CITY OF COLLEGE STATION
Home of Texas A&M University®

Planning & Zoning Commission
September 6, 2012

City Hall
1101 Texas Avenue,
College Station, Texas

Regular Meeting 7:00 PM

Council Chambers

AGENDA

PLANNING & ZONING COMMISSION

REGULAR MEETING
SEPTEMBER 6, 2012, AT 7:00 P.M.
CITY HALL COUNCIL CHAMBERS
1101 TEXAS AVENUE
COLLEGE STATION, TEXAS

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1. **Call Meeting to Order.**

2. **Pledge of Allegiance.**

3. **Hear Citizens.** At this time, the Chairman will open the floor to citizens wishing to address the Commission on planning and zoning issues not already scheduled on tonight's agenda. The citizen presentations will be limited to three minutes in order to accommodate everyone who wishes to address the Commission and to allow adequate time for completion of the agenda items. The Commission will receive the information, ask city staff to look into the matter, or will place the matter on a future agenda for discussion. (A recording is made of the meeting; please give your name and address for the record.)

4. Discussion of consent and regular agenda items.

5. Presentation, possible action, and discussion regarding the status of items within the 2012 P&Z Plan of Work (see attached). **(JS)**

6. Presentation, possible action, and discussion regarding an update on the Medical District Master Plan. **(BC/JP)**

7. Presentation, possible action, and discussion of a Semi-Annual Report on Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02. **(CC)**

8. Presentation, possible action, and discussion regarding an update on the following items:

   - Adoption of the Southside Area Neighborhood Plan. The Commission heard this item on August 16 and voted 6-0 to recommend approval. The City Council heard this item on August 23 and voted 7-0 to approve the plan.

9. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.

   - Thursday, September 13, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m. (P&Z Liaison – Benham)

   - Thursday, September 20, 2012 ~ P&Z Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.

10. Discussion, review and possible action regarding the following meetings: Design Review Board, Joint Parks / Planning & Zoning Subcommittee, Neighborhood Plan Stakeholder Resource Team, BioCorridor Committee, Lick Creek Nature Center Task Force, Zoning District Subcommittee, Joint Task Force on Neighborhood Parking Issues, and Wellborn District Plan Resource Team.

All matters listed under Item 11, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. These items include preliminary plans and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. There will not be separate discussion of these items. If any Commissioner desires to discuss an item on the Consent Agenda it will be moved to the Regular Agenda for further consideration.

11. **Consent Agenda**.

11.1 Consideration, discussion, and possible action to approve meeting Minutes.

- August 16, 2012 ~ Workshop
- August 16, 2012 ~ Regular

11.2 Presentation, possible action, and discussion on a Final Plat for Meadowcreek Phase 5 consisting of 59 residential lots on 12.72 acres generally located south of Koppe Bridge Road, less than one mile west of Wellborn Road in the City's Extraterritorial Jurisdiction. **Case # 12-00500153 (TR)**

Regular Agenda

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

13. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map" of the Code of Ordinance of the City of College Station, Texas by rezoning approximately 147 acres from A-O Agricultural Open to PDD Planned Development District for the Joint Research Valley BioCorridor Development Project generally located between State Highway 47, Raymond Stotzer Parkway, Turkey Creek Road, and the City limit. **Case # 12-00500034 (MH) (Note: Final action on this item is scheduled for the September 27, 2012 City Council Meeting - subject to change)**

14. Public hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," 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," and Article 10, "Enforcement," of the Code Of Ordinances of the City of College Station, Texas, regarding the establishment of a BioCorridor Planned Development District. **Case # 12-00500034 (MH) (Note: Final action on this item is scheduled for the September 27, 2012 City Council Meeting - subject to change)**

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

16. Adjourn.

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

The Planning and Zoning Commission may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Planning and Zoning Commission meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the College Station Planning & Zoning Commission, College Station, Texas will be held on September 6, 2012 at 7:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this the _____ day of August, 2012, at _____

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

I, the undersigned, do hereby certify that the above Notice of Meeting of the Planning & Zoning Commission of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on August ___, 2012, at _____ and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this _____ day of_____, 2012.

CITY OF COLLEGE STATION, TEXAS

By_____

Subscribed and sworn to before me on this the _____ day of_____, 2012.

_____
Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3541 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Planning and Zoning Commission meetings are broadcast live on Cable Access Channel 19.

2012 Planning & Zoning Commission Plan of Work

Comprehensive Plan Implementation

Implementation of Adopted Plans	
Summary: Implementation of adopted master plans and neighborhood, district, and corridor plans, namely: Central College Station Neighborhood Plan, Eastgate Neighborhood Plan, Bicycle, Pedestrian, and Greenways Master Plan, Parks and Recreation Master Plan, Water Master Plan, and Waste Water Master Plan.	Project Dates: Numerous on-going items and projects.
Staff Assigned: P&DS Staff	Anticipated Completion: On-going

Medical District Plan	
Summary: In partnership with the College Station Medical Center and other stakeholders, development of a plan focused on the creation of a healthcare and wellness district centered at the intersection of Rock Prairie Road and State Highway 6.	Project Dates: 5/16/12: Health & Wellness subcommittee meeting. **8/27/12: Leadership and property owner meetings.** 9/6/12: Plan presentation at P&Z Workshop. 9/20/12: P&Z public hearing for recommendation of Plan to Council. 10/11/12: Council public hearing for Plan adoption.
Staff Assigned: JP	Anticipated Completion: Summer 2012

BioCorridor Plan	
Summary: In collaboration with the City of Bryan and other stakeholders, development of a corridor plan near State Hwy 47 and Raymond Stotzer Pkwy to realize a unique research district where plant, animal, and human health may be studied in one place.	Project Dates: 6/5/12: Presentation at Joint P&Z meeting with Bryan. 9/6/12: P&Z public hearing for recommendation on BioCorridor rezoning and ordinance amendments. 9/27/12: Council public hearing for adoption of BioCorridor rezoning and ordinance amendments.
Staff Assigned: MH, BC	Anticipated Completion: Summer 2012

Southside Area Neighborhood Plan	
Summary: Development of neighborhood plan for a number of unique neighborhoods including Oakwood, College Park, portions of the Knoll, McCullough Subdivision, Redmond Terrace, and Wolf Pen Village. The plan area is generally bounded by George Bush Drive, Texas Avenue, and Wellborn Road.	Project Dates: 7/10/12: Plan Open House in City Hall at 6pm. 7/17/12: Neighborhood Resource Team meeting. 8/2/12: Plan presentation at P&Z Workshop. 8/6/12: Plan recommendation at Bicycle, Pedestrian, and Greenways Advisory Board. 8/16/12: P&Z public hearing for Plan recommendation to Council. **8/23/12: Council adopted plan.**
Staff Assigned: JP, LH	Anticipated Completion: Summer 2012

Wellborn District Plan	
Summary: Development of district plan for the recently annexed Wellborn area that contains elements of a rural historic community with a unique character that residents of the area desire to retain.	Project Dates: 8/6/12: Wellborn Resource Team meeting at Wellborn Community Center at 6 pm. 8/20/12: Wellborn Resource Team meeting at Wellborn Community Center at 6 pm. **9/10/12: Wellborn Resource Team meeting at Greens Prairie Elementary at 7 pm.** **9/24/12: Wellborn Resource Team meeting at Greens Prairie Elementary at 7 pm.**
Staff Assigned: MR, LH	Anticipated Completion: Fall 2012

Economic Development Master Plan	
Summary: Development of a Master Plan to provide consistent direction on how the City will help ensure its economic health for years to come while providing a positive business development environment.	Project Dates: 3/22/12: Project Kick-off meeting with consultant. 4/10/12: Staff meeting with consultant. 7/5/12: Update at P&Z Workshop. 7/26/12: Update at Council Workshop. **8/28/12: 2012 Business Survey distributed to help identify business needs for master plan.**
Staff Assigned: P&DS Staff	Anticipated Completion: Fall 2012

New Zoning Districts	
Summary: Create and adopt new zoning districts to implement character and land use designations identified in the Comprehensive Plan.	Project Dates: 7/9/12: P&Z Subcommittee meeting at 815 am. 7/20/12-8/17/12: Public comment period for draft zoning districts. **9/20/12**: P&Z public hearing for recommendation on new non-residential zoning districts. **9/27/12**: Council public hearing for adoption on new non-residential zoning districts.
Staff Assigned: JP	Anticipated Completion: **September 2012**

Neighborhood Parking	
Summary: Analyze neighborhood parking issues by engaging stakeholders, form Joint Task with Council and recommendations that seek solutions.	Project Dates: 3/21/12: Initial Joint Task Force meeting. 4/25/12: Joint Task Force Meeting at 5 PM. 5/30/12: Joint Task Force Meeting at 5 PM. 6/27/12: Joint Task Force Meeting at 5 PM. 8/29/12: Joint Task Force Meeting at 5 PM.
Staff Assigned: BC, TR	Anticipated Completion:

Employment Diversification

Diversification of Employment Opportunities	
Summary: Discuss workforce and employment opportunities in the community and strategies to increase their diversity and the City's role in providing a positive business development environment.	Project Dates: 1/12/12: Strategic Plan policy discussion with Council. 7/5/12: Economic Development Master Plan update at P&Z Workshop.
Staff Assigned: P&DS Staff	Anticipated Completion:

Housing

Affordable Housing	
Summary: Discuss how housing affordability is measured and provide information on affordability of homes in the College Station and Bryan housing markets.	Project Dates: 3/1/12: Discussion at P&Z Workshop, led by Community Development Division. 8/2/12: Discussion of Community Development Action Plan at P&Z Workshop. 8/9/12: Community Development Action Plan for Council approval.
Staff Assigned: P&DS Staff	Anticipated Completion:

Role of Planning and Regulation	
Summary: Discuss role of planning and regulation on housing supply and value.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion:

Impact of Student Housing Market	
Summary: Discuss impact of single-family dwellings used for student rental purposes on the local housing market.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion:

CITY OF COLLEGE STATION
Planning & Development Services
1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

DATE: August 28, 2012

TO: Members of the Planning & Zoning Commission

FROM: Jennifer Prochazka, AICP, Principal Planner
jprochazka@cstx.gov

SUBJECT: Medical District Master Plan

Item: Presentation, possible action, and discussion regarding the Medical District Master Plan.

