meet front and side street setbacks as stated in the Non-Residential Dimensional Standards Section of Article 5, District Purpose Statements and Supplemental Standards of this UDOSection 5.4, Non-Residential Dimensional Standards. Storage containers shall also meet side and/or rear setbacks when the property line abuts a residential use.
 - b. **Development of a Permanent Storage Container Area.**

- 1)- In lieu of a permit, site plan approval identifying the location of an area to be used for the placement of storage container(s) for an indefinite period shall be obtained prior to placing container(s) on the property.
- 2)- Storage container(s) shall be screened from view when visible from a right-of-way or adjacent property. If required, screening shall be accomplished by landscaping and an eight-foot wooden fence or wall.
- 3)- Additional parking shall be provided based on the square footage of the screened area for the container(s) according to the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO~~Section 7.3, Off-Street Parking Standards.~~

~~Per Ordinance No. 3253 (June 24, 2010)~~

Sec. 6.6. Temporary Uses.

Temporary ~~uses~~Uses, as set forth below, are declared to have characteristics ~~that which~~ require certain controls ~~in order to ensure~~insure compatibility with other uses in the district within which they are proposed for location.

A. Particular Temporary Uses Permitted.

- 1. Garage ~~sales~~Sales;
2. Indoor and outdoor art and craft shows, exhibits, and sales;
3. Sales of Christmas trees or other seasonal goods;
4. Religious revival tents;
5. Temporary buildings and equipment for uses incidental to construction work on premises in any zone ~~that but~~ shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction;
6. Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following the completion of the associated project; ~~and-~~
7. Farmers' ~~markets complying with the following requirements:~~Markets-
 - a. Temporary outdoor sales of products in an unrefined state, by a State Certified Farmers' Market may be operated for a maximum of two (2) days per week and are permitted on:
 - 1) Public properties, with locations approved by the Administrator, and
 - 2) Private property in zoning districts that allow for retail sales as a permitted use.
 - b. The ~~market~~ Market must be located within a paved parking lot, and shall not utilize more than ten (10) percent of the required number of parking spaces on private property. The ~~market~~ Market may not be located within drive aisles, fire lanes, or parking setbacks, and in no case shall the market be located within the public right-of-way.
 - c. The ~~market~~ Market must comply with the Signs Section of Article 7, General Development Standards of this UDO~~Section 7.5 Signs~~. Attached signs advertising the ~~market~~Market, or any products for sale, must be securely attached to the sales area. Temporary ~~freestanding signs and commercial banners~~Freestanding Signs and Commercial Banners, as described in the Signs Section of Article 7, General Development Standards of this UDO~~Section 7.5 Signs~~, are not permitted.

-
- d. The ~~market Market~~ shall have the approval of the City ~~of College Station~~ prior to location or sales.

B. Temporary Residential Sales Offices and Model Homes.

~~The~~ following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision;
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates ~~Certificates of occupancy Occupancy~~ have been issued to ninety-five (95) percent of the associated residential units or when used d as a sales office or model home has ceased; and
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon the sale of the home.

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~~ ~~article~~ shall not apply to property zoned BioCorridor Planned Development District.

Sec. 7.2. General Provisions.

A. Health and Environmental Safeguards.

No machine, process, or procedure shall be employed on any property in the ~~city~~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 ~~of this UDO~~.
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 ~~the Water and Sewer Service Article of Chapter 40, Utilities 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 ~~current latest~~ edition of the American Association of State Highway ~~and~~ 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 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. ~~General Requirements~~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 ~~Subsections~~subsection, such conveyance shall have occurred within one (1) year immediately ~~following 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;
- g. Uncovered ~~porches~~Porches, uncovered steps to building entrances, and uncovered patio decks;

-
- h. Covered ~~porches~~ Perches 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 ~~Private Improvement~~ in public ~~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, or townhouse, ~~or MH Middle Housing zoning~~ district, including MH Middle Housing, 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.~~

GH. Low-Density Residential Height Protection.

- 1. **Purpose.**

The purpose of low-density residential height protection is to help mitigate ~~the~~ 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.

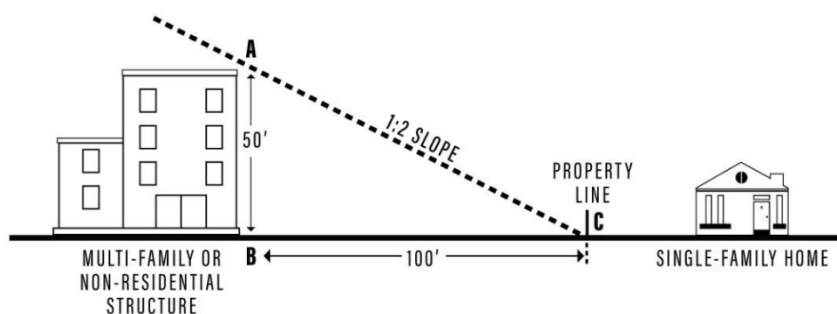
- a. This ~~Subsection~~ ~~subsection~~ shall apply to all multi-family structures, structures with ~~shared housing~~ ~~Shared Housing~~ uses, and non-residential structures to be constructed or reconstructed in any way that would increase the building height as defined in ~~the Defined Terms Section of Article 11, Definitions 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 ~~any of the~~ NG ~~Northgate design districts~~, RDD ~~Redevelopment Districts~~, ~~or and~~ P-MUD ~~Planned Mixed-Use Development~~ 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;
 - 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. Such developments at the periphery of the mixed-use area or area identified as appropriate for redevelopment shall meet the terms of ~~this Subsection~~ ~~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~~ ~~multiplex~~ structures, structures with ~~shared housing~~ ~~Shared Housing~~ uses, and non-residential structures shall ~~not be taller than fifty (50) percent of the linear distance from the property line that is shared with a single-family, manufactured home park, or townhouse use or district 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, ~~manufactured home, residential amenity townhouse, or townhouse~~ ~~manufactured home or residential amenity~~, the measurement shall be taken from the closest property line shared with a buildable detached single-family, ~~manufactured hometownhouse, or townhouse~~ ~~manufactured home~~ lot.

Example of Low-Density Residential Height Protection



- 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 the peak of the 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 (2)-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 (1)-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.

H. Public Address Systems.

Public address systems ~~Address Systems~~ shall not be audible to ~~an~~ adjacent residential uses.

I. Bicycle Facilities.

1. Number Required.

- a. For sites subject to the Non-Residential Architectural Standards Section below of this UDO except for Mini-Warehouse/Self-Storage, Industrial and Manufacturing land uses, and property located in the Rural Zoning District, the ~~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.
- 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.

Number of Required Bicycle Parking Spaces

<u>Non-Residential</u>	<u>0-40 required auto spaces = 2 short-term bicycle parking spaces minimum</u> <u>41-80 required auto spaces = 4 short-term bicycle parking spaces minimum</u> <u>81-120 required auto spaces = 6 short-term bicycle parking spaces minimum</u> <u>121+ required auto spaces = 8 short-term bicycle parking spaces minimum</u>
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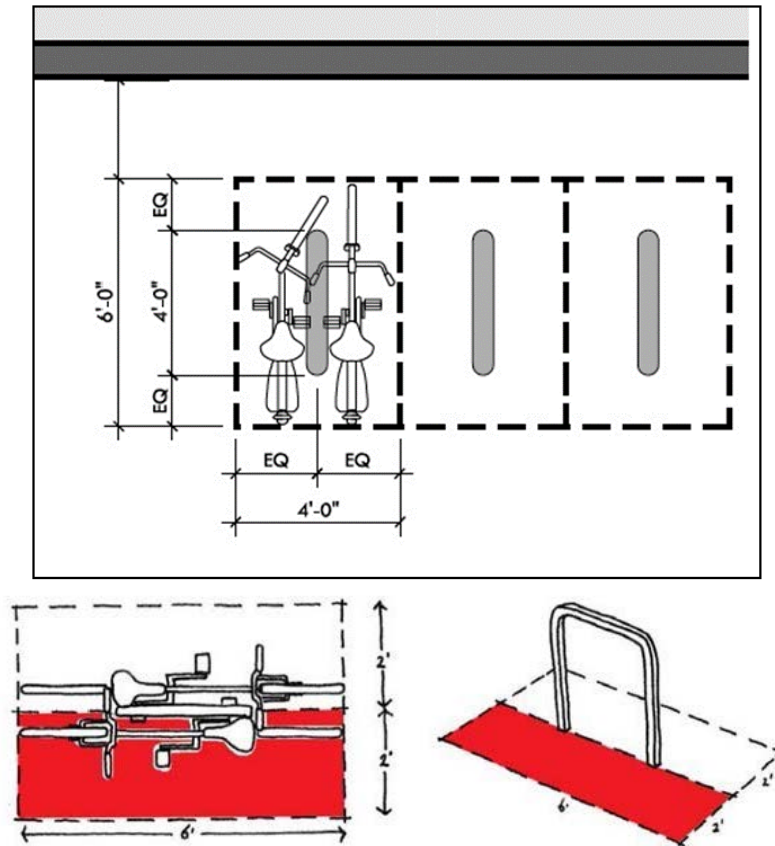
- c. Notwithstanding the above, in multi-tenant buildings ~~over in excess of~~ twenty thousand (20,000) gross square feet, one (1) or more facilities capable of storing eight (8) bicycles shall be provided at a minimum.
 - d. In MU Mixed-Use districts, bicycle storage facilities shall be provided at a rate ~~of~~ one (1) bicycle for every ~~fifteen thousand~~ (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 Subsection of the Off-Street Parking Standards Section below 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 bicycle corrals ~~"bike corrals"~~ located in the vehicular parking area adjacent to a curb. ~~The design~~ Design will be considered as the 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 the example image below:

Example of a Bicycle Corral



- c. Where bicycle facilities are provided for two (2) bicycles, a standard footprint ~~that which~~ is at least four (4) feet wide by six (6) 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.
- 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.

JK. 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, ~~and~~ bicycle mobility, and connectivity.
2. In MU Mixed-Use districts, sidewalks that are a minimum of eight (8) feet ~~feet~~-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 Section below of this UDO except for MU Mixed-Use districts:

-
- a. Public entry façades of retail buildings that exceed ~~two hundred (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 ~~the~~ Outside Storage and Display Section ~~below~~.
 - b. A site or sites ~~that are~~ part of a building plot ~~over 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 ~~that are~~ part of a building plot ~~over in excess of~~ ten (10) acres shall provide one (1) 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 ~~the~~ 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;~~ Art*
 - 6) ~~Outdoor eating accommodations;~~ or
 - 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.

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:

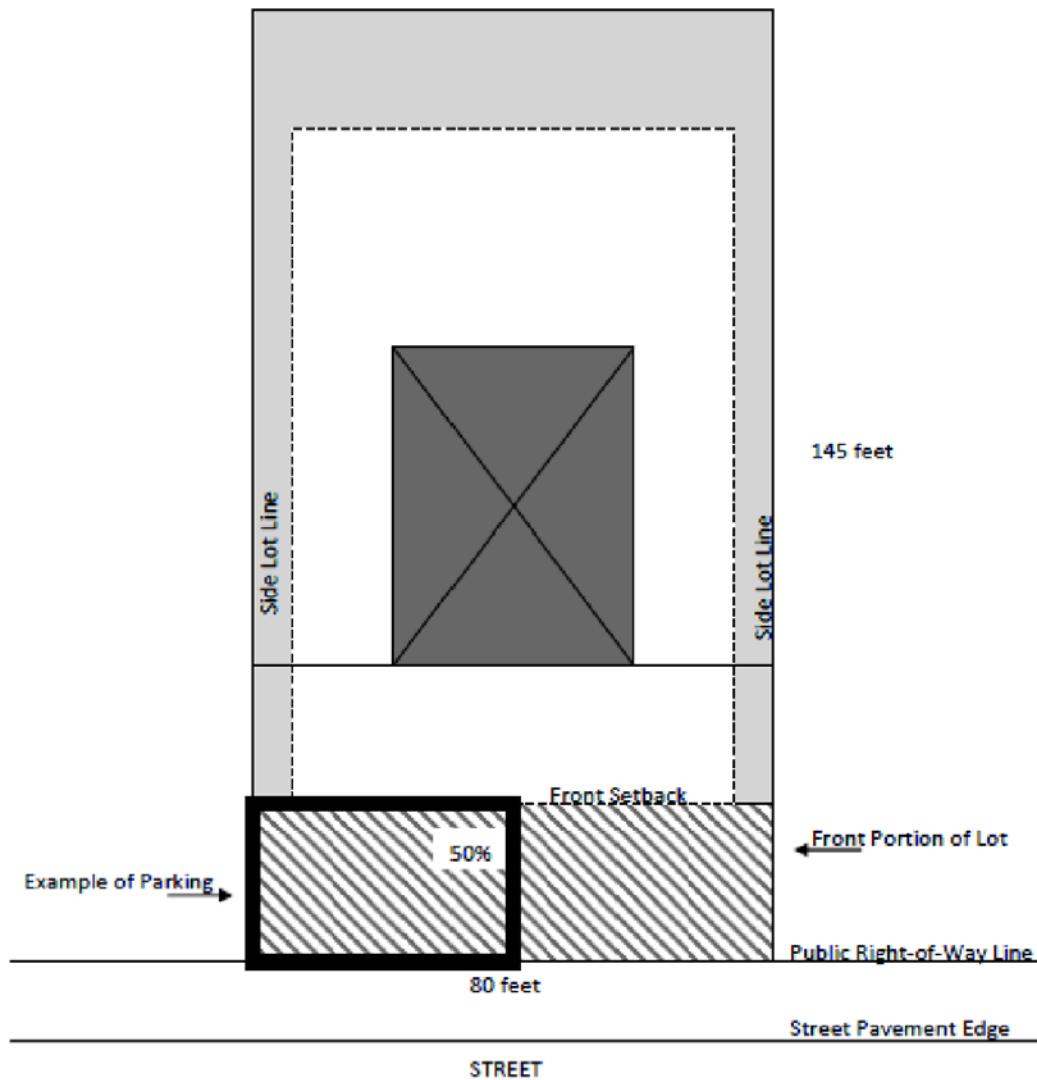
- a. In all single-family residential and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein.
2. Where 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 designated as a Redevelopment Area on the Comprehensive Plan Future Land Use & and Character Map, 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.

Allowable Location for Parking in a Redevelopment Area

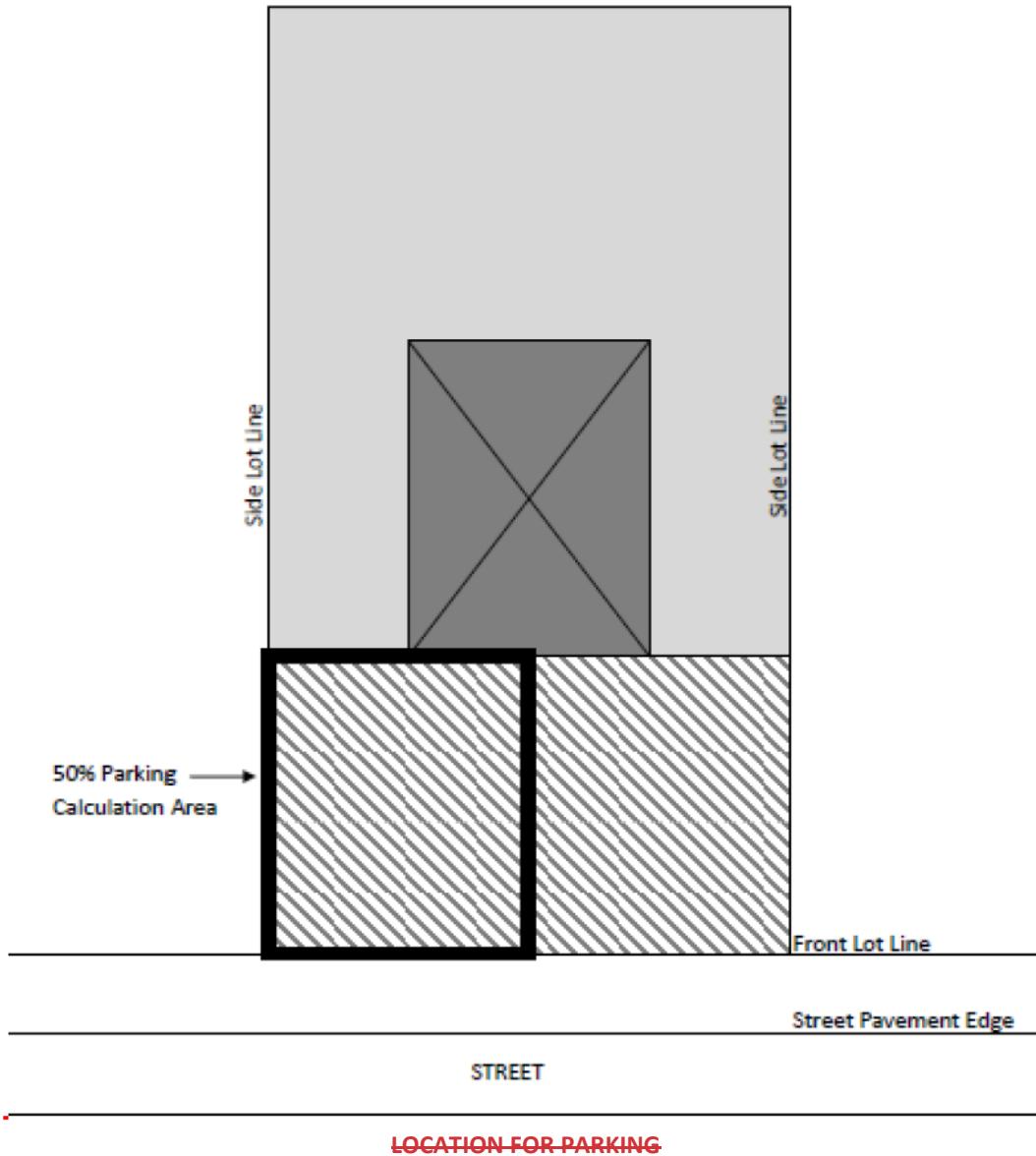


PARKING

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 fifteen (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.

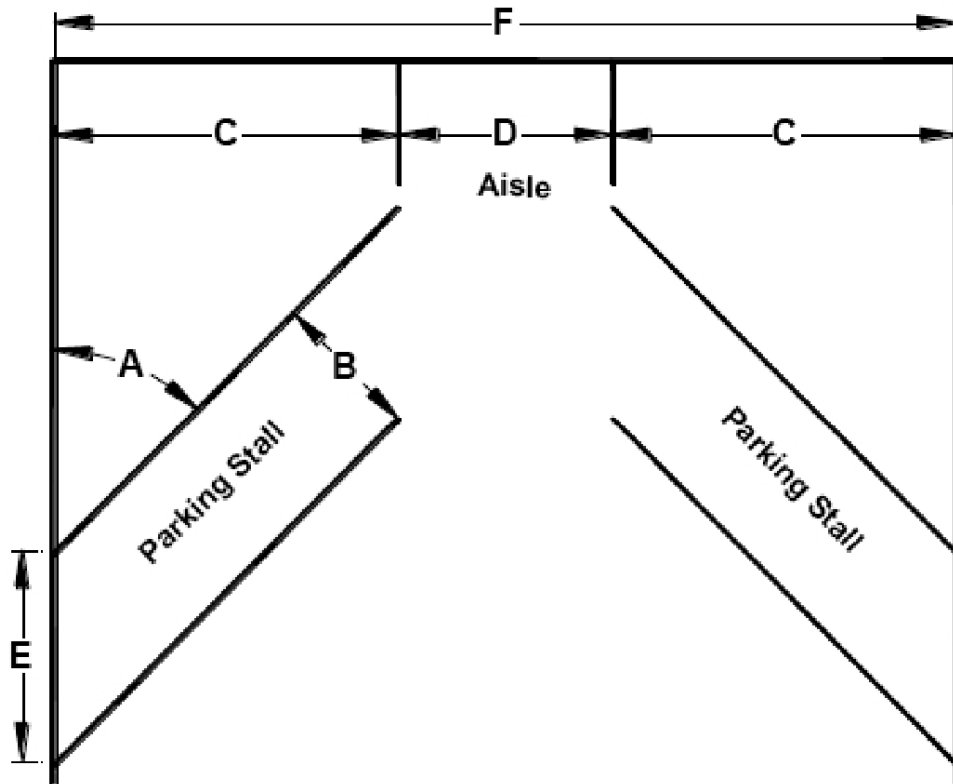
Allowable Location for Parking for Detached Single-Family Uses~~DETACHED SINGLE FAMILY USES — ALLOWABLE~~



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~~ **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.

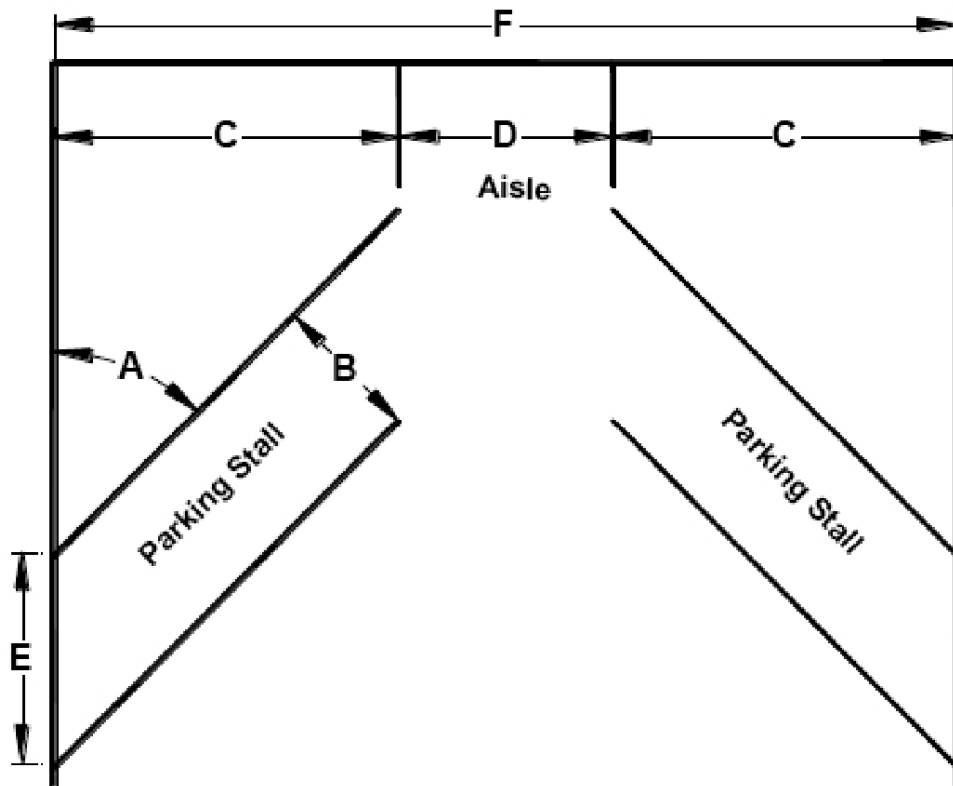
6. In the MH Middle Housing zoning district, ~~courtyard houses~~Courtyard Houses, duplexes, and ~~multiplexes~~Multiplexes shall locate parking between the rear plane of the primary structure and the rear property line.
7. An eighteen (18)-foot paved space (ninety (90)-degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen (18)-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.
8. 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, townhouses, and ~~small~~Small and ~~medium multiplexes~~Medium Multiplexes.
9. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
10. 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.
11. All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from face of curb to face of curb or wall to wall.

Parking Space and Aisle Dimensions~~PARKING SPACE AND AISLE DIMENSIONS~~



<u>Parking Space and Aisle Dimensions</u>					
A	B	C	D	E	F

A – Angle (degrees)	B – Width of stall	C – Depth of stall 90° to aisle	D – Width of aisle		E – Width of stall parallel to aisle	F – Module width	
			One way	Two way		One way	Two way
-0°	22'-feet	10'-feet	12'-0 feet	20'-0 feet	22'-0 feet	22'-0 feet	40'-0 feet
45°	9'-feet	21.1'-feet	12'-0 feet	20'-0 feet	12.7'-feet	54.2'-feet	62.2'-feet
60°	9'-feet	22.3'-feet	15'-0 feet	22'-0 feet	10.4'-feet	59.6'-feet	66.3'-feet
90°	9'-feet	20'-0 feet	23'-0 feet	23'-0 feet	9'-0 feet	63'-0 feet	63'-0 feet



12. 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 (18)- by twenty (20) -foot landscaped island.
13. 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 Section below 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.
14. 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.
15. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.

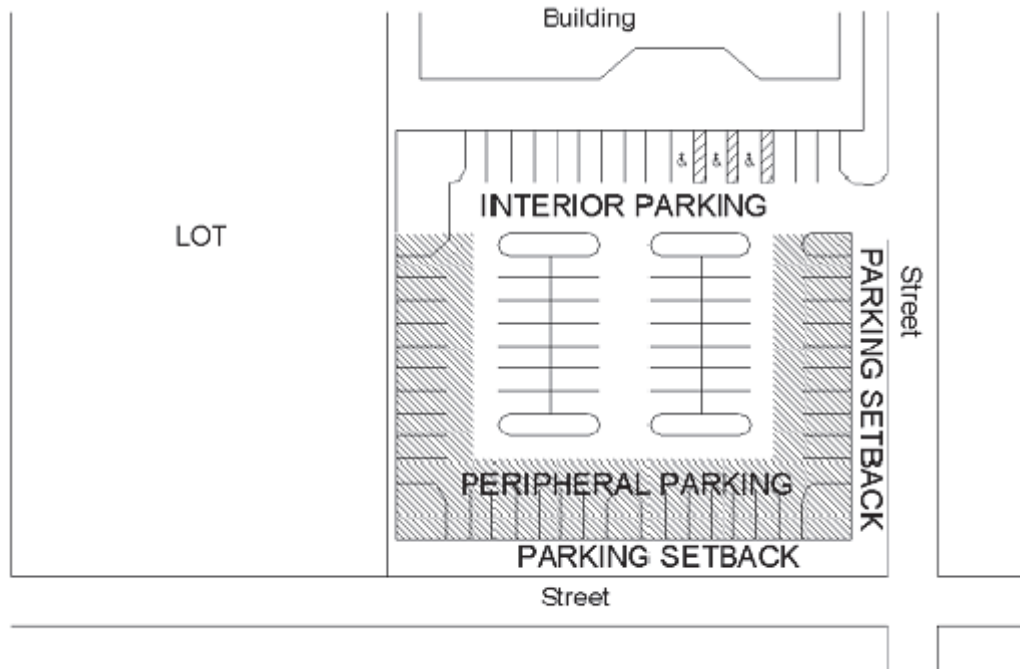
16. The Design Review Board may waive parking lot dimension requirements in the WPC Wolf Pen Creek Northgate and NG Northgate Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

D. Landscape Islands.

1. End Islands.

- a. 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.

Landscaped End Islands Graphic



- 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.

- c. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
- d. 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 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 ~~the~~ issuance of a ~~certificate~~ Certificate of occupancy.

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

~~During the~~ ~~In cases during~~ phasing of a large project, emergency access points 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 point 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 compaction ratings for its application as approved by the City of College Station Fire and Solid Waste Sanitation Departments.
- (c) Single-family and townhouse visitor parking areas, as required in Single-Family Residential Parking Requirements for Platting Subsection below, 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 ~~by 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 the 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 WPC Wolf Pen Creek Northgate and NG Northgate 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
Church	Seat	0.33*	
Convalescent Home/Hospital	Bed	0.5	
Courtyard House	BR	1.0 Minimum of 2, Maximum of 4	
Duplex/Split-Lot Duplex	BR	1.0	
Dormitory	Bed	0.75	

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

Medical or Dental Clinic			
< 20,000 s.f.	200 s.f.	Floor area over 400 s.f.: 1.0	
Mixed-Use Structure****	250 s.f. of non-residential portion of structure	Floor area over 500 s.f.: 1.0	1/BR, including residential DU and hotel/motel DU
Multi-Family Dwelling:			
1 Bedroom	BR	1.5	
2+ Bedroom	BR	1.0	
Multiplex	BR	1.0	
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	1.0	

	kitchen, a living room, and a laundry room. The Administrator may also exclude additional rooms, but not below the number of BRs.		
Single-Family Dwelling ^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	1.0/Accessory Living Quarter
Single-Unit Dwelling	BR	1.0	
Shopping Center ^{**} :			
GC, SC, WC, C-3	250 s.f.	1.0	
CI	350 s.f.	1.0	
Townhouse ^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	
Theater	Seat	0.25	
Truck Terminal	As Determined by the Administrator ^{*****}		
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-~~Thru Through~~ Facility Queuing Requirements.**

1. **Minimum Number of Spaces.**

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

Minimum Off-Street Queuing Requirements		
Activity Type	Minimum Spaces	Measure From
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 cleaning or Laundry	2	Window
Oil _ Change Station	3	Service Position
Photo Lab	4	Pick-Up Window
Restaurant Drive- Thru Through	4	Order Box
Restaurant Drive- Thru 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:

- Queue spaces or queuing areas may not interfere with parking spaces, parking aisles, loading areas, internal circulation, or driveway access;
- 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 International Building Code, as adopted~~building code~~;
- 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;
- A twelve (12) ~~-~~foot by-pass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-~~thru through~~ activity and exit the site;
- Queue areas and drive-~~thru through~~ facilities shall be clearly identified with the appropriate signing and marking; and
- Spaces within a car ~~_~~wash facility or drive-~~thru through~~-oil ~~_~~change station may be counted toward the queuing requirement.

J. **Alternative Parking Plans.**

1. **Scope.**

An ~~alternative parking plan~~ "~~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 ~~the Required Parking Section above~~~~Section 7.3.1, 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~~~~Alternative Parking Plan~~, in accordance with the standards of this Section. The Administrator may require that an ~~alternative parking plan~~ ~~Alternative Parking Plan~~ be submitted in cases where 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~~ ~~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~~~~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~~ ~~Alternative Parking Plan~~ shall be submitted to the ~~Brazos~~ County Clerk's ~~Office~~ ~~office~~ for recordation on forms made available in the ~~Planning and Department of~~ Development Services ~~Department~~. Proof of recordation of the agreement shall be presented to the Administrator prior to ~~the~~ issuance of a ~~building permit~~~~Building Permit~~. An approved ~~alternative parking plan~~ ~~Alternative Parking Plan~~ may be amended by the Administrator.

6. **Eligible Alternatives.**

~~Several 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. ~~Single-family, duplex, and townhouse~~ ~~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 ~~principal 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;

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 a written agreement among the owners of record. An attested copy of the agreement shall be submitted to the ~~Brazos County Clerk's Office~~ office for recordation on forms made available in the ~~Planning and Department of Development Services~~ Department. Proof of recordation of the agreement shall be presented to the Administrator prior to issuance of a ~~building permit~~ 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 ~~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 ~~the~~ revocation of a certificate ~~Certificate~~ of occupancy ~~Occupancy~~ or building permit ~~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 ~~principal 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 Brazos County Clerk's Office for recordation on forms made available in the Planning and Development Services Department~~office of the Administrator~~. Proof of recordation of the agreement shall be presented to the Administrator prior to the issuance of a building permit~~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 ~~Alternative Parking Plan~~ must be approved by the Administrator.

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.

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. Non-residential uses shall not take direct access to local streets, provided that any lot located within a non-residential subdivision or any parcel adjacent to a street within a non-residential 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/expressway~~ ~~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, duplex, or townhouse, shall take direct access to minor collector streets except when permitted by Article 8, Subdivision Design and Improvements of this UDO~~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, duplex, townhouse, or ~~multiplex~~ ~~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.**

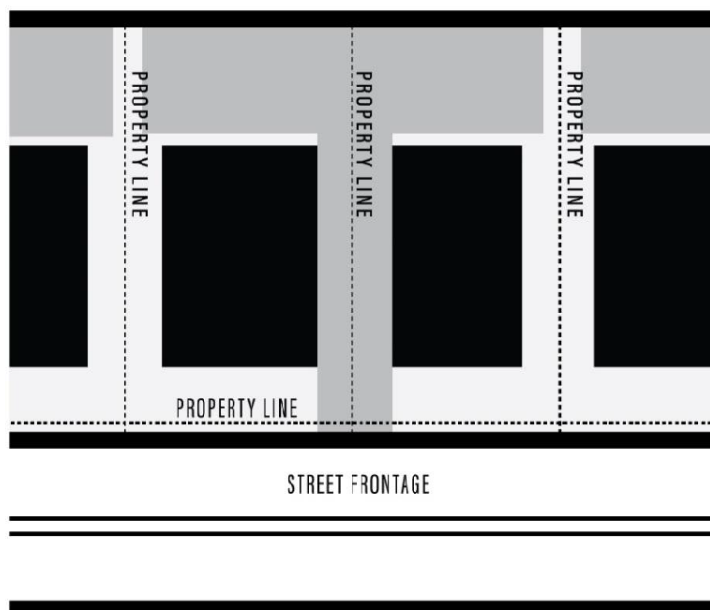
No single-family dwelling, duplex, townhouse, or ~~multiplex~~ ~~Multiplex~~ shall take direct access to arterial streets.

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 (1) driveway shall be allowed for every two (2) lots, unless a rear alley is provided. The Administrator may approve up to three (3) lots to take access from a single driveway if a shared access easement is provided. See the example diagram below:

MH Middle Housing Shared Driveways



2. **Cross-Access Easements.**

-
- a. If a parcel is to be developed for any non-residential 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 non-residential 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 demonstrated that adequate circulation and cross access has-have 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.

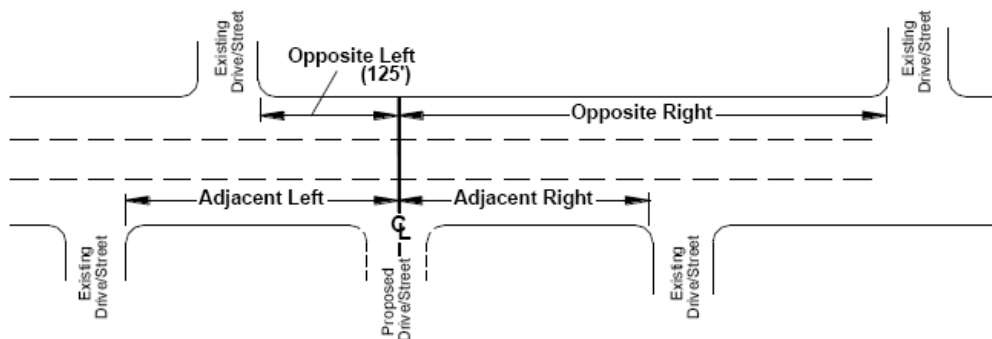
2. Location of Driveway Access.

- a. In ~~determining 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;
 - 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 twenty (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 of this UDO:
 - 1) Major ~~arterial~~ arterial;

- 2) Minor ~~arterial~~Arterial;
 - 3) Collector; and
 - 4) Local ~~street~~Street.
- b. Major arterial, minor arterial, and collector streets in the City of College Station are indicated on the ~~Comprehensive Plan Functional Classification & Context Class Map~~Thoroughfare and Transportation Improvement Plan. The functional classification of any street in the ~~city~~City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the ~~current most recent~~edition of the American Association of State Highway and Transportation Officials' (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.

Driveway Spacing Diagram



- 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 ~~their~~ 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 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.

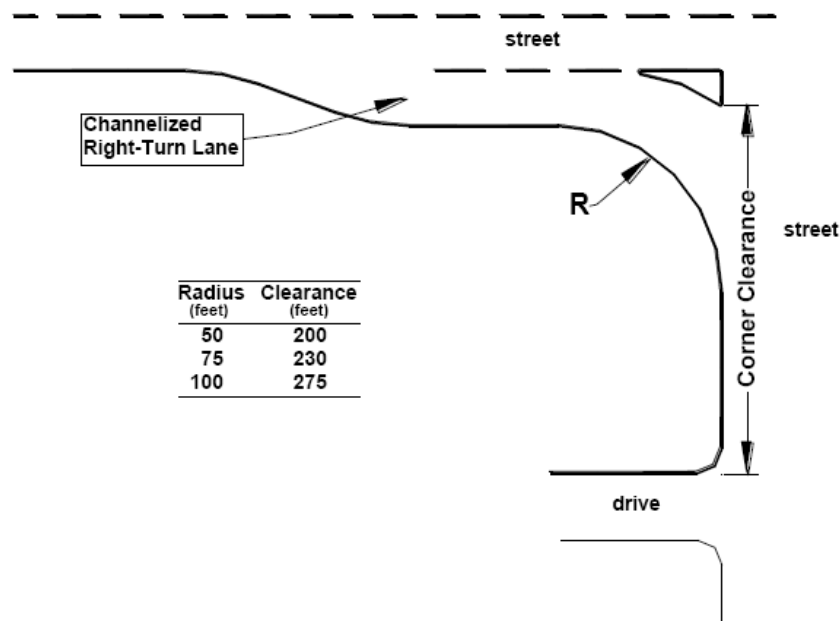
4. **Freeway/Expressway ~~Freeway~~ Frontage Road Access and Location Requirements.**

- 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 the Visibility at Intersections in all Districts Subsection of the General Provisions Section above 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.

Channelized Right-Turn Lane Guideline



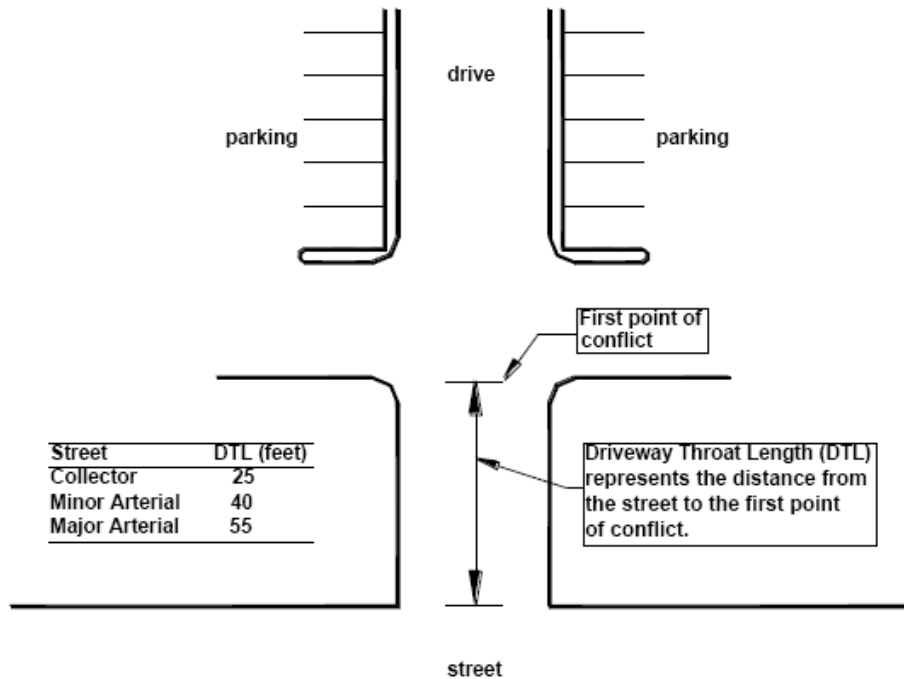
- c. When the requirements of the previous two (2) tables cannot be met due to lack of frontage and all means to acquire shared access driveways or cross-access easements have been exhausted, no commercial driveway approach may be located closer to the corner than seventy-five (75) feet on collector 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 a 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~~ arterials 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.

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- 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 ~~Bryan/College Station Unified Design Guidelines~~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:
 - 1) Curb return radii for residential (single-family, townhouse, duplex, and ~~multiplex~~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 of 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 the 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~~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 the 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 centers) a minimum throat depth of one hundred thirty (130) feet will be required.

Throat Depth Requirements



- i. Gated residential communities shall use the Private Streets and Gating of Roadways Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO 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) miles per hour, 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) vehicles per hour ~~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) vehicles per hour ~~vph~~ when the posted speed on the roadway is greater than forty (40) miles per hour. ~~The design Design~~ of right-turn

deceleration lanes shall be in accordance with the current edition of the AASHTO *A Policy on Geometric Design of Highways and Streets Green Book* on auxiliary lanes.

- p. The spacing requirements for driveways not meeting the specifications in the Driveway Access Location and Design Subsection above Section 7.4.C.3, Spacing of Driveways, may be lessened or waived if auxiliary lanes are used.
- 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.

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 ~~their 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 ~~ensure 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 ~~to for~~ developments within the zoning districts listed in the Section 12-7.5.C-Summary of Permitted Signs Subsection below. These regulations only apply to special districts within the City of College Station in accordance with so far as is stated in the following Sections ~~of this UDO~~:

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- a. The WPC Wolf Pen Creek Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO~~Wolf Pen Creek District (WPC), Section 12-5.8.A;~~
 - b. The NG Northgate Districts Subsection of the Design Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO~~Northgate Districts (NG-1, NG-2, NG-3), Section 12-5.8.B;~~ and
 - c. The OV Corridor Overlay Subsection of the Overlay Districts Section of Article 5, District Purpose Statements and Supplemental Standards of this UDO~~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:

Summary of Permitted Signs																									
	R	WE	E	WRS	R-1B	GS	D	T	MH	MF	MU	R-4	R-6	MHP	O	SC	WC	GC	CI	C-3	BP	BPI	R&D	M-1	M-2
Apartment/ Condominium/ Manufactured Home Park Identification Signs										X	(a)* ***	X	X	X											
Area Identification/ Subdivision 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 Signs (b)***										X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Campus Wayfinding Signs										X	X				X	X	X	X	X		X	X	X		
Commercial Banners (b)***										X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Development 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
Directional Traffic Control Signs											X				X	X	X	X	X	X	X	X	X	X	X
Freestanding Signs (b)***															(c) *	(d) **		X	X					X	X
Hanging Signs											X														
Home Occupation Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X											
Low Profile Signs (b)***										X					X	X	X	X	X	X	X	X	X	X	X
Non-Commercial 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

Projection Signs										X	X														
Real Estate, Finance, and Construction 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
Roof Signs																	X	X					X	X	

Notes:

- (a) Apartment signage is permitted in the MU Mixed-Use district as attached signs only.
- (b) Except as provided for in the Signs for Permitted Non-Residential Uses in Residential or Rural Districts Subsection below.
- (c) * One (1) freestanding sign ~~Freestanding Sign~~ shall be allowed in the O Office zoning district zone only when the building plot premises has a minimum of two (2) acres.
- (d) ** Freestanding ~~signs~~ Signs are permitted for building plots with freeway/expressway freeway frontage only. See the 7.5.N "Freestanding Commercial Signs" Subsection below for additional standards.
- ~~*** Except as provided for in Section 7.5.Y, Signs for Permitted Non-residential Uses in Residential or Agricultural Districts.~~
- ~~**** Apartment signage is permitted in the MU Mixed-Use district as attached signs only.~~

D. Prohibited Signs.

The following signs shall be prohibited in the City of College Station:

1. Portable and trailer signs, and temporary freestanding signs~~;~~
2. Signs painted on rooftops~~;~~
3. Inflated signs, pennants, wind~~-~~driven ~~devises-devices~~ (excluding flags), tethered balloons, and/or any gas~~-~~filled objects for advertisement, decoration, or otherwise, except as permitted in the Section 7.5.P, Grand Opening Signs and Section 7.5.V, Special Event Signs Subsections below~~;~~
4. Vehicle signs except as permitted in the Section 7.5.W, Vehicle Signs Subsection below~~;~~
5. Flags containing copy or logo, excluding the flags of any country, state, city, or school, are prohibited in residential zones and on any residentially~~-~~developed property (except when flags are used as subdivision signs)~~;~~
6. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards that change more than once per fifteen (15) minutes, either internal or external to the premise, and oriented and visible to vehicular traffic~~,~~ provided that time and temperature signs are permissible if the maximum area and setback requirements of this Section are met and if the commercial information or content of such signs are restricted to no more than eight (8) square feet~~;~~
7. Signs containing manual change copy which are greater than thirty (30) percent of the allowable sign area~~;~~
8. Any signs that are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words~~,~~ and that are erected for purposes other than actual traffic control or warning to the public~~;~~
9. Any sign located within the site triangle in any district as stated in the Section 7.2.C, Visibility at Intersections in all Districts Subsection of the General Provisions Section above. This does not include traffic control or directional signs~~;~~
10. Any sign that emits sound, odor, or visible matter~~;~~ and
11. Off-premises signs, including commercial and non-commercial billboards.

E. Exempt Signs.

The following signs are exempt from the requirements of this UDO:

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 the International City Building and Electrical Codes, as adopted;
2. Official notices posted by government officials in the performance of their duties, including but not limited to: 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 or secondary educational facility~~Primary & Secondary Educational Facility~~, except that such signs shall adhere to the limitations of the Section 7.5.D Prohibited Signs Subsection above;
4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or another hazard to the public;

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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 the Section 7.5.S, Non-Commercial and Political Signs Subsection below;
 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 ~~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 ~~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 the approval of the Administrator ~~City Manager~~;
 11. Flags used as political symbols; ~~and~~
 12. Special district identification signs ~~District Identification Signs~~, as defined by the Section 11.2 Defined Terms Section of Article 11, Definitions, that in no way advertise a product or a business, or by their location and placement impede traffic safety. Special district identification signs ~~District Identification Signs~~ must be approved by the appropriate development review body in accordance with Article 2, Development Review Bodies of this UDO; ~~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~~ is for designated locations, a specified ~~time~~ period of time, 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 ~~Tour Event~~ signs, as defined by the Section 11.2 Defined Terms Section of Article 11, Definitions, 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 ~~set forth defined in the Section 7.2.C~~ Visibility at Intersections in all Districts Subsection of the General Provisions Section above.
 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:

<u>Sign Standards</u>				
KEY: SF = square feet DU = Dwelling Unit				
Sign Type	Maximum Area (a) (s.f.) **	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Apartment/Condominium/Manufactured Home Park Identification Signs	100 SF	10'	10'	1/frontage
Area Identification Signs	16 SF	4'	10'	1/ 10-50 acre subdivision or phase <u>that is between ten (10) and fifty (50) acres</u>
Attached Signs	<u>2.5 SF per linear foot of all public entry facades, not to exceed 500 SF</u> Varies, see Section 7.5.1 below	Not to exceed one (1) foot from <u>the</u> top of <u>the</u> wall, marquee, or parapet to which it is attached	N/A	Any number allowed if within the total allowed <u>area square footage</u> of attached signs
Campus Wayfinding Signs signs	30 SF	6'	N/A	See <u>the Campus Wayfinding Signs Subsection below</u> Section 7.5 BB below
Commercial Banners	36 SF	Not to exceed the top of <u>the</u> structure to which it is attached	10'	1/ <u>building plot</u> premises
Development Signs		15	10	1/premises
<u>Development Signs Facing Residential/Collector (d) or Residential Street</u>	35 SF	<u>15'</u>	<u>10'</u>	<u>1/building plot</u>

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(Supp. No. 6, Update 12)

Development Signs Facing Arterial (d) Street	65 <u>SF</u>	<u>15'</u>	<u>10'</u>	<u>1/building plot</u>
Development Signs Facing Freeway/Expressway (d) (As designated on Thoroughfare Plan)	200 <u>SF</u>	<u>15'</u>	<u>10'</u>	<u>1/building plot</u>
Directional Traffic Control Signs	3 <u>SF</u>	<u>4'</u>	<u>4'</u>	1/curb cut
Freestanding Signs	Varies, see 7.5.N below <u>See the Freestanding Commercial Signs Subsection below</u>			1/building plot where lot exceeds 75 feet of frontage
Hanging Signs	4 <u>SF</u>	<u>N/A</u>	<u>N/A</u>	1/building entrance
Home Occupation Signs	2 <u>SF</u>	Not to exceed <u>the</u> top of <u>the</u> wall to which it is attached	<u>N/A</u>	1/dwelling unit
Low Profile Signs	60 <u>SF</u>	<u>4'</u>	<u>10'</u>	See <u>the Low Profile Signs Subsection 7.5-R "Low Profile Signs" below (b) (c)/**</u>
Low Profile Signs (In lieu of permitted Freestanding Sign)	60	4	10	1/150 feet of frontage *
Projection Signs	<u>See the Projection Signs Subsection below</u> Varies, see 7.5.U below	Not to exceed one (1) foot from <u>the</u> top of <u>the</u> wall, marquee, or parapet to which it is attached	<u>N/A</u>	1/frontage
Real Estate, Finance, and Construction Signs				1/frontage (Real Estate)
<u>Real Estate, Finance, and Construction Signs on lots Up to one hundred fifty (150) -foot frontage</u>	16 <u>SF</u>	<u>8'</u>	<u>10'</u>	<u>Real Estate Signs: 1/frontage</u>
<u>Real Estate, Finance, and Construction Signs on lots Greater than one hundred fifty (150) -foot frontage</u>	32 <u>SF</u>	<u>8'</u>	<u>10'</u>	<u>Finance Signs: 1/property (Finance)</u> <u>Construction Signs: 3/property 3/property (Construction)</u>

Roof Signs	See the <u>Freestanding Commercial Signs Subsection below</u> , not to exceed <u>Determined by frontage. Same as freestanding Max. 100 SFs.f.</u>	10' feet above the structural roof	<u>N/A—</u>	1/building plot in place of a freestanding sign
Subdivision Signs	150 <u>SF</u>	15'	10'	1/primary subdivision entrance. Not to exceed 2 signs.