Background: : In 2011, the City of College Station partnered with the College Station Medical Center (The Med) and other stakeholders in the creation of a Medical District that will act as a focused healthcare and wellness district within the City. The Medical District focuses on the general area around Earl Rudder Freeway and Rock Prairie Road, and includes The Med and the future Scott & White Hospital, both along Rock Prairie Road. The City's 2009 Comprehensive Plan identifies this area as one of several unique districts located within the City. The intent of the Medical District is to create opportunities for new development in the area, accommodating and enhancing the growing concentration of medical uses in the area.

The City's consulting team, led by Schrickel, Rollins and Associates, Inc. worked with a City Council appointed Advisory Committee consisting of various stakeholders from throughout the community. The Advisory Committee, consultant team, and staff completed their work on the draft plan for the Medical District in late 2011 and the results were presented to a joint meeting of the City Council and the Advisory Group.

Since that time, staff has worked to refine the land uses proposed in the Medical District Master Plan and develop an Implementation Report to accompany the Master Plan. This Report provides details regarding potential development regulations and standards, management structure, funding mechanisms, and capital expenditures needed for the success of the Medical District.

A public hearing and recommendation from the Planning & Zoning Commission is tentatively scheduled for September 20, 2012, followed by City Council's final action on October 11, 2012.

CITY OF COLLEGE STATION

1101 Texas Avenue South, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

DATE: September 6, 2012

TO: Members of the Planning and Zoning Commission

FROM: Carol Cotter, P.E., Sr. Asst. City Engineer

SUBJECT: Semi-Annual Report – Impact Fees 92-01, 97-01, 97-02B, 99-01, 03-02

Local Government Code requires semi-annual reporting in order to monitor the progress of impact fees and to determine when an update to the fee study is necessary. An update was previously recommended, and is currently under way. There have been no major changes over the last reporting period. Staff recommends that the Advisory Committee forward this report to City Council for their status update.

The City of College Station Ordinance Chapter 15, Impact Fees, designates the Planning and Zoning Commission as the Advisory Committee for review, advisement, and monitoring of proposed and existing impact fees. More specifically, the Advisory Committee is established to:

1. Advise and assist the City in adopting Land Use assumptions.
2. Review the Capital Improvements Plan and file written comments.
3. Monitor and evaluate implementation of the Capital Improvements Plan.
4. File semi-annual reports with respect to the progress of the Capital Improvements Plan.
5. Advise the City Council of the need to update or revise the Land Use Assumptions, Capital Improvements Plan, and Impact Fees.

Currently the City of College Station has five impact fees in existence of which all associated construction is complete. All five of the impact fees underwent a 5-Year Update in either 2008 or 2009 (as noted below) in accordance with State Law. The following is a current status report for each of the five impact fees. (To facilitate review data changes from previous 6 months are presented in bold font.):

92-01 Sanitary Sewer (Graham Road) (508 ac.) $316.07/LUE

This fee was initially implemented in 1992 at $152.18 /LUE and was revised in 1996 to $289.77/LUE after approval of updated Land use Assumptions and Capital Improvements Plan (CIP), revised again to the $232.04/LUE in 2000 and to the current amount in April of 2008. The CIP consists of three phases originally estimated at $543,000 which have all

been completed at a combined cost of $473,518.72. Fees collected over the last 6 months are **$1,580.35** for total amount of **$325,082.55** (per Account #250-0000-287.51-13). The remaining amount eligible for collection is about **$16,631**. The total amount to be recovered through impact fees is anticipated at 72% of original construction cost.

97-01 Sanitary Sewer (Spring Creek – Pebble Hills) (2000 ac.) $98.39/LUE
This fee was implemented in December 1997 at $349.55/LUE and was revised to the current amount in April of 2008. The CIP consists of Phase I (east of Hwy 6) and Phase II (west of Hwy 6). Phase I estimated to cost $1,000,000 was completed in 1999 at a cost of $631,214.59. Phase II was estimated to cost $1,350,000 and was completed at a cost of $813,752.00. The total actual cost was $1,444,966.59. Fees collected over the last 6 months are **$6,744.90** for total amount of **$566,708.90** (per Acct #251-0000-287.51-13). The remaining amount eligible for collection is about **$190,188**. The total amount to be recovered through impact fees is anticipated at 52% of original construction cost.

97-02B Sanitary Sewer (Alum Creek – Nantucket) (608 ac.) $59.42/LUE
This fee was implemented in December 1997 at 243.38/LUE and was revised to the current amount in April of 2008. The CIP consisted of running a 15" sanitary sewer line from the south end of the College Station Business Park westerly along Alum Creek to the east ROW of Highway 6. The project was estimated to cost $390,000 and was completed in 1999 at a cost of $214,270.87. Fees collected over the last 6 months are **$178.26** for total amount of **$21,404.26** (per Acct #252-0000-287.51-13). The remaining amount eligible for collection is about **$181,963**. The total amount to be recovered through impact fees is anticipated at 95% of original construction cost.

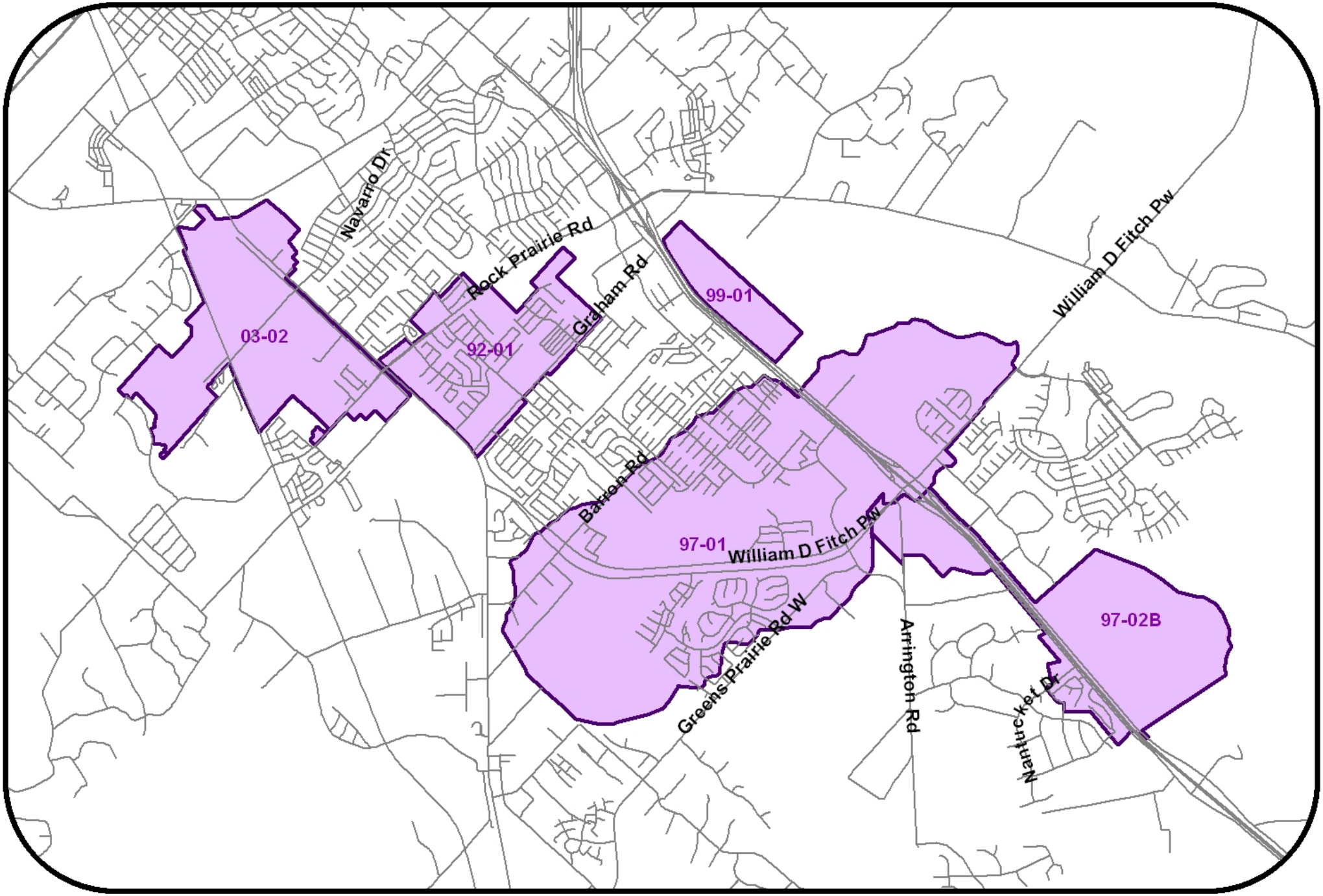
99-01 Water (Harley)(158 ac.) $769.91/LUE
This fee was implemented in April 1999 at $550.00/LUE and was revised to the current amount in April of 2008. The CIP consists of running an 18" water line south along the east ROW of Highway 6 approximately 4800'. The line was estimated to cost $312,000 (the impact fee is based on an 8" line @ $165,000). A 2400' section of the 18" line was constructed in 1999 from the south end at a total cost of $342,977.73. Fees collected over the last 6 months are **$0.00** for total amount of **$64,740.88** (per Acct #240-0000-287.51-13). The remaining amount eligible for collection is about **$246,372**. The total amount to be recovered through impact fees is anticipated at 91% of original construction cost.