Notes:

(a) 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.

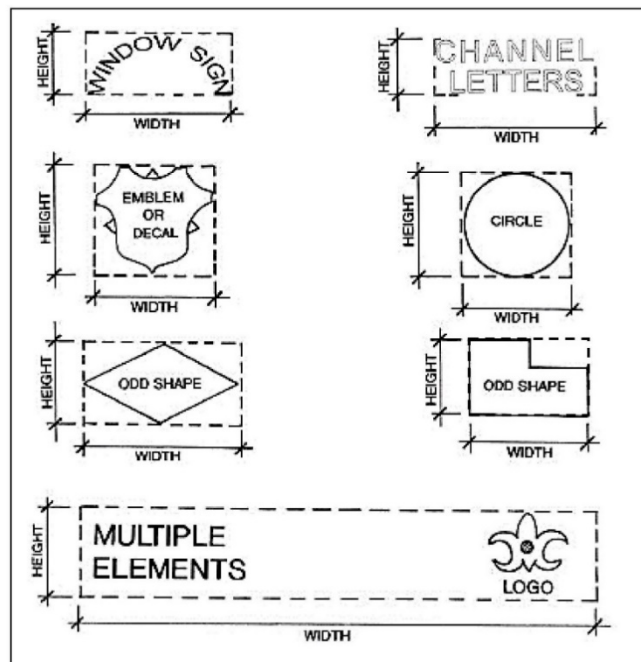
(b) *—Except as provided for in the Section 7.5.N.10, Freestanding Commercial Signs Subsection below.

** 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.

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

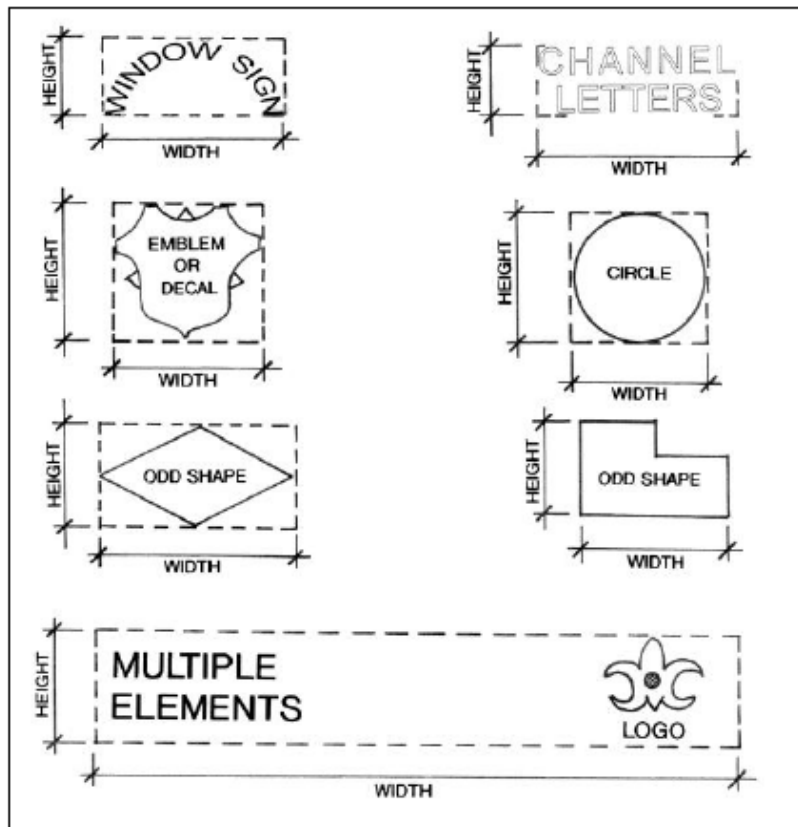
(d) As designated on the Comprehensive Plan Functional Classification & Context Class Map.

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); Ord. No. 2022-4399, Pt. 1(Exhs. N—Q), 10-27-2022)

How To Calculate the Area of Different Types of Signs



G

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

1. One (1) [apartment/condominium/manufactured home park identification sign](#) ~~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](#) ~~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 [set forth established in the Section 7.5.C, Summary of Permitted Signs Subsection above and](#) subject to the requirements set forth in [the Section 7.5.F, Sign Standards Subsection](#) above.
4. The [apartment/condominium/manufactured home park identification sign](#) ~~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 the Section 7.5.F, Sign Standards Subsection above.

HG. Area Identification and Subdivision Signs.

1. Area identification signs ~~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 the Section 7.5.F, Sign Standards Subsection above. Area identification signs ~~Identification Signs~~ may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in the Section 7.5.F, Sign Standards Subsection above.
2. Subdivision signs ~~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 the Section 7.5.F, Sign Standards Subsection above.
3. Both area identification ~~Area Identification~~ and subdivision signs ~~Subdivision Signs~~ must be located on the building plot premises as identified by a preliminary plan ~~or master preliminary plat~~ of the subdivision. Subdivision signs ~~Signs~~ will be permitted only at the intersection of two (2) collector or larger streets ~~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 ~~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 sign ~~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.
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 ~~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 set back as shown in the Section 7.5.F, Sign Standards Subsection above except in areas where a private improvement ~~Private Improvement~~ in public right-of-way ~~Public Right of Way~~ permit has been issued.

I. Attached Signs.

1. Attached signs ~~Signs~~ are commercial signs under this Section.
2. Attached signs ~~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.

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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 ~~if identifiable from the right-of-way as determined by the Administrator.~~ See the Sign Standards Section of the City of College Station Site Design Standards for more information. 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-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.

~~JDD~~. **Campus Wayfinding Signs.**

1. A campus wayfinding sign:
 - a. May be utilized as a part of a ~~PDD~~ 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.

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- 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)~~

KJ. Commercial Banners.

1. A ~~commercial banner~~ **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 ~~the Section 7.5.1,~~ Attached Signage **Subsection above**;
 - 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 ~~the~~ 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 ~~as identified for J.2-~~ below, shall be allowed for a maximum fourteen ~~(14)~~ -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 as established ~~from time to time~~ by resolution of the City Council 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 ~~the Section 7.5.X,~~ Special Event Signs **Subsection below**.

LK. Development Sign.

1. A ~~development sign~~ **Development Sign** may be placed only on private property subject to the requirements in ~~the Section 7.5.F,~~ Sign Standards **Subsection** above.
2. A ~~development sign~~ **Development Sign** for a building project shall be removed if the project has not received a ~~building permit~~ **Building Permit** at the end of twelve (12) months. The Administrator may renew the sign permit for one (1) additional twelve ~~(12)~~ -month period upon request. Once a ~~building permit~~ **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~~ **Development Sign** for a proposed subdivision shall be removed if a ~~preliminary plan~~ **Preliminary** or ~~final plat~~ **Final Plat** has not been approved by the end of twelve (12) months. The Administrator may renew the ~~sign permit~~ **Sign Permit** for one (1) additional twelve ~~(12)~~ -month period

upon request. Once a plat has been approved, the ~~sign permit~~ Sign Permit is valid as long as a ~~preliminary plan~~ Preliminary Plat is in effect, or in the absence of a valid ~~preliminary plan~~ Preliminary Plat, for twenty-four (24) months from the date of approval of a ~~final plat~~ Final Plat.

ML. Directional Traffic Control Sign.

1. Directional ~~traffic control signs~~ Traffic Control Signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in ~~the Section 7.5.F~~, Sign Standards Subsection above.
2. For multiple lots sharing an access easement to ~~the~~ 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~~ 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.

NEE. Electronic Reader Boards.

In addition to meeting the other requirements of this Section, ~~electronic reader boards~~ 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 ~~three-tenths~~ (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:

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~~ Reader Board size is limited to thirty (30) percent of the allowable sign area.

OM. 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~~ Subdivision Signs).

PN. Freestanding ~~Commercial~~ Signs.

1. Any development with over seventy-five (75) linear feet of frontage will be allowed one (1) ~~freestanding commercial sign~~ Freestanding Commercial Sign. All ~~freestanding commercial signs~~ Freestanding Commercial Signs shall meet the following standards:
 - a. **Allowable Area.**

Allowable Area For Freestanding Signs	
Frontage (<u>Linear</u> Feet)	Maximum Area (<u>Square Feet</u> .f.)
0—75	Low Profile only
76—100	50
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, the 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 higher classification greater street ~~as classified~~ on the Comprehensive Plan Functional Classification & Context Class Map ~~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 ~~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 ~~Freestanding Commercial Sign~~ shall exceed thirty-five (35) feet in height;
 2. For the purposes of this Section, the 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 the curb shall be measured in feet from the back of the curb or pavement edge to the nearest part of the sign; and
 4. For properties with freeway/expressway ~~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. Freestanding commercial signs ~~Sign~~ must be adjacent to and oriented ed to the freeway/expressway frontage ~~Freeway~~.
2. Freestanding commercial signs ~~Commercial Signs~~ are allowed only on developed commercial property established in the appropriate zones as set forth in the Section 7.5.C, Summary of Permitted Signs Subsection above. One (1) freestanding sign shall be allowed in the O Office zone only when the building plot premises has a minimum of two (2) acres, subject to the requirements set forth in the Section 7.5.F, Sign Standards Subsection above. One (1) low profile sign ~~Low Profile Sign~~ shall be

allowed in the Office zone when the building plot premises has less than two (2) acres subject to the requirements set forth in the Section 7.5.F, Sign Standards, Subsection above.

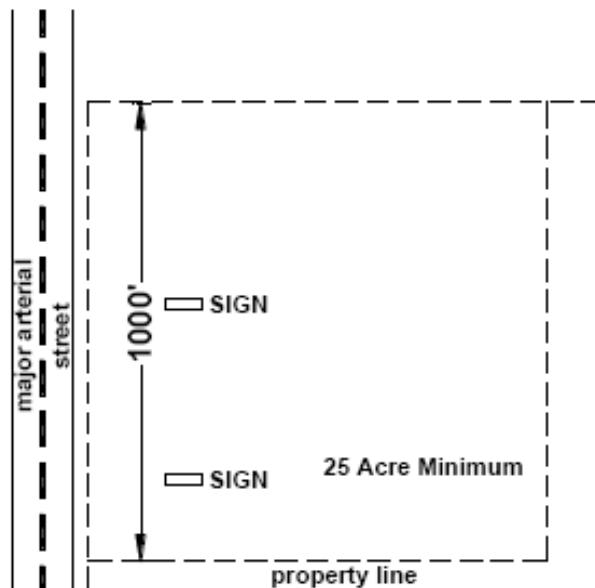
3. A building plot premises with more than one hundred fifty (150) feet of frontage shall be allowed to use one (1) freestanding commercial sign ~~Freestanding Commercial Sign~~ or any number of low profile signs ~~Low Profile Signs~~ as long as there is a minimum separation between signs of one hundred fifty (150) feet.

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

4. Building plots ~~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.

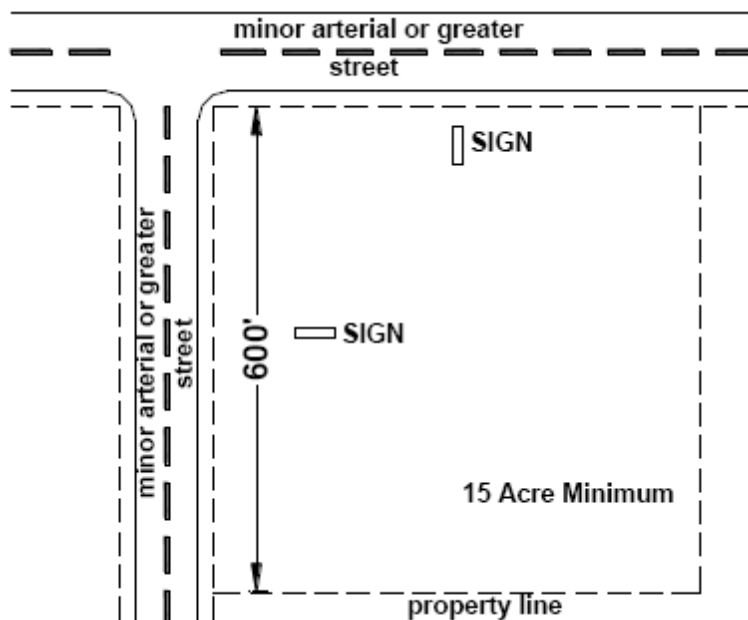
5. No more than one (1) freestanding commercial sign ~~Freestanding Commercial Sign~~ shall be allowed on any premises except when the site meets one (1) of the following sets of criteria:

- a. The building plot, as recognized on an approved plat ~~Plat~~ or site plan ~~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 a street classified as a any major arterial ~~street~~ or higher ~~(as classified on the Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan)~~ toward which one (1) additional freestanding commercial sign ~~Freestanding Commercial Sign~~ may be displayed (see diagram below); or



- b. The ~~building~~ Building plot, as recognized on an approved plat ~~Plat~~ or site plan ~~Site Plan~~, must be fifteen (15) acres or more in area with at least six hundred (600) feet of continuous unsubdivided frontage on a street classified as a any major arterial ~~street~~ or higher ~~(as classified on the Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan)~~ and the site must have additional frontage on a street classified as a minor arterial or higher ~~greater~~ on the Comprehensive Plan Functional Classification & Context Class Map ~~Thoroughfare Plan~~, toward

which the additional ~~freestanding commercial sign~~ 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~~ 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 ~~higher greater~~ on the Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan, will be allowed the area of the sign to be less than or equal to the square of one-sixth (.17) 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~~ Freestanding Commercial Sign in accordance with this Subsection ~~Section 7.5.N, Freestanding Commercial Signs~~, and to the standards of the Section 7.5.N.1.a, Allowable Area Subsection above, 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~~ Low Profile Sign per pad site according to the restrictions of the 7.5.F, Sign Standards Subsection above.

Q. Fuel Price Signs.

Facilities with fuel sales will be allowed one (1) additional sign per building plot, either freestanding or attached, 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~~ Freestanding Commercial Sign or ~~attached sign~~ Attached Sign.

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3. This sign shall follow the setback requirements for a ~~freestanding commercial sign~~ Freestanding Commercial Sign and shall not be located within the right-of-way.

RP. Grand Opening Signs.

1. Flags, commercial banners, and balloons, ~~which that~~ advertise a business's grand opening, may be displayed for one (1) consecutive fourteen ~~(14)~~ -day period, selected by the business owner, within sixty (60) days of the granting of the initial ~~certificate~~ 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 ~~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.

SQ. Hanging Signs.

- a) Hanging signs shall be suspended from canopies or awnings and located in front of building entrances, ~~and~~ 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 ~~Private Improvement~~ in public right-of-way permit ~~the Public Right-of-Way agreement (PIP)~~ in addition to the necessary building permit ~~Building Permit~~.

IR. 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 ~~that 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 the same are were 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.

U.S. Low Profile Signs.

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

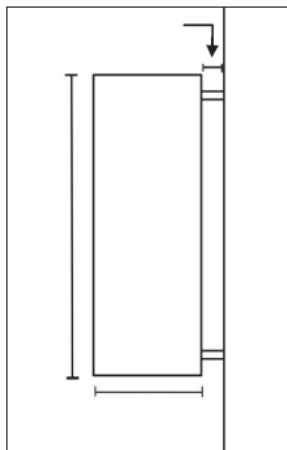
1. A ~~building plot premises~~ with less than seventy-five (75) feet of street frontage shall be allowed to use one (1) low profile sign ~~Low Profile Sign~~ in lieu of a freestanding commercial sign ~~Freestanding Commercial Sign~~;
2. Each ~~single~~ building plot containing one (1) or more pad sites, shall be permitted one (1) low profile sign ~~Low Profile Sign~~ per pad site according to the restrictions of the 7.5-F, Sign Standards Subsection above; and
3. In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) low profile sign ~~Low Profile Sign~~ per structure is permitted.

V.F. 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 the 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 not be located within any sight distance triangle as defined in the Section 7.2.C, Visibility at Intersections in All Districts Subsection of the General Provisions Section above, or ~~where determined by the Administrator as~~ a location that would hinder intersection visibility as determined by the Administrator. This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by the 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.

W.U. Projection Signs.



City of College Station, Texas

Projection signs will be allowed in the MU Mixed-Use ~~district 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.
- 2) The total square footage of all projection signs used will be applied toward the total allowable area for ~~the~~ 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 (4) -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 or over the public right-of-way shall require a ~~private improvement Private Improvement~~ in ~~public right-of-way permit the Public Right-of-Way agreement (PIP)~~ in addition to the necessary ~~building permit~~ Building Permit.

~~XV.~~ Real Estate/Finance/Construction Signs.

1. One (1) ~~real estate sign 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 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 Finance Sign~~ and three (3) ~~construction signs 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 Finance Sign~~ and three (3) ~~construction signs Construction Signs~~ not exceeding thirty-two (32) square feet in total area each.
3. Real ~~estate Estate~~, ~~finance Finance~~, and ~~construction signs 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 Construction Signs~~) has been completed. In all cases, ~~finance Financing~~ and ~~construction signs Construction Signs~~ shall be removed prior to the issuance of a ~~certificate Certificate~~ of ~~occupancy Occupancy~~.

YW. Roof Signs.

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

Z. Signs for Conditional Uses.

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

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

1. Signs for permitted non-residential uses in residential or rural zoning districts shall comply with the Section 7.5.F, Sign Standards, "Low Profile Signs Subsection above."
2. Signs for ~~places Places~~ of ~~worship Worship~~ with frontage on a street classified as ~~freeway/expressway Freeway/Expressway~~ on the ~~Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan~~ are allowed one (1) ~~"freestanding sign Freestanding Sign"~~ in accordance with the Section 7.5.N, "Freestanding Commercial Signs Subsection above" or one (1) "low profile sign Low Profile Signs" in accordance with Section 7.5.F, Sign Standards, "the Low Profile Signs Subsection above." The ~~"freestanding sign Freestanding Sign"~~ must be adjacent to and oriented ed to the ~~freeway/expressway Freeway/Expressway~~.
3. Signs for ~~places Places~~ of ~~worship Worship~~ and ~~government facilities Government Facilities~~ in residential or rural zoning districts may utilize signage in accordance with the Section 7.5.I, Sign Standards, "Attached Signs" and Section 7.5.J, "Commercial Banners Subsections above."

BBCC. Signs in the Extraterritorial Jurisdiction.

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

CCX. Special Event Signs.

1. Signs, including commercial banners and balloons, advertising or announcing a ~~special event~~Special Event, as defined in ~~Chapter 8, Businesses of the City of College Station Code of Ordinances~~Section 4-4.B of the Code of Ordinances, are permitted as a part of the ~~special event permit~~ Special Event License and shall be limited to the property holding the event.
2. The ~~special event signage~~ 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.

DD. 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.

EE~~BB~~. Abandoned, Damaged, or Unsafe Signs.

1. The provisions of this Section shall apply when in conflict with the provisions of the International Building Code, as adopted, 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~~over 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 the authority to grant a thirty (30)-day ~~time~~ extension where ~~he~~they determines there is a reasonable necessity for same.
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.

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~~ 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 Core Northgate, ~~NG-2~~, and NG-3 Residential

Northgate. The requirements also do not apply to single-family, duplex, townhouse, or mixed-use developments in the MU Mixed-Use 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 (8)-foot landscaped setback shall be required between the property line and the nearest side of the parking pad. This eight (8)-foot setback area must be landscaped and contain a three (3)-foot high screen consisting of a continuous berm, hedge, or wall. In addition, an eight (8)-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, townhouse, and courtyard house ~~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 (4)-inch caliper shall be planted on each lot with every new single-family home.
 - b. A minimum of one (1) tree of four (4)-inch caliper shall be planted on each lot with every new courtyard house ~~Courtyard House~~.
 - c. For townhouse and courtyard house ~~Courtyard House~~ developments, the Administrator may allow the required trees to be dispersed throughout, including common areas.
 - d. The landscaping requirements of this Section shall apply to manufactured home parks, but not to individual manufactured homes on separate lots.
3. The requirements of this Section apply to properties developed for multiplexes ~~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 ~~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 (4)-inch caliper) may be substituted for a new tree;
 - c. Canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards ~~College Station Streetscape Plant List~~ and may be grouped as desired so long as the canopy trees are ~~reasonable~~ reasonably 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, such as ten (10) shrubs for every thirty (30) linear feet of frontage, 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 (4)-inch caliper) may be substituted for a new tree.
 - b. Canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards ~~College Station Streetscape Plant List~~ and may be grouped as desired so long as the canopy trees are ~~reasonable~~ reasonably 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. 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.

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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~~City.
 7. Each phase of a multi-phase project shall comply with this Section.
 8. All plantings must be in accordance with the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards~~College Station Plant List~~, or as deemed appropriate by the United States Department of Agriculture (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 ~~Site Area~~ and streetscape ~~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.
 - 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 each ~~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 the 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 City of College Station 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 the parking area consists of enhanced paving.
 - c. A ten (10) percent point credit will be awarded for every one (1) percent of the 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 an 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~~**Native**, as referenced in the **City of** 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 ~~shall be~~ **are** measured on a single cane of a multi-trunk tree.
- c. Landscaping points are accrued as follows:

Plant Material Point Values		
Plant Material	Points Accrued (per Plant)	Installed Size Caliper (Inches)
New Plantings		
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 not for Screening screening	1	Min. 1 gallon
Existing Trees with No no Barricade Protection Area		
Canopy Tree	40	4 to 14.5
Non-Canopy Tree	35	2 and larger
Existing Trees Within Barricade Protection Area		
Canopy Tree	800	Between 4 and 8
	1,000	8 and larger
Non-Canopy Tree	300	Between 2 and 4
	400	4 and larger

- 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.

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- 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, ~~and freeways/expressways~~ freeways, and expressways as designated on the Comprehensive Plan Functional Classification & Context Class Map ~~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;
- f. Canopy and non-canopy trees must be selected from the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards ~~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 (4) -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 subsection~~ applies to sites subject to the Non-Residential Architectural Standards Section below 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 ~~façade~~;

- d. Two (2) non-canopy trees may be substituted for one (1) canopy tree; and
- e. Trees counting toward ~~streetscape~~ 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 of fifty (50) percent of all shrubs used for screening shall be evergreen.
- f. The following options are allowed as parking lot screening methods:
 - ~~1)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 Architect, landscape designer, or landscape contractor;
 - ~~2)ii-~~ Berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum slope of three (3) feet of height for every one (1) foot of width~~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 (3)-foot screening requirement; or
 - ~~3)iii-~~ Half-berms with a minimum height of three (3) feet as measured from the parking lot pavement, and a maximum allowable slope of one (1) foot of height for every three (3) inches of width~~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.
- 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~~ section may be approved if the landscape/streetscape plan is sealed by a registered ~~landscape architect~~ Landscape Architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements, as set forth in this ~~Section~~ 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 ~~the Section 7.9.B.~~ Detention Pond Aesthetic Design Subsection of the Flood Hazard Protection Section below.

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

When a ~~landscape~~landscape/streetscape plan ~~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 prior to before the issuance of a certificate of occupancy ~~will be issued; and~~
9. Provide landscape information as set forth below:~~Landscape Information.~~
 - a. Landscape points required for the 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 the plan identified by a symbol defined in a landscape legend (see sample legend below).

Sample Landscape Plan Legend

City of College Station SAMPLE LEGEND LANDSCAPING POINT CALCULATIONS					
SYMBOL	SIZE	NAME & TYPE	QUANTITY	POINT VALUE	POINT
	8" AND LARGER EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	2	300	600
	4" TO 8" EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	13	200	2600
	2" TO 14.5" CALIPER EXISTING W/O BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	8	35	280
	1.25" CALIPER AND LARGER	TREE CREPE MYRTLE (Lagerstroemia Indica) Non-canopy tree	6 (NEW)	40	240
	5 GAL	WAX LEAF LIGUSTRUM (Ligustrum texanum) Shrub	46 (NEW)	10	460
NOTE: Symbols are for reference. Any symbols used must be distinguishable 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.					
STREETScape: $136.57\text{-LINEAR FEET} \times 6 = 819.42 = 820 \text{ PTS.}$ $136.57\text{-LINEAR FEET} / 25 = 5.46 = 6 \text{ CANOPY TREES}$ POINTS PER PROJECT AREA: $26,416.3 \text{ SQUARE FEET OF SITE AREA}$ $26,416.3 / 1,000 = 26.42$ $26.42 \times 30 = 792.6 = 793 \text{ POINTS}$ TOTAL POINTS REQUIRED: 1,613					

10. Provide streetscape information as set forth below: ~~Streetscape Information.~~
 - a. Streetscape points required for site and calculations shown.
 - b. A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping.
 - c. 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:
 - a. 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 the disposal~~ of any waste material ~~including 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 fifty (50) percent of one-half (1/2) 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 the Visibility at Intersections in all Districts Subsection of the General Provisions Section above ~~Section 7.2.C, Visibility at Intersections in all Districts.~~

F. Maintenance and Changes.

- 1. Landscaping/~~streetscaping Streetscaping~~ shall be maintained and preserved in accordance with the approved ~~landscapeLandscape/streetscape planStreetscape 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 ~~landscapeLandscape/streetscape plan 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 ~~landscapeLandscape/streetscape plans Streetscape Plans~~ shall meet the requirements of the ordinance in effect at the time of the revised ~~landscapeLandscape/streetscape plan 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 ~~accordance compliance~~ with this Section and the approved ~~landscapeLandscape/streetscape planStreetscape Plan~~. Landscaping/streetscaping shall be completed in ~~accordance compliance~~ with the approved plan ~~prior to before the issuance of a certificate Certificate of occupancyOccupancy will be issued~~. However, the applicant may receive an extension of four (4) months from the date of the ~~certificate Certificate of occupancyOccupancy~~ 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 ~~landscapeLandscape/streetscape plan 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~~ ~~Streetscape Plans~~ shall be reviewed and approved by the Administrator.

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.

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 ~~set forth outlined in~~ the Minimum Buffer Standards Subsection below~~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 designates the area as a Redevelopment Area;
 - d. The property is zoned P-MUD Planned Mixed-Use District or PDD Planned Development District and the buffer requirement was determined through the rezoning process;

- e. The developing use is a ~~primary~~ ~~Primary~~ or ~~secondary educational facility~~ ~~Secondary Educational Facility~~ containing a building with a Group ~~"E"~~ occupancy as defined in the International Building Code, ~~as adopted~~; ~~or~~
- f. ~~The developing property is Properties in any of the NG Northgate design districts or and RDD Redevelopment District; districts.~~
~~Per Ordinance No. 3280 (September 9, 2010)~~
- g. The required buffer yard is adjacent to FEMA designated ~~one hundred (100)~~-year floodplain or residential common area, with approval by the Administrator; ~~or~~
- h. The developing property and all abutting properties are designated Mixed Residential or a more intense land use on the Comprehensive Plan Future ~~Land Lane~~ 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 ~~set forth shown~~ in ~~the Minimum Buffer Standards Subsection below~~ ~~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 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, ~~home~~ owners association's, or the Administrator's option to provide convenient pedestrian access to non-residential 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 (Classification)	ABUTTING PARCEL (a) * (Use least restrictive of the zoning or the developed use.)
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	Single-Family Residential (b ii)	Multi-Family Residential (f i)	Non-Residential (c iii)
-Single-family (b ii)	N/A	N/A	N/A
Developments in MH Middle Housing (ii)	2.5' -ft. for every 5' -ft. of building height (f 1)	N/A	N/A
Structures with a shared housing Shared Housing use	2.5' -ft. for every 5' -ft. of building height (f 1)	N/A	N/A
Multi-family (f i) (c iii)	10' (f 1)	N/A	N/A
Office	10' (f 1)	N/A	N/A
Commercial (e)***	15' (g 2)	10' (f 1)	N/A
Industrial	25' (g 2)	15' (g 2)	5'
Developments in BP Business Park	50' (g 2)	15' (g 2)	5'
Developments in BPI Business Park - Industrial	50' (g 2)	30' (g 2)	10' (d)**
Sexually oriented businesses SOB	50' (g 2)	50' (g 2)	50' (g 2)

Notes:

(a) ~~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 & Character Map in lieu of the zoning category in determining the buffer requirement.~~

(~~b~~i) ~~-Includes manufactured homes, mobile homes, manufactured home parks, duplexes in the D Duplex zoning district, and townhouses in the T Townhouse townhouse-zoning district.~~

~~(ii) Includes developments in the MH Middle Housing-zoning district.~~

(~~c~~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.~~

(~~d~~) ~~**~~ When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five (~~5~~) feet (~~5'~~).

(~~e~~) ~~***~~ When a developing parcel is zoned WC Wellborn Commercial and adjacent to ~~a~~ single-family use, the buffer width shall be twenty (20) feet with a fence.

(~~f~~1) ~~Shall include a fence.~~ Fence

(~~g~~2) ~~Shall include a wall.~~ Wall

1. Buffer Yards.

- Buffer yards shall be measured from the common property line and may be located within established building setbacks.
- 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 buffer 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 on the Comprehensive Plan Future Land Use & Character Map, 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.
- 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 (5)-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 (2)-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) one and one-fourths (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 (5)-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 (2)-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 the Landscaping and Tree Protection Section above~~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 textures, colors, shapes, and other characteristics. Recommended buffer materials can be found in the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards College Station Plant List or in those listed as appropriate for Zone 8 on the United States Department of Agriculture (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 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 the Landscaping and Tree Protection Section above 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 set forth provided for in the Visibility at Intersections in all Districts Subsection of the General Provisions Section above Section 7.2 C., Visibility at all Intersections in All Districts.
3. **Fences and Walls.**
- a. Fences may be solid wood or solid wood accented by masonry, stone, ~~EIFS (Exterior Insulation and Finish System)~~ (EIFS), 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 International Building Code, as adopted, 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 the Landscaping and Tree Protection Section above 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 one (1) foot of height for every three (3) inches of width~~3:1~~. Berms ~~in excess of~~ over six (6) feet in height shall have a maximum slope of four (4) feet of height for every one (1) foot of width~~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 the time of planting) are provided to create a solid screen along the common property line.
- h. Buffer plantings may be reduced by fifty (50) percent ~~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 the Section G, Maintenance and Replacement Subsection above, 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 Design Review Board 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.

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. 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~~ Multiplexes in the MH Middle Housing district shall provide the required pad and screening for one (1) eight ~~(8)~~ -yard dumpster per thirty-two (32) 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 ~~(8)~~ -yard dumpster per thirty-two (32) bedrooms. ~~‡~~
4. The interior clearance (inside the screen) dimensions for a single three hundred ~~(300)~~ -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 ~~(8)~~ -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 ~~(8)~~ -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 ~~s~~ 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 ~~(6)~~ -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 ~~(300)~~ -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 ~~(300)~~ -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 ~~the~~ required screening. Materials may be dictated by the terms of a conditional use permit ~~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 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 solid waste service is required and shall be located furthest from single-family use or zoning.

Sec. 7.9. Flood Hazard Protection.

A. Any reference to this Section shall also apply to the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances, Flood Hazard Protection.

B. Detention Pond Aesthetic Design.

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 designated as High Water Usage/Detention Pond Appropriate in the Landscape & Streetscape Standards Section of the City of College Station Site Design Standards 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~~Landscape Architect~~, and show reasonable evidence that the requirements as set forth in this Section were used as a guide.

Sec. 7.10. Non-Residential Architectural Standards.

A. Purpose.

The intent of the design standards provided in and related to this Section~~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 College Station~~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.

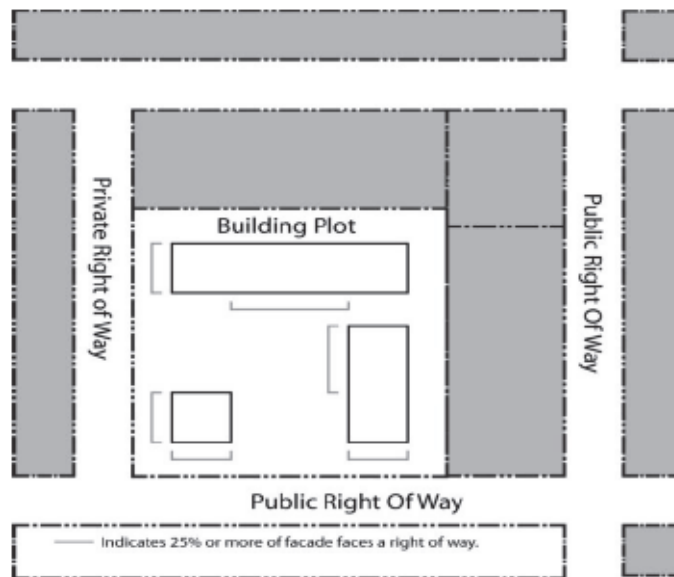
The following are exempt from this Section ~~of the UDO as defined below~~:

1. Buildings internal to the BP Business Park zoning district. 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: places of worship, Churches; primary and secondary educational facilities, Primary & Secondary Educational Facilities; municipal industrial ~~Municipal Industrial~~ facilities, and private utility buildings that are screened from public or private rights-of-way and adjacent properties.
4. ~~Types of Structures. The following structures are exempt from the provisions of this Section:~~ Freestanding structures such as pavilions, canopies, gazebos, automated teller machines ~~ATM machines~~, etc. that are unenclosed buildings and do not have walls. Unenclosed structures that are attached or functionally appear as 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. General Standards ~~Façade Terms~~.
 - a. 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.
 - 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 access easement ~~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 twenty-five (25) percent % 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.~~

How to Determine Facing



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 ~~include are:~~ encasement, parapet walls, partition screens, ~~and~~ 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.
- 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, ~~primary façades on~~ ~~For~~ buildings over eight thousand (8,000) square feet, ~~primary façades~~ shall have an articulation of a minimum four (4) ~~-foot~~ ~~(4)~~ depth within each fifty (50) ~~-foot~~ ~~(50)~~ section of façade.

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- 3)- For all properties zoned MU Mixed-Use, ~~the~~ The vertical wall plane of any façade visible from ~~the~~ 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)- ~~To 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 ~~an~~ 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 ~~of~~ 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)- ~~To 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 ~~fifty (50) percent~~ ~~one-half (½)~~ of the required minimum number of elements on a façade may consist of the same type of relief element.
- 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. ~~For example, 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:

- ~~a1~~) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches;
- ~~b2~~) Wall plane projections or recessions with a minimum of four ~~(4)~~-foot depth;
- ~~c3~~) Pilasters that project from a wall at least four (4) inches or columns;
- ~~d4~~) 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;
- ~~e5~~) 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;
- ~~f6~~) Recessed entries, stoops, porches, or arcades;
- ~~g7~~) Balconies that extend from the building;
- ~~h8~~) Boxed or bay windows;
- ~~i9~~) Decorative stormwater management initiatives physically integrated with the building, as approved by the Administrator; or
- ~~j10~~) 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.

~~11)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~~~~section~~:

- ~~a1~~) Decorative or functional window shutters;
- ~~b2~~) Covered front porch extending along at least fifty (50) percent of ~~the~~ 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;
- ~~c3~~) Eaves ~~in excess of over~~ eighteen (18) inches, if used on a façade that does not have a covered front porch;
- ~~d4~~) Window planter boxes;
- ~~e5~~) Window canopy;
- ~~f6~~) Dormers;
- ~~g7~~) Transom windows;
- ~~h8~~) Decorative façade lighting;
- ~~i9~~) Chimneys or cupolas;

- ~~j10~~) Cross gables;
- ~~k11~~) Entry ~~portico~~Portico;
- ~~l12~~) Horizontal articulation with a minimum depth of four (4) feet for WC Wellborn Commercial only;
- ~~m13~~) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches for SC Suburban Commercial zoning only;
- ~~n14~~) 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 ~~four inches over twelve inches (4/-12)~~ for SC Suburban Commercial zoning only; or
- ~~o15~~) 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.

~~12)e~~ For all properties zoned MU Mixed-Use, the following types of architectural relief may be utilized to meet the requirements of this Section:

- ~~a1~~) Canopies or permanent decorative awnings;
- ~~b2~~) Wall plane projections or recessions with a minimum of four ~~(4)~~-foot depth;
- ~~c3~~) Pilasters that project from a wall at least four (4) inches or columns;
- ~~d4~~) Recessed entries, stoops, porches, or arcades;
- ~~e5~~) Balconies that extend from the building;
- ~~f6~~) Boxed or bay/oriel windows;
- ~~g7~~) Hood/drip molding over windows;
- ~~h8~~) Cornices, corbelling, quoining, or stringcourses;
- ~~i9~~) Decorative or functional window shutters;
- ~~j10~~) Window planter boxes;
- ~~k11~~) Transom windows;
- ~~l12~~) Decorative façade lighting;
- ~~m13~~) Chimneys or cupolas; or
- ~~n14~~) 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.

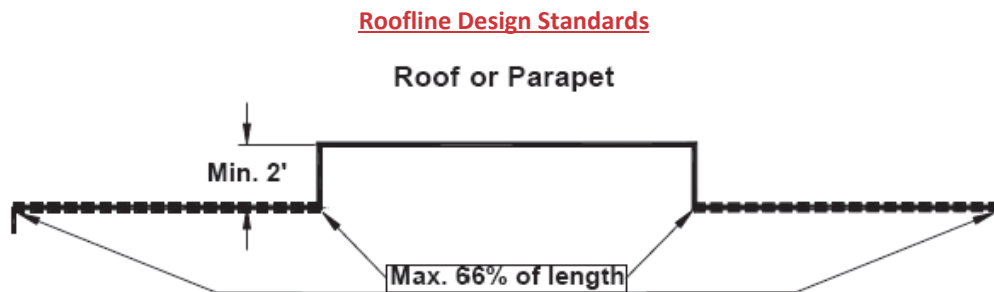
d. **Other Mass and Design Requirements.**

- ~~1)~~ For all properties zoned SC Suburban Commercial, ~~the gross floor area~~ 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, ~~the gross floor area~~ 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 ~~higher greater~~ on the Comprehensive Plan Functional Classification & Context Class Map~~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.



- 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~~ 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~~ The roof slope must be a maximum of eight inches over twelve inches (8/12) and a minimum of four inches over twelve inches (4/12).

f. Building Materials.

- 1a. 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 Comprehensive Plan Functional Classification & Context Class Map~~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 ~~higher greater~~ on the Comprehensive Plan Functional Classification & Context Class Map~~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, Exterior Insulation and Finish System (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 SFsf		
Materials	Façade Area in Square Feet	Percent of Façade
Stucco	2,000 SFsf	20%

Brick	5,000 SFs.f.	50%
Doors and Windows	3,000 SFs.f.	30%

D. Alternative Compliance Permitted.

The Design Review Board (~~DRB~~) may authorize variation to the overall requirements of ~~this Section the Non-Residential Architectural Standards~~ through an application from a licensed architect for an alternative compliance approval that would allow the innovative or visually interesting design or to address unique circumstances not otherwise permitted through strict adherence to this ~~Sectionsection~~. Such requests must show reasonable evidence that the purposes of the requirements as set forth in this ~~Section section~~ were maintained and that the additional design flexibility afforded does not provide a means to permit the design of lesser quality.

E. Waivers and Appeals.

The Design Review Board (~~DRB~~) shall review requests for deviations from ~~this Sectionthe Non-Residential Architectural Standards~~. The Design Review Board 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 the application of the standards. Financial hardship may not be considered in the review or determination of a waiver proposal.

The Design Review Board DRB may review and approve 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).
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, Nonconformities of this 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; and
 - 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.
 8. 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.

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~~ 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.~~

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.

A. Applicability.

-All lighting within developments shall meet the requirements of this Section, except that single-family ~~residential~~, duplexes, townhouses, primary and secondary educational facilities ~~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 each ~~any one (1)~~ site throughout any master-planned development.

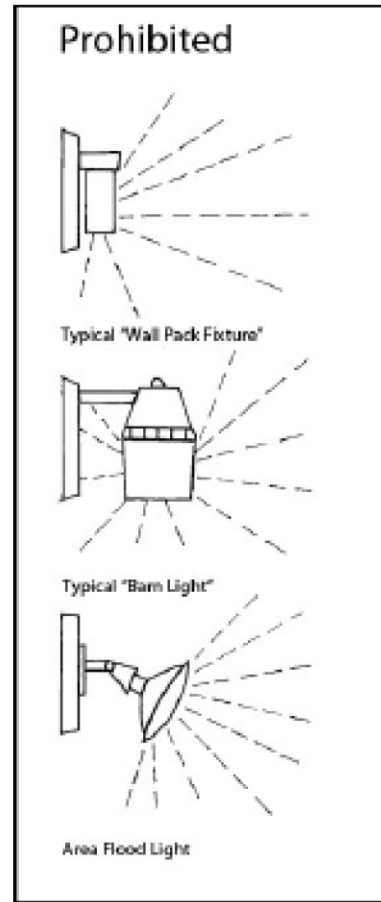
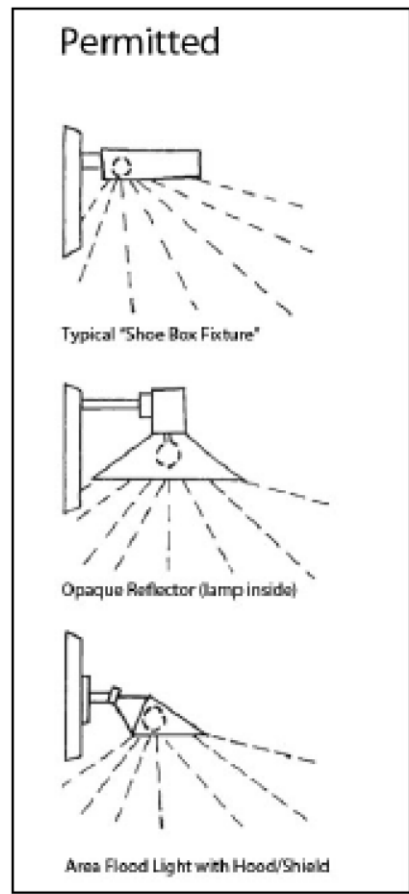
3. Mounting.

-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.
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)

Sec. 7.12. Outdoor Storage and Display.

A. General.

Outdoor storage and display is allowed in non-residential 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 the four (4) categories listed below~~types, as follows~~.

B. Categories of Outdoor Storage and Display.

1. Outdoor Display.

Outdoor display is the display of items actively for sale or rent. Outdoor display shall be allowed adjacent to a ~~principal 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 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 ~~(6)~~-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~~Outdoor Sales Areas, including sales tents, may be displayed for a two ~~(2)~~-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 that is 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 Heavy Industrial district, outdoor storage shall not exceed the height of the 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 of College Station 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.

Sec. 7.13. Traffic Impact Analyses.

This ~~Section~~ section establishes requirements and procedures pertaining to traffic impact analysis ~~is ("TIAs")~~. This ~~Section Article~~ is intended to inform the applicant of the City's expectations to ensure safe and adequate access to development properties, ~~adequate~~ adequate traffic flow on existing and proposed/planned roadways, ~~and~~ and sufficient connectivity of the existing and proposed/planned roadway system attributable to their proposal. In addition, ~~this Section Article~~ is intended to expedite the City's review of traffic impact analysis TIA reports, provide standard criteria for evaluating proposals, and identify some potential mitigation measures.

The traffic impact analysis TIA is intended to form the basis for the design of any proposed access/roadway system to ensure coordination of the proposed land use with the transportation needs resulting therefrom. The City ~~of College Station~~ and the developer share the responsibility to identify and solve transportation issues arising from land development.

~~The City College Station~~ requires that traffic impact analyses TIAs accompany certain zoning applications, certain preliminary site-plan applications, and certain site preliminary-plan applications. It is intended that any traffic impact analysis 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 Traffic Impact Analysis TIA.

The goal of a traffic impact analysis 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 traffic impact analysis TIA are evaluated using both current and long-term traffic and roadway scenarios.

The traffic impact analysis 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 traffic impact analysis TIA for a zoning request should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the ~~UDO 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 traffic impact analysis TIA in approving or disapproving zoning changes to the extent allowed by law.

2. Preliminary Plan Traffic Impact Analysis TIA.

The goal of a traffic impact analysis 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~~ and to determine the effects the proposed project may have on current and future land development and roadway systems in its study area. Generally, the traffic impact analysis 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 ~~traffic impact analysis TIA~~ shows levels of service falling below acceptable minimums on roadway systems in its study area the ~~traffic impact analysis 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 ~~traffic impact analysis TIA~~ for a preliminary plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the ~~UDO Unified Development Ordinance~~ or the ~~City's~~ Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the ~~traffic impact analysis TIA~~ in approving or disapproving preliminary plans to the extent allowed by law.

3. **Site Plan ~~Traffic Impact Analysis TIA~~.**

The goal of a ~~traffic impact analysis 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 ~~the~~ effects the site project may have on current and future land development and roadway systems in its study area. Generally, the ~~traffic impact analysis 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 ~~traffic impact analysis TIA~~ shows levels of service falling below acceptable minimums on roadway systems in its study area the ~~traffic impact analysis 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 ~~traffic impact analysis TIA~~ for a site plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the ~~UDO Unified Development Ordinance~~ or the ~~City's~~ Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the ~~traffic impact analysis TIA~~ in approving or disapproving site plans to the extent allowed by law.

B. **Definitions.**

1. **Trip Generation Rates.**

Trip ~~generation rates~~ ~~Generation Rates~~ are used to estimate the amount of vehicular traffic generated by proposed rezoning or a proposed site plan. For ~~zoning~~ ~~Zoning~~ and ~~preliminary plan~~ ~~Preliminary Plan~~ ~~traffic impact analyses TIAs~~, these rates are shown by zoning district in the table below. Preliminary ~~plan~~ ~~Plan~~ trip generation rates should be based on the underlying zoning district. Site plan ~~traffic impact analyses 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~~ ~~Report~~ does not adequately address the type or intensity of the proposed land use. In this event, the applicant or ~~their~~ ~~his~~ agent shall submit projected vehicle trips to the Administrator. For land uses adequately represented in said ~~report~~ ~~Report~~, alternate trip generation rates shall not be accepted.

Table 1 Trip Generation Rates for Residential Zoning Districts 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
MH	24	230	0.52	12.48
MF	30	220	0.62	18.6
MU	Determined by Administrator			
MHP	Determined by Administrator			
P-MUD	Determined by Administrator			

Table 2 Trip Generation Rates for Non-Residential Zoning Districts Land Uses				
Zoning Classification	Maximum Units Building Area/Acre*	ITE Land Use Code	Trip Rate-/1,000 K SF	Trip Rate-/Acre
-O	16,000 SFsf	710	1.55	25
SC	11,000 SFsf	820	3.75	40
WC	11,000 SFsf	820	3.75	40
GC	13,500 SFsf	820	3.75	50
CI	16,000 SFsf	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 Rates for Retired Zoning Districts Land Uses				
Zoning Classification	Maximum Units or Building Area/Acre*	ITE Land Use Code	Trip Rate-/1,000 K SF	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 SFsf	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

* Density maximum calculated based on existing (2007) developments in the City of College Station.