03-02 Sanitary Sewer (Steeplechase) (715 ac.) $357.74/LUE
This fee was initially implemented in June 2003 at $300.00/LUE and was revised to the current amount in May of 2009. This CIP was constructed in two phases of sanitary sewer line construction in compliance with the proposed construction in the original report establishing the fee. Phase one crossed Wellborn Road and terminated at Old Wellborn Road consisting of 2,347 linear feet of 18 inch sewer line with a construction cost of $296,642. Phase two was completed in 2006 and continued the line along Old Wellborn Road and terminated across RPR West. Phase two consisted of 6,281 linear feet of 12 inch line and 2,062 linear feet of 18 inch line for a construction cost of $529,088 and a land cost of $87,133. The design cost for the combined phases was $148,023. The total actual cost was $1,091,886 which was less than the original report estimated at $1,596,137. Fees collected over the last 6 months are **$37,562.70** for total amount of **$84,036.70** (per Acct #253-0000-287.51-13). The remaining amount eligible for collection is about **$706,472**. The total amount to be recovered through impact fees is anticipated at 72% of original construction cost.

A previous report showed changes in the projected densities in several of the Impact Fee areas related to the Land Uses adopted with the Comprehensive Land Use Plan in 2009. As presented in the Table below, the densities expected with the Land Use Plan adopted in 2009 are significantly different in several of the Impact Fee Areas. An update to incorporate these changes had been in progress but needed to consider the Water and Wastewater Master Plans that were under development, as well as, a City Wide Impact Fee Study that was underway. With the completion of both projects, a consultant is currently being contracted to proceed with the update.

Impact Fee Area	Effective Buildout LUE	Current Impact Fee Rate	Anticipated Buildout LUE	LUE Adjustment	Remaining Capital Investment to Recoup
92-01 Graham	1,551	$ 316.07	**1,775**	**+ 224**	**$ 17,000**
97-01 Spring Creek	4,425	$ 98.39	**8,384**	**+ 3,959**	**$190,000**
97-02B Alum	3,232	$ 59.42	**2,139**	**- 1,093**	**$182,000**
99-01 Harley	450	$ 769.91	**440**	**- 10**	**$246,000**
03-02 Steeplechase	2,838	$ 357.74	**7,816**	**+ 4,987**	**$706,000**
				Total	**$1,341,000**

Attachments: Impact Fee Service Areas Map
Land Use at Adoption Map per Impact Fee Area
Current Land Use Map per Impact Fee Area



1 inch equals 4,000 feet

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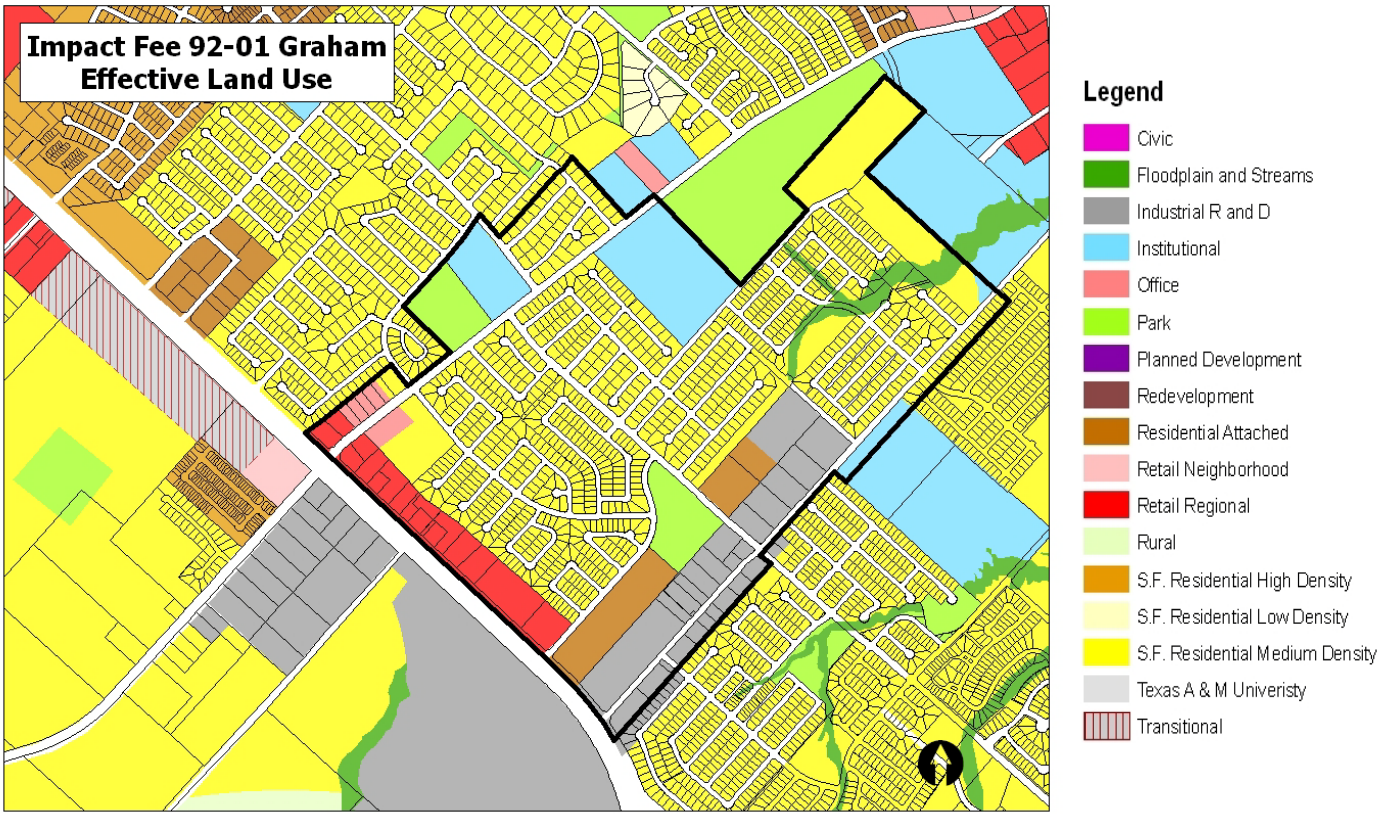
Impact Fee Areas - December 2011