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 traffic impact analyses 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 traffic impact analysis~~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 all cases where traffic counts are needed and are not available, the developer or their ~~his~~ agent shall be required to collect such data according to guidelines approved by the Administrator.

5. **Level of Service**~~(LOS)~~.

Level of service ~~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** Traffic Impact Analysis~~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 traffic impact analysis~~TIA~~. Where the Comprehensive Plan designates a property as a redevelopment area, "Redevelopment" a traffic impact analysis ~~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 traffic impact analysis ~~TIA~~ based on the total traffic generated for all the proposed districts. A traffic impact analysis ~~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 traffic impact analysis ~~TIA~~ shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis ~~TIA~~ is not necessary for the proposed rezoning request. In cases where a traffic impact analysis ~~TIA~~ is required, the rezoning application will be considered incomplete until the traffic impact analysis ~~TIA~~ is submitted.

2. **Preliminary Plan** Traffic Impact Analysis~~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 traffic impact analysis~~TIA~~. A traffic impact analysis ~~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 traffic impact analysis ~~TIA~~ shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis ~~TIA~~ is not necessary for the proposed project. In cases where a traffic impact analysis ~~TIA~~ is required, the preliminary plan application must be accompanied by the traffic impact analysis ~~TIA~~.

3. **Site Plan** Traffic Impact Analysis~~TIA~~.

-Any proposed development requiring site plan approval, excluding developments located in the zoning classifications of NG-1 Core Northgate, NG-2 Transitional Northgate, or NG-3 Residential Northgate, which is expected to generate at least one hundred fifty (150) trips in any peak hour period requires a traffic impact analysis~~TIA~~. A traffic impact analysis ~~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 traffic impact analysis ~~TIA~~ shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a traffic impact analysis ~~TIA~~ is not necessary for the proposed site project. In cases where a traffic impact analysis ~~TIA~~ is required, the site plan application must be accompanied by the traffic impact analysis~~TIA~~.

D. Methodology.

1. Professional Engineer to Perform Traffic Impact Analysis~~perform TIA~~.

All required traffic impact analyses ~~TIAs~~ shall be performed by a professional engineer licensed in the State of Texas and 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 (TxDOT) 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 ~~Pre-Application Conference~~ to discuss whether a traffic impact analysis ~~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 traffic impact analysis ~~TIA~~ as determined by the Administrator. The Administrator may require other specific assumptions such as the percent~~age~~ 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 including such as, but not limited to, stadiums, movie theaters, arenas, and schools.

3. Zoning Traffic Impact Analysis ~~TIA~~ Content.

a. Study Area.

A map(s) will delineate the traffic impact analysis ~~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 the 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 ~~volume/capacity V/C~~ ratios and intersection delay are the measures of effectiveness ~~level Level of service Service~~-D or better must be maintained. The analysis shall contain the following minimum information:

1) ~~1)~~ **Proposed Trip Generation.**

Show in tabular form trip generation rates (see ~~the tables above in this section Table 1, 2, or 3 as applicable~~) and the total trips generated based on proposed zoning.

2) ~~2)~~ **Existing Trip Generation.**

Show in tabular form trip generation rates (see ~~the tables above in this section Table 1, 2, or 3 as applicable~~) and the total trips generated based on existing zoning.

3) ~~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 ~~(24)~~ -hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided.

4) ~~4)~~ **Level of Service Analysis.**

Show in tabular form ~~the~~ peak hour ~~level Level of service Service~~ for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate ~~the~~ level of service and percentage change (when compared to base volumes) for each link and intersection.

5) ~~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)~~ ~~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 ~~Bryan/College Station Unified BCS~~-Design Guidelines, ~~the~~ street network layout must be adjusted to lower this traffic volume.

6) ~~6)~~ **Conclusions.**

Summarize points of conflict and congestion, identify all thoroughfare links and intersections not achieving ~~a level Level of service 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 ~~a level Level~~ of ~~service Service~~-D or better. Locations not meeting ~~a level Level~~ of ~~service 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-are~~ not limited to those listed.

- 1) Modifying the zoning request so that resulting traffic volumes yield ~~a level Level~~ of ~~service 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.
- 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 ~~Comprehensive Plan Functional Classification & Context Class Map 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 ~~traffic impact analyses TIAs~~ it considers in conjunction with ~~rezoning requests~~ 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 ~~traffic impact analysis 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 ~~Traffic Impact Analysis TIA~~ Content.**

Submittals of ~~traffic impact analyses TIAs~~ for preliminary plan projects shall include the following:

a. **Study Area.**

A map(s) delineating the ~~traffic impact analysis 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.**

Identification of the proposed roadway network for the preliminary plan. This shall include the location of access points, the 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 (24)-hour information showing any reductions attributed to passers-by, mixed-use, etc. show 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 (24)-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 traffic impact analysis 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 Bryan/College Station Unified 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 a level Level of service 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 a level Level of service 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 the pre-development level is less than a level Level of service 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 a level Level of service 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-that 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 Traffic Impact Analysis TIA Content.**

Submittals of traffic impact analyses TIAs for site plan projects shall include the following:

a. **Study Area.**

A map(s) delineating the traffic impact analysis 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, the density of hotel rooms, dwelling units, etc. Also, a description of the 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, the density of hotel rooms, dwelling units, etc. Also, a description of anticipated 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 traffic impact analysis 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 the 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 (24)-hour information showing 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 (24)-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 analyses 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 traffic impact analysis 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 Bryan/College Station Unified 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 ~~a level Level of service 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 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 ~~a level Level of service 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 ~~the~~ pre-development level is less than ~~a level Level of service 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 ~~a level Level of service 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 that~~ are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown ~~that 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 Level of service 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 (~~TxDOT~~) on roadways maintained by such agency.

2. **Level of Service D.**

The desirable minimum ~~level Level of service Service~~ for the City of College Station is a ~~level Level of service 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.

Sec. 7.14. Drainage and Stormwater Management.

A. General.

1. **Purpose and ~~Intent~~intent.**

This ~~Section 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 Municipal Separate Storm Sewer System (MS4) permit for industrial and construction activity.

2. **Compatibility with ~~Other Regulation~~other regulations.**

- a. This ~~Section section~~ is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ~~Section 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 section~~ imposes the 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 section~~ shall also apply to the Stormwater Discharges Article of Chapter 14, Environment and Natural Resources of the City of College Station Section 7.13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

3. **~~General Standards~~Definitions.**

a. Final stabilization occurs when one of the following conditions has been met for a site:

1) All soil disturbing activities at a site have been completed and either of the two (2) following criteria are met:

a) 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

b) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

2) 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.

3) For individual lots in residential construction:

a) The homebuilder has completed final stabilization as specified above; or

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- b) 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.
- 4) 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 above.
- b. The following categories of facilities are considered to be engaging in industrial activity:
- 1) 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 Subsection 11 below);
 - 2) 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;
 - 3) 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 authority has been released, or except for areas of non-coal 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;
 - 4) 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);
 - 5) 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 the RCRA;
 - 6) 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;
 - 7) Steam electric power generating facilities, including coal handling sites;
 - 8) 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 Subsections 1-7 above or Subsections 9-11 below are associated with the industrial activity;

- 9) 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 is located within the confines of the facility, with a design flow of one (1) million gallons per day or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farmlands, 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 comply with Section 405 of the Clean Water Act;
- 10) Construction activity including clearing, grading, and excavation activities except for 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;
- 11) Facilities under Standard Industrial Classifications 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 Subsections 2-10 above);

c. For the purposes of ~~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.~~

- 1) Construction activity or construction activities include clearing, grading, and excavating that are subject to Texas Pollutant Discharge Elimination System (TPDES) General Construction General 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.

- 2) Construction site ~~includes 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.~~

- 3) Facility ~~includes 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:~~
 - 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.~~
- 4) Industrial facility includes 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);~~
- ~~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.

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~~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 Texas Commission on Environmental Quality (TCEQ).
- b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the notice of intent 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 with 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 industrial and Construction Activity~~construction activity.

- a. This ~~Section~~ section applies to all facilities located within the city ~~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~~ state. The general permits require that the permittee develop, implement, and maintain a stormwater pollution prevention plan (SWP3) and submit a notice of intent 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 ~~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 ~~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 best management practices (BMPs) to effectively prohibit the discharge of non-stormwater 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 to general permit (TXR150000 or TXR050000).

2. Access to ~~Industrial Facilities industrial facilities and Construction Sites~~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~~section. Facility owners and operators will allow the 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 ~~facility's 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~~section.
 - f. The Administrator has the authority to establish devices to conduct monitoring of the facility's stormwater discharge 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~~ modification of ~~Stormwater Pollution Prevention Plans~~ 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 ~~Modification~~ modifications of ~~Best Management Practices~~ 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 the accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

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- 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 Drainage Section of the Bryan/College Station Unified B/CS Drainage Design Guidelines.
 - c. The Administrator may require an operator of a regulated facility to modify its BMPs 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 BMPs 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 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 ~~subsection~~ applies to all facilities located within the city ~~City~~ limits that have stormwater discharges associated with industrial activity.
2. **Industrial and High-Risk Runoff Monitoring ~~high-risk runoff monitoring~~.**
- a. All hazardous waste treatment and storage facilities, active municipal landfills, facilities subject to Section ~~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~~ The 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 above 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 ~~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 ~~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 comply 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 the 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.

This ~~Subsection subsection~~ applies to all facilities located within the ~~city City~~ limits that have stormwater discharges associated with construction activity.

2. Submission of a notice of intent, a notice of change, a notice of termination, or a construction site notice to the 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.

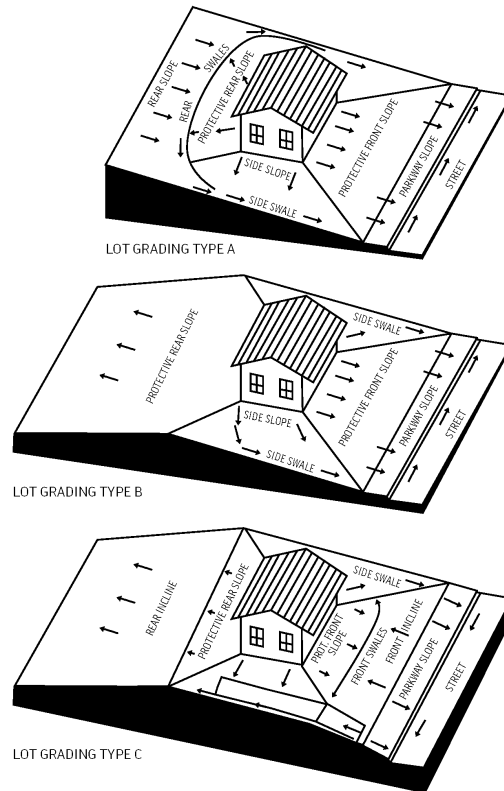
b. The operator of a construction site ~~that which~~ does not require a notice of intent ~~NOI~~ is required to submit a construction site notice to the Administrator per TCEQ's TPDES general permit for construction sites, ~~a construction site notice to the Administrator~~.

c. Copies of all notices may be delivered to the Administrator either in person or by mail.

F. Stormwater Management for Residential Subdivision Construction Activity.

1. A note shall be placed on all plats stating that residential lots shall be developed in accordance with a master grading plan for the proposed subdivision. A master grading plan shall be prepared and submitted to the City, which indicates lot grading for all lots in the subdivision using typical Federal Housing Administration (FHA) lot grading types (A, B, and C), as depicted below. An alternative grading

plan, prepared by a licensed ~~professional engineer~~ **Professional Engineer** or other drainage professional, may also be acceptable, if approved by the Development Engineer.



2. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, ~~with at~~ the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed ~~professional engineer~~ **Professional Engineer**. In no circumstances shall a fence be utilized as a retaining wall.
3. All drainage, including, but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
4. The maximum slope of grading on a property shall not exceed ten (10) percent, unless designed by a ~~professional engineer~~ **Professional Engineer** and approved by the Development Engineer.

G. Enforcement.

Any person found guilty of violating a provision of this ~~Section section~~ may be punished as provided for in ~~Article 10, Enforcement of this UDO~~ **Section 10.6 of this Code of Ordinances**.

Sec. 7.15. Lot Grading and Drainage for Individual Lots.

A. General.

1. Purpose and ~~Intent~~ **intent.**

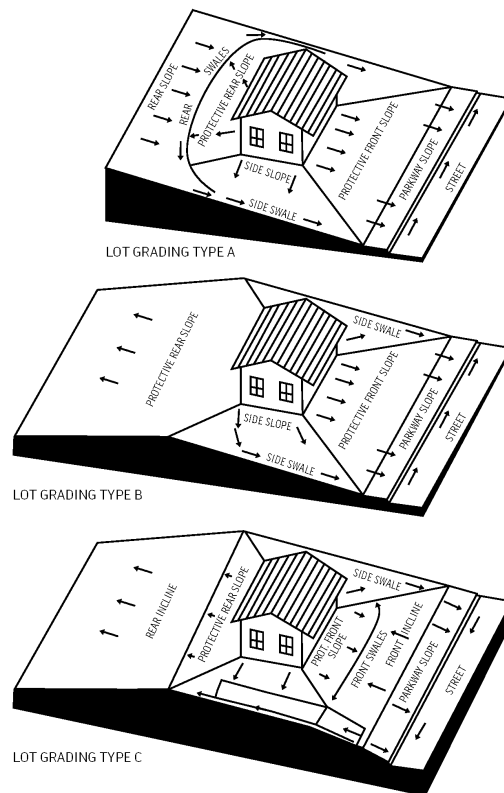
The purpose of this ~~Section section~~ is to establish regulations pertaining to individual or lot-by-lot grading within new or existing developments. The proper grading of a lot(s) is necessary to promote the health, safety, and welfare of citizens and minimize the impact of drainage or flooding ~~on to~~ adjoining properties.

2. **Applicability.**

- a. All residential developments, shall meet the requirements of this ~~Section~~section. Multi-family residential products shall follow drainage requirements as set forth in other sections of this UDO and the Bryan/College Station B/CS Unified Design Guidelines.
- b. This ~~Section~~ section shall apply to all platted lots or unplatted tracts seeking to develop ~~with~~ residential uses within the city.
- c. The requirements of this ~~Section~~ section shall be applicable with every building permit or other permitted activity on a subject property.

3. **Standards for Individual Lot-by-Lot Gradingindividual lot-by-lot grading.**

- a. A grading plan shall be prepared and submitted to the City, which indicates one of the Federal Housing Administration lot grading types (A, B, and C), as depicted below. An alternative grading plan, prepared by a licensed professional engineer ~~Professional Engineer~~ or other drainage professional, is also acceptable, if approved by the Development Engineer.



- b. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, ~~with at~~ the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed professional engineer ~~Professional Engineer~~. In no circumstances shall a fence be utilized as a retaining wall.
- c. All drainage, including, but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
- d. The maximum slope of grading on a property shall not exceed twenty-five (25) percent, unless designed by a professional engineer ~~Professional Engineer~~ and approved by the Development

Engineer. Impervious surfaces shall be sloped a minimum of two (2) percent away from the building foundation.

- e. Finished floor elevations or fill height shall be provided with the building permit for review. Finished floors that are proposed to be more than twenty-four (24) inches above the gutter line of the curb may be subject to additional grading requirements as directed by the Development Engineer.

Article 8. Subdivision Design and Improvements

Sec. 8.1. Purpose.

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that the streets and other infrastructure must be maintained and various public services customary to urban areas must be provided. These regulations seek to protect the interests of public and private parties by granting certain rights and privileges and requiring certain obligations in association with the subdivision and development of land. The welfare of the entire community is affected in many important respects. Therefore, it is in the interest of the public, the developer, and the future landowners that the subdivisions and developments be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These regulations encourage the growth of the City of College Station in an orderly manner.

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

Sec. 8.2. Applicability.

With the exception of ~~the Section 8.8, "Requirements for Parkland Park Land Dedication Section below,"~~ the provisions of this ~~Article article~~ shall not apply to property ~~in the zoned~~ BioCorridor Planned Development District. ~~The Requirements for Parkland Dedication Section below Section 8.8, "Requirements for Park Land Dedication,"~~ shall apply to property ~~in the zoned~~ BioCorridor Planned Development District.

Sec. 8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

A. Suitability of Lands.

The ~~Planning and Zoning~~ 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 ~~the~~ 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 ~~Comprehensive Plan Functional Classification & Context Class Map~~Thoroughfare Plan.**

Where a subdivision encompasses or is adjacent to a thoroughfare, as shown on the ~~Comprehensive Plan Functional Classification & Context Class Map~~Thoroughfare Plan of the City, the thoroughfare shall be constructed and included in the subdivision plat to maintain continuity in the approximate location as shown⁷ 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~~ 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 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~~ Public Way may satisfy a required street projection when the ~~public way~~ 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 ~~Planning and Zoning~~ Commission may allow ~~remote emergency access~~ 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 externally 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 ~~Planning and Zoning~~ 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 ~~(100)~~-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 of section~~ ~~in Article 7.~~ General Development Standards of this UDO.

6. Dead-End Streets.

Dead-end streets shall be prohibited except for short stubs to permit future extensions. Temporary turnarounds shall be required for stubs ~~in length~~ of more than one hundred (100) feet ~~in length~~ 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 ~~of the area in which the cul-de-sac is located~~ on the ~~Comprehensive Plan 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 ~~the~~ street right-of-way. Culs-de-sac shall not exceed the following lengths:

- 1) Four hundred fifty (450) feet in General Urban ~~context zones~~ Context Zones;
- 2) One thousand two hundred (1,200) feet in Suburban ~~context zones~~ Context Zones; and
- 3) One thousand five hundred (1,500) feet in Rural ~~context zones~~ Context Zones.

b. Culs-de-sac are not permitted in ~~the~~ Urban Core ~~context zones~~ 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.

8. Geometric Standards, ~~7~~ Street Design Criteria.

a. Streets and alleys shall be designed and constructed in accordance with the B/CS Unified Design Guidelines.

b. ~~Streets in rural residential Rural Residential~~ subdivisions ~~streets~~ may be constructed to either rural ~~street standards~~ or urban ~~street curb and gutter~~ standards except that thoroughfares that continue beyond the boundary of a ~~rural residential Rural Residential~~ subdivision to an urban one shall be constructed to urban ~~street 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 ~~fifty (50) percent one-half (½)~~ 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~~ 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~~City, Brazos County 911 district, or the ~~extraterritorial jurisdiction 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 ~~the~~ 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.
6. Public alleys are prohibited in ~~rural residential Rural Residential~~ subdivisions.
7. Private alleys shall be constructed to public alley standards except that ~~they 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 ~~designed~~ for single-family, duplex, townhouse, and ~~multiplex 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 House~~ developments may provide more tiers of lots if an alley connection is provided through both sides of the block.
2. ~~To 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 ~~of the area along which the block is located~~ on the ~~Comprehensive Plan 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 zonesContext Zones~~;
 - b. Nine hundred (900) feet in General Urban ~~context zonesContext Zones~~;
 - c. One thousand two hundred (1,200) feet in Suburban ~~context zonesContext Zones~~; and
 - d. One thousand five hundred (1,500) feet in Rural ~~context zonesContext Zones~~.

-
3. If a plat is not bounded by a public through street or ~~an~~ 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.~~

- ~~45.~~ In lieu of a public street, non-residential and multi-family developments may opt to construct a ~~public way~~ Public Way to satisfy block length requirements when the ~~public way~~ 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~~ Public Way. The private drive and sidewalks may be constructed with the development of the property. A ~~public way~~ Public Way shall not substitute for a thoroughfare identified on the Comprehensive Plan Functional Classification & Context Class Map ~~City's Thoroughfare Plan~~.

- ~~56.~~ Block length shall not require a new street, ~~public way~~ Public Way, or ~~access way~~ 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 ~~Development Plat~~ or minor plat ~~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 areas, 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.
- 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 Federal Emergency Management Agency (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, townhouse, and ~~multiplex~~ 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~~ 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~~ House lots may be exempted from this requirement as long as fire protection is maintained.
- i. No single-family ~~dwelling~~, ~~duplex~~ townhouse, or ~~townhouse~~ 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 Planning and Zoning Commission. Access restrictions and determinations shall be noted on the plat.

2. Platting and Replatting within Older Residential Subdivisions.

- a. This ~~Subsection 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 Core Northgate, NG-2 Transitional Northgate, NG-3 Residential Northgate, NPO Neighborhood Prevailing Overlay, and NCO Neighborhood Conservation Overlay zoning districts;
 - 2) Such portion of the subdivision is part of a lot or building plot that was located within the city 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 on 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 that 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 that 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 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.**

~~Cluster 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 does 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 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 Subsection and any other requirement of this UDO, the standards of this Subsection 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 ~~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) ~~WE~~ WE 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) **E 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 development option may be used only in the area designated Wellborn Preserve-Open on the Comprehensive Plan Future Land Use & and Character Map.

3) **WRS Wellborn Restricted Suburban.**

- 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) **RS 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) **GS General Suburban.**

-
- a) ~~1-~~ **Lot Size.** There is no minimum lot size 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) ~~1-~~ **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) ~~1-~~ In the Wellborn Community Plan area as designated on the Comprehensive Plan Future Land Use ~~& and~~ Character Map, the cluster development option is not permitted.

f. **Open Space.**

1) ~~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 amenities~~amenity~~. Areas encumbered by right-of-way, easements, or utilized as parking may not be counted towards the open ~~Open~~-space requirements. Open spaces must be privately owned and maintained by an owners association~~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 Planning and Zoning 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.

2) ~~1-~~ **Common Open Space Requirements ~~Required~~ for Cluster Developments.**

a. ~~1-~~ **Minimum Requirement.**

- a) ~~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.
- b) ~~2-~~ Common open space must be provided in an amount of at least twenty-five (25) percent of the gross area of the development.
- c) ~~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.
- d) ~~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 at least twenty-five (25) feet in depth and width. The remaining required common usable open space may be distributed throughout the proposed subdivision, or subdivision phase if

applicable, and need not be in one (1) such area; provided, however, no area containing less than five thousand (5,000) square feet will be considered common usable open space. If the required open space totals less than ten thousand (10,000) square feet all required open space shall be in one (1) contiguous area.

~~e)5-~~ The common open space requirement shall not be credited toward the parkland dedication requirements specified in the Requirements for Parkland Dedication Section below 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.

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 ~~(20)~~-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 the 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~~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~~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~~Public Way, for public sidewalks on private property, and when serving as an ~~access way~~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, the 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~~Access Ways in adjacent or adjoining areas shall be continued in alignment therewith.
2. In ~~blockfaces~~Blockfaces over nine hundred (900) feet in length, an ~~access way~~Access Way shall extend across the width of the block near the center of the block.
3. To provide additional pedestrian and bicycle circulation, an ~~access way~~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~~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~~Access Way is greater than three hundred (300) feet in length then an additional access point to the ~~access way~~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 identified below 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 Comprehensive Plan Functional Classification & Context Class Map ~~thoroughfare plan~~ 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~~ ~~Major Collector~~ or ~~minor collector~~ ~~Minor Collector~~ on the ~~Comprehensive Plan Functional Classification & Context Class Map~~ ~~Thoroughfare Plan~~ within a Rural ~~context zone~~ ~~Context Zone~~;
 - d. Along new or existing local/residential streets within an estate lot subdivision with the street constructed to a rural section; or
 - e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan.

4. **Standards.**

Sidewalks shall be constructed in accordance with the B/CS Unified Design Guidelines and all applicable local, state, and federal requirements.

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 ~~the~~ 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 ~~the~~ approval of the final plat when the subdivider provides a bond or surety in accordance with ~~the~~ ~~Section 8.7~~ Construction, Guarantee of Performance, and Acceptance of Public Infrastructure ~~Section below~~. 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~~ ~~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. The Administrator shall have final authority in determining what proportion of sidewalks or fees ~~s~~ 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 ~~Department~~ 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)~~ The presence of unique or unusual topographic, vegetative, or other natural conditions exist;

- (b) A capital improvement project is funded and forthcoming that will include the construction of the required sidewalk or multi-use path;
- (c) Existing streets constructed to rural section that are not identified on the Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan with a Rural context zone~~Context Zone~~;
- (d) The proposed development is within an older residential subdivision meeting the criteria in the Section 8.3.H.2 Platting and Replatting within Older Residential Subdivisions Subsection above of this UDO; or
- (e) The proposed development contains frontage on a freeway/expressway as designated by the Comprehensive Plan Functional Classification & Context Class Map Thoroughfare Plan ~~Functional Classification & Context Class Map in the City's Comprehensive Plan.~~

4) **Use of Fee.**

The City Council hereby establishes sidewalk zones as shown on the Sidewalk Zone Map below. Fees collected in lieu of sidewalk or multi-use path construction shall be expended in the same zone as the development or in an adjacent zone in a scenario where the development occurs near in close proximity to a zone boundary. 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.

Sidewalk Zone Map

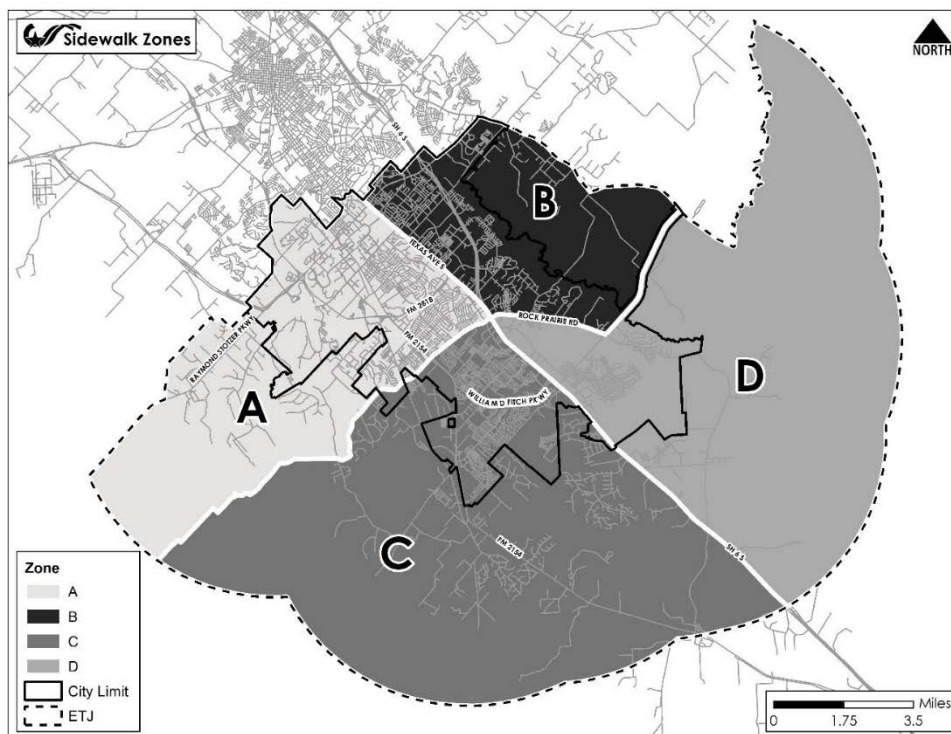


Figure 1—Sidewalk Zone Map

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 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 section~~ with reference to the individual development involved. Any fee paid for such purposes must be expended by the City within ten (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 ~~a fee Fee in lieu Lieu of construction Construction~~ or requirement to utilize ~~fee Fee in lieu Lieu of construction 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 ~~and~~ 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.

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 ~~that which~~ share the same area with motor vehicles.

4. **Geometric Design Criteria.**

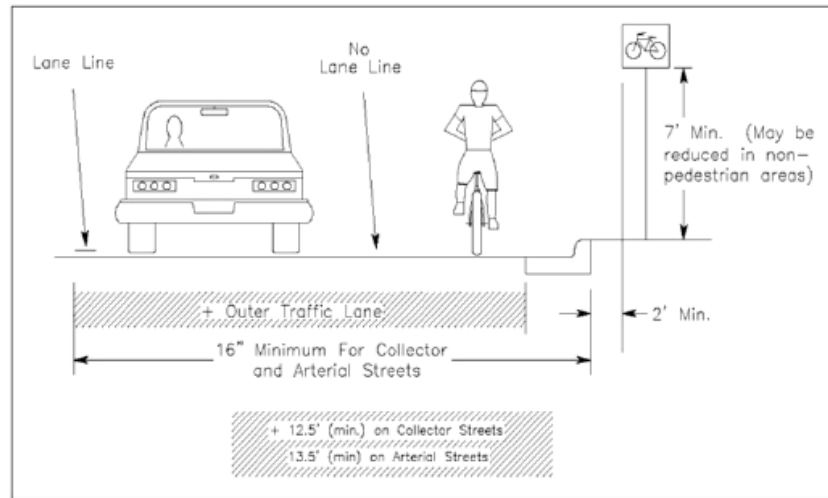
All facilities shall be designed to meet or exceed standards set forth in the "Guide for Development of Bicycle Facilities" published by the American Association of State Highway and Transportation Officials (AASHTO) and the B/CS Unified Design Guidelines. Signing and pavement markings for such facilities 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 ~~signage signing~~ and shared lane pavement markings identifies bicycle-compatible streets that will serve as bike routes;
- 2) A minimum of sixteen ~~(16) feet-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 ~~below in Figure 1~~; and
- 3) Bike route ~~signage 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 ~~are 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 ~~(3)~~-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
- 5) Multi-use paths shall be located in a public access easement of a minimum ~~of~~ 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 City of College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Water System Master Plan~~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 indicating that the non-City utility ~~can 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 a water system ends with at the sanitization of the line.

N. Wastewater ~~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 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 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 City of College Station Code of Ordinances.
3. Where a subdivision contains a waste-water line as shown on the Wastewater System Master Plan~~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 indicating that the non-City utility ~~can 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 Wastewater ~~Waste Water~~ Facilities.**
 - a. If waste-water main extension is exempted ~~as~~ per Chapter 40, Utilities, of the City of 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 disposal as follows and as may be conditioned by Chapter 40, Utilities, of the City of College Station Code of Ordinances or otherwise:

1) **Organized ~~Wastewater~~ ~~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 laws;
- (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 laws;
- (c) The Brazos County Health Department shall review proposals for on-site sewage disposal systems and ~~inspect~~ ~~make inspection of~~ such systems as necessary to assure that the system is in compliance with Chapter 366 of 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 ~~the Brazos County Health Department~~ ~~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~~ ~~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~~ ~~Master Plan~~ is required to assure that all lots, ~~in the future 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 ~~Wastewater System Master Plan~~ ~~City's Utility Master Plan~~. All lines designed within this ~~master plan~~ ~~Master Plan~~ shall meet the B/CS Unified Design Guidelines and all applicable state and federal regulations. This ~~master plan~~ ~~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 ~~sanitary~~ 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, the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances ~~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.

P. Drainage.

1. All drainage shall be in accordance with the B/CS Unified Design Guidelines, the Flood Hazard Protection Article of Chapter 105, Floods of the City of College Station Code of Ordinances-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~~y~~ 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~~y~~ 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 the 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. ~~Streetlights~~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~~ Utilities Construction Specifications, Electric Service, and Meter Installation Guidelines~~street light standards~~.

-
- 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. **Streetlight ~~Street Light~~ Locations.**
- a. Street-lights shall normally be required at all street intersections and ~~access ways~~Access Ways, in culs-de-sac, and at approximately three hundred ~~(300)~~ -foot intervals along tangent streets.
 - b. In ~~rural residential~~ 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 ~~their~~ 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 an electric utility provider with a 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 ~~for to~~ all lots within a subdivision.
 - 3. All electric utility services 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~~ 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 Comprehensive Plan Functional Classification & Context Class Map ~~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 the City for the installation of electric utilities. All liens and other ownership interests shall be subordinated to the easement use.

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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.
 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 ~~of for the~~ service conduit for ~~the 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 (0.5)-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 ensure assure~~ a clear view between adjacent monuments.
3. Corner markers, consisting of a one-half (0.5)-inch steel rod or three-fourths (0.75)-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. ~~An owners association 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 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 Common Facilities~~ and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purpose and shall provide that the ~~owners association 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~~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~~Common Facilities, or any other activity in the subdivision.

3. The budget for the ~~owners association~~Owners Association shall include a fund reserved for the repair and maintenance of ~~common facilities~~Common Facilities in the amount approved by the City staff.

V. **Private Streets and Gating of Roadways.**

1. **General Requirements.**

The following applies to ~~the~~ 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 vehicles.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the ~~Comprehensive Plan Functional Classification & Context Class Map~~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 ~~the~~ Single-Family Residential Parking Requirements for Platting Subsection below.

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~~Owners Association.
- b. The legal instrument establishing the ~~owners association~~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 with Owners Association of~~ any terms of this ~~UDO ordinance~~ or as necessary for ~~the~~ emergency vehicle access. In the event the City must remove obstructions to access the development, the ~~owners association~~Owners Association will be assessed ~~for~~ all costs substantially associated therewith.
- d. In the event the City deems that substantial repairs to ~~the~~ 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, Owners Association~~ and a public hearing before the City Council will be set for input on the projected repairs. Should the ~~owners~~

~~association 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 Owners Association~~ all costs borne by the City in ~~the~~ repair of the private street(s). Should the ~~owners association Owners Association~~ fail to reimburse the City within ninety (90) days, the ~~owners association Owners Association~~ shall be subject to a lien and possibly foreclosure of all assets including but not limited to the maintenance reserve fund.

3. Geometric Design Guidelines.

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 College Station Fire Department requirements and provide passage with unobstructed vertical clearance.
- d. The throat depth for a gated entry-way shall meet the following requirements (refer to figures belowRef. 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. (refer to figures belowRef. 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. (refer to figures belowRef. Figures 1 & 2)
- h. The gated area shall provide a minimum unobstructed vertical clearance of fourteen (14) feet and six (6) inches from the 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 Owners Association~~ officers and submitted to the City Council ~~of the City of College Station~~, the 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 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~~Owners Association.

5. Existing Gates.

Any gate as defined by this Subsection existing ~~as of November 13, 1997, 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 ~~Owners Association~~ responsible for such gate assumes all costs associated therewith.

Throat Depth Figure for Sliding Gates

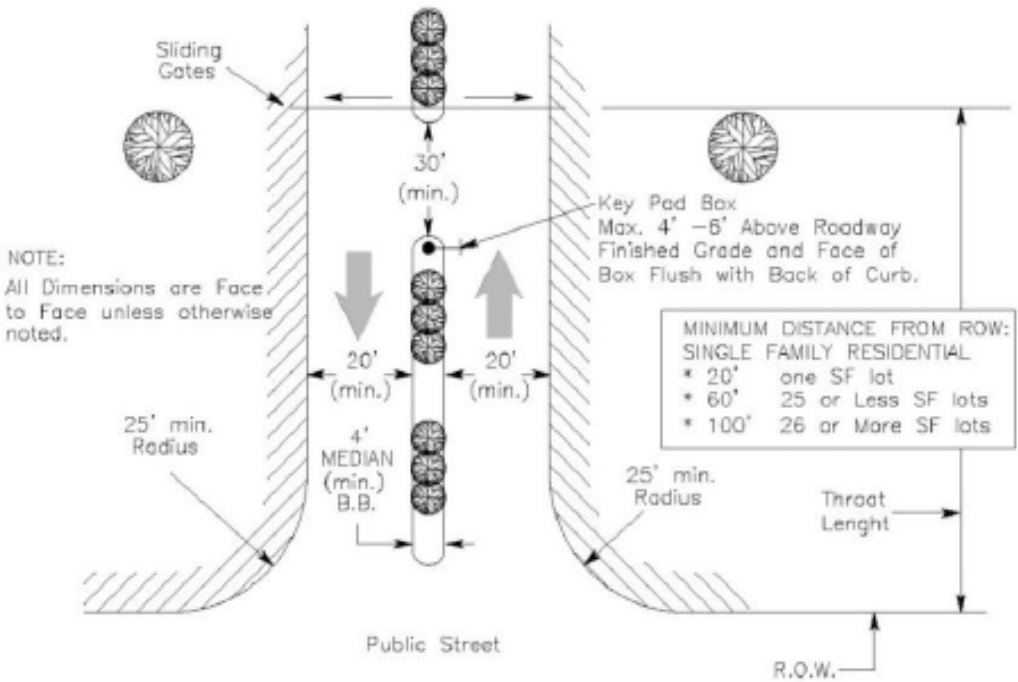


Figure 1

Throat Depth Figure for Hinged Gates

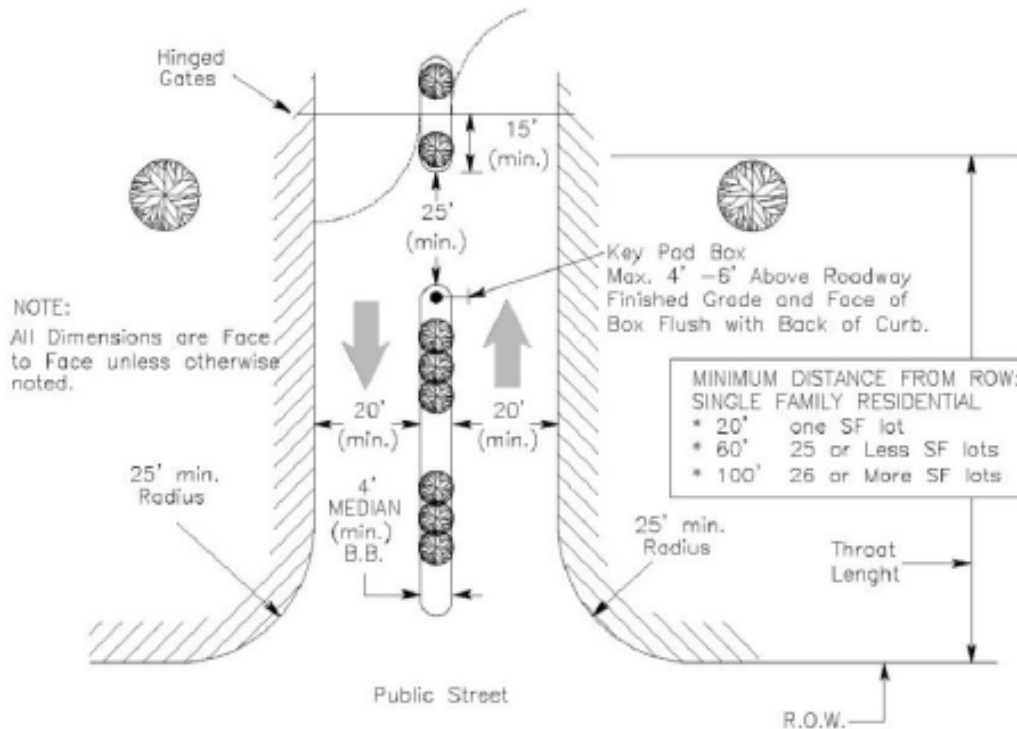


Figure 2

W. Single-Family Residential Parking Requirements for Platting.

1. Purpose.

The purpose of this Subsection is to establish requirements for new single-family and townhouse parking to aid in reducing neighborhood parking problems and maintain the certainty of access for emergency vehicles on local streets.

2. General Requirements.

This Subsection applies to all new single-family and townhouse subdivisions.

- Each phase of a multi-phase project shall comply with this Section.
- Subdivisions may utilize multiple residential parking options ~~Residential Parking Options~~ so long as each phase meets the requirements, and all options are listed on the plat.
- Replats, amending plats ~~Amending Plats~~, vacating plats ~~Vacating Plats~~, and development plats ~~Development Plats~~ are exempt from this Section section unless new streets are proposed with the subdivision.
- All "No Parking" areas shall be depicted on the preliminary plan ~~Preliminary Plan~~.
- 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.
- 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.

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- g. Where on-street or alley parking is utilized in a townhouse subdivision, 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.**

~~To 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-way width shall be dedicated equivalent to the increase in pavement width over twenty-seven (27) feet.
- 3) ~~To 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 ~~higher~~greater.
- 4) As determined by the Development Engineer, engineering judgment shall override the requirement for bulb-outs set forth ~~above in this section~~ if warranted by specific traffic conditions.

b. **Narrow Streets.**

- 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~~ Narrow Streets, ~~so as~~ to ensure emergency vehicle access. Narrow ~~streets~~ 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~~ 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~~ Standard Streets.
- 3) To provide adequate parking in residential neighborhoods, subdivisions choosing to remove parking from both sides of a ~~standard street~~ Standard Street shall incorporate additional parking spaces through the provisions of ~~visitor alley-fed off-street~~ Visitor Alley-Fed Off-Street parking or ~~visitor parking areas~~ Visitor Parking Areas. Visitor ~~alley-fed off-street parking~~ Alley-Fed Off-Street Parking and ~~visitor parking areas~~ 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~~ 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~~ Alley-Fed Off-Street Parking is in addition to minimum off-street parking requirements. The Off-Street Parking Standards Section of Article 7, General Development Standards 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 of Article 7, General Development Standards of this UDO~~sections,~~ except requirements of alternative parking plans~~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 an owners association~~;~~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;~~;~~ and-
 - g) not be counted towards common open space requirements for cluster developments~~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 Section of Article 7, General Development Standards of this UDO.
4. Private parking constructed for the use of subdivision amenities, such as a community pool, may be counted toward visitor parking~~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)~~

Sec. 8.4. General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction.

The following sets forth standards of design for subdivisions situated within the ~~extraterritorial jurisdiction~~City of College Station Extraterritorial Jurisdiction:

A. Reserved Strips and Tracts Prohibited.

-A plat shall not provide reserved strips or tracts of land. In addition, the effect of ~~the~~ phasing of a plat, provision of common areas, 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.

B. 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.

C. Streets.

1. Streets on the ~~Comprehensive Plan Functional Classification & Context Class Map~~Thoroughfare Plan.

-Where a subdivision encompasses or is adjacent to a thoroughfare, as shown on the Comprehensive Plan Functional Classification & Context Class Map~~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.

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 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 public street at intervals no fewer than the maximum block length along the perimeter boundary of the subdivision.
- b. Where abutting properties are land-locked, a street connection or street frontage shall be provided through the platting property.

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 Planning and Zoning Commission may allow remote emergency access ~~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 externally 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 Planning and Zoning 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 (100) -year floodplain overtops the street, regardless of its classification.

5. **Intersections.**

~~-~~In addition to the B/CS Unified Design Guidelines, proposed street intersections shall meet the minimum spacing and requirements of the Access Management and Circulation Section of section in Article 7, General Development Standards of this UDO.

6. **Dead-End Streets.**

~~-~~Dead-end streets shall be prohibited except for short stubs to permit future extensions. Temporary turnarounds shall be required for stubs ~~in length~~ of more than one hundred (100) feet in length or the depth of one (1) lot, whichever is less.

7. **Culs-de-Sac~~sae~~.**

~~-~~Culs-de-sac shall not exceed seven hundred fifty (750) feet in length. 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 the street right-of-way.

8. **Geometric Standards~~;~~ Street Design Criteria.**

~~-~~Streets shall be designed and constructed in accordance with the B/CS Unified Design Guidelines with the following modifications:

- a. Local streets shall be constructed to the rural residential street standards with a minimum right-of-way width of seventy (70) feet; and
- b. All thoroughfares, regardless of classification, shall be constructed to the rural collector standard with a minimum right-of-way width of one hundred (100) feet or larger if the thoroughfare classification requires additional right-of-way width.

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 fifty (50) percent ~~one-half (½)~~ 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 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~~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~~City, Brazos County 911 District, or the ~~extraterritorial jurisdiction~~ 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.

D. **Alleys.**

- Public alleys are prohibited in the extraterritorial jurisdiction.

E. **Blocks.**

- 1. ~~To in order to~~ provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation, block length shall not exceed one thousand five hundred (1,500) feet.
- 2. If a plat is not bounded by a public through street or ~~an~~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.
- 3. Block length shall not require a new street to enter the face of a block when the surrounding area of the block is subdivided so that a through movement is not possible, or a new block cannot be created.

F. **Lots.**

- 1. Lots shall be identified in numerical order within a block.
- 2. Lots shall be a minimum of one (1) acre in size.
- 3. Lots shall be at least one hundred (100) feet in width as measured at the street, ~~or~~ except for lots around the bulb of a cul-de-sac shall be at least seventy-five (75) feet in width.
- 4. 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 lot size or lot width.
- 5. Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.
- 6. Lots shall be laid out so as not to cross municipal, county, school district, or utility service area boundaries.

G. **Easements.**

-1. **Utility Easements.**

-a. **Minimum Utility Easements.**

-Utility easements not less than sixteen (16) feet in width shall be provided along the front of all lots on each side of a street. Where the front easement is impractical on one (1) side of the street, a utility easement no less than twenty (20) feet in width shall be provided on the other

side of the street. Utility easements ten (10) feet in width shall be required along the side and rear of all lots.

b. **Additional Utility Easements.**

-Additional utility easements or additional easement width other than as described above may be required by the City Engineer or B/CS Unified Design Guidelines based on the number, size, configuration, or depth of existing, proposed, or anticipated utilities. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, the City Engineer may require twenty (20)-foot width of easement along the rear of lots adjoining the unplatted area or ten (10) feet in width along the boundary of the subdivision or subdivision phase.

2. **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.

H. **Access Ways.**

-Public Access Ways are prohibited in the extraterritorial jurisdiction.

I. **Sidewalks.**

-Public sidewalks are prohibited in the extraterritorial jurisdiction.

J. **Bicycle Facilities.**

-Public bicycle facilities are prohibited in the extraterritorial jurisdiction.

K. **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.
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 City of College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Water System Master Plan~~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 indicating that the non-City utility ~~can is able to~~ properly serve the proposed subdivision. Construction of all water lines within a subdivision must comply with the B/CS Unified Design Guidelines. Water lines for these systems that are outside the subdivision are not required to meet City standards.

L. **Wastewater ~~Waste Water~~ Facilities.**

- 1. **Private Septic Systems.**

-On-site sewage disposal systems (private septic systems) shall be designed to ~~and~~ meet all requirements of the County Health Department. These systems shall be licensed through the same agency and the license shall be kept current. A note shall be provided on the plat indicated such as above.

2. **Gravity Sanitary Sewer System.**

-Gravity ~~sanitary sewer systems~~ **Sanitary Sewer Systems** shall be in accordance with the B/CS Unified Design Guidelines and all applicable state and federal requirements.

M. **Special Flood Hazard Areas.**

-All **Federal Emergency Management Agency (FEMA)** special floodplain hazard areas shall be according to the requirements, jurisdiction, and enforcement of the applicable county regulations.

N. **Drainage.**

-1. All drainage shall be in accordance with the B/CS Unified Design Guidelines 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.

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.**

-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.

O. **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 the 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.

P. **Streetlights~~Street Lights~~.**

-Public street-lights are prohibited in the extraterritorial jurisdiction.

Q. **Electric Facilities.**

-1. All subdividers shall ascertain which electric utility is certificated to serve the proposed subdivision.

2. Electric utility facilities may be installed underground or overhead.
3. The subdivider is responsible for contacting the appropriate electric utility provider to determine any additional requirements.

R. 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 (0.5)-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~~ ensure ~~assure~~ a clear view between adjacent monuments.
3. Corner markers, consisting of a one-half (0.5)-inch steel rod or three-fourths (0.75)-inch pipe, two (2) feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

S. Owners Associations for Common Areas and Facilities.

- 1. ~~An owners association~~ 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 ~~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 ~~Common Facilities~~ and demonstrating that the owners association is self-perpetuating and adequately funded to accomplish its purpose.

T. Private Streets and Gating of Roadways.

- 1. Gating of a public roadway is prohibited.
2. Streets required to meet block length or street projection requirements shall not be private or gated.
3. A private street may not cross an existing or proposed public thoroughfare as shown on the Comprehensive Plan Functional Classification & Context Class Map ~~City's Thoroughfare Plan~~. A private street subdivision will not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian, and Greenways Master Plan.
4. Private streets shall be constructed to public street standards but located within a common area, private right-of-way, or private access easement.
5. All other private or gated street requirements shall be according to applicable county regulations.

U. City Participation.

~~The City will not participate in the cost of the subdivision or utilities outside the city limits, including garbage collection and street maintenance except for utilities dedicated to the City of College Station with a development agreement~~ Development Agreement. Such utility service shall be in accordance with City Council Resolution #2-9-2006-13.04 (as amended) Regarding the Extension of Water and Sewer Utility Services to Properties within the Extraterritorial Jurisdiction (ETJ).

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

Sec. 8.5. Waiver of Subdivision Standards.

- A. The Planning and Zoning Commission may authorize a waiver from the regulation when, in their opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Commission shall prescribe only conditions that it deems not prejudicial to the public interest. In making the findings hereinbefore required, the Commission shall consider take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon traffic conditions and ~~upon~~ public health, convenience, and welfare of the vicinity. No waiver shall be granted unless the Commission finds:
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~~ land use use-of his land;
 2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 3. That 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
 4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other property land in the area in accordance with the provisions of this UDO.
- B. Such findings of the Planning and Zoning Commission shall be incorporated into the official minutes of the meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured, and substantial justice is done.
- C. **Waiver from Water Flow Requirements.**
- A waiver to fire flow provisions set out in the Water Facilities Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction Section above standards contained in this UDO is prohibited.
- D. **Waiver from Lot Size.**
- With the exception of lots located within a City-authorized ~~municipal utility district~~ Municipal Utility District, a waiver to the minimum lot size provisions set out in the General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction Section above Extraterritorial Jurisdiction Standards contained in this UDO is prohibited.
- ~~Per Ordinance No. 2011-3308 (January 13, 2011)~~

Sec. 8.6. Responsibility for Payment for Installation Costs.

A. Developer Responsibilities.

The developer shall be responsible for the designing and installing of all public improvements which primarily serve the subdivision. This includes being responsible for the costs associated therewith that are shown on the plat or that may be off-site but needed to ensure the adequacy of public facilities and services for the subdivision; and subject to participation by the City or other third parties as may be allowed or required by applicable law, such as participation by the City for costs associated with oversizing of public improvements beyond that which is necessary to serve the subdivision. Facilities required by this UDO and the City of

College Station Code of Ordinances shall be considered as primarily serving the subdivision unless otherwise determined by the City.

B. ~~Streetlights~~**Street Lights.**

The developer shall pay the entire cost of the subdivision street-light installation, including the cost of service lines to supply electricity to the street-lights, and all engineering design costs. Once satisfactorily installed, approved, and accepted, the maintenance of the street-lights and the furnishing of electric energy to the street-lights shall be provided by the City.

C. **Street Signs.**

The developer will provide and install, at no cost to the City, all street name signs, including ~~and~~ associated poles, and hardware.

D. **Engineering Inspection and Testing.**

1. The City will charge for engineering inspection during construction and for final inspection as established by City Council resolution from time to time; however, it is to be understood that the City will do no layout work or daily inspection.
2. The City requires testing by an independent laboratory acceptable to the City ~~of College Station~~ to ensure compliance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and approved plans and specifications of the construction of the infrastructure before final inspection and approval of that infrastructure. Charges for such testing shall be paid by the project owner/developer.

~~{Ord. No. 2012-3449, Pt. 1(Exh. K), 9-27-2012}~~

Sec. 8.7. Construction, Guarantee of Performance, and Acceptance of Public Infrastructure.

Construction of private improvements is prohibited until the requirements for constructing or guaranteeing the construction of public infrastructure are met as set forth herein.

A. **Construction.**

-1. **Development Permit.**

-Upon approval of the construction documents by the City Engineer and ~~upon~~ issuance of a development permit~~Development Permit~~, the subdivider may proceed with the construction of public infrastructure. Neither the developer nor the contractor nor the subcontractor shall make a connection to or tap into the City water distribution system, electric system, or sanitary sewer system until this requirement is met. The developer shall furnish all necessary materials to make the final tap or connection.

2. **Letter of Completion and Acceptance.**

-When the developer constructs the required public infrastructure, all such construction shall be inspected while in progress, by the City, and must be approved upon completion by the City Engineer. A ~~letter~~ Letter of ~~completion~~ Completion will be issued by the City Engineer when:

- a. The construction conforms to the approved plans and the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and all applicable City, state, and federal regulations;
- b. The developer provides construction red-lined record drawings signed by the contractor acceptable to the City Engineer that contain the following attestation:

"I, _____ General Contractor for _____ development, certify that the improvements shown on this sheet were actually built, and that said improvements are shown substantially hereon. I hereby certify that, to the best of my knowledge, ~~that~~ the materials of construction and sizes of manufactured items, if any are stated correctly hereon."

General Contractor

- c. The developer and ~~their his~~ agent/contractor, if applicable, signs the ~~letter~~ Letter of completion ~~Completion~~ which furnishes the City a written guarantee that all workmanship and materials shall be free of defects for ~~a period of~~ one (1) year from the date of acceptance by the City Engineer; and
 - d. Off-site easements relating to the public infrastructure have been recorded, ~~or~~ are presented to the City and are acceptable to be recorded.
3. Upon completion by the developer, ~~and~~ formal acceptance by the City of the public infrastructure required to be completed by the developer, they shall become the property of the City of College Station, ~~Texas~~.

B. Guarantee of Performance.

- 1. In lieu of the obligation to construct public infrastructure as set forth above, the developer may elect to file security guaranteeing the construction of the same ~~in order~~ to obtain final plat approval and to commerce construction of private improvements. This may be accomplished in one (1) of the following two (2) ways:

a. **Performance Bond.**

-The developer may file with the City Engineer a bond executed by a surety company holding a license to do business in the State of Texas, in an amount acceptable to the City Engineer of the City of College Station, and ~~in~~ a form approved by the City Attorney. The developer shall state in writing a timeframe acceptable to the City by when such public improvements will be complete; or

b. **Letter of Credit.**

-The developer has filed with the City Engineer an irrevocable letter of credit, in a form approved by the City, signed by a principal officer of a local bank, local savings and loan association, or other financial institution, acceptable to the City, agreeing to pay to the City of College Station, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the developer is responsible under this Section. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the developer's engineer and approved by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements which the developer is required to provide.

2. If one (1) of the two (2) types of security is filed by the developer and accepted by the City as described above, the City Engineer shall inspect and approve the construction of public improvements in accordance with the requirements of this UDO when the same occurs. If the developer fails to properly construct some or all required public improvements, the City Attorney shall, on the direction of the City Council, proceed to enforce the guarantees provided in this Section.
3. The City Engineer may extend the period ~~of time~~ by when completion of public improvements is to occur regardless of ~~time~~ periods that may be iterated elsewhere in this UDO. Such extension of time shall be granted upon a showing of good cause and shall be reported to the Planning and Zoning Commission and recorded in the minutes. No such extension shall be granted unless security, as

provided herein, has been provided by the developer covering the extended period ~~of time~~ and provided that such extension does not jeopardize the general public health, safety, and welfare.

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

Sec. 8.8. Requirements for ~~Parkland~~ Park Land Dedication.

A. Purpose.

It is hereby declared by the College Station City Council that public parks, 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~~ 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, Chapter 212 of the Texas Local Government Code, ~~as amended~~ 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~~ City and its ~~extraterritorial jurisdiction~~ ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of multi-family dwellings that ~~increases 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, ~~because 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 below~~, 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, ~~and~~ & 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.

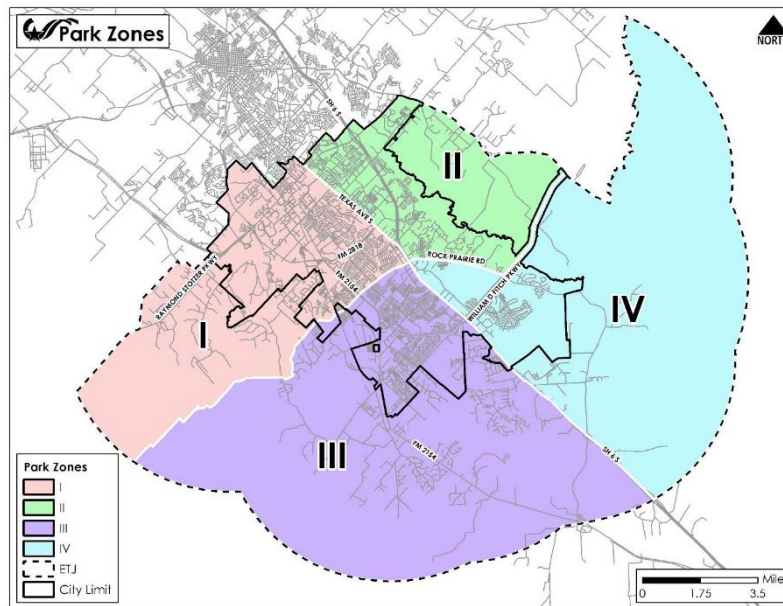
1. This Section applies to a landowner who develops land for residential use located within the ~~city~~ City or ~~within its~~ extraterritorial jurisdiction ETJ.
2. The ~~parkland~~ Parkland dedication and park development fees required by this Section are waived for any unit that qualifies as new, 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~~ Map, ~~located below~~, together with all explanatory matter thereon.

Zone boundaries typically follow key topographic features such as major thoroughfares, streams, ~~city~~ City limits, and ~~extraterritorial jurisdiction~~ ETJ boundary lines. New park zones may be created, or existing zones amended, pursuant to procedures for amending the UDO.

Park Zone Map



D. Requirements.

1. General.

The City Manager or ~~their~~ 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 ~~the an~~ entire development. Increases or decreases in ~~the~~ 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 delineation of park zones is identified in the Park Zones Subsection above. The schedule of fees and required land dedications are identified in the Parkland Dedication and Development Fees Subsection below. 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 ~~the Parkland Dedication and Development Fees Subsection below~~ 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~~ 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 ~~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 an other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres of 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 the Parkland Dedication and Development Fees Subsection below 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 extraterritorial jurisdiction ~~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 the city 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 the Parkland Dedication and Development Fees Subsection below 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 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 the Credit for Private Park Amenities Subsection below Section H "Credit for Private Park Amenities" shall be made.

3. **Fee in Lieu of Land.**

Instead 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 the Parkland Dedication and Development Fees Subsection below 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 the Parkland Dedication and Development Fees Subsection below 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 the Parkland Dedication and Development Fees Subsection below Section K and that no fee in lieu of land will be accepted.

5. **Approval Process for Parkland ~~Park Land~~ Dedication.**

- a. For the 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 Plats Section of Review in Article 3, Development Review Procedures 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 ~~their 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 ~~their 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 the Parkland Dedication and Development Fees Subsection below~~Section K "Park Land Dedication and Development Fees"~~; and
- 4) The proposed development of the park is consistent with the City of College Station's Recreation, Park, and ~~&~~ Open Space Master Plan, ~~as may be amended from time to time~~.

In making ~~their his/her~~ decision, the City Manager or ~~their his/her~~ designee may choose to submit such an application to the Parks and Recreation Advisory Board for its recommendation. In such event, the City Manager or ~~their 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 the Parkland Dedication and Development Fees Subsection below~~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 an 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 the Parks and Recreation Department or ~~their his/her~~ designee and the Parks and Recreation Advisory Board upon submission of the 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 of 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 ~~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~~ Certificate of completion ~~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~~ Certificate of completion ~~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 the 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 their ~~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 ~~apply~~ applies may be subject to vesting as set forth in Chapter 245 of the Texas Local Government Code, as amended. 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, ~~and~~ & Open Space Master Plan, adopted by the City Council in association with the Comprehensive 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 ten (10) years from the date received by the City for ~~the~~ 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 ten (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 an other instrument, must request a refund within one (1) year of the expiration of the ten (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 twenty-five (25%) percent 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 cityCity, beyond the immediate development in which the dwelling is located.

-
2. Private facilities eligible for parkland dedication 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. To 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 a 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 a 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 the Parkland Park Land Guidelines and Requirements Subsection belowSection 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 the Construction of Park Improvements in Lieu of Development Fee Subsection aboveSection D(7) "Construction of Park Improvements in Lieu of Development Fee".
- I. Parkland 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 cityCity, 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 their 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 fifty (50%) percent 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 ~~their 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 ~~Certificate of completion 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, the 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, the 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 the developer of a defect, failure, or abnormality in the work, the 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 the 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 the 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. **Parkland ~~Park Land~~ Dedication and Development Fees.**

Park-land dedication and development fees for developments located within the city ~~City~~ limits and extraterritorial jurisdiction ~~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

	Total dedication and fee amounts				
	Proportionate Rate	Collection Rate as of 7/3/2022	Collection Rate as of 10/1/2022	Collection Rate as of 10/1/2023	Collection Rate as of 10/1/2024
Land dedication					
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 ~~Proportionate Rate~~ for the dedication and fee amounts:

Proportionate Rate Calculation

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 (PPH - multi-family structures / PPH - single-family structures)	0.76
Dwelling units per acres of parks (total number of dwelling units / total park acres)	42.71
Adjustment ratio MFU/SFU ((1 - ratio of MFU/SFU PPH)/2)	0.12

Land dedication

Single-family dwelling units per acre of park-land (dwelling units per acres of parks (1 + adjustment ratio MFU/SFU))	48
Multi-family-family bedroom units per acre of park-land ((dwelling units per acres of parks (1 - adjustment ratio MFU/SFU) * PPH - multi-family structures))	83

Fee in lieu of land dedication

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 (average cost per acre of neighborhood park land * neighborhood park acres)	\$28,374,335
Fair market value of existing community park-land (average cost per acre of community park-land * community park acres)	\$15,655,778
Fair market value of existing passive park-land (average cost per acre of passive park-land * passive park acres)	\$3,213,481
Total fair market value of existing park-land	\$47,243,595

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(Supp. No. 6, Update 12)

Average fair market value of an acre of land (total fair market value of existing park-land / total park acres)	\$42,218
Average fee-in-lieu (average fair market value of an acre of land / dwelling units per acres of parks)	\$988

Fee in-lieu of land per single-family unit (average fee-in-lieu * (1 + adjustment ratio MFU/SFU))	\$1,106
Fee in-lieu of land per multi-family bedroom ((average fee-in-lieu * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)	\$395

Park development fee

Reatta Meadows	
Cost (December 2017, adjusted for inflation to March 2022)	\$513,141.76
Acres	3.00
Cost per acre (cost/acres)	\$171,047
Northgate	
Cost (April 2019, adjusted for inflation to March 2022)	\$470,270.45
Acres	1.87
Cost per acre (cost/acres)	\$251,482
Average developed park cost per acre (average park cost/acres)	\$211,264
Average passive park cost per acre (15% of developed) ((neighborhood parks value + community parks value) / (neighborhood park acres + community park acres))	\$27,974
Neighborhood parks value	\$97,067,042
Community parks value	\$74,745,953
<u>Passive parks value</u>	<u>\$5,531,890</u>
<u>Total parks value</u>	<u>\$177,344,885</u>
Average development cost per acre (total parks value / total park acres)	\$158,479
Average development cost per dwelling unit (average development cost per acre / dwelling units per acres of parks)	\$3,710

Development cost per single-family unit (development cost per dwelling unit * (1 + adjustment ratio MFU/SFU))	\$4,150
Development cost per multi-family bedroom ((development cost per dwelling unit * (1 - adjustment ratio MFU/SFU)) / PPH - multi-family structures)	\$1,486

Sec. 8.9. Certifications.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF TEXAS)

COUNTY OF BRAZOS)

I (we) _____, ~~the~~ owner(s) and developer(s) of the land shown on this plat, and designated herein as the _____ ~~subdivision~~ Subdivision to the City of College Station, Texas, and whose name(s) is/are 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.

Owner(s)

STATE OF TEXAS)

COUNTY OF BRAZOS)

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/they 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

(Seal)

CERTIFICATE OF SURVEYOR AND/OR ENGINEER

STATE OF TEXAS)

COUNTY OF BRAZOS)

I, _____, Registered Public Surveyor (Engineer), No. _____, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

Surveyor (Engineer)

CERTIFICATE OF CITY ENGINEER

I, _____, City Engineer of the City of College Station, Texas, hereby certify that this ~~subdivision plat~~ Subdivision Plat conforms to the requirements of the ~~subdivision regulations~~ Subdivision Regulations of the City of College Station.

City Engineer, City of College Station

CERTIFICATE OF PLANNING AND ZONING COMMISSION

I, _____, Chair~~man~~ 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 ____.

Planning and Zoning Commission Chair, City of College Station ~~man(s)~~

CERTIFICATE OF THE COUNTY CLERK

Leave a space four (4) inches wide and two (2) inches tall for the Certificate of the County Clerk.

CERTIFICATE OF THE COUNTY CLERK

STATE OF TEXAS

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 Deed Records of Brazos County, Texas, in Volume _____ Page _____.

WITNESS my hand and official Seal, at my office in Bryan, Texas.

County Clerk, Brazos County, Texas

(SEAL)

CERTIFICATE OF CITY PLANNER (for ~~amending~~ Amending or ~~minor plats~~ Minor Plats)

I, _____, City Planner of the City of College Station, Texas, hereby certify that this subdivision plat ~~Subdivision Plat~~ conforms to the requirements of the subdivision regulations ~~Subdivision Regulations~~ of the City of College Station.

City Planner, City of College Station

CERTIFICATE OF APPROVAL (for plats in the extraterritorial jurisdiction ~~ETJ~~ Plats)

This subdivision plat was duly approved by the Commissioners Court of Brazos County, Texas as the final plat ~~Final Plat~~ of such subdivision on ____ day of _____, 20 _____. Signed this the ____ day of _____, 20 ____.

County Judge, Brazos County, Texas

CERTIFICATE OF NO ACTION TAKEN

I, _____, Chair~~man~~ of the Planning and Zoning Commission, hereby certify that the plat was filed with the Planning and Development Services Department on the ____ day of _____, and that the Planning and Zoning Commission failed to act on the plat within 30 days after the plat was filed.

~~Planning and Zoning Commission~~ Chair, ~~City of College Station~~ ~~man~~

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

Article 9. Nonconformities

Sec. 9.1. General.

Except as specified in this Article, any use, building, structure, or sign existing at the time of enactment of this UDO, or classification amendment applicable to its use, may be continued even though such use, building, structure, or sign may not conform with the provisions of this UDO for the district in which it is located; provided, however, that this Article shall not apply to any use, building, structure, or sign established in violation of this UDO or ordinance previously in effect in College Station.

Sec. 9.2. Nonconforming Uses.

A. Continuance.

An existing use that is not in compliance with this UDO or subsequent amendments applicable to the use shall not be enlarged, extended, reconstructed, substituted, or structurally altered unless the use is brought into compliance with this UDO, except as follows:

1. Expansion.

- a. For properties designated as Neighborhood Conservation ~~on in~~ the Comprehensive Plan Future Land Use ~~& and~~ Character Map: When authorized by the Zoning Board of Adjustment in accordance with the provisions of this Article, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by such building, where such extension is necessary and incidental to the existing use of such building and does not exceed twenty-five (25) percent of the original area of nonconformity.
- b. For properties in all other areas: Buildings and structures devoted to nonconforming uses may be enlarged, extended, or structurally altered provided such enlargement, extension, or structural alteration is incidental to the existing use of existing buildings and does not exceed fifty (50) percent of the original area of nonconformity. Enlargements greater than fifty (50) percent of the original area of nonconformity shall require approval of the Zoning Board of Adjustment.

2. Conditional Use.

A use existing on the effective date of this UDO, or subsequent amendment applicable to its use, which would only be permitted as a conditional use, shall be a lawful nonconforming use until altered pursuant to the Conditional Use Permits Section of Article 3, Development Review Procedures ~~Conditional Use Permit section~~ of this UDO. In the event of issuance of a conditional use permit, such use becomes a permitted and lawful use.

B. Termination.

The City Council shall have the authority to initiate, on its motion, action to bring about the discontinuance of a nonconforming use under any plan whereby ~~the~~ full value of the structure can be amortized within a definite ~~time period~~ ~~of time~~, taking into consideration the general character of the area and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment.

Whenever a nonconforming use has been discontinued and changed to a conforming use, or whenever a nonconforming use has been discontinued or abandoned for more than three (3) months, a presumption of intent to abandon said use shall have been established and the right to continue the former nonconforming use shall no longer exist. Subsequent operation as a nonconforming use shall be unlawful.

Sec. 9.3. Nonconforming Structures.

A. Enlargement, Alteration.

1. A structure (including parking lots, parking structures, and parking areas), ~~that which~~ is nonconforming by physical design may be enlarged or structurally altered as long as such enlargement or alteration otherwise complies with the terms of this UDO with the following exceptions:
 - a. Parking Requirements: The Administrator may make exceptions to the requirement of following the UDO for parking requirements for non-residential properties where there are physical limitations and a demonstrated inability to meet all standards of this UDO but may not waive more than ~~fifty (50%) percent~~ of the required number of parking spaces.
 - b. Landscaping Requirements: The Administrator may make exceptions to the requirement of following the UDO for landscaping requirements for non-residential properties where there are physical limitations and a demonstrated inability to meet all standards of this UDO but may not waive more than ~~fifty (50) percent%~~ of required landscaping points.
 - c. Buffer Requirements: The Administrator may reduce required buffer yard widths and plantings where there are existing structures being retained in the required buffer area or where there are other physical limitations and a demonstrated inability to meet all standards of this UDO so long as such reductions do not increase the existing degree of nonconformity.
2. In NG-1 ~~Core Northgate~~, NG-2 ~~Transitional Northgate~~, and NG-3 ~~Residential Northgate~~, the whole building plot must come into compliance with the requirements of this UDO when more than fifty (50) percent of a building(s) on the site is enlarged or altered.

B. Termination.

The City Council shall have the authority to initiate on its motion, or cause to be presented by interested property owner, action to bring about the discontinuance of a nonconforming structure under any plan whereby ~~the~~ full value of the structure can be amortized within a definite ~~time~~ period ~~of time~~, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment.

Whenever a nonconforming structure has been discontinued or abandoned for more than three (3) months, a presumption of intent to abandon said structure shall have been established and the right to continue the former nonconforming structure shall be unlawful.

Sec. 9.4. Nonconforming Lots of Record.

A. Authority to Utilize for Single-Family Residence.

In any district in which single-family dwelling ~~units~~ are a permitted use, notwithstanding the regulations imposed by any other provisions of this Section, a single-family detached dwelling ~~unit~~ that complies with the restrictions below may be erected on a nonconforming lot that is not less than thirty (30) feet in width, consisting entirely of one (1) tract of land of not less than three thousand (3,000) square feet, and that:

1. Has less than the prescribed minimum lot area, width, and/or depth;

2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance; and
3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or other ordinances.

B. Regulations for Single-Family Use of Nonconforming Lots.

A nonconforming lot authorized to be used pursuant to this Section may be used for a single-family dwelling unit and no other structure except for a garage or carport. Construction of such single-family dwelling unit shall comply with all the regulations (except lot area, width, and depth) applicable to single-family dwelling units in the zoning district in which the lot in question is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. The dwelling unit shall be placed on the lot ~~so as to~~ provide a yard on each side of the dwelling unit.
2. The sum of the widths of the two (2) side yards on such lot shall be not less than the smaller of:
 - a. Twenty-five (25) percent of the width of the lot; or
 - b. The minimum total for both side yards prescribed by the dimensional standards ~~bulk regulations~~ for said zoning district. ~~and~~
3. No side yard shall be less than three (3) feet wide.

C. Regulations for Certain Nonconforming Lots Zoned R Rural.

1. A single-family dwelling unit and accessory structure(s) in areas zoned R Rural, may be erected or structurally altered on a nonconforming lot of record, that is not less than five thousand (5,000) square feet in area and not more than one (1) acre in area, so long as the structure or the addition to the structure complies with the setbacks established by the GS General Suburban zoning district.
2. A single-family dwelling unit or accessory structure located on property within the area annexed by Ordinance No. 2011-3331, ~~adopted by the City Council on April 14, 2011,~~ may be erected or structurally altered on a nonconforming lot of record provided the proposed construction complies with the setback requirements established by the GS General Suburban zoning district.

D. Other Uses of Nonconforming Lots: Site Plan Required.

In any district in which single-family dwelling units are not permitted, a nonconforming lot of record which meets the requirements above may be used for any use permitted in the district in which it is located if, but only if, a site plan for such use has been approved in accordance with the provisions of the Site Plans Section of Article 3, Development Review Procedures ~~Site Plan Review section~~ of this UDO.

E. Lots Made Nonconforming by Right-of-Way Acquisition.

Any lot made nonconforming solely by means of ~~dedication~~~~area dedicated~~, ~~condemnation~~~~condemned~~, ~~sale~~~~sold~~ or other ~~wise conveyed~~ conveyance for public right-of-way shall be allowed to pursue any allowed use as if such area were a part of the remaining lot, except that all applicable setbacks shall be adhered to.

F. Lots Made Nonconforming by Annexation.

Existing lots and platted or partially ~~platted~~ building plots made nonconforming by the zoning applied at the time of annexation shall be allowed to replat, provided that the resulting replat brings the property closer to compliance with current zoning district standards.

Sec. 9.5. Nonconforming Tracts.

Unplatted properties made nonconforming by the zoning applied at the time of annexation shall be allowed to plat, provided that the resulting lot contains the entire tract.

Sec. 9.6. Nonconforming Signs.

A. Continuation Allowed.

A lawfully nonconforming sign may continue in use except as otherwise provided in or authorized by this Section. A change in the information on the face of an existing nonconforming sign is allowed if the change does not increase the area of the sign face and involves no structural alteration.

B. Alteration, Expansion, Moving.

No nonconforming sign, by the voluntary act of the owner, shall be:

1. Changed or altered in any manner which would increase the degree of its nonconformity;
2. Expanded (sign face); or
3. Moved in whole or in part to any other location where it would remain nonconforming.

C. Signs Required to be Moved by the City.

Any nonconforming sign required to be moved or removed by the City shall be removed or relocated in accordance with the provisions of the Texas Local Government Code, as amended.

D. Regulations for Certain Nonconforming Properties Zoned R Rural.

Attached signs may either be erected or structurally altered on a nonconforming non-residential structure located on property within the area annexed by Ordinance No. 2011-3331, dated April 14, 2011, provided the proposed sign or alteration complies with the Signs Section of Article 7, General Development Standards Section 7.5.I. "Attached Signs" of this UDO.

Article 10. Enforcement

Sec. 10.1. Enforcement by Administrator.

The Administrator, or ~~their his~~ designee, shall have the authority to issue citations for the violation of the provisions of this UDO. In the event ~~that~~ an individual signs a copy of the citation given to ~~themhim or her~~, ~~they he~~ thereby acknowledges receipt of ~~the citation same~~ and promises to contact the Municipal Court and arrange for the entry of a plea and a hearing, where necessary, within ten (10) days of the date of the citation. If the defendant shall not sign a citation, the Administrator shall proceed to prepare and file a formal complaint with the Municipal Court, and shall seek the issuance of a warrant, delivering ~~the~~ same to the appropriate law enforcement officer for the resulting arrest of the defendant.

A person who knowingly violates a written promise to appear in court, as provided above, commits a misdemeanor regardless of the disposition of the charge on which the ticket is issued.

Sec. 10.2. Penalties for Violation.

Any person who violates or fails to comply with the requirements of this UDO, or who builds or alters any building or structure in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and be liable to a fine pursuant to Chapter 1, General Provisions of the City of College Station Code of Ordinances~~the General Penalty set out in Section 1-5, of the Code of Ordinances of the City of College Station.~~

Sec. 10.3. Penal Provisions.

A. Within City Corporate Limits.

Any person violating any provision of this UDO, within the ~~city corporate limits of the City of College Station~~, shall be guilty of a misdemeanor, and upon conviction, shall be fined pursuant to Chapter 1, General Provisions of the City of College Station~~the General Penalty set out in Section 1-5, of the Code of Ordinances.~~ Prosecution or conviction under this provision shall never be a bar to any other relief for violations of this UDO.

B. Outside City Corporate Limits.

Any person violating any provision of this UDO, outside the ~~city corporate limits of the City~~, but within the ~~City's~~ extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in the Within City Limits Subsection Section A~~above~~ be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

Sec. 10.4. Specific Enforcement and Penalties for Flood Hazard Protection.

A. Notification of Noncompliance.

If at any time development takes place for which an approved development permit~~Development Permit~~ has not been issued, or development occurs which does not conform to the plans and specifications upon which the issued development permit~~Development Permit~~ was based, the Administrator or ~~their his~~ designee shall issue a written notice~~Notice~~ of noncompliance~~Noncompliance~~ to the owner. The notice~~Notice~~ shall give a

specific time allowance to the owner during which he must take one (1) of the following steps to bring the development into compliance with this UDO:

1. An acceptable application for a ~~development permit~~ Development Permit must be filed with the ~~office of the~~ Development Engineer for the entire scope of development taking place or proposed for the site;
2. The item or items which are not in compliance with the terms, conditions, and provisions of this UDO shall be corrected, added, or improved until they ~~comply are in compliance~~ with this ~~UDO~~ chapter, at which time the owner shall request, in writing, a re-inspection by the Development Engineer;
3. Modified construction plans shall be submitted to the Development Engineer which detail, in an acceptable manner, the remedial, additional, or corrective measures which must be taken to bring the development within the provisions and requirements of this UDO; or
4. An acceptable variance request, subject to the provisions of this UDO, shall be submitted to the Administrator which shall have the effect, if granted, of removing the requirements for which the development was determined to be in noncompliance.

The time allotment for these actions shall be reasonable, and shall be determined according to the number, nature, and severity of the non-complying items. In no case shall that ~~time~~ period exceed thirty (30) calendar days from the date of notification. If, in the opinion of the Development Engineer, a condition exists which is hazardous to the immediate safety of the public, ~~they he~~ may seek remedies outside the scope of this Section.

B. Revocation or Suspension of Development Permit.

Upon expiration of the time allotment for remedial or corrective measures, the Development Engineer shall take one (1) of the following courses of action:

1. If, in the opinion of the Development Engineer, the owner has made, or is making, a good faith effort to remedy the offending situation, the Development Engineer may extend the time allotment previously granted if such extension is requested by the owner; or
2. Where an approved ~~development permit~~ Development Permit has been issued for the development, the Development Engineer shall suspend the development permit. Written notice of said suspension, along with the terms and requirements for reinstating the ~~development permit~~ Development Permit, shall be delivered to the owner.
- ~~3.~~ Upon suspension of a ~~development permit~~ Development Permit, all portions of the work being done on the property that ~~is are~~ regulated by this UDO shall cease. These activities include, but are not limited to, grading, excavation, fill, berming, stripping, clearing, paving, placement of any storm sewer, drainage structure, inlet, or appurtenance thereto; any work within a defined area of special flood hazard ~~Area of Special Flood Hazard~~, or placement of any structure, temporary or permanent, or any obstruction within the area of special flood hazard ~~Area of Special Flood Hazard~~.
- ~~34.~~ Upon finding that no approved ~~development permit~~ Development Permit exists for the work or property in question or suspending an existing approved development permit, the Development Engineer shall issue a stop work order for all items of work on the subject property covered by this or other ordinances, any work permitted, licensed, or otherwise regulated by the City, or any work subject to inspection or approval by the City. The Development Engineer may enter the property to inspect and verify that the requirements of this UDO are being met.

~~5.~~ All notices required by this Section shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting parties or permit holder(s), at the address given on the permit application.

C. **Penalty Imposed.**

Upon the finding of a violation of this UDO regarding ~~flood hazard protection~~Flood Hazard Protection, the Development Engineer may file a complaint in the Municipal Court of the City of College Station against any person, firm, corporation, or other legal entity. In the event ~~that~~ the judge finds any person, firm, corporation, or other legal entity to ~~violate~~be in violation of the terms, conditions, or requirements of this UDO, or provisions or conditions pursuant thereto, ~~they he~~ shall find said person, firm, corporation, or other legal entity guilty of a misdemeanor; and upon conviction shall impose a fine pursuant to Chapter 1, General Provisions of the City of College Station ~~the General Penalty set out in Section 1-5, of the~~ Code of Ordinances. Prosecution under this provision shall not be a bar to any other relief for violation of this UDO.

D. **Fine Not Exclusive Penalty.**

In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this UDO, or to correct violations thereof, and, if applicable, appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.

Sec. 10.5. Specific Penalties for Certificates of Appropriateness and Certificates of Demolition.

A person is criminally responsible for a violation of the Certificates of Appropriateness Section and the Certificates of Demolition Section of Article 3, Development Review Procedures sections of this UDO if:

1. The person owns part or all of the property where the violation occurs,
2. The person is the agent of the owner of the property and is in control of the property, or
3. The person commits the violation or assists in the commission of the violation.

Sec. 10.6. Specific Enforcement and Penalties for Drainage and Stormwater Management.

A. **Enforcement Responsibility.**

The Administrator or ~~their his~~ designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this UDO~~ordinance~~, but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, and requirements and regulations of the City of College Station ~~this~~ Code of Ordinances ~~of the City~~. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

B. **Violations.**

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for ~~each and~~ every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished according to Chapter 1, General Provisions of the City of College Station as provided for in Section 1-7 of this Code of Ordinances.
2. The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or another person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. A violation of this Section ~~section~~ is also declared a nuisance and may be enforced five thousand (5,000) feet outside the city limits~~City Limits~~.

C. **Notice of Violations.**

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to [the Stormwater Discharges Article of Chapter 14, Environment and Natural Resources of the City of College Station Section 7-13, Subsection C of this](#) Code of Ordinances. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this ordinance and [is](#) subject to additional penalties outlined herein.

D. **Voluntary Compliance.**

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

E. **Stop Orders.**

The Administrator has the authority to issue stop-work orders for any facility that commits any acts prohibited by this ordinance.

F. **Appeals, Interpretation, and Variances.**

Where applicable, any appeals, interpretations, or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations, or variances of the Administrator shall be to a court of competent jurisdiction directly.

Article 11. Definitions

Sec. 11.1. General.

- A. For the purpose of this UDO, certain words shall be interpreted as follows:
1. Words in the present tense include the future tense.
 2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
 3. The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
 4. The word "structure" shall include the word "building."
 5. The word "lot" shall include the words, "plot," "parcel," or "tract."
 6. The words "will" and "shall" are always mandatory and not merely directory.
- B. Words not specifically defined in the Defined Terms Section below Section 11.2 shall take their common dictionary meaning, except as modified by use as terms of art in planning or engineering.

Sec. 11.2. Defined Terms.

Accessory Use, ~~or~~ Structure, or Building: A residential or non-residential use, structure, or building which:

- (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 in residential districts.

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 ~~Access-Way~~ consists of a minimum fifteen (15) -foot wide public access easement or public right-of-way. A minimum five (5) -foot sidewalk shall be constructed in the center of the access way ~~Access Way~~, except where the access way ~~Access-Way~~ provides a connection to a multi-use path, a minimum eight (8) -foot sidewalk shall be provided.

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

Administrator: The Director of Planning and Development Services of the City of College Station ~~Director~~, or their ~~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; ~~Adult motels provide~~ 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 time 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 time 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 ~~that 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 ~~that 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 ~~that 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 ~~that 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 wireless transmission facilities~~ ~~Attached WTTs~~ or ~~stealth antennae~~ ~~Stealth Antenna~~.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, stables and kennels.

Antenna: Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio frequency signals.

Antenna, Directional ("Panel" Antenna): ~~An antenna that transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty (360) degrees.~~

~~(1) ——— **Antenna, Omni-Directional Antenna ("Whip" Antenna):** An antenna that transmits and receives radio frequency signals in a three hundred sixty (360)-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 Antenna, 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: ~~A 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.

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.~~

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 Federal Emergency Management Agency (FEMA) 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: ~~A structure where~~ ~~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 ~~need 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.

Banner/Flag: A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).

Banner, Commercial: 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.

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, often referred to as the one hundred (100) year flood ~~("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.

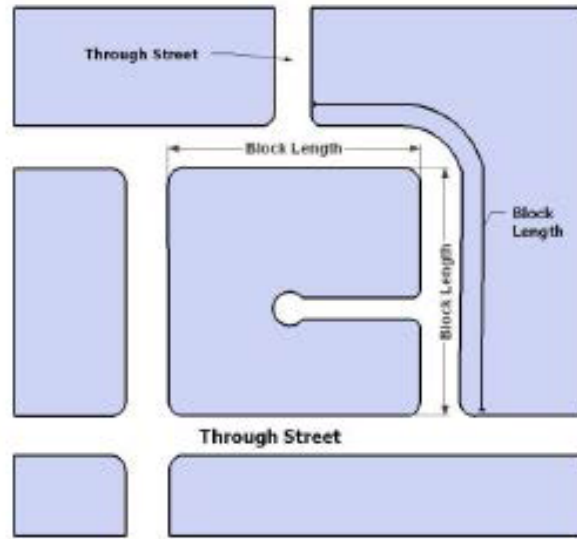
Best Management Practices (BMP): Schedules of activities, practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal stormwater drainage system and waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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 one hundred (100)-year floodplain.

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

Block Length: A measurement of the linear distance of land along a ~~blockface~~ Blockface that is bounded on both ends by public through streets or by a combination of a public through street, ~~public way~~ Public Way, railroad, or one hundred (100)-year floodplain. As such, gated streets, private streets, culs-de-sac, alleys, private driveways, or ~~access ways~~ Access Ways do not divide land into separate ~~blocks~~ Blockfaces.

Example of Different Block Lengths



~~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."~~

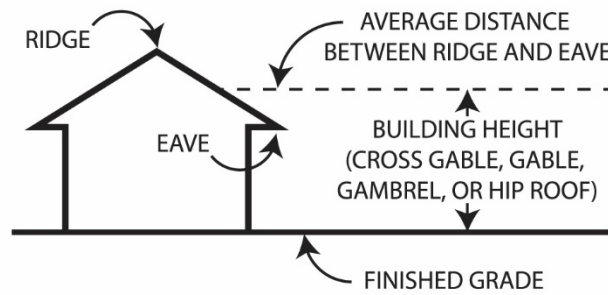
Body Rub Parlor: Any business enterprise where body rub services are provided ~~in order~~ to induce relaxation or for other purposes.

Building: ~~Any 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.~~

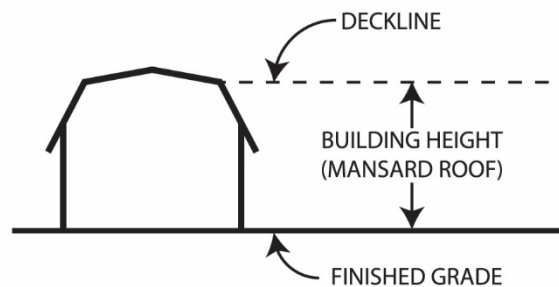
Building Height: ~~The Building height refers to the~~ vertical distance measured from the finished grade and the height of the roof as described below. For buildings with multiple roof levels, the highest of the various roof levels must be used to determine the building height. The average height of multiple roof levels is not to be used to determine building height. Unless indicated in the figures below, the building height shall be the highest point of equipment located on top of a structure such as satellite dishes, heating, and air conditioning units. See below for a list of figures showing how to calculate the building height for different roofs.

Building Height for a Cross Gable, Gable, Gambrel, or Hip Roof¹⁾ ~~The average height level between the~~

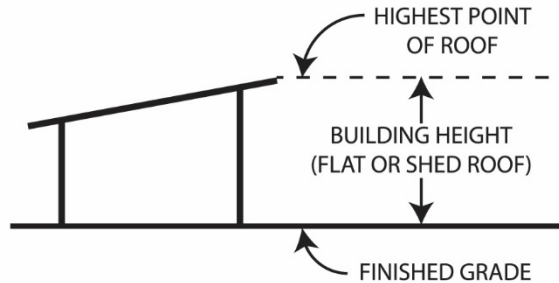


~~eaves and ridge line of a gable, hip, or gambrel roof;~~

Building Height for a Mansard Roof²⁾ ~~The deck line of a mansard roof;~~



Building Height for a Flat or Shed Roof³⁾ ~~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 ~~person designated by the Administrator as designated~~ "Building Official" of the City of College Station, or ~~their designee~~ ~~this 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 the 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.~~

~~**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: ~~The~~ 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."~~

Carpport: A structure ~~that 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, ~~which is enabled the Texas Constitution and the Texas Local Government Code, as amended, to adopt land development regulations and processes.~~

City Attorney: The ~~person employed as~~ "City Attorney" of the City of College Station, ~~or their designee.~~

City Council: The duly and constitutionally ~~elect~~ 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 ~~their his~~ designee.

City Manager: The ~~person employed as~~ "City Manager" of the City of College Station, ~~or their designee.~~

Classification Amendment: An amending zoning ordinance ~~that 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~~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.

~~**Cluster Development:** 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 does not exceed the maximum density limit for the underlying zoning district.~~

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, vegetables, 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 are 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, bars, and taverns are excluded from this definition.

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, including any associated plans or studies adopted supplemented by any other land use, thoroughfare or master plans as approved by the City Council as adopted or amended from time to time.

Concept Plan: A written and graphic plan submitted for consideration of a P-MUD Planned Mixed-Use District Planned Development District or a PDD Planned Development District 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 in a conceptual form.

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.

Condominium: A dwelling unit available for sale contained within a multi-family development subject to covenants, conditions, or restrictions placing control over the common facilities owned by the condominium. This definition includes condominiums, cooperatives, trusts, partnerships, or other similar associations.

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 development permit and/or building permit Building Permit by the City of College Station.

Construction Site Notice: A written submission to the Municipal Separate Storm Sewer System (MS4) operator from an applicant stating that a small construction activity will be commencing and will operate under the provisions of the Texas Commission on Environmental Quality (TCEQ) General Permit TXR150000.

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. ~~Each courtyard house~~ ~~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 an ~~owners association~~ ~~HOA~~ and preserved as ~~a common~~ open ~~green~~ space. Vehicular access and garages shall be ~~accessed~~ 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)~~



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; ~~Said 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~~ ~~Said~~ 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, ~~as amended~~.

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~~ ~~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 person designated by the City Engineer as Development Engineer of the City of College Station~~ ~~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: ~~The~~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 the earth to its disposition in an existing watercourse. ~~;~~ Drainage said drainage facilities include but are not limited to ~~shall consist of~~ both public and private storm sewers (closed conduits), streets, improved channels constructed in accordance ~~conformity~~ with the adopted Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details, unimproved drainage ways 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, and culverts, ~~etc.~~

Drainage System, Primary: The system of natural ~~watercourses~~, improved, or channelized watercourses including; ~~and~~ all closed conduits, culverts, bridges, detention facilities, and retention facilities associated with the watercourses. ~~;~~ All components of the primary drainage system 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 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-In/Thru~~Drive thru~~: A building opening, inducing 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 dwelling units on a single lot or building plot~~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 man-made 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, Drainage: An interest in land granted to others for maintenance of a drainage facility on which certain uses are prohibited. Drainage easements provide for the entry and operation of machinery and vehicles for maintenance.

Easement, Historic Preservation: 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, a 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.

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.

Easement, Utility: An interest in land granted to the City, the public generally, and/or a private utility company for the 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 the maintenance of such utilities.

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 the 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 vocation or 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.

Elevation: The vertical distance from a datum, usually the National Geodetic Vertical Datum (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 ~~porch ambulatory~~ consisting of a series of columns placed at regular intervals supporting a roof, normally attached as a colonnade; ~~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 cityCity. 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 "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 ~~prior to before~~ the effective date of the Flood Insurance Rate Map (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 caliper or greater 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; ~~This 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 ~~city corporate limits of the City of College Station~~, the outer boundaries of which are measured from the extremities of the ~~city corporate limits of the City~~, outward for such 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, Primary: The primary entrance façade of a principal building (not accessory buildings) or any façade of a principal building that faces a public right-of-way, private right-of-way, or public way.

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 (1) 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 (1) unrelated person. Guardianship shall include foster children, exchange students, or those in the process of securing legal custody of a person under the age of eighteen (18). Any asserted common law marriage must be subject to an affidavit of record under the Texas Family Code, as amended~~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 Department of Homeland Security Federal Insurance Administration which administers the National Flood Insurance Program (NFIP).

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 (FHB~~M~~): An official map of a community, issued by the Federal Emergency Management Agency (FEMA)~~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 Emergency Management Agency (FEMA)~~Federal Insurance Administration~~ has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency (FEMA). 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 by more than one (1) foot.

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 one-hundredths (.01) feet~~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 Federal Emergency Management Agency (FEMA) floodway, but always includes the Federal Emergency Management Agency (FEMA) floodway. The boundaries of the one hundred (100)-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: ~~A 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 meets 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 an 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 an owners association Homeowners Association (HOA) and having its primary means of access controlled by an electric or manual gate administered by the owners associationHOA.

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, Greenway typically located on the periphery of the developed community. This greenway Greenway exists mostly in a natural state with the primary functions being flood control, wildlife protection, and aesthetic value. This greenway 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 Greenway are flood control, recreation, transportation, and economic and aesthetic purposes.

Greenway - Urban: The most highly developed greenway 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 Program Manager: The "Greenways Program Manager" of the City of College Station as designated by the Administrator.

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 (24)-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 Texas Human Resources Code, as amended.

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.

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 Association: Link of a property that contributes to an HP Historic Preservation Overlay 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.

Historic Contributing Resource: A building, site, structure, or object in an HP Historic Preservation Overlay that supports the Overlay's historical significance through historic location, design, setting, materials, workmanship, feeling, or association.

Historic Design: Quality of integrity applying to the elements that create the physical form, plan, space, structure, and style of a property in an HP Historic Preservation Overlay.

Historic Feeling: Quality of integrity through which a property that contributes to an HP Historic Preservation Overlay evokes the aesthetic or historic sense of past time and place.

Historic Integrity: Authenticity of the historic identity of a property that contributes to an HP Historic Preservation Overlay, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Historic Location: Quality of integrity retained by a property that contributes to an HP Historic Preservation Overlay historic property existing in the same place as it did during the period of significance.

Historic 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 an HP Historic Preservation Overlay.

Historic Non-Contributing Resource: A building, site, structure, or object in an HP Historic Preservation Overlay that does not support the Overlay's historical significance through historic, location, design, setting, materials, workmanship, feeling, or association.

Historic Setting: Quality of integrity applying to the physical environment of a property that contributes to an HP Historic Preservation Overlay.

Historic Workmanship: Quality of integrity applying to the physical evidence of the crafts of a particular culture, people, or artisan on a property that contributes to an HP Historic Preservation Overlay.

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 t~~I This definition shall not 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: ~~The Impervious cover is the~~ percentage of a lot's area that is covered, or proposed to be covered, by impervious surfaces.

Impervious Surface: ~~Any 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 ~~(50)~~ 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 the 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, and 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 ~~that 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.

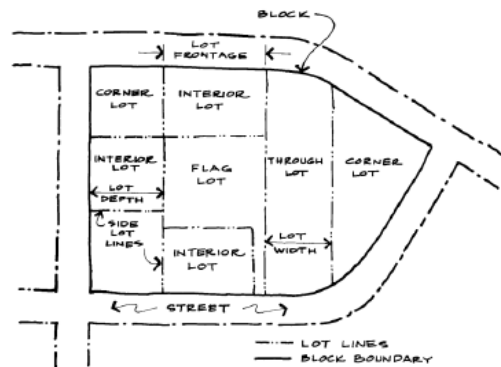
Levee: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water ~~so as to protect provide protection~~ from temporary flooding.

Levee System: A flood protection system ~~that 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.

~~**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) **Lot, Corner-Lot:** A lot located at the intersection of and abutting upon two (2) or more streets.

(2) **Lot, Double Frontage or Through-Lot:** A lot, other than a corner lot, which has frontage on more than one (1) street.

(3) **Lot, Flag-Lot:** A lot ~~that does not meet the minimum lot width requirements where access is derived from not fronting on or abutting a public road and where access to the public road is by a narrow, private driveway/right-of-way.~~

(4) **Lot, 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 the 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, gravel or paved 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 the side yard area on the opposite side of the lot. Planning for all house locations ~~is 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: ~~The width of the lot~~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 at the minimum-front setback distance from the front lot line.~~

Lowest Floor: The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-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, 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, ~~in accordance with~~ 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 another 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 (½) of the numbers are less than the median number and one-half (½) 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 on a limited scale, predominantly from extracted raw materials, entirely contained within a building and not deemed to be a public nuisance, as determined by the Administrator/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 that 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 prior to 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.