Impact Fee 92-01 Graham
Effective Land Use
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Civic
Floodplain and Streams
Industrial R and D
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Residential Attached
Retail Neighborhood
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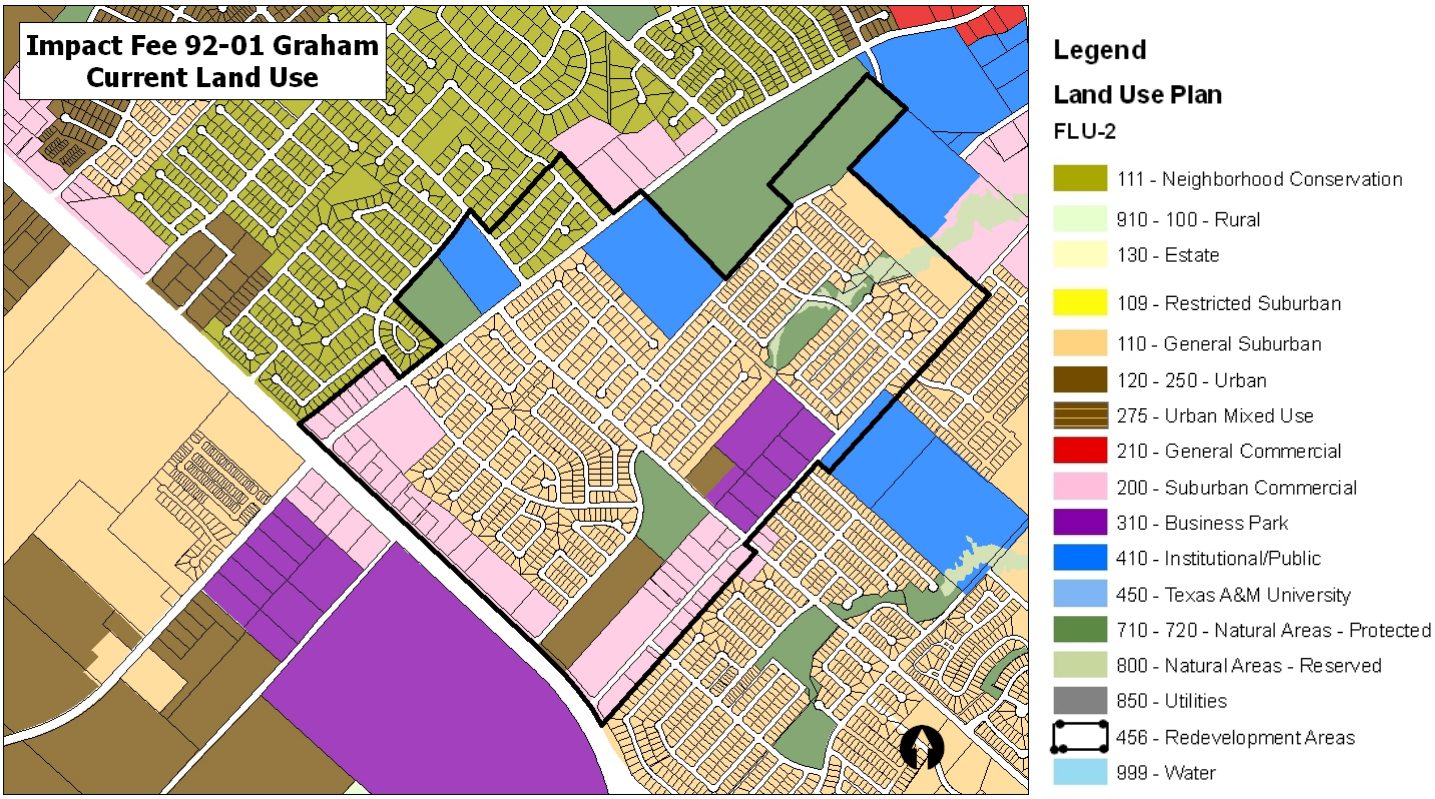
Impact Fee 92-01 Graham