~~**Motor Vehicle:** A self-propelled device that can be used to transport or draw persons or property not exclusively on stationary rails or tracks.~~

~~**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~~Shared Primary Entrance. The land underneath is a single platted lot or building plot. 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~~Shared Primary Entrance. The land underneath is a single platted lot or building plot. Condominiums are included in this definition.

Multi-Family Dwelling: A ~~residential~~ structure providing ~~complete, independent living facilities for three (3) or more dwelling units on a single lot or building plot~~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 (NFIP): ~~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 ~~prior to 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~~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~~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 ~~an~~ 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 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-~~site~~~~premise~~ sale of alcoholic beverages. Sexually-
oriented ~~businesses~~~~Businesses~~/~~enterprises~~~~Enterprises~~ are not included in this definition.

Notice of Change: ~~The notification of changes to the stormwater pollution prevention plan (SWP3) that is required by the Texas Pollutant Discharge Elimination System (TDPS) Stormwater Permits.~~

Notice of Intent: ~~The advance notification that is required by the Texas Pollutant Discharge Elimination System (TDPS) Stormwater Permits prior to commencement of work.~~

Notice of Termination: ~~The notification that is required by the Texas Pollutant Discharge Elimination System (TDPS) Stormwater Permits upon completion of work.~~

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 ~~a~~ 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.

Owners Association: An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision—whether a lot, parcel site, unit plot, condominium, or any other interest—is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a prorated share of expense of the association, which may become a lien against the lot, parcel, unit, condominium, or other interest of the member. Homeowners associations and property owners associations are included in this definition.

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 ~~higher greater~~ on the Comprehensive Plan Functional Classification & Context Class Map~~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 thirty-three (33) percent ~~one-third (1/3)~~ of the total area of the building plot.

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, Overflow: Parking in excess of the minimum required by this ordinance and in excess of what is utilized regularly by the development.

Parking, Peripheral: Parking rows ~~that 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 fifty (50) percent ~~one-half (1/2)~~ of the applicable zoning district's minimum lot depth.

Parking Row, Single: One (1) 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 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~~ where curbs are used, it is the portion between the back of the 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~~s~~ 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 ~~that 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 Clerk's Office county records showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., drawn to scale. This definition 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 Chapter 212 Section 212.0065 of the Texas Local Government Code, as amended. 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.

~~**Plot Plan:** See "Site Plan."~~

Portable Storage: Any unit, including but not limited to a trailer, box, or an 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 Use, Structure, or Building: ~~Structures used principally to serve a public need, such as~~ A use, structure, or building belonging to or used by the public for the transaction of public or quasi-public business including but not limited to parks, 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 ~~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 in accordance with Commercial Street according to the Bryan/College Station Unified Design Guidelines with the following modifications:

- (1) 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.

(2) A ~~public way~~ Public Way shall have a minimum pavement structure constructed to the 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.

(3) 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.

(4) Five ~~(5)~~ -foot sidewalks shall be provided on each side of the drive and placed a minimum of three (3) feet from the back of the 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.

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 in 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, or and the clearance and rebuilding of an this area consistent with the Comprehensive Plan, including any associated plans or studies adopted by the City Council according to a comprehensive plan.

Regulated Activity: 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.

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.

Release: 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.

Religious Institution: See "Place of Worship."

Remote Emergency Access: ~~An emergency access consists of a~~ semi-permanent all-weather surface in accordance with 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 fifty (50) percent one-half (½) 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 investigations in the natural, physical, or social sciences, which may include engineering and product development.

Residential Sales Office/Model Home: A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like. 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.

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 dinners, 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 ~~are is~~ derived from the sale of such beverages for off-~~site~~~~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 ~~in 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 ~~that which~~ accepts at least one (1) or more types of beverage containers including, but not limited to, aluminum cans, ~~or~~ glass and plastic bottles ~~that, and which~~ issues ~~a~~ cash refunds ~~s~~ or ~~a~~ redeemable credit slips ~~s~~. Sorting and processing occurs entirely within the machine.

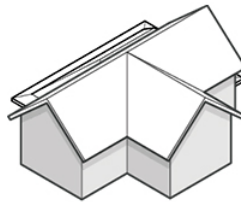
Reverse Vending Machine, Bulk: A reverse vending machine that is larger than fifty (50) square feet and is designed to accept more than one (1) container at a time and to pay by weight. For the purpose of these restrictions, bulk reverse vending machines will be considered small collection facilities.

Reverse Vending Machine, Single Feed: A reverse vending machine that accepts materials one (1) item at a time.

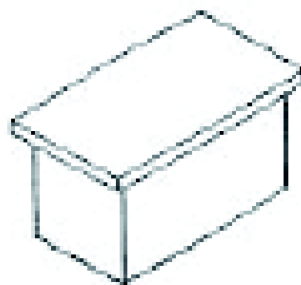
Rooming/Boarding House: A group of rooms provided for persons other than members of the occupant family ~~(see definition of family)~~ for compensation either in a converted single-family home or in a structure specifically designed for such purpose where there are no cooking facilities provided in individual living units and where meals may be provided daily.

Roof Types:

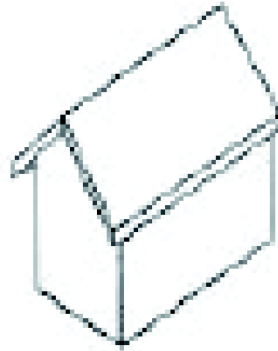
Roof, Cross Gable: Two (2) perpendicular gable roofs.



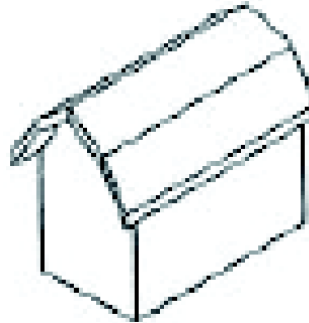
~~(1)~~ — **Flat Roof, Flat:** A roof with only enough pitch to allow drainage.



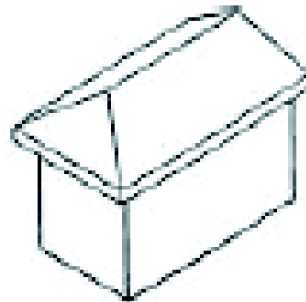
(2) ~~Gable~~ **Roof, Gable**: A ridged roof having one (1) or two (2) gabled ends (gable: the portion of the end of a building that extends from the eaves to the peak or ridge of the roof).



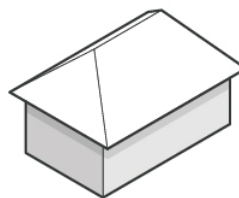
(3) ~~Gambrel~~ **Roof, Gambrel**: A roof whose slope on each side is interrupted by an obtuse angle that forms two (2) pitches on each side, the lower slope being steeper than the upper.

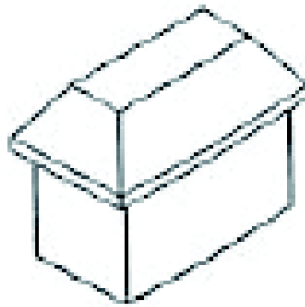


(4) ~~Hip~~ **Roof, Hip**: A roof formed by several adjacent inclining planes, each rising from a different wall of a

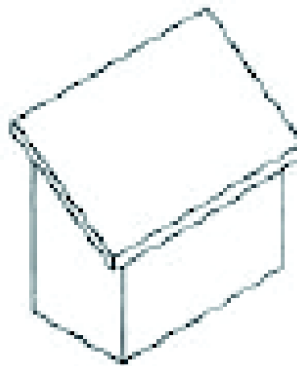


building, and forming hips at their adjacent sloping sides.





~~(5)~~ **Mansard Roof, Mansard:** A roof with a double pitch on all four (4) sides, the lower level having the steeper pitch.



~~(6)~~ **Shed Roof, Shed:** 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 ~~that 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 lot or 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.

Sexually-oriented businesses include, but are not limited to, adult retail stores, limited adult retail stores, adult arcades, 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 (FDA).

Shared Housing: A residential dwelling unit providing complete, independent living facilities designed to exceed occupancy levels of more than one (1) family, ~~including permanent provisions for living, sleeping, cooking, eating, and sanitation~~. Such use may be identified and differentiated from other residential uses by considering a combination of structure or property characteristics that may be used to increase occupancy to more than one (1) family, such as:

- (1) A residential dwelling unit containing more than four (4) bedrooms or able to house more than four (4) people using other rooms such as dens, offices, game rooms, or similar spaces that have the potential to be used for sleeping purposes in accordance with the International Residential Code (IRC) definition of habitable space, ~~as adopted~~;
- (2) A residential dwelling unit containing a similar bedroom-to-bathroom parity in excess of four (4);
- (3) A residential dwelling unit containing a high quantity of bathrooms, usually in excess of four (4), of which most can only be accessed through a bedroom or other room such as a den, office, game room, or similar space;
- (4) A residential dwelling unit that is in excess of one (1) story for the purpose of limiting the building footprint on the lot to meet impervious cover requirements;
- (5) The property where the residential dwelling unit is located does not contain a garage, or if it contains a garage, ~~can has the ability to~~ support additional living space; and/or
- (6) The property where the residential dwelling unit is located contains a parking area that will allow parking in excess of four (4) vehicles.

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.

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 the safety of persons utilizing the facility and the general public.

Shrub: A woody perennial plant differing from a perennial herb by its woodier ~~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 a similar character ~~that 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) ~~—— **Sign, 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 multi-family residential project or a manufactured home park project, and where adequate provision is made for permanent maintenance.~~

(3) ~~—— **Sign, 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) ~~—— **Sign, 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) ~~—— **Sign, Campus/Wayfinding:** A sign utilized as a traffic control device in off-street or access areas whose primary purpose is to direct traffic within a PDD Planned Development District ~~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) ~~—— **Sign, Commercial-Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.~~

(9) ~~—— **Sign, Development-Sign:** A sign announcing a proposed subdivision or a proposed building project.~~

(10) ~~—— **Sign, 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) ~~—— **Sign, 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~~ This 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) — **Sign, Fuel Price-Sign:** A sign used to advertise the current price of fuel at locations where fuel is sold.

(13) — **Sign, 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) — **Sign, Home Occupation-Sign:** A sign used to identify the name and occupation of a person with a legal home occupation.

(15) — **Sign, Low Profile-Sign:** A sign with a permanent foundation ~~that 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) — **Sign, 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) — **Sign, 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.

(18) — **Sign, 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) — **Sign, 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) — **Sign, 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) — **Sign, 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 ~~twelve 12~~ (12~~twelve~~) inches beyond the face of the building.

(22) — **Sign, Real Estate, Finance, and Construction-Sign:** An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising ~~the~~ 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) — **Sign, 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) — **Sign, 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 Design District or Overlay-District~~, as ~~set forth out-lined in the Design Districts and Overlay Districts Sections of Article 5, District Purpose Statements and Supplemental Standards of this UDOArticle 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) — **Sign, 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-Family: A structure providing one (1) dwelling unit on a single lot or building plot.

Single-Unit Dwelling: A detached ~~structure~~residential unit, located within a larger development on a common lot, providing ~~complete, independent living facilities for one (1) dwelling unit~~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. For the purposes of the Northgate districts only, site development includes the installation of walls, accessory structures, and other similar additions.

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 the Site Plans Section of Article 3, Development Review Procedures of this UDO~~Section 3.9, Design District Site Plan Review, of this UDO. Also called a plot plan.~~

Sitwall: A combination ~~or of~~ 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.

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 ~~that 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 the 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~~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 a 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: The keeping of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours in an unenclosed area. See "Outdoor Storage."

Storage, Self-Service: A structure containing separate, individual, and private storage spaces of varying sizes.

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.

Stormwater Management: All ordinances, standards, plans, and studies to ~~ensure~~ 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.

Stormwater Pollution Prevention Plan (SWP3): A plan required by a Texas Pollutant Discharge Elimination System (TDPES) 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.

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~~(s) or persons~~, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for ~~their 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 ~~that 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.

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.

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 Lots Subsection of the General Requirements and Minimum Standards of Design for Subdivisions within the City Limits Section of Article 8, Subdivision Design and Improvements of this UDO 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:

- (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 an 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 the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications ~~that 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 8, Businesses 4 of the City of College Station Code of Ordinances.

Texas Pollutant Discharge Elimination System (TDPEs): The regulatory program delegated to the State of Texas by the Environmental Protection Agency (EPA) pursuant to 33 USC § 1342(b).

Texas Pollutant Discharge Elimination System (TDPEs) Permit: A permit issued by the Texas Commission on Environmental Quality (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.

~~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, with 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 extends ing 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 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 ~~of for~~ the support and attachment of a wireless telecommunications facility. ~~Transmission towers include:~~

~~(1) — Transmission Tower, Monopole: Tower~~ A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment. ~~;~~

~~(2) — Transmission Tower, Lattice: Tower~~ A self-supporting three ~~(3)~~- or four ~~(4)~~-sided, open, steel frame structure used to support telecommunications antenna and/or related equipment. ~~;~~ ~~and~~

~~(3) — Transmission Tower, 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.

~~**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 ~~detached residential~~ structure, located within a larger development on a common lot, providing ~~complete, independent living facilities for~~ two (2) ~~dwelling units~~ 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 ~~wireless telecommunication facilities~~ 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 are~~ 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 UDO 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 another 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 ~~because by reason of~~ the 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 ~~that and which~~ are open and unobstructed to the sky by any structure except as herein provided.

Yard, Exterior Side: A yard that faces and is parallel to a side street.

(1) ~~Yard, 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.

(2) ~~Yard, 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) ~~Yard, 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 the city in accordance with this UDO ~~a particular jurisdiction according to a zoning ordinance or code~~ and consistent usually in accordance with the Comprehensive Plan Future Land Use & Character Map ~~a land use plan~~ which is intended to preserve the quality of life and orderly development of the city ~~that jurisdiction~~.

August 10, 2023

Item No. 9.3.

UDO Off-Street Parking Amendments

Sponsor: Jesse Dimeolo

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding amendments to the Unified Development Ordinance Sections 5.8.B Northgate Districts, 7.2 General Provisions, and 7.3 Off-Street Parking Standards to modify off-street parking and bicycle parking requirements.

Relationship to Strategic Goals:

- Diverse and Growing Economy
- Improving Mobility
- Sustainable City

Recommendation(s): The Bicycle, Pedestrian, and Greenways Advisory Board heard this item at their June 5, 2023 meeting and voted unanimously to recommend approval of the ordinance changes with a suggestion to clarify verbiage in the opening paragraph of Section 7.3 regarding parking areas. The proposed ordinance attached includes the suggested changes.

The Planning and Zoning Commission heard this item at their July 20, 2023 meeting and voted unanimously to recommend approval of the ordinance amendment with allowing multiple-family uses to park at 75% of the required parking ratio in redevelopment areas, which is the same requirement as in Northgate. Shared housing uses will be required to park at 100% of the required parking ratio. The proposed ordinance attached reflects this recommendation.

Staff recommends approval.

Summary: As part of the PDS Plan of Work, the Planning and Zoning Commission requested that staff explore the option of reducing or eliminating off-street parking requirements for certain uses and/or areas and introducing parking maximums. Reducing and/or eliminating minimum parking requirements can have significant benefits for a community, such as allowing land that would otherwise be used for predominately empty parking lots to be used for more productive development or recreational areas; improving the walkability of a community; and reducing the cost of development. The major changes in the proposed ordinance amendment include reducing the minimum parking ratios for non-residential uses citywide, eliminating parking requirements in redevelopment areas for non-residential uses, implementing parking maximum ratios, and modifying bicycle parking requirements.

Currently, vehicular parking requirements and bicycle parking requirements are in two different sections of the UDO, with more emphasis being placed on automobiles. With the goal of building mobility equity into the UDO, it is proposed to have both modes of transportation shown in the off-street parking requirement chart in Section 7.3. This will make it easier for users to assess all parking requirements and place a stronger emphasis on alternative modes of transportation. Also, with reducing vehicular parking requirements citywide, bicycle parking requirements had to be reconsidered. Bicycle parking is now required per unit, whether it be gross square footage of a

building or number of bedrooms, rather than providing spaces based on the number of vehicle spaces.

Staff has discussed changes with external stakeholders like local real estate developers and engineering firms, other city departments, and the Bicycle, Pedestrian, and Greenways Advisory Board. Staff has received good feedback from these groups, which has helped shape the proposed ordinance.

Since the most recent Bicycle, Pedestrian, and Greenways Advisory Board meeting, some small changes were made to sections 5.8 and 7.3. These changes include:

- 5.8.B.6 - Allowing for tandem vehicle parking spaces to count for up to 10-percent of the required parking spaces when located in a parking structure in Northgate.
- 5.8.B.7 - Referencing the revised Off-Street Parking Standards section, and striking certain other standards in this section, as the revised standards are now higher in Section 7.3.
- 7.3.F - Ensuring that a certain number of bicycle parking spaces are located outside of a building for visitor use. If bicycle parking is located in the interior of a building, appropriate signage will need to be provided to help properly direct users.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. Section 5.8. - Redlines
3. Section 7.2 - Redlines
4. Section 7.3 - Redlines

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING APPENDIX A “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 5 “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS,” SECTION 5.8 “DESIGN DISTRICTS,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS,” SECTION 7.2 “GENERAL PROVISIONS,” AND SECTION 7.3 “OFF-STREET PARKING STANDARDS,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, REGARDING MODIFICATIONS TO OFF-STREET PARKING AND BICYCLE PARKING REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Appendix A “Unified Development Ordinance,” Article 5 “District Purpose Statements and Supplemental Standards,” Section 5.8 “Design Districts,” Article 7 “General Development Standards,” Section 7.2 “General Provisions,” and Section 7.3 “Off-Street Parking Standards,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A,” Exhibit “B,” Exhibit “C,” and Exhibit “D”** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED, and APPROVED this 10th day of August, 2023.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Exhibit A

That Appendix A “Unified Development Ordinance,” Article 5 “District Purpose Statements and Supplemental Standards,” Section 5.8.B.6 “Off-Street Parking Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Subsection d, renumbering the Section, and is to read as follows:

6. Off-Street Parking Standards.

All off-street parking shall meet the requirements specified in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO, except as specifically provided herein:

- a. Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than two hundred (200) feet to the right(s)-of-way or is not completely located behind a habitable structure. Lots with frontage on University Drive and Church Avenue shall not have surface parking that is closer than two hundred (200) feet to Church Avenue or is not completely located behind a habitable structure.
- b. There shall be no minimum number of parking spaces required for non-residential uses.
- c. Off-street parking facilities for residential uses shall meet seventy-five (75) percent of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.
- d. Tandem parking, also known as double parking, may be counted towards off-street parking requirements for structured parking areas in Northgate only. The following conditions must be included as a note on the site plan:
 - 1) The spaces must be reserved and assigned to the same dwelling unit.
 - 2) Both spaces must be standard size, nine (9) feet by twenty (20) feet. No compact or handicapped accessible spaces are permitted.
 - 3) No more than ten (10) percent of the total parking spaces required can be tandem. In determining this percentage, both stalls in a tandem parking shall be counted. Fractional amounts shall be increased to the nearest even number.
- e. No interior islands are required.
- f. Where off-street surface parking is to be installed adjacent to a right-of-way, there shall be a six (6) foot setback from the required sidewalk to the parking pavement. The parking area shall be screened along one hundred (100) percent of the street frontage (minus driveways and visibility triangles) with shrubs or a brick, stone, tinted CMU, or concrete product textured or patterned to look like brick or stone wall a minimum of three (3) feet in height, and within three (3)

feet of the sidewalk. Walls shall be complementary to the primary building and shall be constructed as sitwalls.

- g. No off-street surface parking or circulation aisle shall be located between the primary entrance façade of a building and a right-of-way. Parking shall be located at the rear or side of a building. Two (2) exceptions are:
 - 1) Sites on the South College Avenue right-of-way may have up to one (1) circulation aisle against the right-of-way with parking on each side of the aisle.
 - 2) Hotel and residential uses may have porte cocheres and temporary, loading/unloading parking, not to exceed ten (10) spaces, against the right-of-way.
- h. Ramps shall not be built on the exterior of parking garages.
- i. Steel guard cables on garage façades are prohibited.
- j. To break up the parking lot area, minimize the visual impact on pedestrians, and encourage pedestrian movement through the districts, one (1) or a combination of the following parking concepts is required for parking that provides more than sixty (60) parking spaces with more than one (1) parking row:
 - 1) Parking is located in a garage.
 - 2) The parking structure is located on the interior of the block, screened from public view by habitable structures, and is not located adjacent to a right-of-way.
 - 3) For every sixty (60) parking spaces, there shall be a separate and distinct parking area connected by driving lanes but separated by a landscaping strip a minimum of ten (10) feet wide the full length of the parking row. At a minimum, landscaping shall be one (1) canopy tree (one and one-half (1.5) inch caliper or greater) for every twenty-five (25) linear feet of the landscaping strip.

In addition, at least seventy-five (75) percent of all end islands in the parking lot must be irrigated and landscaped with a minimum one and one-half (1.5) inch caliper canopy tree, one and one-quarter (1.25) inch caliper non-canopy tree, or enough shrubs three (3) feet in height at time of planting to cover seventy-five (75) percent of the island. Islands not landscaped shall be treated with brick pavers, ground cover, and/or perennial grass.

Exhibit B

That Appendix A “Unified Development Ordinance,” Article 5 “District Purpose Statements and Supplemental Standards,” Section 5.8.B.7 “Bicycle Parking Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Subsection a, renumbering the Section, and is to read as follows:

7. Bicycle Parking Standards.

The following standards are in addition to the requirements of the Off-Street Parking Standards article of this UDO.

- a. For all non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above two thousand (2,000) square feet shall be required.
- b. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be separated at least three (3) feet from the building or other walls, landscaping, or other features to allow for ease and encouragement of use. Bicycle parking facilities may be permitted on sidewalks or other paved surfaces with a private improvement in the public right-of-way permit (when necessary) and provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- c. Required bicycle parking may be consolidated with the bicycle parking of adjacent properties and provided off-site if the bicycle rack location is within one hundred (100) feet of the main entry façade of the building and with written agreement from the property owners.

Exhibit C

That Appendix A “Unified Development Ordinance,” Article 7 “General Development Standards,” Section 7.2 “General Provisions,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by removing Subsection I “Bicycle Facilities,” renumbering the Section, and is to read as follows:

H. Public Address Systems.

Public address systems shall not be audible to adjacent residential uses.

I. 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 to enhance pedestrian and bicycle mobility and connectivity.
2. In MU Mixed-Use districts, sidewalks that are a minimum of eight (8) feet wide 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 Section below except for MU Mixed-Use districts:
 - a. Public entry façades of retail buildings that exceed two hundred (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 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 the Outside Storage and Display Section below.
 - b. A site(s) that is part of a building plot over 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 that are part of a building plot over ten (10) acres shall provide one (1) 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 the required parking islands. 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; or
- 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.

Exhibit D

That Appendix A “Unified Development Ordinance,” Article 7 “General Development Standards,” Section 7.3 “Off-Street Parking Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 7.3. Off-Street Parking Standards.

A. Purpose.

The purpose of this Section is to balance the demand for off-street parking while avoiding the construction of excessive parking areas and to ensure that parking areas are appropriately designed for motor vehicles, bicycles, and pedestrians. The design shall be consistent with the character and development patterns identified within the Comprehensive Plan.

B. Applicability.

1. New Development & Redevelopment.

Any new building must comply with this Section.

2. Renovations or Repairs.

An existing building or site may be repaired, maintained, or modernized without providing additional parking, provided there is no increase in gross floor area or improved site area.

3. Additions and Increases in Floor Area.

- a. When an existing building, use, or site is increased in gross floor area or improved site area by up to twenty-five (25) percent cumulatively, additional parking is required for the additional floor or site area only.
- b. When an existing building, use, or site is increased in gross floor area or improved site area by more than twenty-five (25) percent cumulatively, both the existing building, use, or site and the additional floor or site area must conform to the parking requirements.

4. Change in Use.

- a. A change in use, based on the parking tables in the Required Parking Subsection below, must comply with the parking requirements.
- b. Where the required number of parking spaces for a new use, according to the Required Parking Subsection below, is one hundred twenty-five (125) percent or less of the parking spaces required for the existing use, no additional parking spaces are required.
- c. Where required parking spaces for the new use exceed one hundred twenty-five (125) percent of the required parking spaces for the existing use, additional

parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use above the one hundred twenty-five (125) percent.

5. Where off-street parking facilities are provided more than 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.

C. Required Parking.

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

1. Parking shall be provided in accordance with the table below. Where a use is not specifically listed or only a broad use category is shown, the Administrator shall categorize the use.
2. When a property is used for a combination of uses, the parking requirements are the sum of the requirements for each use and no parking space for one use can be included in the calculation of parking requirements for any other use, except as allowed as in the Alternative Parking Plans Subsection below.
3. Parking requirements based on square footage shall be based on 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.
4. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number.
5. At the time of construction, redevelopment, or when an addition to the number of existing bedrooms or similar spaces is completed, all residential uses shall come into compliance with the minimum off-street parking requirements in the table below. Garages that meet minimum dimensional standards may be counted towards parking requirements.
6. Where requirements are established based on the number of seats, such requirements shall be based on the seating capacity as determined by the Building Official.
7. Refer to the Modifications to Required Parking Subsection below for the potential to substitute additional bicycle facilities for vehicular parking.

Off-Street Vehicle and Bicycle Parking Requirements			
KEY: SF = gross square footage			
Use	Minimum Spaces / Unit	Maximum Spaces / Unit (a)	Bicycle Spaces / Unit (b)
Residential			
Accessory Living Quarters	1 / bedroom		
Assisted Living/Residential Care Facility/Nursing Homes	0.25 / bed	0.5 / bed	1 / 1,000 SF
Dormitory	0.33 / bed	0.75 / bed	0.50 / bed
Duplex Dwelling:			
1 & 2 Bedroom	2 / dwelling unit		
3+ Bedroom	1 / bedroom		
Fraternity/Sorority House:			
Rooms	1 / bed		1 / bed
Meeting Room Area	1 / 60 SF	1 / 30 SF	
Group Housing	1 / bedroom	2 / bedroom	1 / bedroom
Live-Work Unit:			
Residential Area	1 / bedroom	1.5 / bedroom	1 / bedroom
Non-Residential Area	1 / 500 SF	1 / 250 SF	1 / 1,000 SF
Mixed-Use Structure:			
Residential Area	1 / bedroom	1.5 / bedroom	1 / bedroom
Non-Residential Area	1 / 500 SF	1 / 250 SF	1 / 1,000 SF
Multi-Family Dwelling:			
1 Bedroom Unit	1.5 / bedroom		0.5 / bedroom
2+ Bedroom Unit	1 / bedroom		0.5 / bedroom
Rooming/Boarding House	1 / bed		0.5 / bed
Shared Housing	1 / room at least 70 SF in area, excluding a kitchen, a living room, and a laundry room. The Administrator may also exclude additional rooms, but not below the number of bedrooms.		0.5 / bedroom
Single-Family Dwelling	1 / bedroom, with a minimum of 2 total spaces	4 total spaces	

Single-Unit Dwelling	1 / bedroom		
Townhouse	1 / bedroom, with a minimum of 2 total spaces		
Non-Residential			
Commercial Amusement	1 / 200 SF	1 / 100 SF	1 / 5,000 SF
Day Care Center	1 / 500 SF	1 / 250 SF	1 / 5,000 SF
Educational Facilities:			
Primary and Secondary or Vocational/Trade	1 / 5 students, faculty, and staff based on design capacity	1 / 2 students, faculty, and staff based on design capacity	1 / 10 students, faculty, and staff based on design capacity
College and University, Indoor or Outdoor Instruction, or Tutoring	2 / Classroom	4 / Classroom	1 / 10 students, faculty, and staff based on design capacity
Funeral Parlor	0.25 / seat	0.5 / seat	1 space / 100 seats
Golf Driving Range	0.5 / tee station	1 / tee station	
Gasoline and Fuel Service	1 / 500 SF	1 / 250 SF	1 / 5,000 SF
Hospital	1 / bed	3 / bed	1 / 20 beds
Hotel/Motel:			
Guest Rooms	0.5 / room	1 / room	
Meeting Room Area	1 / 400 SF	1 / 200 SF	1 / 5,000 SF
Lodge or Meeting Hall	1 / 200 SF	1 / 100 SF	1 / 5,000 SF
Manufacturing	1 / 1,000 SF	1 / 500 SF	1 / 20,000 SF
Medical Clinic	1 / 400 SF	1 / 200 SF	1 / 5,000 SF
Motor Vehicle:			
Office / Sales Area	1 / 500 SF	1 / 250 SF	1 / 5,000 SF
Service Area	1 / 250 SF	1 / 100 SF	1 / 5,000 SF
Night Club, Bar, or Tavern	1 / 100 SF	1 / 50 SF	1 / 5,000 SF
Office	1 / 500 SF	1 / 250 SF	1 / 5,000 SF
Place of Worship (c)	0.25 / seat	0.75 / seat	1 / 100 seats
Retail Sales & Service	1 / 500 SF	1 / 250 SF	1 / 5,000 SF
Restaurant:			
Without drive-thru	1 / 130 SF	1 / 65 SF	1 / 2,500 SF
With drive-thru	1 / 200 SF	1 / 100 SF	1 / 2,500 SF
Theater	0.5 / seat	0.75 / seat	1 / 100 seats
Warehouse	1 / 2,000 SF	1 / 1,000 SF	1 / 20,000 SF

Notes:

- (a) For areas designated Neighborhood Conservation on the Comprehensive Plan Future Land Use & Character Map, there shall be no maximum number of parking spaces.
- (b) Unless no bicycle spaces are required, the minimum number of bicycle spaces provided shall not be less than two (2), nor will any development be required to provide more than twenty-four (24) spaces.
- (c) Overflow parking above required parking spaces may be grassed rather than paved. All unpaved spaces shall be shown on the site plan and organized for efficient traffic circulation using wheel stops and other appropriate measures as required by the Administrator.

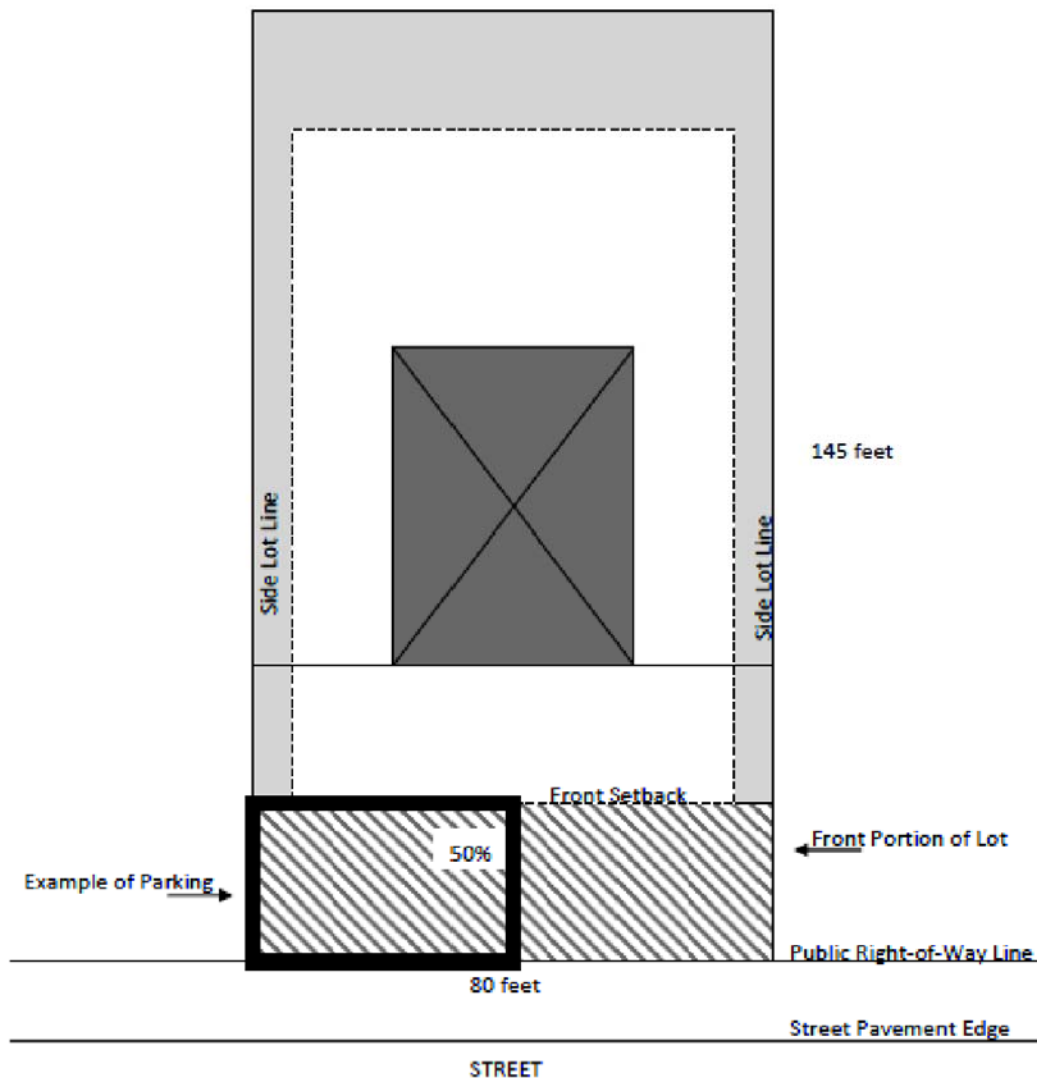
D. Modifications to Required Parking.

- 1. For all non-residential uses in Redevelopment Areas as shown on the Comprehensive Plan Future Land Use & Character Map, no minimum number of off-street vehicular parking spaces will be required.
- 2. For non-Shared Housing multi-family residential uses in Redevelopment Areas as shown on the Comprehensive Plan Future Land Use & Character Map, seventy-five (75) percent of the minimum number of off-street vehicular parking spaces will be required.
- 3. For all non-residential uses, the minimum number of off-street vehicular parking spaces may be reduced by up to twenty (20) percent, according to the following:
 - a. Bicycle Facilities – The Administrator may authorize reducing the number of required off-street parking spaces by up to ten (10) percent for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and/or dressing areas for employees.
 - b. Bicycle Parking - For developments or uses that provide bicycle parking spaces above the minimum requirements, one required automobile parking space may be exchanged for each additional bicycle parking space, not to exceed ten (10) percent of the required vehicular parking spaces, provided that adequate accessibility by motor vehicle and bicycle to the subject site is maintained.
 - c. Bus Transit Availability – Locations within a one thousand three hundred twenty (1,320) foot walking distance of an approved bus stop may reduce the total number of required vehicular parking spaces by ten (10) percent. Walking distance is measured from the primary entrance of the building to the bus boarding location.
 - d. Tree Preservation – The Administrator may approve a reduction in the total number of required vehicular parking spaces by one space for every tree at least eight (8) inches in diameter at breast height preserved within the parking area.

- e. Structured Parking – Where parking is provided entirely in a structure on a lot, the required total number of spaces may be reduced by ten (10) percent.
- 4. The Design Review Board may waive parking space requirements in the WPC Wolf Pen Creek and NG Northgate districts if the development meets the goals of the master plan for the respective district.
- 5. The maximum number of off-street vehicular parking spaces may be exceeded according to the following:
 - a. Additional Landscape Points – For every five (5) additional parking spaces above the maximum, one additional canopy tree of at least two hundred twenty-five (225) points as identified in the Landscaping and Tree Preservation Section below shall be planted on the development site within the parking area within landscape islands, or within ten (10) feet of the edge of the parking area.

E. Dimensions, Access, and Location.

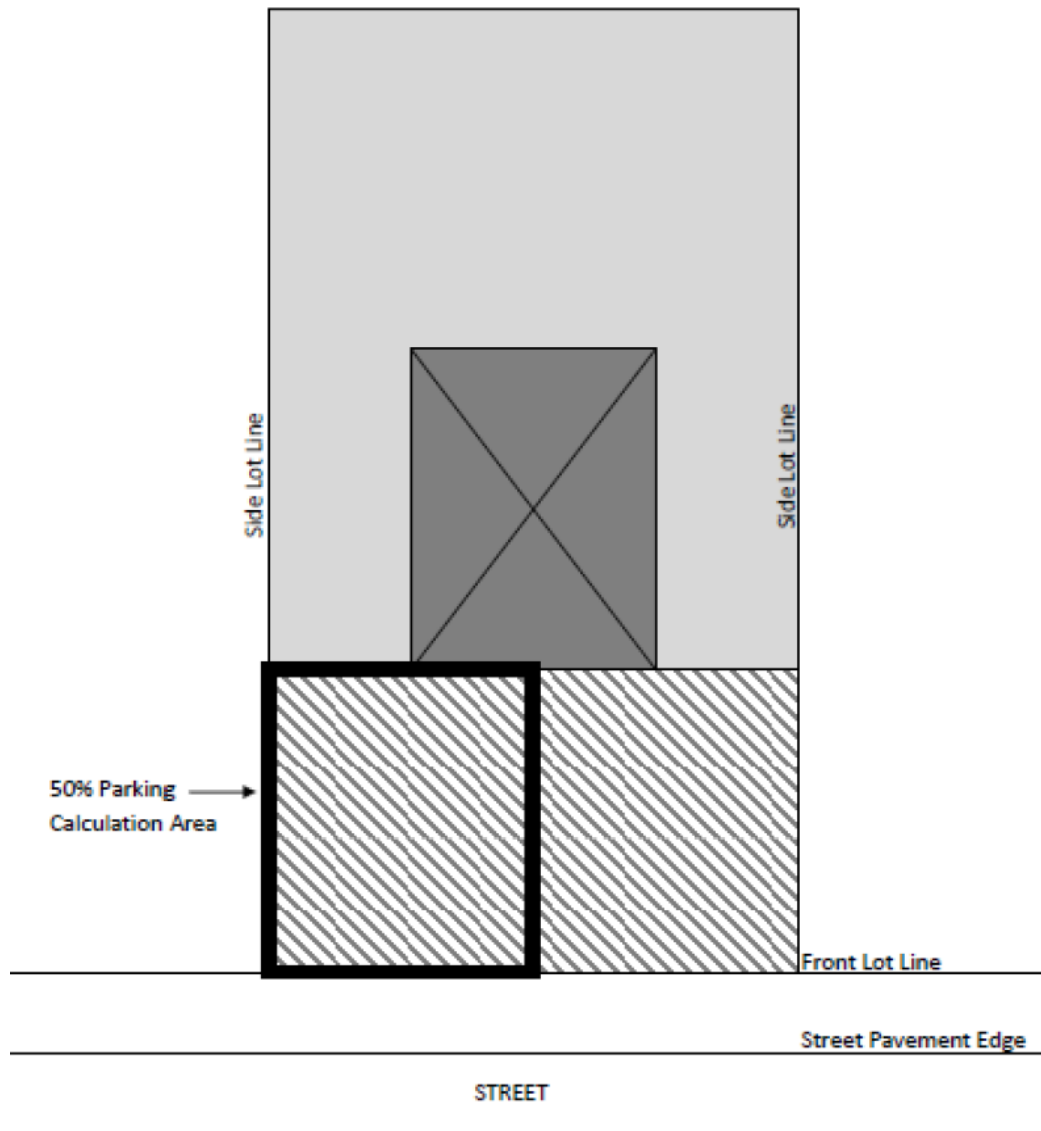
- 1. Each off-street parking space for automobiles shall have an area of not less than nine (9) feet by twenty (20) feet and each stall shall be striped. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses. Single-family residential and townhouses are not required to stripe parking spaces.
- 2. For properties designated as a Redevelopment Area on the Comprehensive Plan Future Land Use & Character Map, 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.

Allowable Location for Parking in a Redevelopment Area

3. For all detached single-family uses other than as set forth 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 fifteen (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

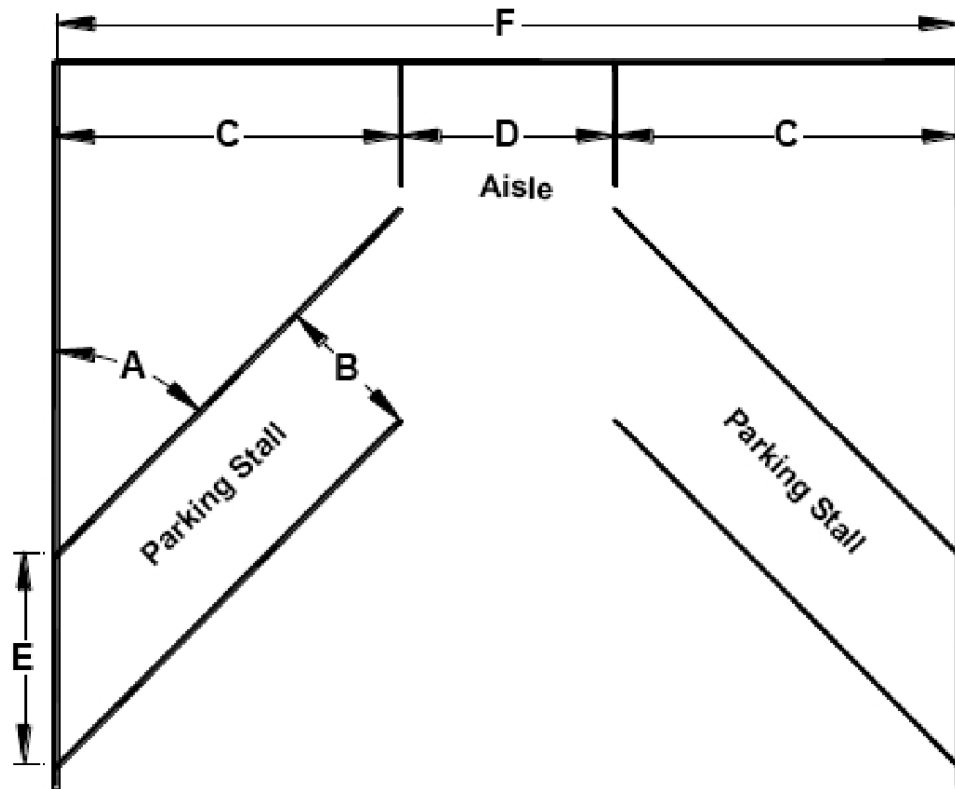
public right-of-way (see graphic below). The driveway area shall be included in this calculation.

Allowable Location for Parking for Detached Single-Family Uses



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.
7. An eighteen (18) foot paved space (ninety (90) degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen (18) 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.
8. 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, townhouses, and small and medium multiplexes.
9. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
10. 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.
11. All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from face of curb to face of curb or wall to wall.

Parking Space and Aisle Dimensions Graphic

Parking Space and Aisle Dimensions							
A – Angle	B – Width of stall	C – Depth of stall 90° to aisle	D – Width of aisle		E - Width of stall parallel to aisle	F – Module width	
			One way	Two way		One way	Two way
0°	22'	10'	12'	20'	22'	22'	40'
45°	9'	21.1'	12'	20'	12.7'	54.2'	62.2'
60°	9'	22.3'	15'	22'	10.4'	59.6'	66.3'
90°	9'	20'	23'	23'	9'	63'	63'

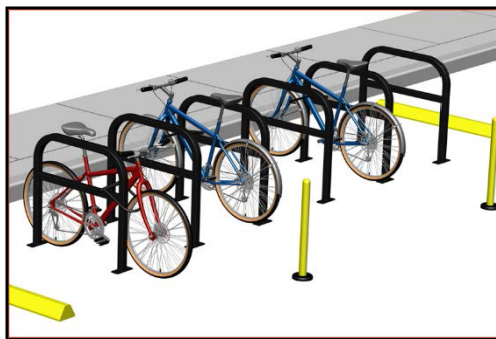
12. Parking lots located within fifteen (15) feet of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen (18) by twenty (20) foot landscaped island.
13. All parking lots and drive aisles shall be setback a minimum of six (6) feet from any public right-of-way or public way. In sites subject to the Non-Residential Architectural Standards Section below, 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.

14. 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.
15. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
16. The Design Review Board may waive parking lot dimension requirements in the WPC Wolf Pen Creek and NG Northgate districts if the development meets the goals of the master plan for the respective district.

F. Bicycle Parking Placement and Design.

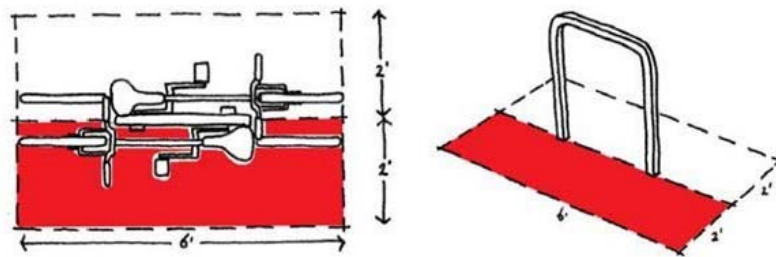
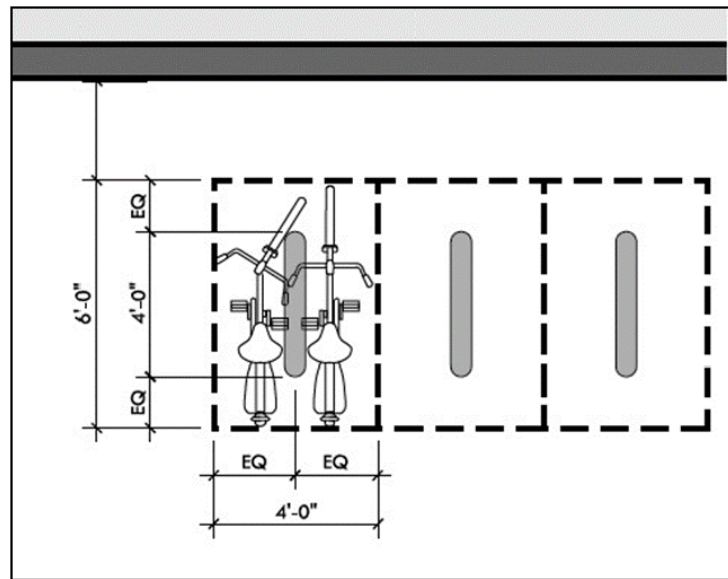
1. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be sufficiently separated from building or other walls, landscaping, or other features to allow for ease and encouragement of use. This separation shall be a minimum of three (3) feet.
2. Bicycle Corrals: In areas with limited sidewalk space and frequent bicycle activity, bicycle parking may be provided in bicycle corrals located in the vehicular parking area adjacent to a curb. The design will be considered as the 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 the example image below:

Example of a Bicycle Corral



3. Where bicycle facilities are provided for two (2) bicycles, a standard footprint that is at least four (4) feet wide by six (6) feet long shall be used.

Examples of Bicycle Parking Footprint and Dimensions



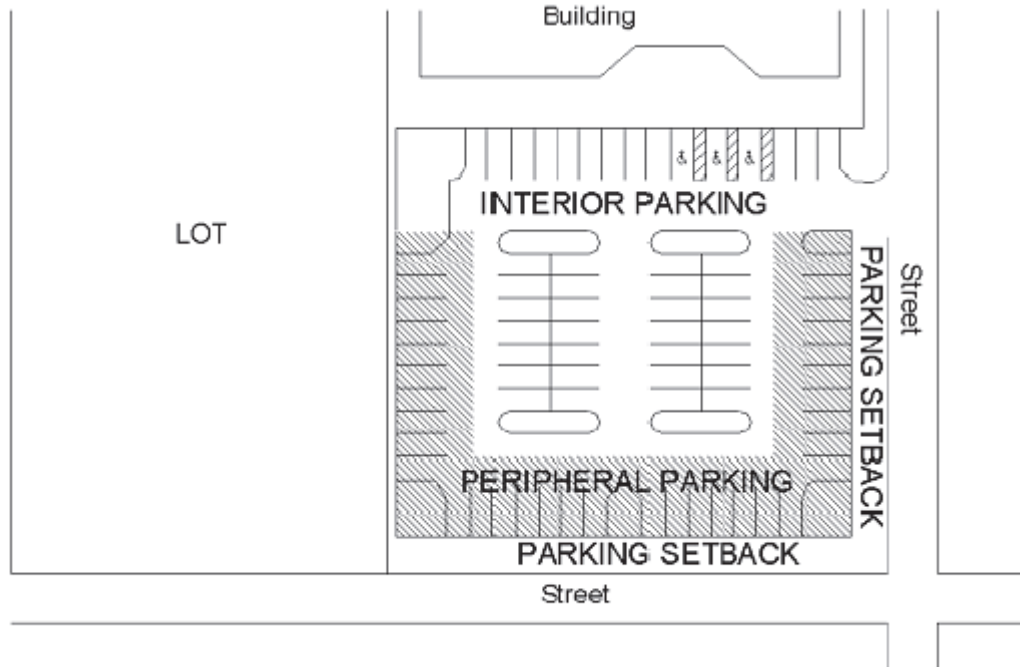
4. Facilities shall be placed in clearly designated, safe, and convenient locations and such that no primary building entrance is further than one hundred fifty (150) feet from a bicycle facility.
 - a. At least twenty-five (25) percent of the required spaces need to be outside of any enclosed buildings or structures and available to visitors anytime of the day.
 - b. If providing bike parking internal to a building or structure, appropriate signage is needed to provide clear direction on how to find the bicycle parking area.
5. Bicycles may be permitted on sidewalks or other paved surfaces provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
6. Bicycle racks shall be constructed to enable the user to secure a bicycle by locking the frame and one (1) wheel of each bicycle parked therein. Bicycle racks must be easily usable with both U-locks and cable locks and support the bicycle frame at two (2) points. Racks shall be anchored securely to the ground and allow for a bicycle to be parked on both sides.