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111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
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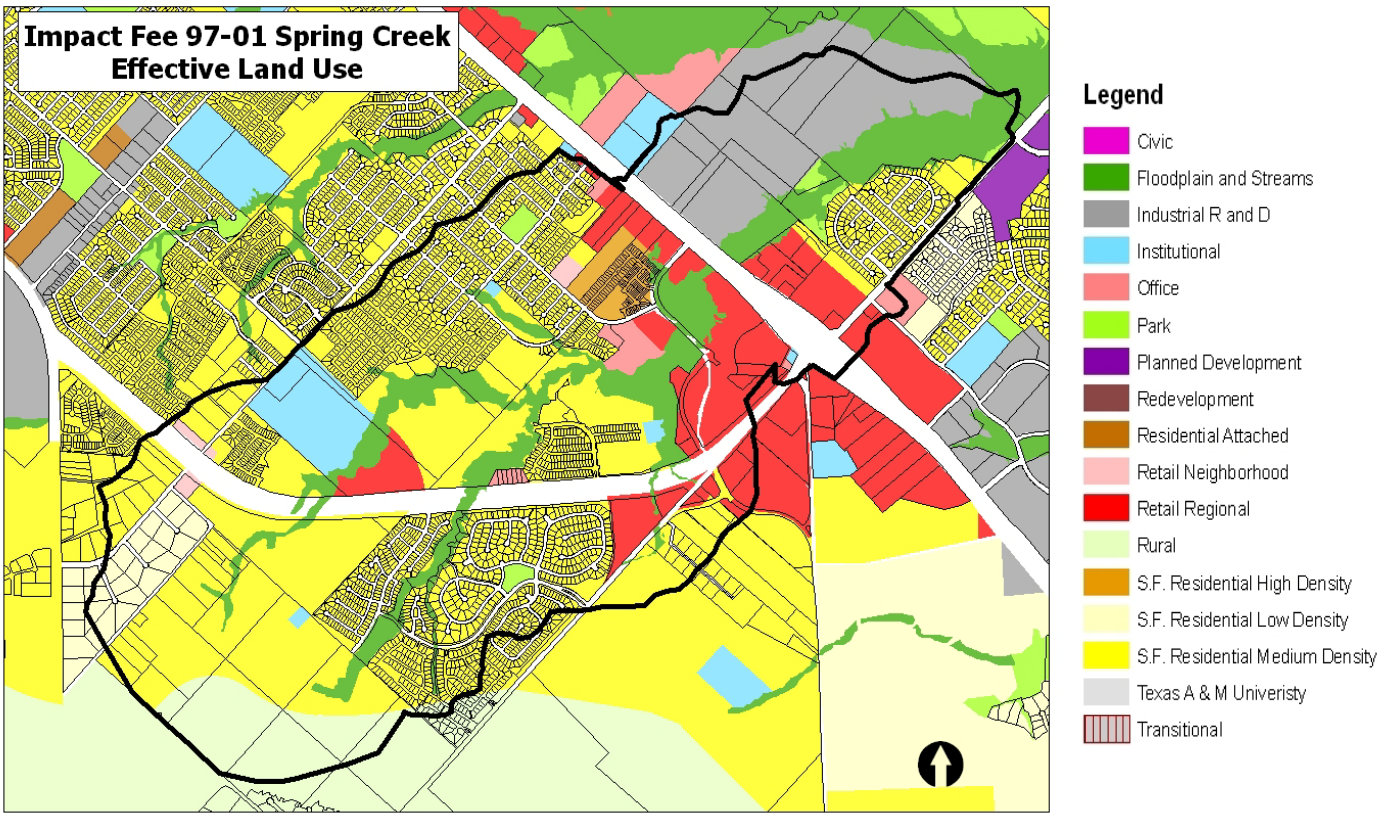
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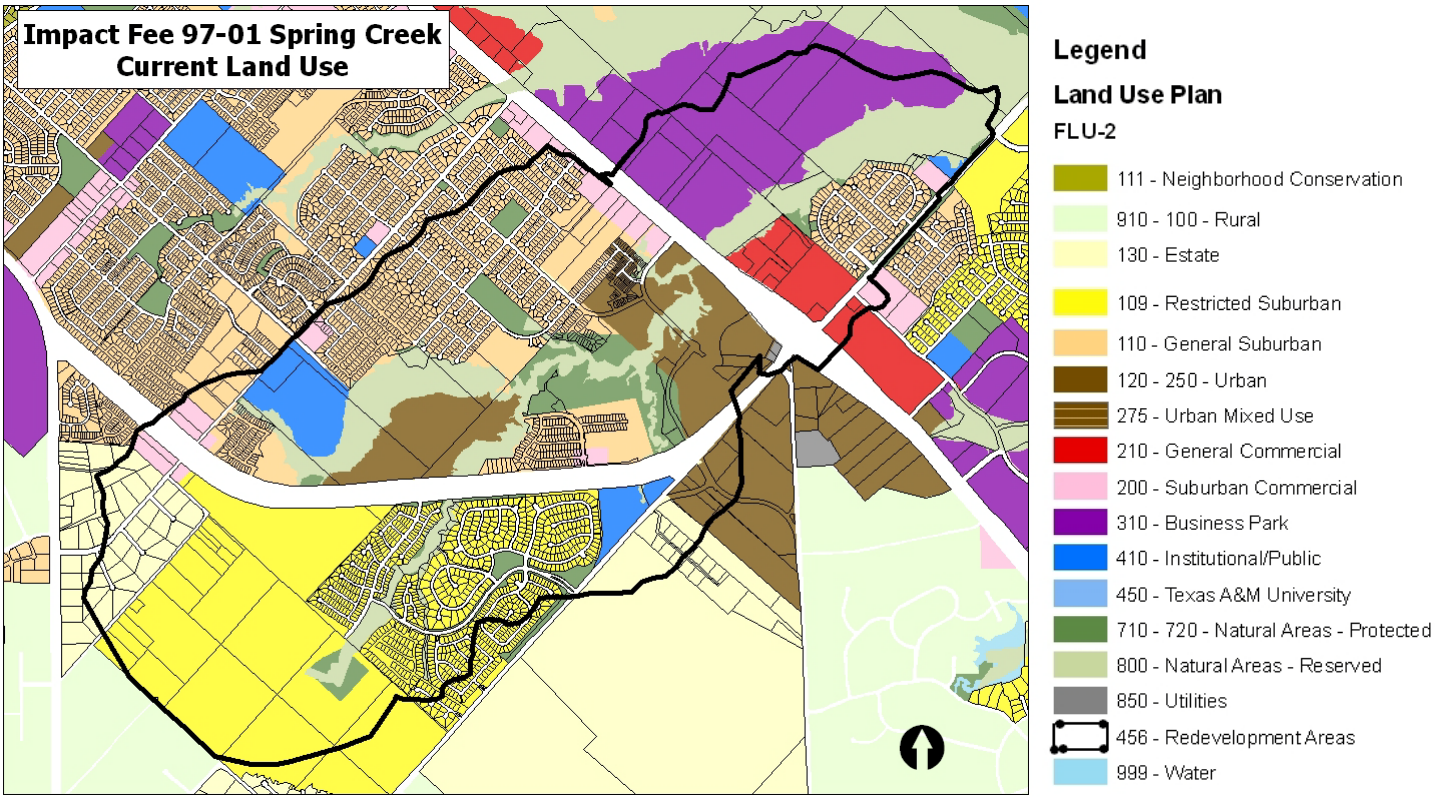
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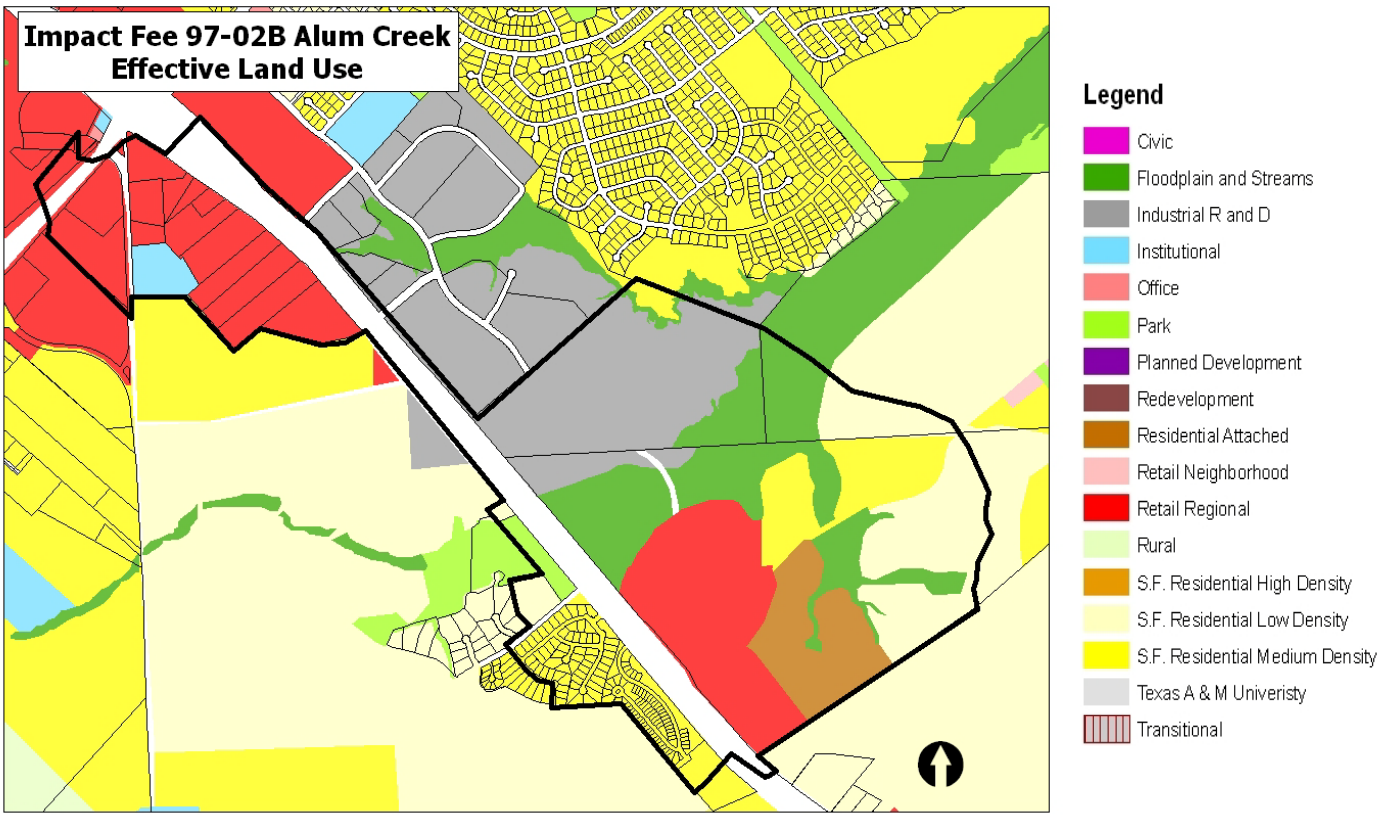