G. Landscape Islands.

1. End Islands.

- a. 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.

Landscaped End Islands Graphic



- 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.

- c. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
- d. 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.

H. 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 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.

I. 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 to dispose of surface water accumulated within the area. Parking spaces shall be arranged and marked 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 the issuance of a certificate of occupancy.

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

During the phasing of a large project, emergency access points 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 point 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 stormwater 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 stormwater sheeting and pooling of water, so long as it is demonstrated that the permeable surface can obtain sufficient load and compaction ratings for its application as approved by the City of College Station Fire and Solid Waste Departments.
- c) Single-family and townhouse visitor parking areas, as required in Single-Family Residential Parking Requirements for Platting Subsection below, may also be constructed of porous materials such as permeable concrete and pavers to mitigate stormwater 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 stormwater 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.

J. 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 by 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 the development of future phases or limit access to a recorded private or public access easement adjoining properties. Wheel stops shall not be permitted as 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.

K. Drive-Thru Facility Queuing Requirements.

1. Minimum Number of Spaces.

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

Minimum Off-Street Queuing Requirements		
Activity Type	Minimum Spaces	Measure From
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-Thru	4	Order Box
Restaurant Drive-Thru	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 International Building Code, as adopted;

- 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 (12) foot bypass lane shall be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-thru activity and exit the site;
- e. Queue areas and drive-thru facilities shall be clearly identified with the appropriate signing and marking; and
- f. Spaces within a car wash facility or drive-thru 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 the Required Parking Subsection above.

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 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 Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the issuance of a building permit. An approved alternative parking plan may be amended by the Administrator.

6. Eligible Alternatives.

Several 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. Single-family, duplex, and townhouse 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 principal 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;

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 a written agreement among the owners of record. An attested copy of the agreement shall be submitted to the Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. 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 the 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 principal 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.**

If 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 Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the 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.

Sec. 5.8. Design Districts.

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B. NG Northgate Districts.

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6. Off-Street Parking Standards.

All off-street parking shall meet the requirements specified in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO, except as specifically provided herein:

- a. Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than two hundred (200) feet to the right(s)-of-way or is not completely located behind a habitable structure. Lots with frontage on University Drive and Church Avenue shall not have surface parking that is closer than two hundred (200) feet to Church Avenue or is not completely located behind a habitable structure.
- b. There shall be no minimum number of parking spaces required for non-residential uses.
- c. Off-street parking facilities for residential uses shall meet seventy-five (75) percent of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required Subsection in the Off-Street Parking Standards Section of Article 7, General Development Standards of this UDO.

d. Tandem parking, also known as double parking, may be counted towards off-street parking requirements for structured parking areas in the Northgate zoning districts only. The following conditions must be met on the site plan.

1) The tandem spaces must be reserved and assigned to the same dwelling unit.

2) Both spaces must be standard size, nine (9) feet by twenty (20) feet. No compact or handicapped accessible spaces are permitted.

3) No more than ten (10) percent of the total required parking spaces can be tandem. In determining this percentage, both stalls in a tandem parking shall be counted. Fractional amounts shall be increased to the nearest even number.

e. d. ——— No interior islands are required.

f.e. Where off-street surface parking is to be installed adjacent to a right-of-way, there shall be a six (6) foot setback from the required sidewalk to the parking pavement. The parking area shall be screened along one hundred (100) percent of the street frontage (minus driveways and visibility triangles) with shrubs or a brick, stone, tinted CMU, or concrete product textured or patterned to look like brick or stone wall a minimum of three (3) feet in height, and within three (3) feet of the sidewalk. Walls shall be complementary to the primary building and shall be constructed as sitwalls.

gf. No off-street surface parking or circulation aisle shall be located between the primary entrance façade of a building and a right-of-way. Parking shall be located at the rear or side of a building. Two (2) exceptions are:

- 1) Sites on the South College Avenue right-of-way may have up to one (1) circulation aisle against the right-of-way with parking on each side of the aisle.
- 2) Hotel and residential uses may have porte cocheres and temporary, loading/unloading parking, not to exceed ten (10) spaces, against the right-of-way.

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- hg. Ramps shall not be built on the exterior of parking garages.
 - ih. Steel guard cables on garage façades are prohibited.
 - ji. To break up the parking lot area, minimize the visual impact on pedestrians, and encourage pedestrian movement through the districts, one (1) or a combination of the following parking concepts is required for parking that provides more than sixty (60) parking spaces with more than one (1) parking row:
 - 1) Parking is located in a garage.
 - 2) The parking structure is located on the interior of the block, screened from public view by habitable structures, and is not located adjacent to a right-of-way.
 - 3) For every sixty (60) parking spaces, there shall be a separate and distinct parking area connected by driving lanes but separated by a landscaping strip a minimum of ten (10) feet wide the full length of the parking row. At a minimum, landscaping shall be one (1) canopy tree (one and one-half (1.5) inch caliper or greater) for every twenty-five (25) linear feet of the landscaping strip.

In addition, at least seventy-five (75) percent of all end islands in the parking lot must be irrigated and landscaped with a minimum one and one-half (1.5) inch caliper canopy tree, one and one-quarter (1.25) inch caliper non-canopy tree, or enough shrubs three (3) feet in height at time of planting to cover seventy-five (75) percent of the island. Islands not landscaped shall be treated with brick pavers, ground cover, and/or perennial grass.

7. Bicycle Parking Standards.

The following standards are in addition to the requirements in the Off-Street Parking Standards article of this UDO.

- a. For all non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above two thousand (2,000) square feet shall be required.

~~Specific bicycle racks utilized shall be as identified in the Northgate Specific Standards Section of the City of College Station Site Design Standards.~~

- ~~a. For non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above two thousand (2,000) square feet shall be required.~~
- ~~b. For residential uses, a minimum of one (1) bicycle space per dwelling unit shall be required.~~
- ~~c. In no case shall more than twenty (20) bicycle parking spaces per business or residential building be required.~~

~~b. d.~~ Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be separated at least three (3) feet from the building or other walls, landscaping, or other features to allow for ease and encouragement of use. Bicycle parking facilities may be permitted on sidewalks or other paved surfaces with a private improvement in the public right-of-way permit (when necessary) and provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.

- ~~c. e.~~ Required bicycle parking may be consolidated with the bicycle parking of adjacent properties and provided off-site if the bicycle rack location is within one hundred (100) feet of the main entry façade of the building and with written agreement from the property owners.

Sec. 7.2. General Provisions.

~~I. Bicycle Facilities.~~

~~1. Number Required.~~

- ~~a. For sites subject to the Non-Residential Architectural Standards Section below 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 and in any event no less than two (2) bicycle parking spaces must be provided.~~
- ~~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.~~

Number of Required Bicycle Parking Spaces

<u>Non-Residential</u>	<u>0-40 required auto spaces = 2 short-term bicycle parking spaces minimum</u> <u>41-80 required auto spaces = 4 short-term bicycle parking spaces minimum</u> <u>81-120 required auto spaces = 6 short-term bicycle parking spaces minimum</u> <u>121+ required auto spaces = 8 short-term bicycle parking spaces minimum</u>
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- ~~c. Notwithstanding the above, in multi-tenant buildings over 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 fifteen thousand (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 Subsection of the Off-Street Parking Standards Section below for the potential to substitute additional bicycle facilities for vehicular parking.~~

~~2. Placement and Design.~~

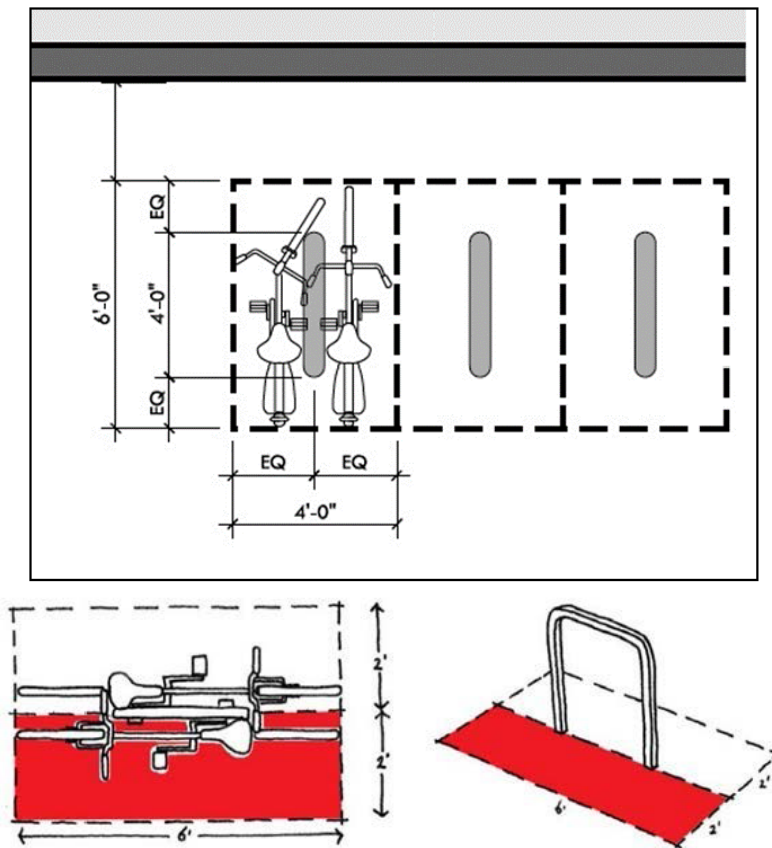
- ~~a. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be sufficiently separated from building or other walls, landscaping, or other features to allow for ease and encouragement of use. This separation shall be a minimum of three (3) feet.~~
- ~~b. Bicycle Corrals: In areas with limited sidewalk space and frequent bicycle activity, bicycle parking may be provided in bicycle corrals located in the vehicular parking area adjacent to a curb. The design will be considered as the 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 the example image below:~~

Example of a Bicycle Corral



- c. Where bicycle facilities are provided for two (2) bicycles, a standard footprint that is at least four (4) feet wide by six (6) feet long shall be used.

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 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.~~

Sec. 7.3. Off-Street Parking Standards.

A. Purpose.

The purpose of this Section is to balance the demand for off-street parking against the construction of excessive parking areas and to ensure that parking areas are appropriately designed for motor vehicles, bicycles, and pedestrians. The design shall be consistent with the character and development patterns identified within the Comprehensive Plan. 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. Applicability.

1. New Development & Redevelopment.

Any new building must comply with this Section.

2. Renovations or Repairs.

An existing building or site may be repaired, maintained, or modernized without providing additional parking, provided there is no increase in gross floor area or improved site area.

3. Additions and Increases in Floor Area.

- a. When an existing building, use, or site is increased in gross floor area or improved site area by up to twenty-five (25) percent cumulatively, additional parking is required for the additional floor or site area only.
- b. When an existing building, use, or site is increased in gross floor area or improved site area by more than twenty-five (25) percent cumulatively, both the existing building, use, or site and the additional floor or site area must conform to the parking requirements.

4. Change in Use.

- a. A change in use, based on the parking tables in the Required Parking Subsection below, must comply with the parking requirements.
- b. Where the required number of parking spaces for a new use, according to the Required Parking Subsection below, is one hundred twenty-five (125) percent or less of the parking spaces required for the existing use, no additional parking spaces are required.
- c. Where required parking spaces for the new use exceed one hundred twenty-five (125) percent of the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use above the one hundred twenty-five (125) percent.

5. Where off-street parking facilities are provided more than 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.

C. Required Parking.

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

1. Parking shall be provided in accordance with the table below. Where a use is not specifically listed or only a broad use category is shown, the Administrator shall categorize the use.
2. When a property is used for a combination of uses, the parking requirements are the sum of the requirements for each use and no parking space for one use can be included in the calculation of parking requirements for any other use, except as allowed as in the Alternative Parking Plans Subsection below.
3. Parking requirements based on square footage shall be based on 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.
4. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number.
5. At the time of construction, redevelopment, or when an addition to the number of existing bedrooms or similar spaces is completed, all residential uses shall come into compliance with the minimum off-street parking requirements in the table below. Garages that meet minimum dimensional standards may be counted towards parking requirements.
6. Where requirements are established based on the number of seats, such requirements shall be based on the seating capacity as determined by the Building Official.
7. Refer to the Modifications to Required Parking Subsection below for the potential to substitute additional bicycle facilities for vehicular parking.

Off-Street Vehicle and Bicycle Parking Requirements			
KEY: SF = gross square footage			
<u>Use</u>	<u>Minimum Spaces / Unit</u>	<u>Maximum Spaces / Unit (a)</u>	<u>Bicycle Spaces / Unit (b)</u>
<u>Residential</u>			
<u>Accessory Living Quarters</u>	<u>1 / bedroom</u>		
<u>Assisted Living/Residential Care Facility/Nursing Homes</u>	<u>0.25 / bed</u>	<u>0.5 / bed</u>	<u>1 / 1,000 SF</u>
<u>Dormitory</u>	<u>0.33 / bed</u>	<u>0.75 / bed</u>	<u>0.50 / bed</u>
<u>Duplex Dwelling:</u>			
<u>1 & 2 Bedroom</u>	<u>2 / dwelling unit</u>		
<u>3+ Bedroom</u>	<u>1 / bedroom</u>		
<u>Fraternity/Sorority House:</u>			
<u>Rooms</u>	<u>1 / bed</u>		<u>1 / bed</u>
<u>Meeting Room Area</u>	<u>1 / 60 SF</u>	<u>1 / 30 SF</u>	
<u>Group Housing</u>	<u>1 / bedroom</u>	<u>2 / bedroom</u>	<u>1 / bedroom</u>
<u>Live-Work Unit:</u>			
<u>Residential Area</u>	<u>1 / bedroom</u>	<u>1.5 / bedroom</u>	<u>1 / bedroom</u>

<u>Non-Residential Area</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 1,000 SF</u>
<u>Mixed-Use Structure:</u>			
<u>Residential Area</u>	<u>1 / bedroom</u>	<u>1.5 / bedroom</u>	<u>1 / bedroom</u>
<u>Non-Residential Area</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 1,000 SF</u>
<u>Multi-Family Dwelling:</u>			
<u>1 Bedroom Unit</u>	<u>1.5 / bedroom</u>		<u>0.5 / bedroom</u>
<u>2+ Bedroom Unit</u>	<u>1 / bedroom</u>		<u>0.5 / bedroom</u>
<u>Rooming/Boarding House</u>	<u>1 / bed</u>		<u>0.5 / bed</u>
<u>Shared Housing</u>	<u>1 / room at least 70 SF in area, excluding a kitchen, a living room, and a laundry room. The Administrator may also exclude additional rooms, but not below the number of bedrooms.</u>		<u>0.5 / bedroom</u>
<u>Single-Family Dwelling</u>	<u>1 / bedroom, with a minimum of 2 total spaces</u>	<u>4 total spaces</u>	
<u>Single-Unit Dwelling</u>	<u>1 / bedroom</u>		
<u>Townhouse</u>	<u>1 / bedroom, with a minimum of 2 total spaces</u>		
<u>Non-Residential</u>			
<u>Commercial Amusement</u>	<u>1 / 200 SF</u>	<u>1 / 100 SF</u>	<u>1 / 5,000 SF</u>
<u>Day Care Center</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 5,000 SF</u>
<u>Educational Facilities:</u>			
<u>Primary and Secondary or Vocational/Trade</u>	<u>1 / 5 students, faculty, and staff based on design capacity</u>	<u>1 / 2 students, faculty, and staff based on design capacity</u>	<u>1 / 10 students, faculty, and staff based on design capacity</u>
<u>College and University, Indoor or Outdoor Instruction, or Tutoring</u>	<u>2 / Classroom</u>	<u>4 / Classroom</u>	<u>1 / 10 students, faculty, and staff based on design capacity</u>
<u>Funeral Parlor</u>	<u>0.25 / seat</u>	<u>0.5 / seat</u>	<u>1 space / 100 seats</u>
<u>Golf Driving Range</u>	<u>0.5 / tee station</u>	<u>1 / tee station</u>	
<u>Gasoline and Fuel Service</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 5,000 SF</u>
<u>Hospital</u>	<u>1 / bed</u>	<u>3 / bed</u>	<u>1 / 20 beds</u>
<u>Hotel/Motel:</u>			
<u>Guest Rooms</u>	<u>0.5 / room</u>	<u>1 / room</u>	
<u>Meeting Room Area</u>	<u>1 / 400 SF</u>	<u>1 / 200 SF</u>	<u>1 / 5,000 SF</u>
<u>Lodge or Meeting Hall</u>	<u>1 / 200 SF</u>	<u>1 / 100 SF</u>	<u>1 / 5,000 SF</u>
<u>Manufacturing</u>	<u>1 / 1,000 SF</u>	<u>1 / 500 SF</u>	<u>1 / 20,000 SF</u>
<u>Medical Clinic</u>	<u>1 / 400 SF</u>	<u>1 / 200 SF</u>	<u>1 / 5,000 SF</u>

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<u>Motor Vehicle:</u>			
<u>Office / Sales Area</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 5,000 SF</u>
<u>Service Area</u>	<u>1 / 250 SF</u>	<u>1 / 100 SF</u>	<u>1 / 5,000 SF</u>
<u>Night Club, Bar, or Tavern</u>	<u>1 / 100 SF</u>	<u>1 / 50 SF</u>	<u>1 / 5,000 SF</u>
<u>Office</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 5,000 SF</u>
<u>Place of Worship (c)</u>	<u>0.25 / seat</u>	<u>0.75 / seat</u>	<u>1 / 100 seats</u>
<u>Retail Sales & Service</u>	<u>1 / 500 SF</u>	<u>1 / 250 SF</u>	<u>1 / 5,000 SF</u>
<u>Restaurant:</u>			
<u>Without drive-thru</u>	<u>1 / 130 SF</u>	<u>1 / 65 SF</u>	<u>1 / 2,500 SF</u>
<u>With drive-thru</u>	<u>1 / 200 SF</u>	<u>1 / 100 SF</u>	<u>1 / 2,500 SF</u>
<u>Theater</u>	<u>0.5 / seat</u>	<u>0.75 / seat</u>	<u>1 / 100 seats</u>
<u>Warehouse</u>	<u>1 / 2,000 SF</u>	<u>1 / 1,000 SF</u>	<u>1 / 20,000 SF</u>

Notes:

- (a) For areas designated Neighborhood Conservation on the Comprehensive Plan Future Land Use & Character Map, there shall be no maximum number of parking spaces.
- (b) Unless no bicycle spaces are required, the minimum number of bicycle spaces provided shall not be less than two (2), nor will any development be required to provide more than twenty-four (24) spaces.
- (c) Overflow parking above required parking spaces may be grassed rather than paved. All unpaved spaces shall be shown on the site plan and organized for efficient traffic circulation using wheel stops and other appropriate measures as required by the Administrator.

D. Modifications to Required Parking.

- 1. For all non-residential uses in Redevelopment Areas as shown on the Comprehensive Plan Future Land Use & Character Map, no minimum number of off-street vehicular parking spaces will be required.
- 2. For non-Shared Housing multi-family residential uses in Redevelopment Areas as shown on the Comprehensive Plan Future Land Use & Character Map, seventy-five (75) percent of the minimum number of off-street vehicular parking spaces will be required.
- 3. For all non-residential uses, the minimum number of off-street vehicular parking spaces may be reduced by up to twenty (20) percent, according to the following:
 - a. Bicycle Facilities – The Administrator may authorize reducing the number of required off-street parking spaces by up to ten (10) percent for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and/or dressing areas for employees.
 - b. Bicycle Parking - For developments or uses that provide bicycle parking spaces above the minimum requirements, one required automobile parking space may be exchanged for each additional bicycle parking space, not to exceed ten (10) percent of the required vehicular parking spaces, provided that adequate accessibility by motor vehicle and bicycle to the subject site is maintained.
 - c. Bus Transit Availability – Locations within a one thousand three hundred twenty (1,320) foot walking distance of an approved bus stop may reduce the total number of required vehicular

parking spaces by ten (10) percent. Walking distance is measured from the primary entrance of the building to the bus boarding location.

- d. Tree Preservation – The Administrator may approve a reduction in the total number of required vehicular parking spaces by one space for every tree at least eight (8) inches in diameter at breast height preserved within the parking area.
- e. Structured Parking – Where parking is provided entirely in a structure on a lot, the required total number of spaces may be reduced by ten (10) percent.
- 4. The Design Review Board may waive parking space requirements in the WPC Wolf Pen Creek and NG Northgate districts if the development meets the goals of the master plan for the respective district.
- 5. The maximum number of off-street vehicular parking spaces may be exceeded according to the following:
 - a. Additional Landscape Points – For every five (5) additional parking spaces above the maximum, one additional canopy tree of at least two hundred twenty-five (225) points as identified in the Landscaping and Tree Preservation Section below shall be planted on the development site within the parking area within landscape islands, or within ten (10) feet of the edge of the parking area.

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.

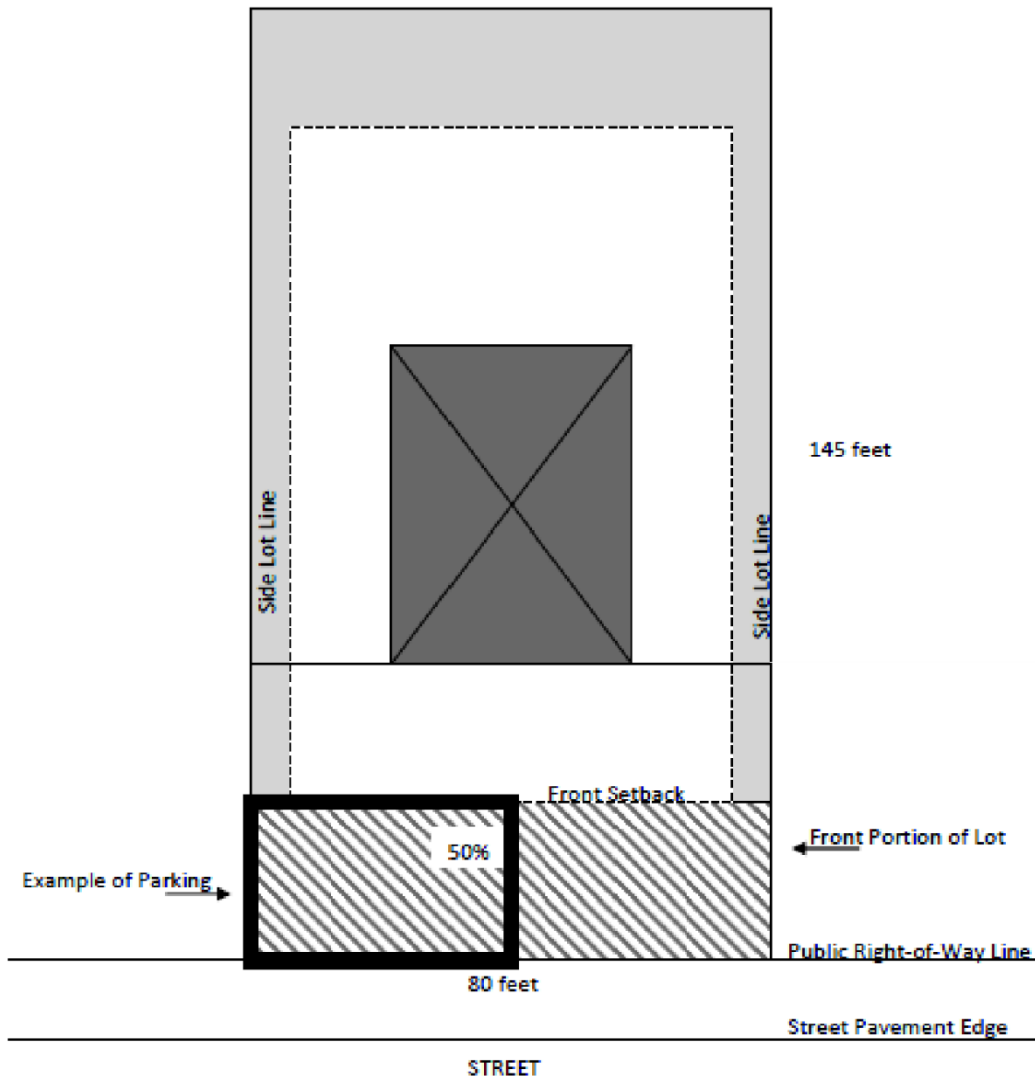
E.G. Dimensions, Access, and Location.

~~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 designated as a Redevelopment Area on the Comprehensive Plan Future Land Use & Character Map, 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.

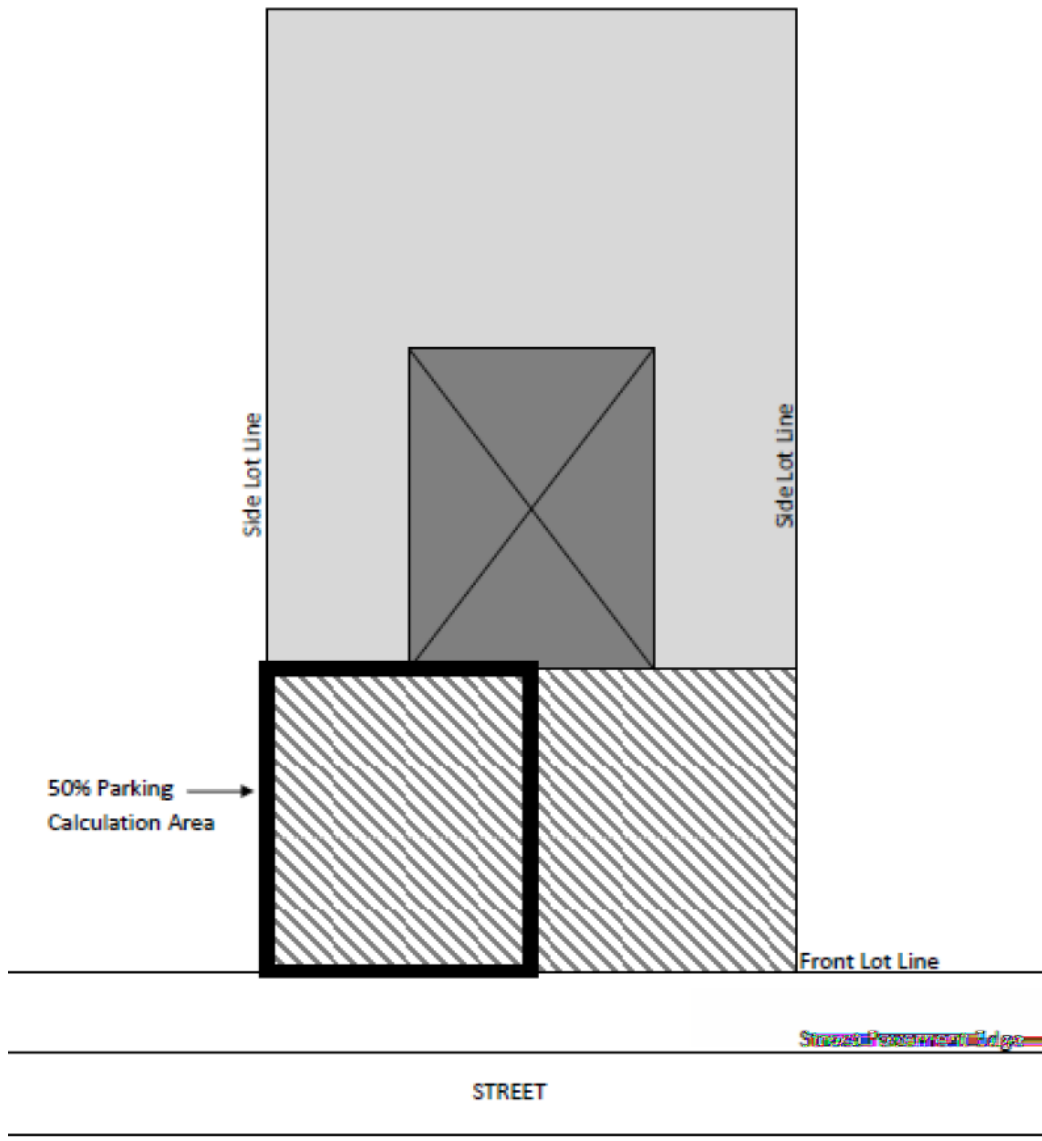
Allowable Location for Parking in a Redevelopment Area



- 3. For all detached single-family uses other than as set forth 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 fifteen (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.

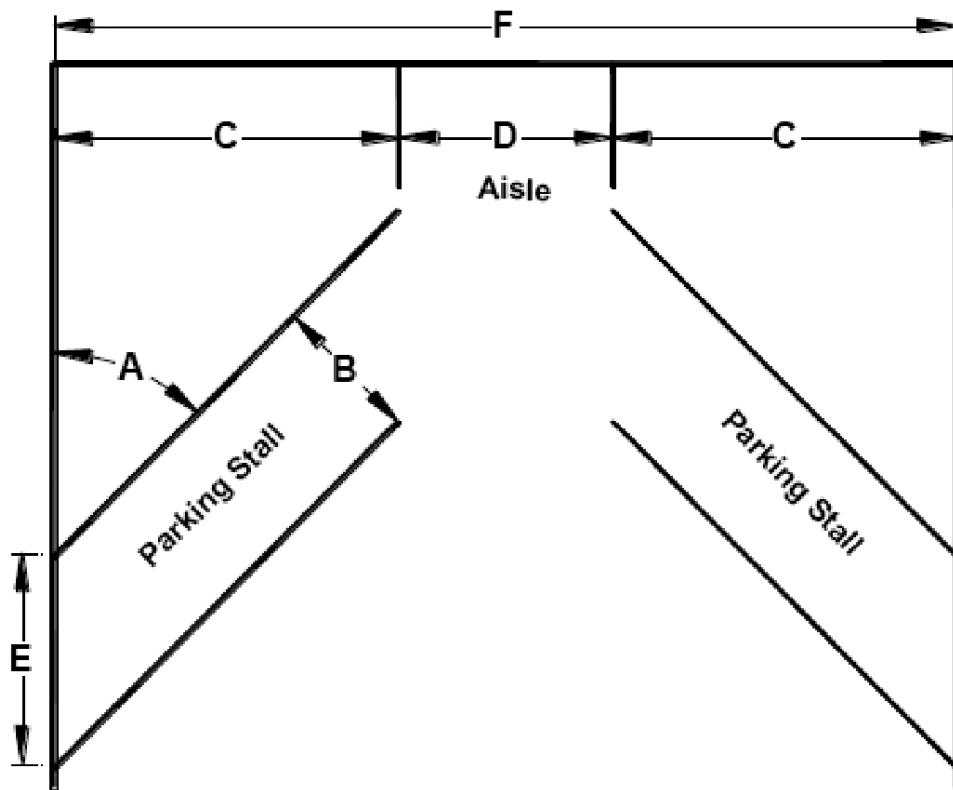
Allowable Location for Parking for Detached Single-Family Uses



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.
7. An eighteen (18) foot paved space (ninety (90) degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen (18) 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.
8. 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, townhouses, and small and medium multiplexes.
9. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
10. 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.
11. All parking spaces, aisles, and modules shall meet the minimum requirements, as shown in the following table. All dimensions are measured from face of curb to face of curb or wall to wall.

Parking Space and Aisle Dimensions Graphic



Parking Space and Aisle Dimensions							
A – Angle	B – Width of stall	C – Depth of stall 90° to aisle	D – Width of aisle		E - Width of stall parallel to aisle	F – Module width	
			One way	Two way		One way	Two way
0°	22'	10'	12'	20'	22'	22'	40'
45°	9'	21.1'	12'	20'	12.7'	54.2'	62.2'
60°	9'	22.3'	15'	22'	10.4'	59.6'	66.3'
90°	9'	20'	23'	23'	9'	63'	63'

12. 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 (18) by twenty (20) foot landscaped island.
13. 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 Section below, 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.
14. 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.
15. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
16. The Design Review Board may waive parking lot dimension requirements in the WPC Wolf Pen Creek and NG Northgate districts if the development meets the goals of the master plan for the respective district.

D.—F. Bicycle Parking Placement and Design.

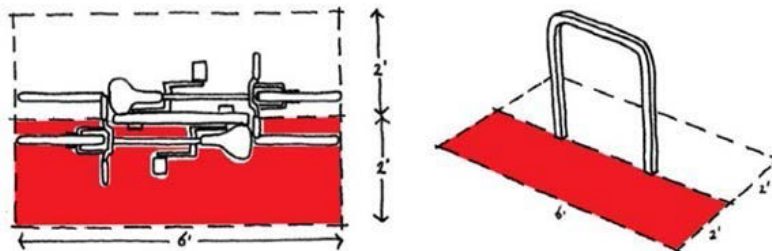
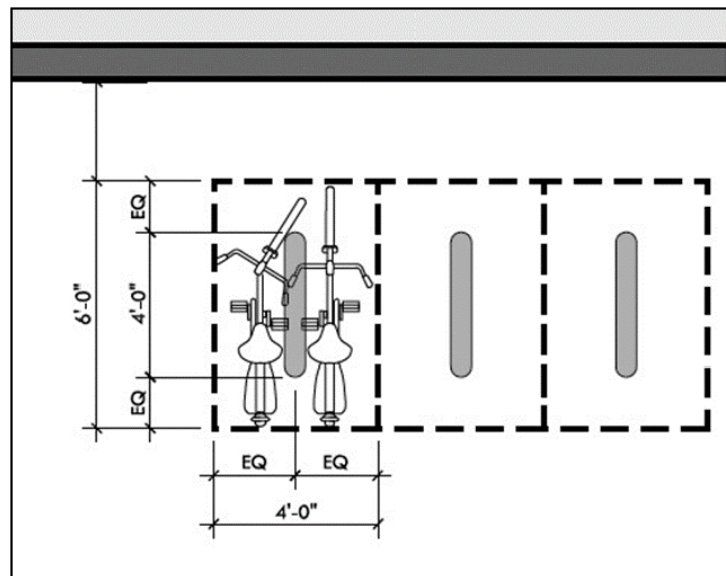
1. Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be sufficiently separated from building or other walls, landscaping, or other features to allow for ease and encouragement of use. This separation shall be a minimum of three (3) feet.
2. Bicycle Corrals: In areas with limited sidewalk space and frequent bicycle activity, bicycle parking may be provided in bicycle corrals located in the vehicular parking area adjacent to a curb. The design will be considered as the 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 the example image below:

Example of a Bicycle Corral



3. Where bicycle facilities are provided for two (2) bicycles, a standard footprint that is at least four (4) feet wide by six (6) feet long shall be used.

Examples of Bicycle Parking Footprint and Dimensions



4. 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.
- a. At least twenty-five (25) percent of the required spaces need to be outside of any enclosed buildings or structures and available to visitors anytime of the day.

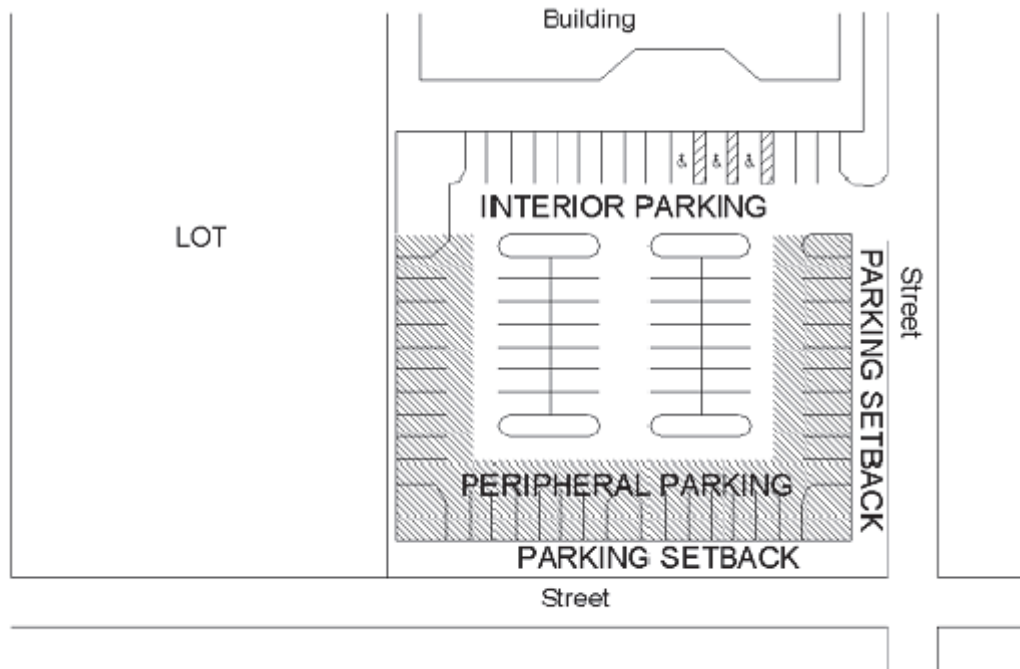
- b. If providing bike parking internal to a building or structure, appropriate signage is needed to provide clear direction on how to find the bicycle parking area.
- 5. Bicycles may be permitted on sidewalks or other paved surfaces provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- 6. Bicycle racks shall be constructed to enable the user to secure a bicycle by locking the frame and one (1) wheel of each bicycle parked therein. Bicycle racks must be easily usable with both U-locks and cable locks and support the bicycle frame at two (2) points. Racks shall be anchored securely to the ground and allow for a bicycle to be parked on both sides.

G. Landscape Islands.

1. End Islands.

- a. 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.

Landscaped End Islands Graphic



- 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.
 - c. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
 - d. 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.

H.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 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.

I.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 to dispose of surface water accumulated within the area. Parking spaces shall be arranged and marked 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 the issuance of a certificate of occupancy.

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

During the phasing of a large project, emergency access points 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 point 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 stormwater 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 stormwater sheeting and pooling of water, so long as it is demonstrated that the permeable surface can obtain sufficient land and compaction ratings for its application as approved by the City of College Station Fire and Solid Waste Departments.
- c) Single-family and townhouse visitor parking areas, as required in Single-Family Residential Parking Requirements for Platting Subsection below, may also be constructed of porous materials such as permeable concrete and pavers to mitigate stormwater 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 stormwater 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.

JG. 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 by 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 the development of future phases or limit access to a recorded private or public access easement adjoining properties. Wheel stops shall not be permitted as 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 WPC Wolf Pen Creek and NG Northgate 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
Church	Seat	0.33*	
Convalescent Home/Hospital	Bed	0.5	

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Courtyard House	BR	1.0 Minimum of 2, Maximum of 4	
Duplex/Split-Lot Duplex	BR	1.0	
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*****		
Funeral Parlor	Seat	0.33	
Furniture Sales, Freestanding	350 s.f.	Floor area over 700 s.f.: 1.0	
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As Determined by the Administrator*****		
Gasoline and Fuel Service	300 s.f.	1.0	
Group Housing	BR	2.0	As Determined by the Administrator
Health Studio	150 s.f.	Floor area over 300 s.f.: 1.0	
Hospital	As Determined by the Administrator*****		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	Floor area over 300 s.f.: 1.0	
Live-Work Unit	250 s.f. of non-residential	Floor area over 250 s.f.: 1.0	1/BR, Residential DU

	portion of structure		
Motor Vehicle Sales/Service:			
—Office/Sales Area	250 s.f.	1.0	
—Service Area	200 s.f.	1.0	
Medical or Dental Clinic			
—< 20,000 s.f.	200 s.f.	Floor area over 400 s.f.: 1.0	
Mixed-Use Structure****	250 s.f. of non-residential portion of structure	Floor area over 500 s.f.: 1.0	1/BR, including residential DU and hotel/motel DU
Multi-Family Dwelling:			
—1 Bedroom	BR	1.5	
—2+ Bedroom	BR	1.0	
Multiplex	BR	1.0	
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	

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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 rooms, but not below the number of BRs.	1.0	
Single Family Dwelling^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	1.0/Accessory Living Quarter
Single Unit Dwelling	BR	1.0	
Shopping Center ^{**} :			
—GC, SC, WC, C-3	250 s.f.	1.0	
—CI	350 s.f.	1.0	
Townhouse^{***}	BR	1.0 ^{***} Minimum of 2, Maximum of 4	
Theater	Seat	0.25	
Truck Terminal	As Determined by the Administrator ^{*****}		
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-Thru Facility Queuing Requirements.**

1. **Minimum Number of Spaces.**

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

Minimum Off-Street Queuing Requirements		
Activity Type	Minimum Spaces	Measure From
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-Thru	4	Order Box
Restaurant Drive-Thru	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:

- Queue spaces or queuing areas may not interfere with parking spaces, parking aisles, loading areas, internal circulation, or driveway access;
- 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 International Building Code, as adopted;

-
- 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 (12) foot bypass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-thru activity and exit the site;
 - e. Queue areas and drive-thru facilities shall be clearly identified with the appropriate signing and marking; and
 - f. Spaces within a car wash facility or drive-thru 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 the Required Parking Subsection above.

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 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 Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the issuance of a building permit. An approved alternative parking plan may be amended by the Administrator.

6. **Eligible Alternatives.**

Several 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. Single-family, duplex, and townhouse 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 principal 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;

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 a written agreement among the owners of record. An attested copy of the agreement shall be submitted to the Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. 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 the 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 principal 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.**

If 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 Office of the County Clerk for recordation on forms made available in the Planning and Development Services Department. Proof of recordation of the agreement shall be presented to the Administrator prior to the 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.

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.~~

August 10, 2023

Item No. 9.4.

Elder Aid funding agreements for 700 Pasler

Sponsor: Virgil Eric Barton

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a Community Development Block Grant funding agreement with Elder Aid, Inc. in the amount of \$170,000 for the acquisition of 700 Pasler and presentation, discussion, and possible action regarding a HOME Investment Partnership Program funding agreement with Elder Aid, Inc. in the amount of \$189,650 for the construction of a single-family house on the lot at 700 Pasler.

Relationship to Strategic Goals:

Core Services & Infrastructure, Neighborhood Integrity

Recommendation(s): Staff recommends that City Council approve two funding agreements with Elder Aid for the acquisition of 700 Pasler and the construction of a house to be used as an elderly rental unit.

Summary: The 2020 - 2024 adopted Community Development Consolidated Plan and the 2023 Annual Action Plan identified the need to work with partners for the development of affordable housing for both homeowners and renters. Staff released a 2023 Affordable Housing Development Funding Request for Proposal (RFP) on April 14, 2023. Three (3) proposals were received in response to the RFP. Staff recommends the approval of two (2) funding agreements with Elder Aid: a Community Development Block Grant funding agreement in the amount of \$170,000 for the acquisition of 700 Pasler and a HOME Investment Partnership Program funding agreement in the amount of \$189,650 for the new construction of a single-family home that will be used as an elderly rental unit for households at or below 60% of the area median income. The HOME agreement also includes a Developer's Fee for the agency to manage the rental units.

Elder Aid works to minimize the stress to the elderly as they cope with affordable housing, health and wellness, inadequate funding for basic needs, loneliness, disabilities, and the loss of loved ones. Their mission is to ensure that the elderly in the Brazos Valley remain independent and in the community for as long as possible.

Elder Aid has partnered with the City of College Station since 2015 and has received \$2,515,518 to purchase 11 duplexes in College Station that created 22 affordable rental units for low-income elderly households. Elder Aid has successfully utilized the new construction model with funding from the City of Bryan through Community Development funds for many years. Due to challenges in locating duplexes for sale at reasonable prices or finding sellers who are willing to accept a delayed closing date due to federal requirements, Elder Aid will construct a new rental home at 700 Pasler.

Budget & Financial Summary: Funds budgeted in the FY23 Community Development budget. \$170,000 in Community Development Block Grant funds and \$189,650 in HOME Investment Partnership Program funds.

Attachments:

1. 700 Pasler Funding Agreement - CDBG

2. 700 Pasler Funding Agreement - HOME
3. Location Map - 700 Pasler



CITY OF COLLEGE STATION
Home of Texas A&M University®

CONTRACT & AGREEMENT ROUTING FORM

CONTRACT#: 23300571 PROJECT#: CD2318 BID/RFP/RFQ#: 23-063

Project Name / Contract Description: Elder-Aid 700 Pasler Development - A Funding Agreement with Elder-Aid for the lot acquisition and construction of a

new single family housing unit at 700 Pasler to be used as a LMI elderly rental unit. This funding agreement allocates CDBG funds to the Acquisition of an undeveloped lot at 700 Pasler.

Name of Contractor: Elder-Aid, Inc.

CONTRACT TOTAL VALUE: \$ 170,000.00

Grant Funded Yes ☒ No ☐

If yes, what is the grant number: B-20-MC-48-0007

Debarment Check ☒ Yes ☐ No ☐ N/A

Section 3 Plan Incl. ☒ Yes ☐ No ☐ N/A

Davis Bacon Wages Used ☐ Yes ☐ No ☐ N/A

Buy America Required ☐ Yes ☒ No ☐ N/A

Transparency Report ☐ Yes ☐ No ☒ N/A

☒ **NEW CONTRACT** ☐ **RENEWAL #** ☐ **CHANGE ORDER #** ☐ **OTHER**

BUDGETARY AND FINANCIAL INFORMATION (Include number of bids solicited, number of bids received, funding source, budget vs. actual cost, summary tabulation)

RFP 23-063 - 2023 Affordable Housing RFP was released on April 11th, 2023 and was closed on May 12th, 2023. One eligible response was received from Elder-Aid Inc. These funds are allocated in the FY21 Community Development Budget.

CRC Approval Date*: 7/6/23 *(If required)** **Council Approval Date*:** 7/27/23 **Agenda Item No*:**

--Section to be completed by Risk, Purchasing or City Secretary's Office Only--

Insurance Certificates: RY **Performance Bond:** n/a **Payment Bond:** n/a **Info Tech:** n/a

SIGNATURES RECOMMENDING APPROVAL

Debbie Eller
DEPARTMENT DIRECTOR/ADMINISTERING CONTRACT

7/13/2023
DATE

[Signature]
ASST CITY MGR – CFO

7/14/2023
DATE

[Signature]
LEGAL DEPARTMENT

7/17/2023
DATE

APPROVED & EXECUTED

CITY MANAGER

n/a

MAYOR (if applicable)

n/a

CITY SECRETARY (if applicable)

Original(s) sent to CSO on

Scanned into Laserfiche on

Original(s) sent to Fiscal on

**CITY OF COLLEGE STATION COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDING AGREEMENT**

This Agreement is by and between the CITY OF COLLEGE STATION, a Home Rule Municipal Corporation incorporated under the laws of the State of Texas (hereinafter referred to as the "City"), and ELDER-AID, INC., a private non-profit agency (hereinafter referred to as "Agency").