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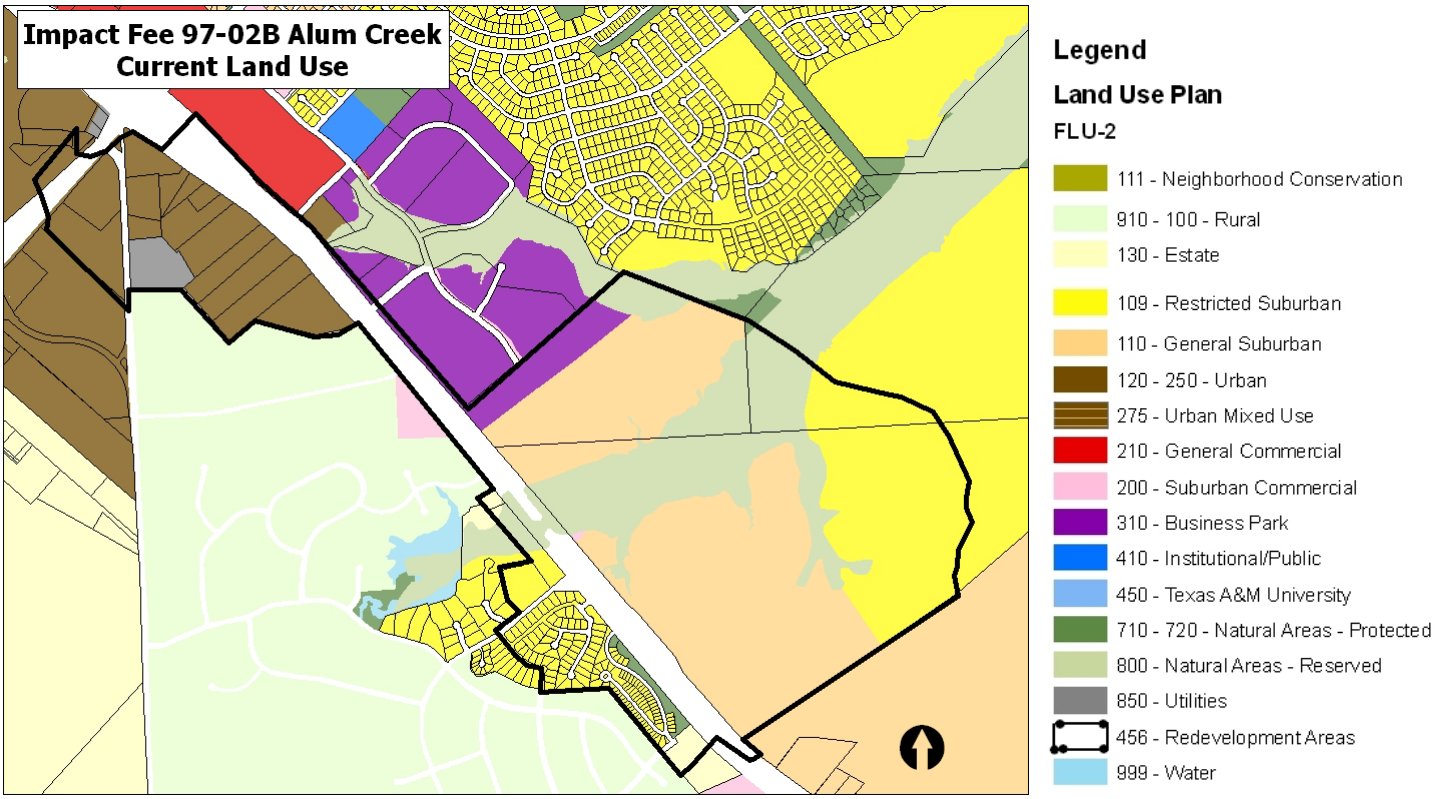
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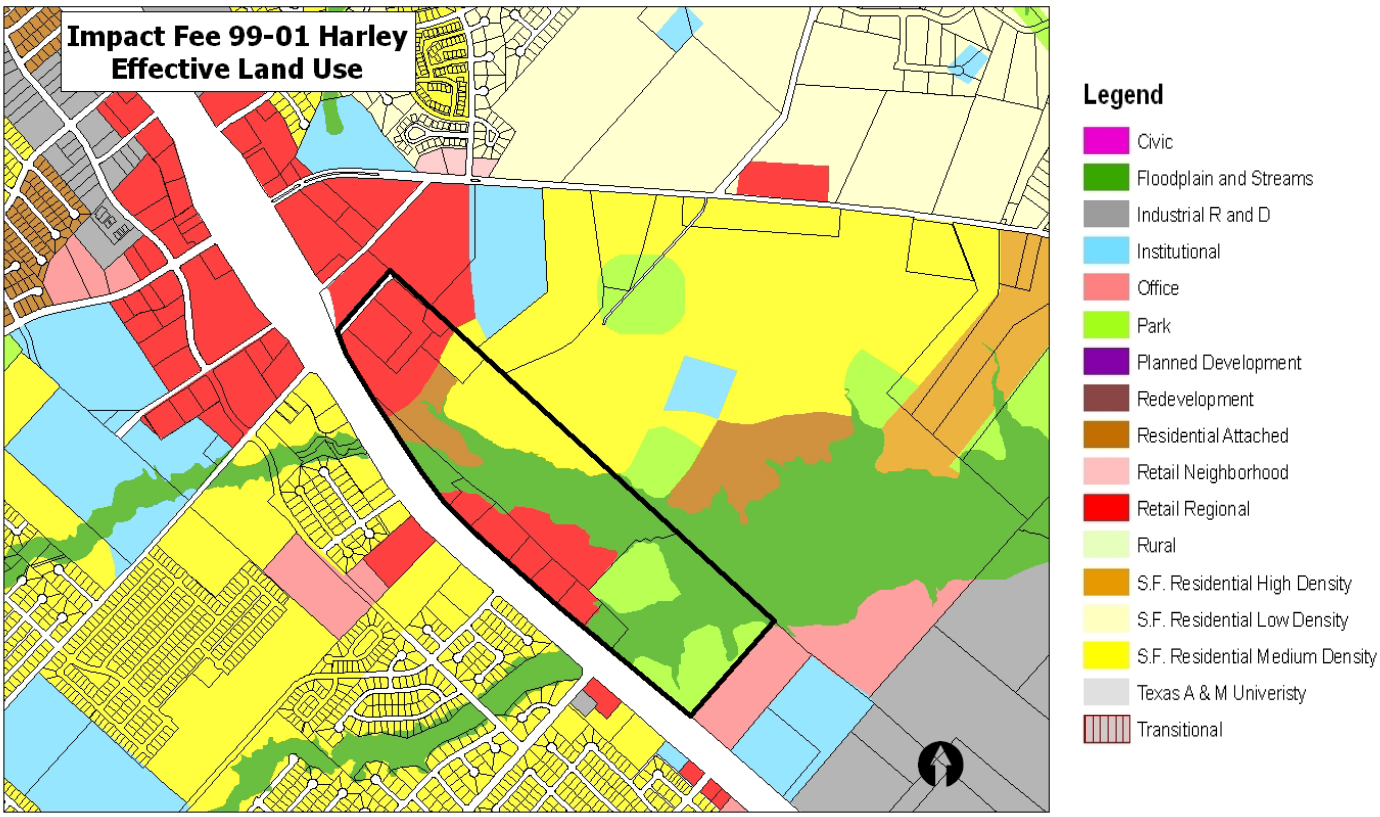
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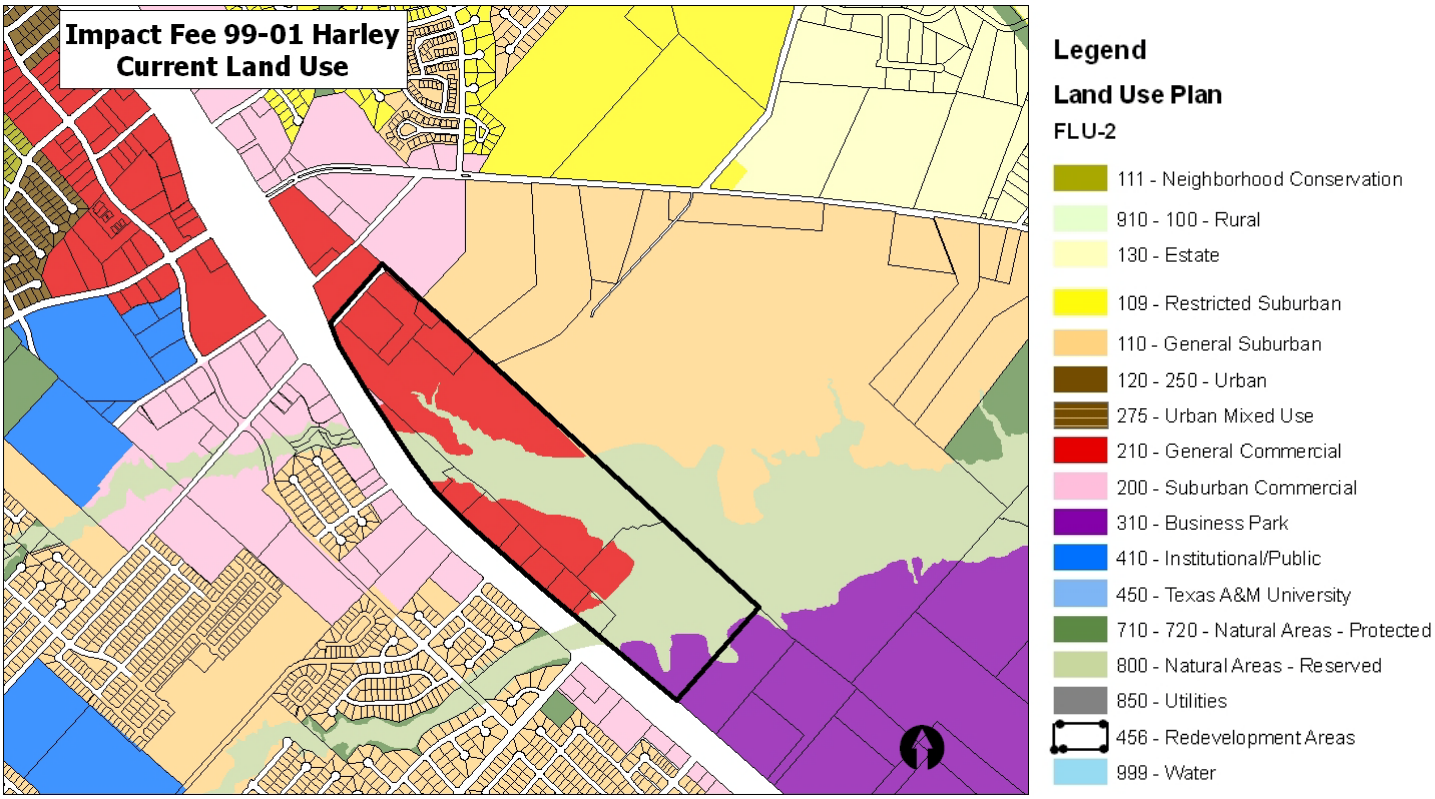
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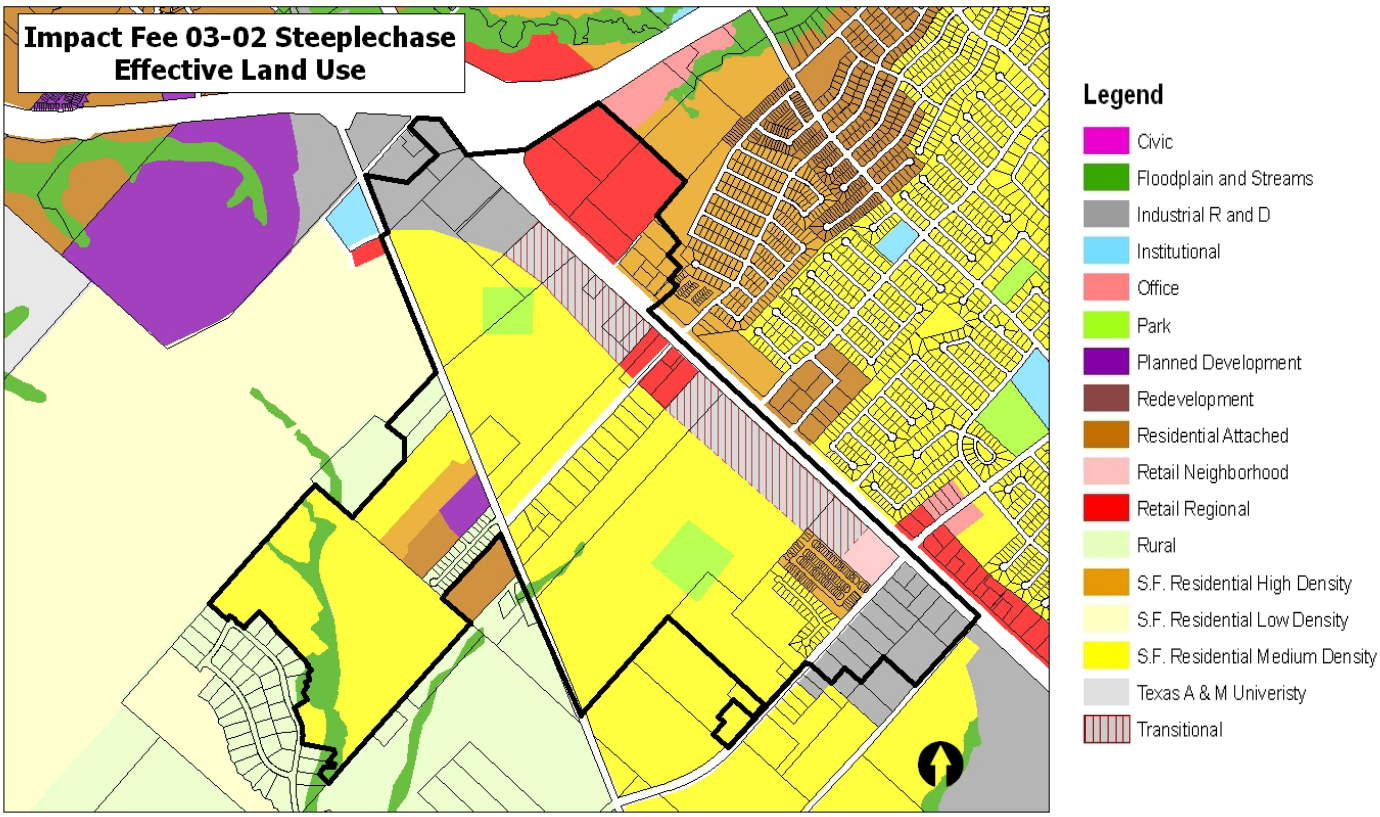
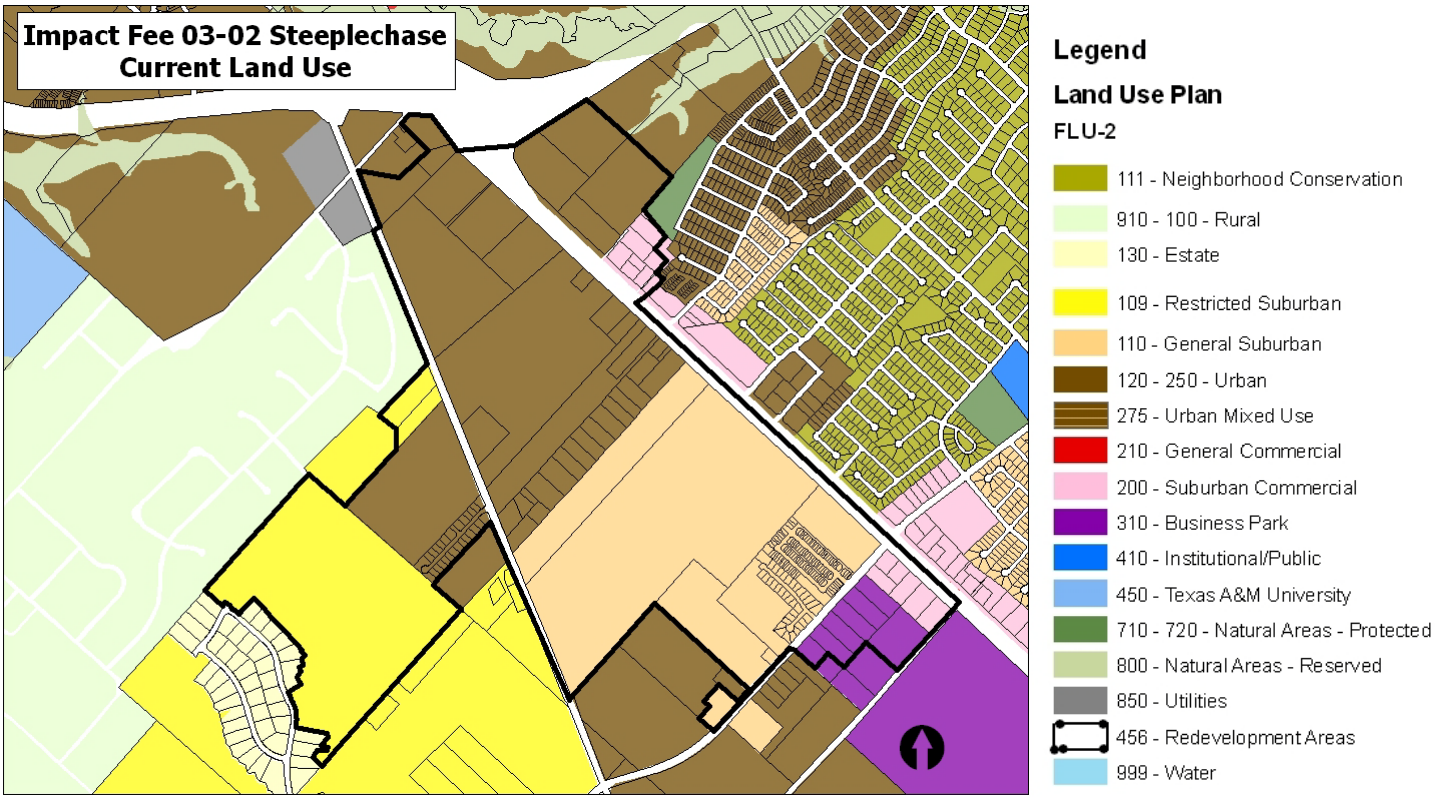

Impact Fee 03-02 Steeplechase
Effective Land Use
Legend
Civic
Floodplain and Streams
Industrial R and D
Institutional
Office
Park
Planned Development
Redevelopment
Residential Attached
Retail Neighborhood
Retail Regional
Rural
S.F. Residential High Density
S.F. Residential Low Density
S.F. Residential Medium Density
Texas A & M Univeristy
Transitional


Impact Fee 03-02 Steeplechase
Current Land Use
Legend
Land Use Plan
FLU-2
111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
110 - General Suburban
120 - 250 - Urban
275 - Urban Mixed Use
210 - General Commercial
200 - Suburban Commercial
310 - Business Park
410 - Institutional/Public
450 - Texas A&M University
710 - 720 - Natural Areas - Protected
800 - Natural Areas - Reserved
850 - Utilities
456 - Redevelopment Areas
999 - Water

Effective Land Use

Density LUE/Acre	Legend
	Civic
1.00	Floodplain and Streams
1.62 (1.87)	Industrial R and D
2.10 (2.33)	Institutional
2.87 (3.01)	Office
1.00	Park
	Planned Development
	Redevelopment
13.6	Residential Attached
3.77 (4.55)	Retail Neighborhood
4.07 (5.55)	Retail Regional
0.00	Rural
13.00	S.F. Residential High Density
0.4	S.F. Residential Low Density
4.5	S.F. Residential Medium Density
	Texas A & M Univeristy
0.00	Transitional

Current Land Use

Density LUE/Acre	Legend Land Use Plan FLU-2
0.00	111 - Neighborhood Conservation
1.00	910 - 100 - Rural
0.20	130 - Estate
6.59	109 - Restricted Suburban
4.19 (8.0)	110 - General Suburban
4.52 (20)	120 - 250 - Urban
	275 - Urban Mixed Use
4.07 (5.5)	210 - General Commercial
3.77 (4.55)	200 - Suburban Commercial
1.62 (2.0)	310 - Business Park
2.00	410 - Institutional/Public
	450 - Texas A&M University
0.00	710 - 720 - Natural Areas - Protected
0.20	800 - Natural Areas - Reserved
	850 - Utilities
	456 - Redevelopment Areas
	999 - Water

*(#) indicates LUE for Water Impact Fee Area and only applies to the 99-01 Harley Impact Fee Area.

MINUTES
PLANNING & ZONING COMMISSION
Workshop Meeting
August 16, 2012, 6:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Bo Miles, Craig Hall, Jim Ross, Jerome Rektorik, and Jodi Warner

COMMISSIONERS ABSENT: James Benham

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Jennifer Prochazka, Jason Schubert, Matt Robinson, Lauren Hovde, Danielle Singh, Joe Guerra, Venessa Garza, Adam Falco, Erika Bridges, Deborah Grace-Rosier, and Jordan Wood

1. Call the Meeting to Order.

   Chairman Ashfield called the meeting to order at 6:30 p.m.

2. Discussion of Consent and Regular Agenda Items.

   There was general discussion regarding Regular Agenda Item 6.

3. Discussion of Minor and Amending Plats Approved by Staff.

   - Final Plat ~ Amending Plat ~ The Barracks II Phase 100 Lots 1-A – 3-A Block 3

   There was no discussion.

4. Presentation, possible action, and discussion regarding the status of items within the 2012 P&Z Plan of Work (see attached). **(JS)**

   Principal Planner Schubert gave an update on the 2012 P&Z Plan of Work.

5. Presentation, possible action, and discussion regarding current development activities in the Northgate area. (BC)

   Executive Director Cowell gave an update on the current development activities in Northgate.

   The workshop meeting was recessed at 7:00 p.m.

   The workshop meeting was reconvened at 9:00 p.m.

6. Presentation, possible action, and discussion regarding Planning & Zoning Commission appointments to subcommittees.

   Executive Director Cowell reviewed the current appointments to the Subcommittees.

   Commissioner Hall was appointed to serve on the South Knoll Area Neighborhood Plan.

7. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.

   - Thursday, August 23, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m. (P&Z Liaison – Benham)
   - Thursday, September 6, 2012 ~ P&Z Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.

   Chairman Ashfield reviewed the upcoming meeting dates for the Planning & Zoning Commission.

8. Discussion, review and possible action regarding the following meetings: Design Review Board, Joint Parks / Planning & Zoning Subcommittee, Neighborhood Plan Stakeholder Resource Team, BioCorridor Committee, Lick Creek Nature Center Task Force, Zoning District Subcommittee, Joint Task Force on Neighborhood Parking Issues, and Wellborn District Plan Resource Team.

   The Commission discussed dates and times of upcoming meetings.

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

   Chairman Ashfield asked for a future agenda item to discuss potential intersection improvements at the corner of William D. Fitch Parkway and SH-30. Transportation Planning Coordinator Guerra was asked to contact TXDOT regarding the intersection.

10. Adjourn.

    The meeting was adjourned at 9:15 p.m.

Approved:	**Attest:**
_____	_____
Mike Ashfield, Chairman Planning & Zoning Commission	Deborah Grace-Rosier, Staff Assistant Planning & Development Services

MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
August 16, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Bo Miles, Craig Hall, Jim Ross, Jerome Rektorik, and Jodi Warner

COMMISSIONERS ABSENT: James Benham

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Jennifer Prochazka, Jason Schubert, Matt Robinson, Lauren Hovde, Danielle Singh, Joe Guerra, Venessa Garza, Adam Falco, Erika Bridges, Deborah Grace-Rosier, and Jordan Wood

1. **Call Meeting to Order**

Chairman Ashfield called the meeting to order at 7:03 p.m.

2. **Pledge of Allegiance**

3. **Hear Citizens**

No one spoke.

4. **Consent Agenda**

4.1 Consideration, discussion, and possible action to approve meeting minutes.

- August 2, 2012 ~ Workshop
- August 2, 2012 ~ Regular

Commissioner Rektorik motioned to approve Consent Agenda Item 4.1. Commissioner Miles seconded the motion, motion passed (6-0).

Regular Agenda

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

No items were removed from the Consent Agenda.

6. Public hearing, presentation, possible action, and discussion on a Final Plat for Castlegate II Section 200 Lots 8R1, 9R-13R and Common Area, Block 7 being a Replat of Castlegate II Section 200 Lot 8R and Common Area, Block 7 consisting of six R-1B Single-Family Residential lots and Common Area on approximately 6.7 acres located at 4314 Odell Lane. **Case # 12-00500134 (MR)**

   Senior Planner Robinson presented the Replat and recommended approval.

   Chairman Ashfield opened the public hearing.

   No one spoke during the public hearing.

   Chairman Ashfield closed the public hearing.

   Commissioner Warner motioned to approve the Replat. Commissioner Rektorik seconded the motion, motion passed (6-0).

7. Presentation, possible action, and discussion regarding waiver requests to Section 8.2.H.2 of the Unified Development Ordinance "Platting and Replatting within Older Residential Subdivisions" regarding lot width and lot area, and public hearing, presentation, possible action, and discussion regarding a Final Plat for Marin Acres Subdivision consisting of three R-1 Single-Family Residential lots on approximately 0.5 acres located at 2201 Texas Avenue South, generally located at the intersection of Texas Avenue South and Sterling Street. **Case # 12-00500148 (LH)**

   Staff Planner Hovde presented the waiver requests to lot width and lot area and recommended approval of them and the Final Plat if the waiver requests were approved.

   There was general discussion amongst Staff and the Commission regarding the waivers.

   Commissioner Miles motioned to approve the waiver requests. Commissioner Rektorik seconded the motion, motion passed (6-0).

   Chairman Ashfield opened the public hearing**.**

   Bill Bingham, 404 Fairview, College Station, Texas, spoke in opposition of the Final Plat stating that it does not preserve the neighborhood.

   Chairman Ashfield closed the public hearing.

   Commissioner Miles motioned to approve the Final Plat. Commissioner Warner seconded the motion, motion passed (6-0).

8. Public hearing, presentation, possible action, and discussion regarding the adoption of the Southside Area Neighborhood Plan. **Case # 11-00500172 (JP) (Note: Final action on this item is scheduled for the August 23, 2012 City Council Meeting - subject to change)**

   Principal Planner Prochazka gave a presentation regarding the Southside Area Neighborhood Plan.

   There was a general discussion amongst the Commission regarding the Plan.

   Chairman Ashfield opened the public hearing.

   C.O. Patterson, 715 Park Place and George Dressser, 501 Fairview, both of College Station, Texas, spoke in favor of the Plan and recommended that the Commission forward a positive recommendation to City Council.

   Sharon Menn, 200 Grove Street, College Station, Texas, expressed concerns related to future building heights in Area 5 of the Plan.

   Fred Dupriest, 400 Fairview, College Station, Texas, had concerns about Area 5 of the Plan. He stated that the area should not be allowed to further subdivide until the interchange is built. He felt that the 8,500-square-foot lot size should remain.

   Bill Bingham, 404 Fairview, College Station, Texas, stated that Area 5 of the Plan should be left as is and should continue to redevelop as it currently is.