WHEREAS, the City has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383; and

WHEREAS, the City wishes to engage Agency in utilizing such funds; and

WHEREAS, the City desires to assist Agency in the acquisition, rehabilitation, or new construction of housing unit(s) for the purpose of providing affordable rental unit(s) for income eligible tenants through funds provided by the Community Development Block Grant (hereinafter referred to as "CDBG") program administered by the U.S. Department of Housing and Urban Development (hereinafter referred to as "HUD") (Federal Award Identification CFDA 14.218 _____ and Federal Award Date 10/1/2022); and

NOW, THEREFORE, FOR AND IN CONSIDERATION of funding in an amount not to exceed ONE HUNDRED AND SEVENTY THOUSAND and 00 /100 DOLLARS (\$170,000.00) to be paid to Agency by the City as set forth herein below, the City and Agency covenant and agree as follows:

**ARTICLE I
STATEMENT OF WORK**

1.01 Agency will provide no less than one (1) affordable rental unit in the City of College Station rented to a low- or moderate-income household ("Project"). Agency shall provide services as specified in the Detailed Statement of Work attached as Exhibit A. Agency shall provide such services utilizing CDBG funds as specified in the Budget attached as Exhibit B.

**ARTICLE II
PAYMENT**

2.01 During the City's Fiscal Year Budget 2022-2023, City shall reimburse Agency, in an amount not to exceed ONE HUNDRED AND SEVENTY THOUSAND and 00 /100 DOLLARS (\$170,000.00), for services or expenditures as referenced in Article I of this Agreement.

2.03. No funds will be reimbursed until City receives the Reimbursement Request Form along with all required receipts, bills, payroll records, canceled checks and other proofs of expenditures,

as determined by City, in its sole discretion. Agency may not request disbursement of funds under this Agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount of money needed to pay eligible costs actually incurred, and may not include amounts for prospective or future needs. Unexpended funds may be reallocated. Unexpended funds will remain in the possession of City.

2.04. This Agreement and the payments made herein, are contingent upon receipt by City of U.S. Department of Housing and Urban Development Community Development Block Grant funds and the City of College Station City Council funding approval. Should funds be unavailable, discontinued or disapproved, this Agreement may be revised or terminated as determined by the HUD or the City, in their sole discretion.

2.05. The City retains the right, in its sole discretion, to recapture and seek full reimbursement from Agency for any funds used for prohibited activities, prohibited purposes, or usages of funds which cause a breach of this Agreement.

ARTICLE III TERM

3.01 The term of this Agreement shall commence on July 27th, 2023 and the Project shall be completed by September 30th, 2024, or until the date in which funds awarded by the City are completely expended by Agency, unless the Agreement is terminated as provided for herein. This Agreement will remain valid throughout the “Period of Affordability”, which will be Fifteen (15) years.

3.02 Agency agrees to impose restrictive covenants on property funded through this Agreement, in the form of a Land Use Restriction Agreement (“LURA”). The LURA will be in a form approved by the City and will continue for the duration of the Period of Affordability.

3.03 The term of this Agreement may be extended by mutual agreement of the parties, in writing, provided that the City has approved and budgeted sufficient funds from the current budget year to satisfy any additional expenditures that result from such extension.

ARTICLE IV BENEFICIARY POPULATIONS

4.01 Direct services provided through programs supported by CDBG shall target residents of College Station and Bryan whose annual family income is at or below 80% of the median family income for the College Station Metropolitan Statistical Area as established by the U.S. Department of Housing and Urban Development Income Limits attached as Exhibit E. All of the clients served through this program must be determined to be at or below 80% of the median family income.

4.02 Annually or as tenant occupancy changes, whichever occurs earlier, the Agency will submit to the City a copy of the lease and proof of income of the tenants occupying the units. This information will be submitted for the duration of the affordability period as noted in the Land Use Restriction Agreement.

4.03 Agency agrees not to prohibit a Section 8 tenant from occupying a funded unit. Agency is not prohibited from conducting a background check on credit history or criminal history.

ARTICLE V VERIFICATION OF INCOME

5.01 Verification of income will be pursuant to 24 CFR 5.609 . Agency shall document income verification for low-income beneficiaries receiving assistance through programs supported by CDBG funds and may use the following documents for verification:

- (a) W-2 Forms.
- (b) 1040 Forms.
- (c) Pay check stubs.

5.02 In lieu of the above documents, Agency may substitute:

- (a) Documentation of client participation in other programs of public assistance including Temporary Assistance for Needy Families Program (TANF), Supplemental Security Income (SSI), Food Stamps, Low-Income Energy Assistance, Title XX General Assistance, Public Housing, Section 8 Rental Assistance, Job Training Partnership Act (JTPA) or similar income tested programs having the income qualification criteria at least as restrictive as that used under the Section 8 low-income limit established by HUD;
- (b) Evidence that the assisted person is homeless; or
- (c) A notice that the assisted person is a referral from a state, county or local employment agency or other entity that agrees to refer individuals it determines to be low and moderate-income persons based on HUD's criteria and agrees to maintain documentation supporting these determinations.

5.03 Recipients of services designed to meet critical emergency needs such as, assistance to abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers do not need to meet an income test.

ARTICLE VI PROGRAM INCOME

6.01 Agency shall report annually all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this Agreement. The use of program income by the Agency shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, Agency may use such income during the term of this Agreement for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unexpended program income shall be returned to the City at the end of the Agreement period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the City.

ARTICLE VII RECORDS AND REPORTS

7.01 Agency shall maintain fiscal records and supporting documents in the form of receipts, canceled checks, payroll records, employee time sheets and other mutually agreed upon documentation to verify all expenditures of funds under the terms of this Agreement. Said documentation shall conform to HUD and the City's accounting practices. Said documentation and accounting principles shall comply with 2 CFR 200, including the utilization of adequate internal controls.

7.02 Agency shall maintain written records and supporting documents as required under this Agreement for all applicable, generally accepted, and required administrative and operating policies. Agency shall maintain such records, accounts, reports, files or other documents for a minimum of four (4) years beginning with the submission of the Consolidated Annual Performance and Evaluation Report for the fiscal year 2022-2023. City and HUD's right to access Agency's files shall continue during this period and for as long as the records are retained past the minimum four (4) year period by Agency.

7.03 Agency shall provide the City and HUD representative reasonable access during regular business hours to any financial records, client records, administrative reports, board documentation, files or other papers belonging to or in use by Agency.

7.04 Agency shall submit activity reports to the City on an annual basis. The format of such reports shall be prescribed by the City. Annual reports will be due no later than October 30th of each year during the term of this Agreement. Failure to provide timely and complete reports may result in forfeiture of funds or termination of this Agreement pursuant to Article VIII herein.

7.05 The City reserves the right to carry out regular and periodic field inspections to ensure compliance with the requirements of this Agreement. After each monitoring visit, City shall provide Agency with a written report of the monitor's findings. If the monitoring reports note deficiencies in Agency's performances under the terms of this Agreement, the monitoring report shall include requirements for the timely correction of such deficiencies by Agency. Failure by Agency to take action specified in the monitoring report may be cause for suspension or termination of this Agreement as provided in Article VIII of this Agreement. In addition to the limitations on liability otherwise specified in this Agreement, it is expressly understood and agreed by the Parties hereto that if Agency fails to promptly submit to City any report required by this Agreement, City may, at its sole option and in its sole discretion, withhold any or all payments otherwise due or requested by Agency hereunder. If City withholds such payments, it shall notify Agency in writing of its decision and the reasons therefore. Payments withheld pursuant to this paragraph may be held by City until such time as Agency fully cures or performs any and all delinquent obligations which are identified as the reason funds are withheld

ARTICLE VIII

AGREEMENT SUSPENSION/TERMINATION

8.01 The City has the right to terminate this Agreement, in whole or in part, at any time if the City determines that Agency has failed to comply with any part of this Agreement or if funds are unavailable, discontinued or disapproved, as determined by the City or HUD, at their sole discretion. In addition, the City has the right, in its sole discretion, to terminate this Agreement if it determines that the information contained in its application for CDBG funding was materially incorrect, if the City determines that Agency is not delivering the services approved in its application for CDBG funding, if Agency fails to file the reports required under Article VII of this Agreement, or if Agency fails to fulfill any other obligations required under this Agreement.

8.02 The City retains the right to terminate this Agreement, in whole or in part, at any time, for convenience.

8.03 The City shall notify Agency, in writing, thirty (30) days prior to the date of termination. The notice shall include the reason for termination and the effective date of termination.

8.04 If this Agreement is terminated for any of the reasons referenced in Section 8.01 hereinabove, excluding funding discontinuance or disapproval, Agency shall have the right to attempt to cure its failure, during the thirty (30) day period prior to termination to the satisfaction of the City at the City's sole discretion. The City retains the right to terminate this Agreement, in whole or in part, at any time, for convenience.

8.05 Either party to this Agreement has the right to terminate this Agreement, in whole or in part, upon the mutual written agreement of the parties that the continuation of the activities funded under this Agreement would not produce beneficial results commensurate with the further expenditure of funds.

ARTICLE IX

REVERSION OF ASSETS

9.01 Upon the expiration of the term of this Agreement, the Agency shall transfer to City any CDBG Grant funds on hand at the time of expiration and any accounts receivable attributable to the use of Grant funds. Any real property under Agency's control that was acquired or improved in whole or in part with Grant funds in excess of \$25,000 shall:

- (a) be used to meet one of the national objectives of the Federal CDBG until five (5) years after expiration of this Agreement, or for such a longer period of time as determined to be appropriate by the City; or

- (b) be disposed of in a manner which results in City being reimbursed in the amount of the fair market value of the property less any portion thereof attributable to expenditures of non-CDBG funds for acquisition of or improvement to the property. Such reimbursement is not required after the period of time specified above.

ARTICLE X ADMINISTRATIVE REQUIREMENTS

10.01 City and Agency agree to perform their duties in relation to this Agreement in compliance with all applicable HUD regulations.

10.02 Agency shall administer this Agreement in compliance with U.S. Department of Housing and Urban Development applicable Uniform Administrative Requirements, 2 CFR 200 as modified by 24 CFR 570.502.

10.03 Non-federal entities that receive at least seven hundred fifty thousand dollars (\$750,000) a year in Federal Awards shall have an audit made in accordance with the requirements set forth in 2 CFR 200.501. If applicable, Agency will provide a financial audit within three (3) months of the ending of their fiscal year covered by this Agreement.

ARTICLE XI CIVIL RIGHTS COMPLIANCE

11.01 Agency hereby agrees and binds itself that no person shall, on the ground of race, color, national origin, religion, sex, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, such as is provided under this Agreement, in compliance with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

11.02 Agency hereby agrees and binds itself that no person shall, on the ground of race, color, religion (creed), national origin, sex, age, reprisal or disability be discriminated against in any phase of employment during the performance of this Agreement. Further, Agency shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship. Agency agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the Housing and Community Development Act are still applicable.

11.03 This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared, or improved with assistance provided under this Agreement, Agency shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the City and the United States are beneficiaries of and entitled to enforce such covenants. Agency, in undertaking its obligation to carry out the Program, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

11.04 Agency agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C 794), which prohibits discrimination against individuals with disabilities or handicaps in any Federally assisted program. The City shall provide Agency with any guidelines necessary for compliance with that portion of the regulations in force during the time of this Agreement.

ARTICLE XII ENVIRONMENTAL REQUIREMENTS

12.01 Agency understands and agrees that by the execution of this Agreement, City shall assume the responsibilities for environmental review, decision making, and other action which would otherwise apply to City in accordance with and to the extent specified in 24 CFR 58. In accordance with 24 CFR 58.77(b), Agency further understands and agrees that City shall handle inquiries and complaints from persons and agencies seeking redress in relation to environmental reviews covered by approved certifications.

12.02 City shall prepare and maintain a written Environmental Review Record for this project in accordance with 24 CFR 58 to ensure compliance with the National Environmental Policy Act (NEPA). Agency must also maintain a copy of the Environmental Review Record in Agency's project file. City shall document its compliance with such other requirements in its environmental review file.

ARTICLE XIII EMPLOYMENT AND CONTRACTING OPPORTUNITIES

13.01 In accordance with Executive Order 11246, as amended and the regulations issued pursuant thereto, Agency hereby agrees and binds itself that no person shall, on the ground of race, color, religion (creed), national origin, sex, age, reprisal or disability be discriminated against in any phase of employment during the performance of this Agreement. Further, Agency shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship.

13.02 In accordance with Section 3 of the Housing and Urban Development Act of 1968, Agency agrees that, to the greatest extent feasible, opportunities for training and employment will be given to low and moderate income persons residing within the City of College Station, and, to the greatest

extent feasible, contracts for work in connection with the project will be awarded to eligible business concerns which are located in or owned by persons residing in the City of College Station.

13.03 Agency will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. Agency may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

13.04 Agency is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

13.05 Agency agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. Agency agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 et seq.) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. Agency shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request. Agency agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this Agreement, shall comply with Federal requirements adopted by the City pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve Agency of its obligation, if any, to require payment of the higher wage. Agency shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

13.06 "Section 3" Clause - Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the Federal financial assistance provided under this Agreement and binding upon the City, Agency and any of the Agency's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the City, Agency and any of Agency's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. Agency certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

Agency further agrees to comply with these “Section 3” requirements and to include the following language in all subcontracts executed under this Agreement:

“The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the city in which the project is located.”

Agency further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs. Agency certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

Agency agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker’s representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

Agency will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. Agency will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

13.07 Subcontracts - Agency shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the City prior to the execution of such agreement. Agency will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance. Agency shall cause all of the provisions of this Agreement in its entirety to be included in and

made a part of any subcontract executed in the performance of this Agreement. Agency shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the City along with documentation concerning the selection process.

13.08 Hatch Act - Agency agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of 5 U.S.C Pt. II, Ch. 15

13.09 Lobbying – Agency hereby certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly:
- d. **Lobbying Certification:** This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C §1352 Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE XIV

ARCHITECTURAL BARRIERS ACT AND AMERICANS WITH DISABILITIES ACT

14.01 In accordance with the Architectural Barriers Act of 1968, 42 U.S.C. §§ 4151-4157, Agency agrees to abide by laws and regulations requiring certain Federal and Federally funded buildings and other facilities to be designed, constructed, or altered.

14.02 In accordance with standards that ensure accessibility to, and use by, persons with physical disabilities. A building or facility designed, constructed, or altered with funds allocated or reallocated, and that meets the definition of "residential structure" as defined in 24 CFR 40.2 is subject to the requirements of this Act and shall comply with the Uniform Federal Accessibility Standards.

14.03 In accordance with the Americans with Disabilities Act 42 U.S.C. §12131; 47 U.S.C. §§ 155, 201, 218 and 225 (ADA), the Agency agrees to comply with the provision of comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. Further, the ADA requires the removal of architectural barriers and communication barriers that are structural in nature in existing facilities, where such removal is readily achievable.

ARTICLE XV USE OF DEBARRED, SUSPENDED, INELIGIBLE CONTRACTORS OR SUBRECIPIENTS

15.01 Agency agrees and binds itself that it has not and will not directly or indirectly employ, award contracts to, or otherwise engage the services of any contractor or other subrecipient of CDBG monies during any period of that agency's or subrecipient's debarment, suspension, or placement in ineligible status under the provisions of 2 CFR 200.214.

ARTICLE XVI CONFLICT OF INTEREST

16.01 Agency agrees to abide by the provisions of 2 CFR 200 and 24 CFR 570.611, which include maintaining a written code or standards of conduct governing the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds

16.02 Agency certifies that no employee, agent, consultant, officer, elected or appointed official of the Agency who exercises or has exercised any functions or responsibilities with respect to CDBG activities or who is in a position to participate in a decision-making process or gain inside information with regard to such activities has or will have any personal or financial interest or benefit to obtain from this Agreement and the CDBG-assisted activity, nor any interest in any contract, subcontract or Agreement with respect thereto, or the proceeds thereunder, either for the official or those with whom they have family or business ties, either during the official's tenure or for one year after completion of the Agreement term.

ARTICLE XVII WHERE AGENCY IS A RELIGIOUS ENTITY

17.01 Where Agency is a religious entity, Agency certifies that all CDBG funds shall be used wholly for secular purposes. Agency agrees and binds itself that it will not discriminate against any person applying for such public services on the basis of religion and will not limit such services

or give preference to persons on the basis of religion. Agency agrees and binds itself that it will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of public services funded by this Agreement.

ARTICLE XVIII RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

18.01 Agency agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. Agency shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. Agency also agrees to comply with applicable City ordinances, resolutions and policies concerning the displacement of persons from their residences.

ARTICLE XIX INDEMNIFICATION AND RELEASE

19.01 Agency agrees to indemnify and hold harmless the City, its officers, agents, volunteers, and employees from and against any and all loss, costs, or damage of any kind, nature, or description that may arise out of or in connection with this Agreement whether or not the claim or cause of action results from any negligence of the City or any of its officers, agents, or employees. There shall be no additional indemnification other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

19.02 Agency assumes full responsibility for the work to be performed and services to be provided hereunder, and hereby releases, relinquishes and discharges the City, its officers, agents, volunteers, and, employees from any and all claims, demands, causes of action of every kind and character, including the cost of defense thereof, for any injury to, including death of, any person (whether employees or agents of either of the parties hereto or third persons) and any loss of or damage to property (whether the property is that of either of the parties hereto or of third parties) that is caused by or alleged to be caused by, arising out of, or in connection with the Agency's work or services provided hereunder whether or not said claims, demands, or causes of actions are covered in whole or part by insurance. There shall be no additional release or hold harmless provision other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

ARTICLE XX INSURANCE

19.01 General. The Agency shall procure and maintain, at its sole cost and expense for the duration of this Agreement, insurance against claims for injuries to persons or damages to property

that may arise from or in connection with the performance of the services performed by the Agency, its agents, representatives, volunteers, employees, or subcontractors.

19.02 The Agency's insurance shall list the City of College Station, its employees, agents, volunteers, and officials as additional insureds. Insurance requirements are as set forth below. Certificates of insurance evidencing the required insurance coverages are attached in Exhibit C.

During the term of this Agreement the Agency's insurance policies shall meet the minimum requirements of this section:

19.03 Types. Agency shall have the following types of insurance:

- (a) Commercial General Liability.
- (b) Business Automobile Liability.
- (c) Workers' Compensation/Employer's Liability.

19.04 General Requirements Applicable to All Policies. The following General requirements to all policies shall apply:

- (a) Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent.
- (b) Certificates of Insurance and endorsements shall be furnished on the most current State of Texas Department of Insurance-approved forms to the City's Representative at the time of execution of this Agreement; shall be attached to this Agreement as Exhibit C; and shall be approved by the City before work begins.
- (c) Agency shall be responsible for all deductibles on any policies obtained in compliance with this Agreement. Deductibles shall be listed on the Certificate of Insurance and are acceptable on a per-occurrence basis only.
- (d) The City will accept only Insurance Carriers licensed and authorized to do business in the State of Texas.
- (e) The City will not accept "claims made" policies.
- (f) Coverage shall not be suspended, canceled, non-renewed or reduced in limits of liability before thirty (30) days written notice has been given to the City.

19.05 Commercial General Liability. The following Commercial General Liability requirements shall apply:

- (a) General Liability insurance shall be written by a carrier rated "A:VIII" or better under the current A. M. Best Key Rating Guide.
- (b) Policies shall contain an endorsement naming the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain.

- (c) Limits of liability must be equal to or greater than \$500,000 per occurrence for bodily injury and property damage, with an annual aggregate limit of \$1,000,000.00. Limits shall be endorsed to be per project.
- (d) No coverage shall be excluded from the standard policy without notification of individual exclusions being submitted for the City's review and acceptance.
- (e) The coverage shall include, but not be limited to the following: premises/operations with separate aggregate; independent contracts; products/completed operations; contractual liability (insuring the indemnity provided herein) Host Liquor Liability, and Personal & Advertising Liability.

19.06 Business Automobile Liability. The following Business Automobile Liability requirements shall apply:

- (a) Business Automobile Liability insurance shall be written by a carrier rated "A:VIII" or better rating under the current A. M. Best Key Rating Guide.
- (b) Policies shall contain an endorsement naming the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain.
- (c) Combined Single Limit of Liability not less than \$1,000,000 per occurrence for bodily injury and property damage.
- (d) The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section in Item 2 of the declarations page.
- (e) The coverage shall include any autos, owned autos, leased or rented autos, non-owned autos, and hired autos.

19.07 Workers' Compensation/Employer's Liability Insurance. Workers' Compensation/Employer's Liability insurance shall include the following terms:

- (a) Employer's Liability minimum limits of liability not less than \$500,000 for each accident/each disease/each employee are required.
- (b) "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.
- (c) TEXAS must appear in Item 3A of the Workers' Compensation coverage or Item 3C must contain the following: "All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.

ARTICLE XXI GENERAL PROVISIONS

20.01 The parties to this Agreement agree and understand that Agency is an independent contractor and not an agent or representative of the City and that the obligation to compensate its employees and personnel furnished or used by Agency to provide the services specified in Article

I shall be the responsibility of Agency and shall not be deemed employees of the City for any purpose.

20.02 The City's Community Services Department shall provide "technical" assistance to Agency as requested and as mutually agreed upon in the performance of Agency's duties under this Agreement. "Technical" assistance is described as including, but not limited to staff assistance to ensure compliance to CDBG regulations and to ensure that proper accountability and program delivery results are achieved; and providing orientation to Agency staff and board members regarding CDBG regulations and procedures. The provision of "technical" assistance is dependent on time constraints and priorities of the Community Services Department staff, at City's sole discretion. **City shall have no liability to Agency or any third party in providing any "technical" assistance.**

20.03 No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.

20.04 This Agreement has been made under and shall be governed by the laws of the State of Texas.

20.05 Performance and all matters related thereto shall be in Brazos County, Texas, United States of America.

20.06 Each party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective organizations.

20.07 Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in any way affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

20.08 The parties acknowledge that they have read, understand, and intent to be bound by terms and conditions of this Agreement.

20.09 This Agreement and the rights and obligations contained herein may not be assigned by any party without the prior written approval of the other parties to this Agreement.

20.10 It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

20.11 Invalidity. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.

20.12 Prioritization. Agency and City agree that City is a political subdivision of the State of Texas and is thus subject to certain laws. Because of this there may be documents or portions thereof added by Agency to this Agreement as exhibits that conflict with such laws, or that conflict with the terms and conditions herein excluding the additions by Agency. In either case, the applicable law or the applicable provision of this Agreement excluding such conflicting addition by Agency shall prevail. The parties understand this section comprises part of this Agreement without necessity of additional consideration.

20.13 It is understood that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.

20.14 Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person or sent by certified mail to the last business address as named herein. Each party has the right to change its business address by giving at least thirty (30) days advance written notice of the change to the other party.

Agency: Attn: Carol Jones
Elder-Aid, Inc.
307 S. Main Street, Suite 202
Bryan, TX 77803

City: Attn: Joshua Brooks
Community Services Department
City of College Station
1101 Texas Ave.
P.O. Box 9960
College Station, Texas 77842

20.15 To the extent applicable, this Agreement is subject to the following:

- (a) Boycott Israel. If this Agreement is for goods and services subject to § 2270.002 Texas Government Code, Agency verifies that it i) does not boycott Israel; and ii) will not boycott Israel during the term of this Agreement;
- (b) Boycott Firearms. If this Agreement is for goods and services subject to § 2274.002 Texas Government Code, Agency verifies that it i) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and ii) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and

- (c) Boycott Energy Companies. Subject to § 2274.002 Texas Government Code, Agency herein verifies that it i) does not boycott energy companies; and ii) will not boycott energy companies during the term of this Agreement.

List of Exhibits

- A** Statement of Work
- B** Budget
- C** Certificates of Insurance
- D** Reimbursement Request
- E** HUD Income Limits
- F** Project Compliance Report

ELDER AID, INC.

By: Carol Jones

Printed Name: Carol Jones

Title: Executive Director

Date: 7/13/2023

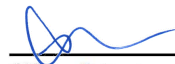
CITY OF COLLEGE STATION

By: _____

City Manager

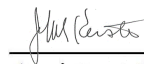
Date: _____

APPROVED:



City Attorney

Date: 7/17/2023



Assistant City Manager / CFO

Date: 7/14/2023

EXHIBIT A
DETAILED STATEMENT OF WORK

ELDER-AID, INC. will use funds under this contract for the acquisition of the following property:

Elder-Aid, Inc., is proposing to purchase 1 undeveloped plot of land for the purpose of providing an affordable rental unit for income eligible tenants. Elder-Aid, Inc. intends to target all applicants at or below 60% of the area median income (AMI) and those applicants that are in transition from homelessness.

It is Elder-Aid, Inc.'s intent to purchase the following property and then construct a new, single-family housing unit for low- to moderate-income rental use as a part of the Affordable Rental Program. This property will be located in College Station and available for rent soon after purchase.

Properties for proposed purchase are as follows:

The undeveloped plot of land at:
700 Pasler Street, College Station, TX, 4,265 sqft.

This property will be made available for lease to income-eligible households at or below 80% of the Area Median Income for the duration of the LURA.

Agency shall dedicate all easements required by City, including blanket easements which shall be substituted with as-built easements for all City utilities.

Agency is not prohibited from conducting a background check, including credit history and criminal history

The project must be completed no later than September 30th, 2024, and the contract shall be considered completed when the following terms are met: Proof of Ownership of referenced property, Waiver of Lien & Affidavit of Bills paid by Contractor & Agency, and within six (6) months from issuance of the Certificate of Occupancy, said units must be occupied by an eligible resident.

Payment by City on valid and eligible invoices shall not exceed the maximums established in Exhibit B, Budgets.

**EXHIBIT B
BUDGET**

Agency: ELDER-AID, INC.

SOURCES OF FUNDS:

Maximum Proceeds of grant under the Agreement
\$170,000.00

USES OF FUNDS:

Acquisition*\$ 170,000.00
Total.....\$ 170,000.00
*At least 1 plot of land at 700 Pasler Street

EXHIBIT C
CERTIFICATES OF INSURANCE



ELDEINC-01

HLAPP

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jones & Associates Inc. 1580 Copperfield Pkwy College Station, TX 77845	CONTACT NAME:	
	PHONE (A/C, No, Ext): (979) 776-4740	FAX (A/C, No): (979) 776-4745
INSURED Elder-Aid, Inc. 307 S Main St, Suite 202 Bryan, TX 77803-6949	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Nautilus Insurance Company	NAIC # 17370
	INSURER B : Hochheim Prairie Farm Mutual Ins.	31054
	INSURER C : Texas Mutual Workers' Compensation Ins	22945
	INSURER D : United States Fire Insurance Co	21113
	INSURER E : Travelers Casualty & Surety Co	19038
INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR	X	X	NN1475001	11/2/2022	11/2/2023	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COM/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☒ POLICY ☐ PROJECT ☐ LOC						\$
	OTHER:						
B	AUTOMOBILE LIABILITY			BO-5678342	1/13/2023	1/13/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☐ ANY AUTO OWNED AUTOS ONLY ☒ SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTION \$						\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			0001220341	3/10/2023	3/10/2024	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E L EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E L DISEASE - EA EMPLOYEE \$ 1,000,000
							E L DISEASE - POLICY LIMIT \$ 1,000,000
D	Accident			US1674586	1/13/2023	1/13/2024	Benefit Amt 15,000
E	Surety			106406989	11/5/2022	11/5/2025	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of College Station
1101 Texas Avenue
College Station, TX 77840

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

B. a. J.

EXHIBIT D **REIMBURSEMENT REQUEST FORM**



CITY OF COLLEGE STATION

COMMUNITY SERVICES DEPARTMENT **COMMUNITY DEVELOPMENT BLOCK GRANT** **REIMBURSEMENT REQUEST FORM**

AGENCY:			
CONTRACT EXPENSES:	BUDGETED	CURRENT REQUEST	YEAR TO DATE REQUESTED
	\$	\$	\$
(INVOICES OR ACCEPTABLE ALTERNATIVE DOCUMENTATION MUST BE SUBMITTED)			
TOTAL	\$	\$	\$
REIMBURSEMENT REQUEST		\$	
EXPENSES FOR THE PERIOD OF:			
AMOUNT REMAINING IN CDBG CONTRACT	\$		

I hereby request reimbursement for approved program expenses to date in the amount of \$ _____.

Signature of Authorized Agency Representative

Date

Contract Number: 23300571
CDBG Funding Agreement
Form 07-06-2023

Agency's Certification and Reimbursement Request Form	
Agency Name	Contract #
Program Name	
Name of Agency Contact	Agency's Address
I. Agency's Certification and Reimbursement Request	
I hereby certify: ☐ The information presented on this form is true and complete to the best of my knowledge; ☐ All programs and services have been executed in accordance with the terms and requirements of the contract; ☐ All expenses for which payment is being requested herein were incurred by the above-referenced program(s); ☐ All approved Board minutes and agendas have been received by the Community Services Department; ☐ A signed and dated Client Report, Narrative Report, and Fund-Raising Report have been received by the Community Services Department; ☐ All supporting documentation to substantiate this request has been received by the Community Services Department. ☐ The agency is in full compliance with the terms and conditions of the above referenced contract. I hereby request reimbursement for approved program expenses to date in the amount of \$ _____. Signature of Authorized Agency Representative Date	
II. Monitor's Certification	
I have reviewed the documents submitted for the _____ quarter by the above-referenced agency and agree that all services and expenditures have been satisfactorily completed in accordance with all applicable requirements and terms of the above referenced contract number. I hereby approve payment to the agency in the amount of \$ _____. Signature of Monitor Date	
III. Director of Community Services' Certification	
I hereby approve payment to the agency in the amount of \$ _____. Signature of Director of Community Services Date	

EXHIBIT E
HUD INCOME LIMITS

2023 MEDIAN INCOME LIMITS
City of College Station
Community Services

This list supersedes all other lists of prior dates.

Household	30%	50%	80%
1	\$16,900	\$28,150	\$45,050
2	\$19,720	\$32,300	\$51,450
3	\$24,860	\$36,200	\$57,900
4	\$30,000	\$40,200	\$64,300
5	\$35,140	\$43,450	\$69,450
6	\$40,280	\$46,650	\$74,600
7	\$45,420	\$49,850	\$79,750
8	\$50,560	\$53,100	\$84,900

The left column (Household) refers to the number of people in the home. The highlighted column (80%) refers to your maximum income allowed per year by HUD guidelines.

Source: <https://www.huduser.gov/portal/datasets/il.html#2023>

EXHIBIT F
PROJECT COMPLIANCE REPORT

A	B	C	D	E	F	G	H
Unit Number	Tenant Name	Household Size	No. Bedrooms	Max Rent	Monthly Rent	Tenants Annual Gross Income	Compliance Y/N?



CONTRACT & AGREEMENT ROUTING FORM

CONTRACT#: 23300572 PROJECT#: CD2318 BID/RFP/RFQ#: 23-063

Project Name / Contract Description: Elder-Aid 700 Pasler Development - A Funding Agreement with Elder-Aid for the lot acquisition and construction of a new single family housing unit at 700 Pasler to be used as a LMI elderly rental unit. This funding agreement allocates HOME funds to the New Construction of a Rental Housing Unit.

Name of Contractor: Elder-Aid, Inc.

CONTRACT TOTAL VALUE: \$ 189,650.00

Grant Funded Yes ☒ No ☐

If yes, what is the grant number: M-21-MC-48-0219

Debarment Check ☒ Yes ☐ No ☐ N/A

Section 3 Plan Incl. ☒ Yes ☐ No ☐ N/A

Davis Bacon Wages Used ☐ Yes ☐ No ☐ N/A

Buy America Required ☐ Yes ☒ No ☐ N/A

Transparency Report ☐ Yes ☐ No ☒ N/A

☒ **NEW CONTRACT** ☐ **RENEWAL #** ☐ **CHANGE ORDER #** ☐ **OTHER**

BUDGETARY AND FINANCIAL INFORMATION (Include number of bids solicited, number of bids received, funding source, budget vs. actual cost, summary tabulation)

RFP 23-063 - 2023 Affordable Housing RFP was released on April 11th, 2023 and was closed on May 12th, 2023. One eligible response was received from Elder-Aid Inc. These funds are allocated in the FY20, 21, 22, and 24 Community Development Budgets.

CRC Approval Date*: 06/08/23 *(If required)** **Council Approval Date*:** 07/27/23 **Agenda Item No*:**

--Section to be completed by Risk, Purchasing or City Secretary's Office Only--

Insurance Certificates: RY **Performance Bond:** N/A **Payment Bond:** N/A **Info Tech:** N/A

SIGNATURES RECOMMENDING APPROVAL

Debbie Eller
DEPARTMENT DIRECTOR/ADMINISTERING CONTRACT

7/13/2023
DATE

[Signature]
ASST CITY MGR – CFO

7/14/2023
DATE

[Signature]
LEGAL DEPARTMENT

7/17/2023
DATE

APPROVED & EXECUTED

CITY MANAGER

DATE

N/A

MAYOR (if applicable)

DATE

N/A

CITY SECRETARY (if applicable)

DATE

 Original(s) sent to CSO on

Scanned into Laserfiche on

 Original(s) sent to Fiscal on

**CITY OF COLLEGE STATION
HOME INVESTMENT PARTNERSHIP FUNDING AGREEMENT**

**ARTICLE I
PARTIES**

1.01 This HOME Allocation of Funding Agreement (the “Agreement”) is between the **City of College Station** (“City”), a **Texas Home Rule Municipal Corporation, and Elder-Aid, Inc.**, (“Recipient”), a Texas Non-Profit Corporation (collectively referred to as the “Parties”).

**ARTICLE II
AGREEMENT PERIOD**

2.01 This Agreement will terminate on September 30, 2024, unless extended by a written agreement. This Agreement will remain valid throughout the “Period of Affordability” as defined in 22.02.

**ARTICLE III
RECIPIENT PERFORMANCE**

3.01 Recipient may administer at least one project for acquisition of Suitable property and construction of at least one new affordable single family residence (“Project” or “Projects”) in the City of College Station in accordance with the HOME INVESTMENT PARTNERSHIPS ACT, 42 U.S.C. § 12701 (THE ACT) and the implementing regulations, 24 C.F.R. PART 92, and the HOME INVESTMENT PARTNERSHIPS PROGRAM RULES.

3.02 Recipient shall perform all activities in accordance with the terms of the Performance Statement, (“**Exhibit A**”); the Budget, (“**Exhibit B**”); the Project Implementation Schedule, (“**Exhibit C**”); the Applicable Laws and Regulations, (“**Exhibit D**”); the Certifications, (“**Exhibit E**”); the Insurance Requirements and Certificates of Insurance (“**Exhibit F**”), the assurances, covenants, warranties, certifications, and all other statements made by Recipient in its application for the project funded under this Agreement; and with all other terms, provisions, and requirements set forth in this Agreement.

3.03 In the event the affordability requirements of 24 C.F.R. § 92.254 are not satisfied by Recipient hereunder, Recipient shall bear ultimate responsibility for repayment of HOME funds to the City.

3.04 In the event that there is program income, repayments, or recaptured funds, the funds must be used in accordance with the requirements of 24 C.F.R. § 92.503, as outlined in the Performance Statement, “**Exhibit A**”.

3.05 If applicable, Recipient agrees that all prospective purchasers of housing funded under this Agreement will comply with the City of College Station Down Payment Assistance Program (DAP) guidelines dated September 27, 2018, or as may be amended.

ARTICLE IV PAYMENT AND CITY OBLIGATIONS

4.01 Measure of Liability. In consideration of full and satisfactory performance of the activities referred to in Article V of this Agreement, City may pay for actual and reasonable costs up to the amount of One Hundred Eighty Nine Thousand Six Hundred Fifty and NO /100 DOLLARS (\$189,650.00) that will be paid from the Fiscal Year 2020-22 & 24 Community Development Budget (HUD Grant Year 2019-21 & 23). These costs incurred by Recipient during the agreement period for performances rendered under this Agreement by Recipient are subject to the limitations set forth in this Article IV.

- (a) The Parties agree that City's obligations to meet City's liabilities under Article IV of this Agreement are contingent upon the actual receipt of adequate local or federal funds. If adequate funds are not available to make payments under this Agreement, the City shall notify Recipient in writing within a reasonable time after it is determined funds are not available. The City shall then terminate this Agreement and will not be liable for failure to make payments to Recipient under this Agreement.
- (b) City shall not be liable to Recipient for any costs incurred by Recipient, or any portion thereof, which have been paid to Recipient or which are subject to payment to Recipient, or which have been reimbursed to Recipient, or are subject to reimbursement to Recipient, by any source other than City or Recipient.
- (c) City shall not be liable to Recipient for any costs incurred by Recipient which are not eligible project costs, as set forth in 24 C.F.R. § 92.206(A) and Article VI of this Agreement. Funds provided under this Agreement shall not be used nor shall City be liable for payment of costs associated directly or indirectly incurred because of prohibited activities as defined in 24 C.F.R. § 92.214.
- (d) City shall not be liable to Recipient for any costs incurred by Recipient or for any performances rendered by Recipient which are not strictly in accordance with the terms of this Agreement, including the terms of the Exhibits of this Agreement.
- (e) City shall not be liable for costs incurred or performance rendered by Recipient before commencement or after termination of this Agreement.

4.02 Limit of Liability

- (a) **Notwithstanding any other provision of this Agreement, the total of all payments and other obligations incurred by City under this Agreement shall under no circumstances exceed**
One Hundred Eighty-Nine Thousand Six Hundred and Fifty
and NO /100 Dollars, (\$189,650.00), from the HUD Grant Year
19-21 & 23 Budget.

Article V DISBURSEMENT OF FUNDS

5.01 City shall pay costs incurred which it determines are eligible and which are properly submitted under this Agreement in accordance with the requirements of 24 C.F.R. § 92.502. Recipient may not request disbursement of funds under this Agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount of money needed to pay eligible costs actually incurred, and may not include amounts for prospective or future needs.

5.02 Any and all Program Income as defined by 24 C.F.R. § 84.2 must be disbursed by Recipient prior to requesting a disbursement of funds from the City.

5.03 The Parties agree that City's obligations to make payments under this Agreement are contingent upon Recipient's full and satisfactory performance of its obligations under this Agreement. City reserves the right to recover, recapture or offset funds paid under this Agreement in the event City determines Recipient will be unable to commit or expend funds within the prescribed time, as determined by the City. Recipient agrees to refund to the City all funds that the City in its sole discretion determines to have been used for ineligible or unapproved purposes. Such refunds will be made within thirty (30) days of notification by the City of the ineligible expenditure.

ARTICLE VI UNIFORM ADMINISTRATIVE REQUIREMENTS

6.01 Recipient shall comply with the requirements of 24 C.F.R. 200, including utilization of adequate internal controls, as modified by 24 C.F.R. § 92.505.

ARTICLE VII RETENTION AND ACCESSIBILITY OF RECORDS

7.01 Recipient must establish and maintain sufficient records, including those listed under 24 C.F.R. § 92.508. The sufficiency of the records will be determined by City.

7.02 All records pertinent to this Agreement shall be retained by Recipient for five calendar years after the Period of Affordability, specified in Section 22.02, has expired with the following are exceptions:

- (a)** If any litigation, claim or audit is started before the expiration of the five-year period and extends beyond the five-year period, the records will be maintained until all litigation, claims or audit findings involving the records have been finally resolved, including all legal and administrative appeals.
- (b)** Records covering displacement and acquisitions must be retained for at least five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which

they are entitled in accordance with 24 C.F.R. § 92.353.

7.03 Recipient shall give HUD, the Comptroller General of the United States, the City of College Station, or any of their duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by Recipient pertaining to this Agreement. Such rights to access shall continue as long as the records are retained by Recipient. Recipient agrees to maintain such records in a location accessible to the above-named persons and entities.

7.04 Recipient shall require the substance of this Article VII to be included in all subcontracts for the use of funds under this Agreement.

7.05 Recipient must provide citizens, public agencies, and other interested parties with reasonable access to records consistent with the TEXAS PUBLIC INFORMATION ACT.

ARTICLE VIII REPORTING REQUIREMENTS

8.01 Recipient shall submit to City such reports on the operation and performance of this Agreement as may be required by City including, but not limited to the reports specified in this Article VIII.

8.02 Recipient shall provide City with all reports necessary for City's compliance with 24 C.F.R. §§ 92.508, 92.509 and 24 C.F.R. SUBPART K or any other applicable statute, law or regulation. Recipient agrees to furnish the City with information on program participants, including: income verifications, race, ethnicity, age, sex, family status, disability status and head-of-household status.

8.03 Recipient will report any project or program delays or modifications and await City approval before proceeding.

8.04 Recipient will also report any instances of client fraud or program abuse to the City. Recipient agrees to meet with the City to discuss progress or concerns as the need arises and at the City's request.

8.05 Recipient agrees to report on a semi-annual basis to the City on program or project status. This must be a written report of the status on recently completed, ongoing, and pre-approved programs or projects and must include information for the reporting period to include the status on: applicant approvals/denials; projects/programs approved; fund disbursements; project bidding information; property sales; contractor/subcontractors utilization to include: race, sex, ethnicity, addresses, social security numbers and amounts billed and paid; use of program income, repayments, and recaptured funds; and other information as specified by the City.

8.06 In addition to the limitations on liability otherwise specified in this Agreement, it is expressly understood and agreed by the Parties hereto that if Recipient fails to submit to City in a timely and satisfactory manner any report required by this Agreement, City may, at its sole option

and in its sole discretion, withhold any or all payments otherwise due or requested by Recipient hereunder. If City withholds such payments, it shall notify Recipient in writing of its decision and the reasons therefore. Payments withheld pursuant to this paragraph may be held by City until such time as Recipient fully cures or performs any and all delinquent obligations identified as the reason funds are withheld.

ARTICLE IX MONITORING

9.01 The City reserves the right to carry out regular and periodic field inspections to ensure compliance with the requirements of this Agreement. After each monitoring visit, City shall provide Recipient with a written report of the monitor's findings. If the monitoring reports note deficiencies in Recipient's performances under the terms of this Agreement, the monitoring report shall include requirements for the timely correction of such deficiencies by Recipient. Failure by Recipient to take action specified in the monitoring report may be cause for suspension or termination of this Agreement, as provided in Article XVIII and XIX of this Agreement.

ARTICLE X INDEPENDENT CONTRACTOR

10.01 In all activities or services performed hereunder, the Recipient is an independent contractor and not an agent or employee of the City. The Recipient, as an independent contractor, shall be responsible for the final product contemplated under this Agreement. The Recipient shall supply all materials, equipment and labor required for the execution of the work on the Project. The Recipient shall have ultimate control over the execution of the work under this Agreement. The Recipient shall have the sole obligation to employ, direct, control, supervise, manage, discharge, and compensate all of its employees, volunteers and subcontractors, and the City shall have no control of or supervision over the employees or volunteers of the Recipient or any of the Recipient's subcontractors except to the limited extent provided for in this Agreement.

10.02 The Recipient shall retain personal control and shall give its personal attention to the faithful prosecution and completion of the work and fulfillment of this Agreement. The subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Recipient from its obligations to the City under this Agreement. The Recipient shall appoint and keep on the Project during the progress of the work a competent Project Manager and any necessary assistants, all satisfactory to the City, to act as the Recipient's representative and to supervise its employees and subcontractors. Adequate supervision by competent and reasonable representatives of the Recipient is essential to the proper performance of the work, and lack of such supervision shall be grounds for suspending the operations of the Recipient and is a breach of this Agreement.

10.03 Unless otherwise stipulated, the Recipient shall provide and pay for all labor, materials, tools, equipment, transportation, facilities, and drawings, including engineering, and any other services necessary or reasonably incidental to the performance of the work by the Recipient. It shall be the responsibility of the Recipient to furnish a completed work product that meets the requirements of the City.

10.04 Any injury or damage to the Recipient or the Project caused by an act of God, natural cause, a party or entity not privy to this Agreement, or other force majeure shall be assumed and borne by the Recipient.

10.05 By entering into this Agreement, City and Recipient do not intend to create a joint enterprise.

ARTICLE XI INDEMNIFICATION AND RELEASE

11.01 RECIPIENT SHALL PROTECT, DEFEND, HOLD HARMLESS AND INDEMNIFY THE CITY FROM ANY AND ALL CLAIMS, DEMANDS, EXPENSES, LIABILITY OR CAUSES OF ACTION FOR INJURY TO ANY PERSON, INCLUDING DEATH, AND FOR DAMAGE TO ANY PROPERTY, TANGIBLE OR INTANGIBLE, OR FOR ANY BREACH OF CONTRACT ARISING OUT OF OR IN ANY MANNER CONNECTED WITH THE WORK DONE BY ANY PERSON UNDER THIS AGREEMENT. IT IS THE INTENT OF THE PARTIES THAT THIS PROVISION SHALL EXTEND TO, AND INCLUDE, ANY AND ALL CLAIMS, CAUSES OF ACTION OR LIABILITY CAUSED BY THE CONCURRENT, JOINT AND/OR CONTRIBUTORY NEGLIGENCE OF THE CITY, AN ALLEGED BREACH OF AN EXPRESS OR IMPLIED WARRANTY BY THE CITY OR WHICH ARISES OUT OF ANY THEORY OF STRICT OR PRODUCTS LIABILITY.

11.02 The indemnifications contained in section 11.01 shall include, but not be limited to the following specific instances:

- (a) In the event the City is damaged due to the act, omission, mistake, fault or default of the Recipient, then the Recipient shall indemnify and hold harmless and defend the City for such damage.**
- (b) The Recipient shall indemnify and hold harmless and defend the City from any claims for payment for goods or services brought by any material suppliers, mechanics, laborers, or other subcontractors.**
- (c) The Recipient shall indemnify and hold harmless and defend the City from any and all injuries to or claims of adjacent property owners caused by the Recipient, its agents, employees, and representatives.**
- (d) The Recipient shall be responsible for any damage to the building caused by the Recipient's personnel or equipment during installation.**
- (e) The Recipient shall be responsible for the removal of all related debris.**
- (f) The Recipient shall be responsible for subcontractors hired by it.**
- (g) The Recipient shall indemnify, hold harmless, and defend the City from any liability caused by the Recipient's failure to comply with applicable federal, state, or local regulations, that touch upon or concern the maintenance of a safe and protected working environment and the safe use and operation of**

machinery and equipment in that working environment, no matter where fault or responsibility lies.

11.03 The indemnification obligations of the Recipient under this section shall not extend to include the liability of any professional engineer, the architect, their consultants, and agents or employees of any of them arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, Change Orders, designs or specifications, or (2) the giving of or the failure to give directions or instructions by the professional engineer, the architect, their consultants, and agents and employees of any of them, provided such giving or failure to give is the primary cause of the injury or damage.

11.04 It is agreed with respect to any legal limitations now or hereafter in effect and affecting the validity or enforceability of the indemnification obligation under Section 11.01, such legal limitations are made a part of the indemnification obligation and shall operate to amend the indemnification obligation to the minimum extent necessary to bring the provision into conformity with the requirements of such limitations, and as so modified, the indemnification obligation shall continue in full force and effect. There shall be no additional indemnification other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

11.05 RELEASE. The Recipient assumes full responsibility for the work to be performed hereunder, and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person (whether employees of either party or other third parties) and any loss of or damage to any property (whether property of either of the parties hereto, their employees, or of third parties) that is caused by or alleged to be caused by, arising out of, or in connection with the Recipient's work to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance, and in the event of injury, death, property damage, or loss suffered by the Recipient, any subcontractor, or any person or organization directly or indirectly employed by any of them to perform or furnish work on the Project, this release shall apply regardless of whether such injury, death, loss, or damage was caused in whole or in part by the negligence of the City. There shall be no additional release or hold harmless provision other than as set forth in this section. All other provisions regarding the same subject matter shall be declared void and of no effect.

11.06 BY ENTERING INTO THIS AGREEMENT THE CITY DOES NOT WAIVE ITS GOVERNMENTAL IMMUNITY OR THE LIMITATIONS AS TO DAMAGES CONTAINED IN THE TEXAS TORT CLAIMS ACT OR CONSENT TO SUIT.

ARTICLE XII INSURANCE

12.01 INSURANCE The Recipient shall procure and maintain at its sole cost and expense for the duration of this Agreement insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the

Recipient, its agents, representatives, volunteers, employees or subcontractors. The policies, coverages, limits and endorsements required are as set forth below. All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Agreement, attached as **Exhibit F**.

During the term of this Agreement Contractor's (Recipient) insurance policies shall meet the minimum requirements of this section:

12.02 Types. Recipient shall have the following types of insurance:

- (a) Commercial General Liability;
- (b) Business Automobile Liability; and
- (c) Workers' Compensation/Employer's Liability.

12.03 General Requirements Applicable to All Policies. The following General requirements applicable to all policies shall apply:

- (a) Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent.
- (b) Certificates of Insurance and endorsements shall be furnished on the most current State of Texas Department of Insurance-approved forms to the City's Representative at the time of execution of this Agreement; shall be attached to this Agreement as **Exhibit F**; and shall be approved by the City before work begins.
- (c) Contractor shall be responsible for all deductibles on any policies obtained in compliance with this Agreement. Deductibles shall be named on the Certificate of Insurance and are acceptable on a per-occurrence basis only.
- (d) The City will accept only Insurance Carriers licensed and authorized to do business in the State of Texas.
- (e) The City will not accept "claims made" policies.
- (f) Coverage shall not be suspended, canceled, non-renewed or reduced in limits of liability before thirty (30) days written notice has been given to the City.

12.04 Commercial General Liability. The following Commercial General Liability requirements shall apply:

- (a) General Liability insurance shall be written by a carrier rated "A:VIII" or better under the current A. M. Best Key Rating Guide.
- (b) Policies shall contain an endorsement naming the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain
- (c) Limits of liability must be equal to or greater than \$500,000 per occurrence for bodily injury and property damage, with an annual aggregate limit of \$1,000,000.00. Limits shall be endorsed to be per project.
- (d) No coverage shall be excluded from the standard policy without notification of individual exclusions being submitted for the City's review and acceptance

- (e) The coverage shall include, but not be limited to the following: premises/operations with separate aggregate; independent contracts; products/completed operations; contractual liability (insuring the indemnity provided herein) Host Liquor Liability, and Personal & Advertising Liability.

12.05 Business Automobile Liability. The following Business Automobile Liability requirements shall apply:

- (a) Business Automobile Liability insurance shall be written by a carrier rated “A:VIII” or better rating under the current A. M. Best Key Rating Guide.
- (b) Policies shall contain an endorsement naming the City as Additional Insured and further providing “primary and non-contributory” language with regard to self-insurance or any insurance the City may have or obtain.
- (c) Combined Single Limit of Liability not less than \$1,000,000 per occurrence for bodily injury and property damage.
- (d) The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section in Item 2 of the declarations page.
- (e) The coverage shall include any autos, owned autos, leased or rented autos, non-owned autos, and hired autos.

12.06 Workers’ Compensation/Employer’s Liability Insurance. Workers Compensation/Employer’s Liability insurance shall include the following terms:

- (a) Employer’s Liability minimum limits of liability not less than \$500,000 for each accident/each disease/each employee are required.
- (b) “Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04” shall be included in this policy.
- (c) TEXAS must appear in Item 3A of the Workers’ Compensation coverage or Item 3C must contain the following: “All States except those named in Item 3A and the States of NV, ND, OH, WA, WV, and WY”.

ARTICLE XIII SUBCONTRACTS

13.01 Except for subcontracts to which the federal labor standards requirements apply, Recipient may not subcontract for performances of any obligation required or described in this Agreement without obtaining City’s prior written approval. Recipient shall only subcontract for performance obligations required or described in this Agreement to which the federal labor standards requirements apply after Recipient has submitted a Subcontractor utilization form, as specified by City, for each such proposed subcontract and Recipient has obtained City’s prior written approval, based on the information submitted, of Recipient’s intent to enter into such proposed subcontract. Recipient, in subcontracting for the performance of any obligation required as described in this Agreement, expressly understands that in entering into such subcontracts, City is in no way liable

to Recipient's subcontractor(s).

13.02 In no event shall any provision of this Article XII, specifically the requirement that Recipient obtain City's prior written approval of a subcontractor's eligibility, be construed as relieving Recipient of the responsibility for ensuring that the performances rendered under all subcontracts are rendered so as to comply with all of the terms of this Agreement, as if such performances rendered were rendered by Recipient. City's approval under Article XII does not constitute adoption, ratification, or acceptance of Recipient's or subcontractor's performance hereunder. City maintains the right to insist upon Recipient's full compliance with the terms of this Agreement, and by the act of approval under Article XII, City does not waive any rights or remedies which, may exist or which may subsequently accrue to City under this Agreement.

13.03 Recipient shall comply with all applicable federal, state, and local laws, regulations, and ordinances for making procurement under this Agreement.

13.04 Recipient shall submit a subcontractor utilization report prior to beginning work and prior to hiring any additional subcontractors.

ARTICLE XIV CONFLICT OF INTEREST

14.01 No person who (a) is an employee, agent, consultant, officer or elected or appointed official of City or of any applicant that receives funds and who exercises or has exercised any functions or responsibilities with respect to activities assisted with funds provided under this Agreement or (b) who is in a position to participate in a decision-making process or gain inside information with regard to such activities may obtain a personal or financial interest or benefit from a HOME assisted activity, or have an interest in any Agreement, subcontract or Agreement (or the proceeds thereof) with respect to a HOME assisted activity either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Recipient shall ensure compliance with applicable provisions under 24 C.F.R. §§ 84.40 - 84.48 and OMB Circular A-110 in the procurement of property and services.

ARTICLE XV NONDISCRIMINATION AND SECTARIAN ACTIVITY

15.01 Equal Opportunity. Recipient shall ensure that no person shall on the grounds of race, color, religion, sex, handicap, family status, age, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds provided under this Agreement. In addition, funds provided under this Agreement must be made available in accordance with the requirements of Section 3 of the HOUSING AND URBAN DEVELOPMENT ACT OF 1968 (12 USC 1701(u)) that:

- (a)** To the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of any project assisted with HOME funds provided under this Agreement be given to low-income persons residing within the general local government area in which the project is located;

and

- (b) To the greatest extent feasible, Agreements for work to be performed in connection with any such project be awarded to business concerns, including, but not limited to, individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the same metropolitan area or non-metropolitan area as the project.

15.02 Faith-based activities. Organization that are religious or faith-based are eligible, on the same basis as any other organization, to participate in HOME program in accordance with the requirement of 24 C.F.R. § 92.257.

ARTICLE XVI LEGAL AUTHORITY

16.01 Recipient assures and guarantees that Recipient possesses the legal authority to enter into this Agreement, to receive funds authorized by this Agreement, and to perform the services Recipient has obligated itself to perform hereunder.

16.02 The person or persons signing and executing this Agreement on behalf of Recipient, or representing themselves as signing and executing this Agreement on behalf of Recipient, do hereby warrant and guarantee that he, she or they have been duly authorized by Recipient to execute this Agreement on behalf of Recipient and to validly and legally bind Recipient to all terms, performances, and provisions herein set forth.

16.03 Recipient shall not employ, award Agreement to, or fund any person that has been debarred, suspended, proposed for debarment, or placed on ineligibility status by U.S. Department of Housing and Urban Development. In addition, City shall have the right to suspend or terminate this Agreement if Recipient is debarred, suspended, proposed for debarment, or ineligible to participate in the HOME Program.

ARTICLE XVII LITIGATION AND CLAIMS

17.01 Recipient shall give City immediate notice in writing of a) any action, including any proceeding before an administrative agency, brought or filed against Recipient in connection with this Agreement; and b) any claim against Recipient. Except as otherwise directed by City, Recipient shall furnish immediately to City copies of all documents received by Recipient with respect to such action, proceeding, or claim.

ARTICLE XVIII CHANGES AND AMENDMENTS

18.01 Except as specifically provided otherwise in this Agreement, any alterations, additions, or deletions to the terms of this Agreement shall be by amendment hereto in writing and executed by

both the Parties to this Agreement.

18.02 It is understood and agreed by the Parties hereto that any performance under this Agreement must be rendered in accordance with the Act, the regulations promulgated under the Act, the assurances and certifications made to City by Recipient, and the assurances and certifications made to the United States Department of Housing and Urban Development by the City with regard to the operation of the HOME Program.

18.03 Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in Federal or state law or regulations are automatically incorporated into this Agreement without written amendment hereto, and shall become effective on the date designated by such law or regulations. All other amendments to the Agreement must be in writing and signed by both Parties, except as provided in paragraphs 17.02 and 17.03.

ARTICLE XIX SUSPENSION

19.01 In the event Recipient fails to comply with any term of this Agreement, City may, upon written notification to Recipient, suspend this Agreement in whole or in part and withhold further payments to Recipient, and prohibit Recipient from incurring additional obligations of funds under this Agreement.

ARTILCE XX TERMINATION

20.01 The City may terminate this Agreement in whole or in part, in accordance with 24 C.F.R. § 85.43 and this Article or as provided in this Agreement. In the event Recipient materially fails as determined by City, to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a City plan or application, a notice of award, or elsewhere, City may take one or more of the following actions:

- (a) Temporarily withhold cash payments pending correction of the deficiency or default by the Recipient.
- (b) Disallow all or part of the cost of the activity or action not in compliance; and require immediate repayment of such disallowed costs.
- (c) Withhold further HOME awards from Recipient.
- (d) Exercise other rights and remedies that may be legally available as determined by the City to comply with the terms of this Agreement.
- (e) City may terminate this Agreement for convenience in accordance with 24 C.F.R. §85.44.

ARTICLE XXI AUDIT

21.01 Unless otherwise directed by City, Recipient shall arrange for the performance of an annual financial and compliance audit of funds received and performances rendered under this Agreement, subject to the following conditions and limitations:

- (a) Recipient shall have an audit made in accordance with 24 C.F.R. § 92.506, THE SINGLE AUDIT ACT OF 1984, 31 U.S.C. 7501, and Subpart F of 2 C.F.R. 200., for any of its fiscal years included within the agreement Period, in which Recipient receives more than \$300,000.00 in federal financial assistance provided by a federal agency in the form of grants, agreements, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance or direct appropriations, but does not include direct federal cash assistance to individuals. The term includes awards of federal financial assistance received directly from federal agencies, or indirectly through other units of State and local government;
- (b) At the option of Recipient, each audit required by this Article may cover either Recipient's entire operations or each department, agency, or establishment of Recipient which received, expended, or otherwise administered federal funds;
- (c) Notwithstanding paragraphs 4.01(c) and (d), Recipient shall utilize operating expense funds budgeted under this Agreement to pay for that portion of the cost of such audit services properly allocable to the activities funded by City under this Agreement, provided however that City shall not make payment for the cost of such audit services until City has received the complete and final audit report from Recipient;
- (d) Unless otherwise specifically authorized by City in writing, Recipient shall submit the complete and final report of such audit to City within thirty (30) days after completion of the audit, but no later than one (1) year after the end of each fiscal period included within the period of this Agreement. Audits performed under Subsection A of this Article XXI are subject to review and resolution by City or its authorized representative.
- (e) As part of its audit, Recipient shall verify expenditures according to the Budget attached as **Exhibit B**.

21.02 Notwithstanding 20.01 City reserves the right to conduct an annual financial and compliance audit of funds received and performances rendered under this Agreement. Recipient agrees to permit City or its authorized representative to audit Recipient's records and to obtain any documents, materials, or information necessary to facilitate such audit.

21.03 Recipient understands and agrees that it shall be liable to City for any costs disallowed pursuant to financial and compliance audit(s) of funds received under this Agreement. Recipient further understands and agrees that reimbursement to City of such disallowed costs shall be paid by Recipient from funds which were not provided or otherwise made available to Recipient under this Agreement.

21.04 Recipient shall take all necessary actions to facilitate the performance of such audit or audits conducted pursuant to this Article XXI as City may require of Recipient

21.05 All approved HOME audit reports shall be made available for public inspection within 30 days after completion of the audit.

ARTICLE XXII ENVIRONMENTAL CLEARANCE REQUIREMENTS

22.01 Recipient understands and agrees that by the execution of this Agreement, City shall assume the responsibilities for environmental review, decision making, and other action which would otherwise apply to City in accordance with and to the extent specified in 24 C.F.R., PARTS 50 AND 58. In accordance with 24 C.F.R. § 58.77(b), Recipient further understands and agrees that City shall handle inquiries and complaints from persons and agencies seeking redress in relation to environmental reviews covered by approved certifications.

22.02 Funds provided under this Agreement may not be obligated and expended before the actions specified in this Article occur. Any Real Estate Purchase Option Agreement must include the following language: "This option is contingent upon satisfactory completion of an environmental review under 24 C.F.R. Part 58. The parties agree that the provision of any funds to the project is conditioned on the City's determination to proceed with, modify, or cancel the project based on the results of the environmental review."

22.03 City shall prepare and maintain a written Environmental Review Record for this project in accordance with 24 C.F.R. PART 58 to ensure compliance with the NATIONAL ENVIRONMENTAL POLICY ACT (NEPA). Recipient must also maintain a copy of the Environmental Review Record in Recipient's project file. City must comply with all other applicable environmental requirements as specified in **Exhibit D** of this Agreement. City shall document its compliance with such other requirements in its environmental review file.

ARTICLE XXIII SPECIAL CONDITIONS

23.01 Certification. City shall not release any funds for any costs incurred by Recipient under this Agreement until City has received certification from Recipient that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of and accounting for funds provided under this Agreement. City shall specify the content and form of such certification.

23.02 Affordability. Funds provided under this Agreement must meet the affordability requirement of 24 C.F.R. § 92.254 and the HOME rules as applicable. The period of affordability is based upon the total amount of HOME funds subject to recapture described in 24 C.F.R. § 92.254 (a) (5) (ii) (A) (5). The City shall reduce HOME investment amount to be recaptured by Recipient on a pro-rata basis for the time the unit is in compliance with 24 C.F.R. § 92.254 and the HOME rules as applicable.

Home Funds Subject to Recapture	Affordability Period
< \$15,000	5 years
\$15,000 - \$40,000	10 years
> \$40,000	15 years

23.03 Recapture. The HOME investment that is subject to recapture is based on the amount of HOME assistance that enabled the homebuyer to buy the dwelling unit. This includes any HOME assistance that reduced the purchase price from fair market value to an affordable price. The cost of construction is not considered in this calculation. Recaptured funds will include the amount provided through the City's Down Payment Assistance Program and the Recipient's subsidy to the homebuyer equaling the difference between the fair market value and the sales price of the home. Recipient agrees that Recipient's recaptured funds, including all interest and any other return on the investment of HOME funds, will be made to City pro-rata. The formula for Recipient's recaptured funds is the funds received which are subject to recapture divided by the number of months in the period of affordability multiplied by the number of months that a home is not operated in accordance with the affordability requirement.

23.04 Property Standards. Recipient shall ensure that all housing assisted with funds provided under this Agreement shall meet the requirements of 24 C.F.R. § 92.251 for the duration of this Agreement.

23.05 Affirmative Marketing. Should funds from this Agreement be used in the construction of five (5) or more dwelling units, Recipient shall adopt Affirmative Marketing procedures and requirements. The Affirmative Marketing procedures and requirements shall include, but need not be limited to, those specified in 24 C.F.R. § 92.351. City will assess the efforts of the Recipient during the marketing of the units by use of compliance certification. Where a Recipient fails to follow the Affirmative Marketing procedures and requirements, corrective actions shall include extensive outreach efforts to appropriate contacts to achieve the occupancy goals or other sanctions the City may deem necessary. Recipient must provide City with an annual assessment of the Affirmative Marketing program of the development, if an Affirmative Marketing program is required under this section. The assessment must include:

- (a) Method used to inform the public and potential residents about Federal Fair Housing laws and Affirmative Marketing policy. Recipient's advertising of housing must include the Equal Housing Opportunity logo or statement. Advertising media may include newspaper, radio, television, brochures, leaflets, or signage. Recipient may wish to use community organizations, places of worship, employment centers, fair housing groups, housing counseling agencies, social service centers or medical service centers as resources for this outreach.

- (b) Records describing actions taken by the Recipient to affirmatively market housing and records to assess the results of these actions. Recipient must maintain a file containing all marketing efforts (i.e. copies of newspapers ad, memos of phone calls, copies of letters) to be available for inspection at least annually by City.
- (c) Recipient shall solicit applications for housing from persons in the housing market who are least likely to apply for housing without benefit of special outreach efforts. In general, persons who are not of the race/ethnicity of the residents of the neighborhood in which the housing is located shall be considered those least likely to apply.
- (d) Recipient shall maintain a listing of all residents residing in each home through the end of the compliance period.
- (e) The Recipient will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include: Placing qualified small and minority businesses and women's business enterprises on solicitation lists; Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises; Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in the preceding paragraph.

23.06 Enforcement of Affordability. Recipient and City shall provide legally enforceable agreements consisting of a Real Estate Lien Note and Deed of Trust, containing remedies adequate to enforce the affordability requirements of 24 C.F.R. § 92.254, as applicable, for each activity assisted under this Agreement, to be recorded in the real property records of Brazos County. Funds recaptured because housing no longer meets the affordability requirements under 24 C.F.R. § 92.254(a)(5) are subject to the requirements of 24 C.F.R. § 92.503. Recipient must provide along with the other legal instruments an Agreement of Affordability.

23.07 Reversion of Assets. Upon termination of this Agreement, all funds remaining on hand on the date of termination and all accounts receivable attributable to the use of funds received under this Agreement shall revert to City. Recipient shall return these assets to City within seven (7) days after the date of termination.

23.08 Flood Hazards. Funds provided under this Agreement may not be used in connection with acquisition, rehabilitation, or construction of a development located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards.

23.09 Fair Housing. Recipient participating in the HOME program shall use affirmative fair

housing marketing practices in determining eligibility and concluding all transactions. These requirements apply to all projects of five (5) or more units. Each participating entity must affirmatively further fair housing in accordance with 24 C.F.R. § Part 100.

23.10 Displacement, Relocation, and Acquisition. Recipient must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, business and nonprofit organizations) as a result of a project assisted with funds provided under this Agreement. Recipient must comply with the applicable provisions of 24 C.F.R. 92.353, 49 C.F.R. Part 24, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655).

23.11 Property Standards. Recipient shall ensure that all housing assisted with funds provided under this Agreement (1) shall meet the lead-based paint requirements in 24 C.F.R. § 92.355 upon project completion and (2) shall meet the requirements of 24 C.F.R. § 92.355 for the duration of this Agreement.

23.12 All documents necessary for the conveyance of real property, pursuant to the agreement, must be approved, prior to execution, by the City. (i.e. deeds, notes, Deed of Trust, etc.)

23.13 Funding under this Agreement is contingent upon Recipient meeting all terms, conditions of this Agreement.

23.14 This Agreement and the performance hereunder may not be assigned without the express written consent of City.

23.15 This Agreement is binding on Recipient's assigns and successors-in-interest.

ARTICLE XXIV ORAL AND WRITTEN AGREEMENTS

24.01 All oral and written agreements between the Parties relating to the subject matter of this Agreement that were made prior to the execution of this Agreement have been reduced to writing and are contained in this Agreement.

24.02 The attachments enumerated and denominated below are hereby made a part of this Agreement, and constitute promised performances by Recipient in accordance with Article III of this Agreement.

ARTICLE XXV VENUE

25.01 For purposes of litigation pursuant to this Agreement, venue shall lie in Brazos County, Texas

ARTICLE XXVI
COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

26.01 Recipient shall comply with all federal, state and local laws, statutes, ordinances, rules, regulations, orders and decrees of any court or administrative body or tribunal related to the activities and performances of Recipient under this Agreement. Upon request by City, Recipient shall furnish satisfactory proof of its compliance herein.

26.02 Verification No Boycott. To the extent applicable, this Agreement is subject to the following:

- (a) Boycott Israel. If this Agreement is for goods and services subject to § 2270.002 Texas Government Code, Recipient verifies that it i) does not boycott Israel; and ii) will not boycott Israel during the term of this Agreement;
- (b) Boycott Firearms. If this Agreement is for goods and services subject to § 2274.002 Texas Government Code, Recipient verifies that it i) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and ii) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and
- (c) Boycott Energy Companies. Subject to § 2274.002 Texas Government Code, Recipient herein verifies that it i) does not boycott energy companies; and ii) will not boycott energy companies during the term of this Agreement.

List of Exhibits

- A. Performance Statement
- B. Budget
- C. Project Implementation Schedule
- D. Applicable Laws and Regulations
- E. Certifications
- F. Insurance Certificates

ELDER-AID, INC

By: Carol Jones

Printed Name: Carol Jones

Title: Executive Director

Date: 7/13/2023

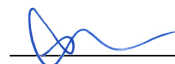
CITY OF COLLEGE STATION

By: _____

City Manager

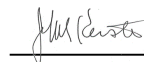
Date: _____

APPROVED:



City Attorney

Date: 7/17/2023



Assistant City Manager/CFO

Date: 7/14/2023

EXHIBIT A
PERFORMANCE STATEMENT

1. Recipient is awarded up to \$189,650.00 from the City of College Station FY 20-22 & 24 (HUD Grant Year 19-21 & 23) HOME Investment Partnerships Program. These funds must be used for the construction of at least one affordable, single family residence in the City of College Station. Homes must be rented to low-and moderate-income families.
2. **All construction shall be of a design approved by the City. The exterior of the homes must be a minimum of 25% brick and must have a garage or accessory storage structure of at least sixty four (64) square feet if lot size permits. All homes must meet deed restriction requirements and meet the characteristics of the neighborhood. All homes must be inspected and approved by City staff.**
3. A detailed Project Budget and cost breakdown shall be submitted by the Recipient to the City for review of each project for a cost or price analysis prior to the start of the project.
4. A final budget shall be submitted with HOME close-out information at the end of each project showing total costs and funding sources.
5. All work must be in compliance with current City of College Station Building Codes. Recipient shall dedicate all easements required by City including blanket easements which shall be substituted with as-built easements for all City utilities. All Projects must be substantially completed within one (1) year of the date of this Agreement.
6. All required permits must be obtained prior to any work commencing. All required inspections must be performed by the City of College Station Building Inspectors.
7. Recipient must provide written notification of all subcontractors to City.
8. Upon completion of such construction Recipient must submit a copy of all receipts paid. At that point, the City will have 30 days to make payment on said receipts, not to exceed maximums established in **Exhibit B**, Budgets.
9. Within six (6) months from issuance of the Certificate of Occupancy, said HOME unit must be occupied by an eligible resident. Recipient is not prohibited from conducting a background check on credit history or criminal history.
10. Any program income, recaptured funds, or repayment of any funds must be immediately returned to the City of College Station. In the event that there is program income, repayments, and/or recaptured funds, the funds must be used in accordance with the requirements of 24 C.F.R. § 92.503. Recaptured funds will be subject to 24 C.F.R. § 92.254 (a)(5)(ii)(A)(2) reduced during affordability period, prorated monthly.

**EXHIBIT B
BUDGET**

SOURCES OF FUNDS:

Maximum Proceeds of grant under the agreement	<u>\$189,650.00</u>
---	---------------------

USES OF FUNDS:

Site Preparation.....	\$ 2,000.00
Infrastructure Costs.....	\$ 0.00
Construction/Rehabilitation Costs.....	\$ 146,000.00
Financing Costs.....	\$ 1,500.00
Professional Fees (Architect, Engineering, Legal, etc.).....	\$ 1,500.00
Developer Fees.....	\$ 35,650.00
Other Soft Costs (Title Appraisal, Taxes, Insurance).....	\$ 3,000.00
Total.....	\$ 189,650.00

EXHIBIT C
PROJECT IMPLEMENTATION SCHEDULE

AGREEMENT START DATE: July 27, 2023

AGREEMENT END DATE: September 30, 2024

Construction Phase – Construction for this project is scheduled to begin within one year of property acquisition with completion and certificate of occupancy date for all projects no later than July 27, 2024. The issuance of a building permit will constitute start of construction.

EXHIBIT D
THE APPLICABLE LAWS AND REGULATIONS

Recipient shall comply with all federal, state, and local laws and regulations applicable to the activities and performances rendered by Recipient under this Agreement including but not limited to the laws, and the regulations specified in Section I through VI of this Exhibit D.

I. CIVIL RIGHTS

- THE FAIR HOUSING ACT (42 U.S.C. 3601-20) AND IMPLEMENTING REGULATIONS AT 24 C.F.R. PART 100; EXECUTIVE ORDER 11063, AS AMENDED BY EXECUTIVE ORDER 12259 (3 C.F.R., 1958-1963 COMP., P. 652 AND 3 C.F.R., 1980 COMP., P. 307) (EQUAL OPPORTUNITY IN HOUSING) AND IMPLEMENTING REGULATIONS AT 24 C.F.R., PART 107; AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000D) (NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS) AND IMPLEMENTING REGULATIONS ISSUED AT 24 C.F.R., PART 1;
- EXECUTIVE ORDER 11063, AS AMENDED BY EXECUTIVE ORDER 12259, AND 24 C.F.R. PART 107, "NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063". THE FAILURE OR REFUSAL OF RECIPIENT TO COMPLY WITH THE REQUIREMENTS OF EXECUTIVE ORDER 11063 OR 24 C.F.R., PART 107 SHALL BE A PROPER BASIS FOR THE IMPOSITION OF SANCTIONS SPECIFIED IN 24 C.F.R. 107.60;
- THE PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF AGE UNDER THE AGE DISCRIMINATION ACT OF 1975 (42 U.S.C. 6101-07) AND IMPLEMENTING REGULATIONS AT 24 C.F.R., PART 146, AND THE PROHIBITIONS AGAINST DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. 794) AND IMPLEMENTING REGULATIONS AT 24 C.F.R., PART 8;
- THE REQUIREMENTS OF EXECUTIVE ORDER 11246 (3 C.F.R. 1964-65, COMP., P. 339) (EQUAL EMPLOYMENT OPPORTUNITY) AND THE IMPLEMENTING REGULATIONS ISSUED AT 41 C.F.R., CHAPTER 60.
- THE REQUIREMENTS OF 24 C.F.R. 92.351 (MINORITY OUTREACH), EXECUTIVE ORDERS 11625 AND 12432 (CONCERNING MINORITY BUSINESS ENTERPRISE), AND 12138 (CONCERNING WOMEN'S BUSINESS ENTERPRISE). CONSISTENT WITH HUD'S RESPONSIBILITIES UNDER THESE ORDERS, RECIPIENT MUST MAKE EFFORTS TO ENCOURAGE THE USE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN CONNECTION WITH HOME FUNDED ACTIVITIES. RECIPIENT MUST PRESCRIBE PROCEDURES ACCEPTABLE TO THE CITY TO ESTABLISH ACTIVITIES TO ENSURE THE INCLUSION, TO THE MAXIMUM EXTENT POSSIBLE, OF MINORITIES AND WOMEN, AND ENTITIES OWNED BY MINORITIES AND WOMEN. THE AGREEMENTOR / SUBCONTRACTOR WILL BE REQUIRED TO IDENTIFY AGREEMENTS WHICH HAVE BEEN BID BY MINORITY OWNED, WOMEN OWNED, AND/OR SMALL DISADVANTAGED BUSINESSES.
- THE AGE DISCRIMINATION ACT OF 1975 (42 U.S.C., SECTION 6101 ET SEQ.);
- SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C., SECTION 794) AND "NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT", 24 C.F.R., PART 8. BY SIGNING THIS

AGREEMENT, RECIPIENT UNDERSTANDS AND AGREES THAT THE ACTIVITIES FUNDED HEREIN SHALL BE OPERATED IN ACCORDANCE WITH 24 C.F.R., PART 8; AND THE ARCHITECTURAL BARRIERS ACT OF 1968 (42 U.S.C., SECTION 4151 ET. SEQ.) INCLUDING THE USE OF A TELECOMMUNICATIONS DEVICE FOR DEAF PERSONS (TDDs) OR EQUALLY EFFECTIVE COMMUNICATION SYSTEM.

II. LEAD-BASED PAINT

- TITLE IV OF THE LEAD-BASED PAINT POISONING PREVENTION ACT (42 U.S.C. SEC. 4831).

III. ENVIRONMENTAL STANDARDS

- NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (42 U.S.C. SEC. 4321 ET. SEQ.) AND 40 C.F.R. PARTS 1500-1508;
- THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (16 U.S.C. SEC. 470 ET. SEQ.) AS AMENDED; PARTICULARLY SECTION 106 (16 U.S.C. SEC. 470F);
- EXECUTIVE ORDER 11593, PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT, MAY 13, 1971 (36 FED. REG. 8921), PARTICULARLY SECTION 2(C);
- THE RESERVOIR SALVAGE ACT OF 1960 (16 U.S.C. SEC. 469 ET SEQ.). PARTICULARLY SECTION 3 (16 U.S.C. SEC. 469A-1), AS AMENDED BY THE ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974; FLOOD DISASTER PROTECTION ACT OF 1973, (42 U.S.C. SEC. 4001 ET. SEQ.) AS AMENDED, PARTICULARLY SECTIONS 102(A) AND 202(A) (42 U.S.C. SEC. 4012A (A) AND SEC. 4106(A);
- EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT, MAY 24, 1977 (42 FED. REG. 26951), PARTICULARLY SECTION 2(A).
- EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS, MAY 24, 1977 (42 FED. REG. 26961), PARTICULARLY SECTIONS 2 AND 5.
- THE SAFE DRINKING WATER ACT OF 1974, (42 U.S.C. SEC. 201, 300(F) ET SEQ.) AND (21 U.S.C. SEC. 349) AS AMENDED, PARTICULARLY SECTION 1424(E) (42 U.S.C. SEC. 300H-303(E);
- THE ENDANGERED SPECIES ACT OF 1973, (16 U.S.C. SEC. 1531 ET. SQ.) AS AMENDED, PARTICULARLY SECTION 7 (16 U.S.C. SEC. 1536);
- THE WILD AND SCENIC RIVERS ACT OF 1968, (16 U.S.C. SEC. 1271 ET SEQ.) AS AMENDED, PARTICULARLY SECTION 7(B) AND (C)(16 U.S.C. SEC. 1278(B) AND (C);
- THE CLEAN AIR ACT (41 U.S.C. SEC. 7401 ET SEQ.) AS AMENDED, PARTICULARLY SECTION 176(C) AND (D) (42 U.S.C. SEC. 7506(C) AND (D);
- FARMLANDS PROTECTION AND POLICY ACT OF 1981, (7 U.S.C. SEC. 4201 ET SEQ.)
- 24 C.F.R. PART 51, ENVIRONMENTAL CRITERIA AND STANDARDS.

IV. ACQUISITION/RELOCATION

- THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (42 U.S.C., SEC. 4601 ET. SEQ.), 49 C.F.R. PART 24, AND 24 C.F.R. SECTION 570.496A (55 FED. REG. 29309 (JULY 18, 1990))

V. LABOR REQUIREMENTS

- AGREEMENT WORK HOURS AND SAFETY STANDARDS ACT, AS AMENDED (40 USC 327-333)
- COPELAND (ANTI-KICKBACK) ACT (40 USC 276c)
- FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED (29 USC 201, ET. SEQ.)

EXHIBIT E
CERTIFICATION REGARDING LOBBYING FOR
AGREEMENTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of its knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal agreement, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement or modification of any federal agreement, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with this federal agreement, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and agreements under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C.A. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

By:_____

Printed Name:_____

Title:_____

Date:_____

EXHIBIT F
CERTIFICATES OF INSURANCE



ELDEINC-01

HLAPP

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jones & Associates Inc. 1580 Copperfield Pkwy College Station, TX 77845	CONTACT NAME:	
	PHONE (A/C, No, Ext): (979) 776-4740	FAX (A/C, No): (979) 776-4745
INSURED Elder-Aid, Inc. 307 S Main St, Suite 202 Bryan, TX 77803-6949	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Nautilus Insurance Company	NAIC # 17370
	INSURER B: Hochheim Prairie Farm Mutual Ins.	NAIC # 31054
	INSURER C: Texas Mutual Workers' Compensation Ins	NAIC # 22945
	INSURER D: United States Fire Insurance Co	NAIC # 21113
	INSURER E: Travelers Casualty & Surety Co	NAIC # 19038
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR	☒	☒	NN1475001	11/2/2022	11/2/2023	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COM/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☒ POLICY ☐ PROJECT ☐ LOC						
	OTHER:						
B	AUTOMOBILE LIABILITY			BO-5678342	1/13/2023	1/13/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☐ ANY AUTO OWNED AUTOS ONLY						BODILY INJURY (Per person) \$
	☒ HIRED AUTOS ONLY	☒					BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED		RETENTION \$				
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			0001220341	3/10/2023	3/10/2024	☒ PER STATUTE ☐ OTH-ER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☒ Y ☐ N	N/A				E L EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E L DISEASE - EA EMPLOYEE \$ 1,000,000
							E L DISEASE - POLICY LIMIT \$ 1,000,000
D	Accident			US1674586	1/13/2023	1/13/2024	Benefit Amt 15,000
E	Surety			106406989	11/5/2022	11/5/2025	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of College Station
1101 Texas Avenue
College Station, TX 77840

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

B. a. J.

700 Pasler Street Acquisition and New Construction Site Map



August 10, 2023

Item No. 9.5.

Housing Action Plan Steering Committee Creation

Sponsor: David Brower

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding the creation of a Housing Action Plan Steering Committee to advise and provide community input on the Housing Action Plan.

Relationship to Strategic Goals:

Good Governance, Core Services & Infrastructure, Neighborhood Integrity, Diverse & Growing Economy

Recommendation(s): Staff recommends that Council adopt a resolution creating a Steering Committee for the development of the Housing Action Plan.

Summary: At the July 13, 2023 City Council meeting during the Community Development update, staff brought forward the plan to develop a Housing Action Plan to identify various tools and programs to create more housing opportunities in College Station for the local workforce and the low-to-moderate income population. This plan will support the impactful implementation of the Comprehensive Plan, specifically actions:

- 2.3 - create incentives and programs to revitalize existing areas and established neighborhoods;
- 3.4 - expand affordable housing and workforce housing and support efforts, programs, and incentives aimed at developing affordable housing stock and low- and moderate- income citizens to secure affordable homeownership and/or rental opportunities;
- 3.6 - develop and refine data monitoring processes to analyze housing trends and define a strategic set of actions to address housing affordability, diversity, and gentrification; and
- 3.9 - continue partnering with local nonprofit organizations and area partners to support affordable housing options.

The plan development process will include identifying existing conditions, research of incentives and programs across the country and the state, robust public engagement, and development of a plan that will include tools and programs for the City and partners to develop and expand access to affordable housing opportunities. The creation of a steering committee will help give staff direction and engage stakeholders in more consistent ways throughout the planning process.

Budget & Financial Summary:

Attachments:

1. Housing Action Plan Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, CREATING A STEERING COMMITTEE FOR THE CITY OF COLLEGE STATION HOUSING ACTION PLAN.

WHEREAS, the City Council of the City of College Station, Texas, desires to create a housing plan to create or incentivize housing opportunities and to support the impactful implementation of the Comprehensive Plan, specifically actions 2.3, 3.4, 3.6, and 3.9; and

WHEREAS, the City Council believes the creation of a steering committee will help direct staff and engage stakeholders in more consistent ways throughout the planning process; and

WHEREAS, the City Council believes that robust public engagement results in a stronger and more transparent planning process; and

WHEREAS, the City Council will seek qualified and motivated individuals to serve on the City of College Station Housing Action Plan Steering Committee; and

WHEREAS, the Housing Action Plan Steering Committee will work closely with City staff throughout the process of creating the Housing Action Plan; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That the City Council hereby creates the Housing Action Plan Steering Committee.
- PART 2:** That the City Council of the City of College Station gives the committee the following charge: “Advise on and make recommendations for the City of College Station Housing Action Plan in order to present a unified vision for the future and reflect the community’s vision for housing action and initiatives.”
- PART 3:** That the Housing Action Plan Steering Committee shall consist of no more than thirteen (13) citizens of College Station.
- PART 4:** That the City Council of the City of College Station shall appoint all members of the Housing Action Plan Steering Committee, including a chair and co-chair.
- PART 5:** That the Housing Action Plan Steering Committee shall formally and officially disband and/or sunset on October 1st, 2024, or when the City of College Station Housing Action Plan is adopted by the City Council of the City of College Station, whichever occurs first.
- PART 6:** That this Resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____ 2023.

ATTEST:

City Secretary

APPROVED:

City Attorney

APPROVED:

Mayor

August 10, 2023

Item No. 9.6.

Ordinance to Prohibit Commercial Motor Vehicle and Trailer Parking along the south side of Ponderosa Drive and Repeal Ordinance 2023-4449

Sponsor: Emily Fisher, Director of Public Works

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an ordinance prohibiting commercial motor vehicle parking in certain areas by amending Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing, and Parking," Section 38-45 "Parking Regulations for Certain Described Areas," and Section 38-79 "Civil Fines, Costs and Fees," adding, in Chapter 38 "Traffic and Vehicles," Article VI "Traffic Schedules," Section 38-1016 "Traffic Schedule XVI, No Commercial Motor Vehicle or Trailer Parking," to the Code of Ordinances of the City of College Station, Texas, to prohibit commercial motor vehicles and trailers from parking along the south side of Ponderosa Drive, providing a severability clause; declaring a penalty; providing an effective date; and repealing Ordinance 2023-4449.

Relationship to Strategic Goals:

1. Core Services and Infrastructure
2. Improving Mobility

Recommendation(s): Staff recommends approval of this Ordinance and repeal of Ordinance 2023-4449.

Summary: Council approved Ordinance 2023-4449 at the July 13, 2023 City Council meeting prohibiting parking along the south side of Ponderosa Drive after concerns were raised by nearby businesses. Since that time, it was discovered that the parking prohibition adversely affected a business owner by removing the ability for the business to receive overnight arrivals of rental trucks. After discussion at the July 27, 2023 City Council workshop, in which the affected business owner addressed the Council with these concerns, Council requested an amended ordinance to allow for parking along this side of Ponderosa while still prohibiting parking for commercial motor vehicles.

The proposed ordinance will prohibit commercial motor vehicles and trailers from parking on the south side of Ponderosa, while allowing for other vehicles to park. Commercial motor vehicles are defined as any vehicles that have a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,001 pounds. The proposed ordinance also adds language classifying trailers as commercial motor vehicles. Box type trucks such as delivery or moving trucks are not considered commercial motor vehicles.

The proposed ordinance includes adding language to Chapter 38, Article II, Section 38-45 (Exhibit A), a version of this section showing the revisions is attached. The proposed ordinance will also add a fine to Chapter 38, Article II, Section 38-79 (Exhibit B), and will add a new section, 38-1016, to Chapter 38, Article VI (Exhibit C). Finally, the proposed ordinance will repeal Ordinance 2023-4449.

The currently placed "NO PARKING" signs will be replaced with "NO TRUCK PARKING" signs if the proposed ordinance is approved. For the purpose of signage, truck is defined the same as commercial motor vehicles and trailers as described in Sec. 38-45 (b) of the proposed ordinance.

Budget & Financial Summary: Public Works will replace the "NO PARKING" signs with "NO TRUCK PARKING". The cost of the signs is included in the Public Works Traffic Operations budget. The signs that are removed will be able to be reused. The signs cost approximately \$100 each for a total cost between \$600 and \$700.

Attachments:

1. Ordinance - No Commercial Motor Vehicle Parking
2. Section 38-45 Revisions
3. Ponderosa Map

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING COMMERCIAL MOTOR VEHICLE PARKING IN CERTAIN AREAS BY AMENDING CHAPTER 38, "TRAFFIC AND VEHICLES," ARTICLE II "STOPPING, STANDING, AND PARKING," SECTION 38-45 "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS," AND SECTION 38-79 "CIVIL FINES, COSTS AND FEES," ADDING, IN CHAPTER 38, "TRAFFIC AND VEHICLES," ARTICLE VI "TRAFFIC SCHEDULES," SECTION 38-1016 "TRAFFIC SCHEDULE XVI, NO COMMERCIAL MOTOR VEHICLE OR TRAILER PARKING," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND REPEALING ORDINANCE 2023-4449.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing, and Parking," Section 38-45 "Parking regulations for certain described areas," and Section 38-79 "Civil fines, costs and fees," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"** and **Exhibit "B,"** and that Chapter 38, "Traffic and Vehicles," Article VI "Traffic Schedules," Section 38-1016 "Traffic Schedule XVI, No Commercial Motor Vehicle or Trailer Parking" be created as set out in **Exhibit "C"** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance upon a finding of liability thereof shall be deemed liable for a civil offense and punished with a civil penalty of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00) or upon conviction thereof guilty of a misdemeanor, shall be punished by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PART 5: That Ordinance 2023-4449, adopted on July 13, 2023, is hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Exhibit A

Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing, and Parking," Section 38-45 "Parking regulations for certain described areas," is hereby amended to read as follows:

Sec. 38-45. - Parking regulations for certain described areas.

- (a) The City hereby designates certain areas to be controlled by "No Parking Here to Corner" or "No Parking Anytime" locations for the City are described in Section 38-1014.
- (b) The City hereby prohibits commercial motor vehicle parking, stopping or stand in certain designated areas controlled by "No Truck Parking" signs. Commercial Motor Vehicle Parking, Stopping or Standing and trailer parking, stopping or standing shall be prohibited in the areas described in Section 38-1016, unless actual supervised loading or unloading of goods or passengers or for commercial motor vehicles providing an active service to an adjacent property.
- (c) The City Manager or designee may temporarily allow parking where parking is currently prohibited by City ordinance as part of a City event or special event as defined elsewhere in this Code, or any time when determined necessary for the safety of the general public. When temporary on-street parking is allowed as set forth above, the existing "No Parking Here to Corner" or "No Parking Anytime" signs shall be removed or otherwise altered to provide such notice to citizens. Signs shall not be removed or otherwise altered for more than a consecutive 72-hour period.
- (d) The term "commercial motor vehicle" in Section 38-1014 and Section 38-1016, means a motor vehicle or combination of motor vehicles used to transport property that:
 - (1) Has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds; or
 - (2) Has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds.
 - (3) For purposes of this Section, and Section 38-1016, the term commercial motor vehicle includes trailer.

Exhibit B

Chapter 38, “Traffic and Vehicles,” Article II, “Stopping, Standing, and Parking,” Division II “Administrative Adjudication of Parking Violations,” Section 38-79 “Civil fines, costs and fees”, (d) is hereby amended by adding and is to read as follows:

27. Park/Stop/Stand commercial motor vehicle or trailer where prohibited	\$115	\$125
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Exhibit C

Chapter 38, “Traffic and Vehicles,” Article VI “Traffic Schedules,” is hereby amended by adding Section 38-1016 “Traffic Schedule XVI, No Commercial Motor Vehicle or Trailer Parking” and is to read as follows:

Sec. 38-45. – No commercial motor vehicle or trailer parking.

<i>Traveling on</i>	<i>Between</i>	<i>Travel Direction</i>	
Ponderosa	Longmire and State Highway 6 Frontage Road South	East	No parking, stopping, or standing

Sec. 38-45.-- Parking regulations for certain described areas.

~~(a)~~ _____

(a) The City hereby designates certain areas to be controlled by "No Parking Here to Corner" or "No Parking Anytime" locations for the City are described in ~~the section~~Section 38-1014.

~~(b)~~ _____

(b) The City hereby prohibits commercial motor vehicle parking, stopping or stand in certain designated areas controlled by "No Truck Parking" signs. Commercial Motor Vehicle Parking, Stopping or Standing and trailer parking, stopping, or standing shall be prohibited in the areas described in Section 38-1016, unless actual supervised loading or unloading of goods or passengers or for commercial motor vehicles providing an active service to an adjacent property.

(c) The City Manager or designee may temporarily allow parking where parking is currently prohibited by City ordinance as part of a City event or special event as defined elsewhere in this Code, or any time when determined necessary for the safety of the general public. When temporary on-street parking is allowed as set forth above, the existing "No Parking Here to Corner" or "No Parking Anytime" signs shall be removed or otherwise altered to provide such notice to citizens. Signs shall not be removed or otherwise altered for more than a consecutive 72-hour period.

~~(e)~~ _____

(d) The term "commercial motor vehicle" in Section 38-1014 and Section 38-1016, means a motor vehicle or combination of motor vehicles used to transport property that:

~~(1)~~ _____

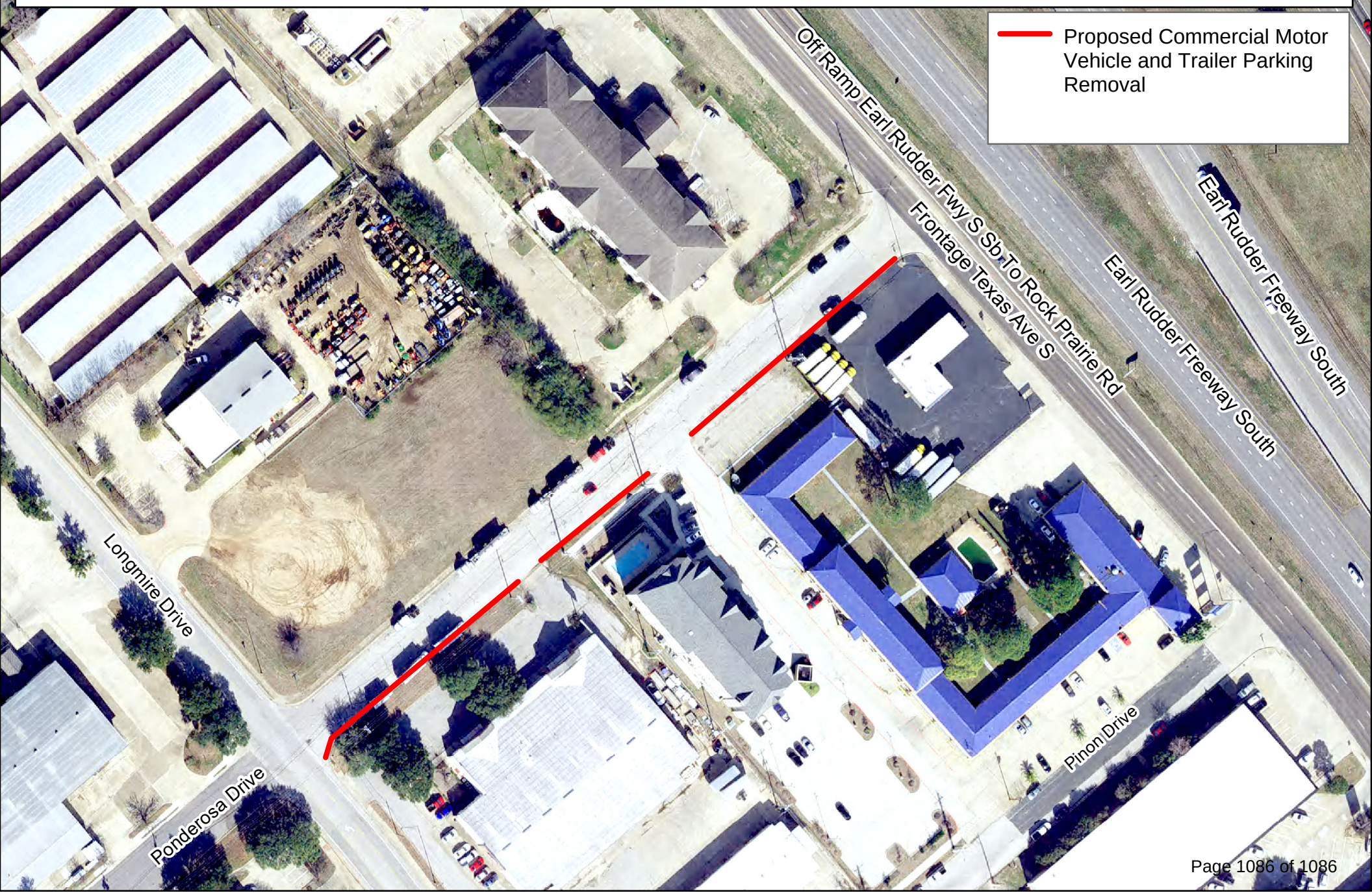
(1) Has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds; or

~~(2)~~ _____

(2) Has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds.

(3) For purposes of Section 38-1016 the term commercial motor vehicle includes trailer.

Ponderosa Drive Proposed No Parking



Proposed Commercial Motor Vehicle and Trailer Parking Removal