   Rick Lemons, 301 Sophia, College Station, Texas, stated that the campus is what is driving the redevelopment in Area 5 of the Plan. He said that 5,000-square-foot lot sizes should be permitted in Area 5.

   Trey Guseman, 3131 Briarcrest # 111, Bryan, Texas, stated that the Plan should be approved with the 5,000-square-foot lot sizes in Area 5.

   Chairman Ashfield closed the public hearing.

   There was a general discussion amongst the Commission regarding the Plan.

   Commissioner Warner motioned to recommend approval of the Southside Neighborhood Plan to City Council. Commissioner Miles seconded the motion, motion passed (6-0).

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

   There was no discussion.

10. Adjourn.

    The meeting was adjourned at 9:00 p.m.

Approved:

_____

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

_____

Deborah Grace-Rosier, Staff Assistant
Planning & Development Services

CITY OF COLLEGE STATION

FINAL PLAT
for
MEADOWCREEK PH 5
12-00500153

SCALE:	59 lots on 12.722 acres
LOCATION:	South of Koppe Bridge Road, less than one mile west of Wellborn Road in the College Station Extraterritorial Jurisdiction (ETJ)
ZONING:	N/A (ETJ)
APPLICANT:	BCS Development Company
PROJECT MANAGER:	Teresa Rogers, Staff Planner trogers@cstx.gov
RECOMMENDATION:	Staff recommends approval of the Final Plat.

I & GN RD
CLAYTON
HIDDEN ACRES DR
IRIS LN
STEWART DR
FAIRCREST DR
CLOUD LN
MEREDITH LN
PIDMONT LN
MEADOW CREEK DR
SAGEWOOD DR
LEAWOOD DR
SLEEPY R-R RD
KOPPE BRIDGE RD
0 40 80 160 Feet
DEVELOPMENT REVIEW
MEADOWCREEK PH5
Case:
12-153
FINAL
PLAT

DEVELOPMENT HISTORY

Annexation:	N/A (ETJ)
Zoning:	N/A (ETJ)
Preliminary Plat:	The initial Preliminary Plat was approved by the Commission on December 2, 2004. A revised Preliminary Plat was approved on November 20, 2008 that combined Phases 4 & 5 into Phase 4, renumbered Phase 6 as Phase 5, reduced the number of lots in these phases from 169 to 147, and added a detention pond common area. On March 5, 2009, a revised Preliminary Plat was approved which divided Phase 4 into Phase 4A & 4B. The proposed Final Plat has combined Lot 20 and a portion of Common Area 16 to create Lots 20A & 20B. Common Area No. 15 and a Private Drainage Easement were created at the end of Carriker Court and Sagewood Court that resulted in the loss of Lot 11, Block 14.
Site Development:	Vacant. Fifty-nine residential lots are proposed, averaging 5,700 square feet in size.

COMMENTS

Parkland Dedication Fees:	This subdivision began before parkland dedication was required in the ETJ so no parkland dedication is required.
Greenways:	The development is located in the ETJ and no greenway dedication is required or proposed.
Pedestrian Connectivity:	The development is located in the ETJ and no pedestrian facilities are required or proposed.
Bicycle Connectivity:	The development is located in the ETJ and no specific facilities for bicycle connectivity are required or proposed.
Impact Fees:	N/A

REVIEW CRITERIA

Compliance with Subdivision Regulations: The proposed Final Plat is in compliance with the approved Preliminary Plat for the Meadowcreek Subdivision, and is in compliance with Subdivision Regulations that were in effect at the time the initial Preliminary Plat was approved.

STAFF RECOMMENDATIONS

Staff recommends approval of the Final Plat.

SUPPORTING MATERIALS

1. Application
2. Copy of Final Plat (provided in packet)

Revised

CITY OF COLLEGE STATION
Home of Texas A&M University®

FOR OFFICE USE ONLY	
CASE NO.:	
DATE SUBMITTED:	
TIME:	
STAFF:	

FINAL PLAT APPLICATION

(Check one) ☐ **Minor** ($700) ☐ **Amending** ($700) ☒ **Final** ($932) ☐ **Vacating** ($932) ☐ **Replat** ($932)

Is this plat in the ETJ? ☒ Yes ☐ No **Is this plat Commercial** ☐ or Residential ☒

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ $700-$932 Final Plat Application Fee (see above).
- N/A ☐ $233 Waiver Request to Subdivision Regulations Fee (if applicable).
- N/A ☐ $600 (minimum) Development Permit Application / Public Infrastructure Review and Inspection Fee. Fee is 1% of acceptable Engineer's Estimate for public infrastructure, $600 minimum (if fee is > $600, the balance is due prior to the issuance of any plans or development permit).
- ☒ Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- ☒ Fourteen (14) folded copies of plat. (A signed mylar original must be submitted after approval.)
- ☒ Two (2) copies of the grading, drainage, and erosion control plans with supporting drainage report.
- ☒ Two (2) copies of the Public infrastructure plans and supporting documents (if applicable).
- ☒ Copy of original deed restrictions/covenants for replats (if applicable).
- ☒ Title report for property current within ninety (90) days or accompanied by a Nothing Further Certificate current within ninety (90) days. The report must include applicable information such as ownership, liens, encumbrances, etc.
- ☒ Paid tax certificates from City of College Station, Brazos County and College Station I.S.D.
- ☒ The attached Final Plat checklist with all items checked off or a brief explanation as to why they are not.

NOTE: A mylar of the approved preliminary plan must be on file before a final plat application will be considered complete. If the mylar is submitted with the final plat application, it shall be considered a submittal for the preliminary plan project and processed and reviewed as such. Until the mylar has been confirmed by staff to be correct, the final plat application will be considered incomplete.

Date of Optional Preapplication or Stormwater Management Conference *N/A*

NAME OF PROJECT *Meadowcreek Subdivision - Phase 5*

ADDRESS *Koppe Bridge Road - ETJ*

SPECIFIED LOCATION OF PROPOSED PLAT:

Meadowcreek Subdivision, Adjacent to Phase 4B

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name *BCS Development Compay* E-mail *jfrench@stylecraft-builders.com*

Street Address *4090 State Highway 6 South*

City *College Station* State *Texas* Zip Code *77845*

Phone Number *979-690-1222* Fax Number *979-690-0348*

PROPERTY OWNER'S INFORMATION (All owners must be identified. Please attach an additional sheet for multiple owners):

Name *BCS Development Compay* E-mail *dfrench@stylecraft-builders.com*

Street Address *4090 State Highway 6 South*

City *College Station* State *Texas* Zip Code *77845*

Phone Number *979-690-1222* Fax Number *979-690-0348*

ARCHITECT OR ENGINEER'S INFORMATION:

Name *Schultz Engineering, LLC.* E-mail *joeschultz84@verizon.net*

Street Address *2730 Longmire Dr., Suite A*

City *College Station* State *Texas* Zip Code *77845*

Phone Number *979-764-3900* Fax Number *979-764-3910*

Do any deed restrictions or covenants exist for this property? ☐ Yes ☒ No

Is there a temporary blanket easement on this property? If so, please provide the Volume _____ and Page No. _____

Total Acreage *12.722 Acres* Total No. of Lots *59* R-O-W Acreage *2.632 Acres*

Existing Use *Vacant* Proposed Use *Single Family Residential*

Number of Lots By Zoning District *59* / *ETJ* _____ / _____ _____ / _____

Average Acreage Of Each Residential Lot By Zoning District:

0.14 Ac / *ETJ* _____ / _____ _____ / _____ _____ / _____

Floodplain Acreage *N/A*

Is there Special Flood Hazard Area (Zone A or Zone AE on FEMA FIRM panels) on the property? ☐ Yes ☒ No

This information is necessary to help staff identify the appropriate standards to review the application and will be used to help determine if the application qualifies for vesting to a previous ordinance. Notwithstanding any assertion made, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code or other applicable law.

Is this application a continuation of a project that has received prior City platting approval(s) and you are requesting the application be reviewed under previous ordinance as applicable?

☒ Yes

☐ No

If yes, provide information regarding the first approved application and any related subsequent applications (provide additional sheets if necessary):

Project Name: Meadow Creek Subdivision - Preliminary Plat

City Project Number (if known): _____

Date / Timeframe when submitted: 2005

A statement addressing any differences between the Final Plat and Preliminary Plan (if applicable):

Lot 20, Block 8 and a portion of Common Area 16 were combined to create Lot 20B, Block 8. Lots 20-24, Block 8 were shifted so that all of the lots were 50' wide. Common Area and a Private Drainage Easement were added to the east of the two cul-de-sacs. This resulted in the loss of Lot 11 Block 14.

Requested waiver to subdivision regulations and reason for same (if applicable):

N/A

Regarding the waiver request, explain how:

1. There are special circumstances or conditions affecting the land involved such that strict application of the subdivision regulations will deprive the applicant of the reasonable use of his land.

N/A

2. The waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.

N/A

3. The granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering subdivision regulations.

N/A

4. The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Unified Development Ordinance.

N/A

Fee in lieu of sidewalk construction is being requested because of the following condition (if applicable):

1. ☐ An alternative pedestrian way or multi-use path has been or will be provided outside the right-of-way;
2. ☐ The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements of the UDO is not physically feasible or is not in keeping with the purposes and goals of the UDO or the City's comprehensive Plan;
3. ☐ A capital improvement project is imminent that will include construction of the required sidewalk. Imminent shall mean the project is funded or projected to commence within twelve (12) months;
4. ☐ Existing streets constructed to rural section that are not identified on the Thoroughfare Plan with an estate / rural context;
5. ☐ When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, and Greenways Master Plan;

6. ☐ The proposed development is within an older residential subdivision meeting the criteria in Platting and Replatting within Older Residential Subdivisions Section of the UDO; or

7. ☐ The proposed development contains frontage on a Freeway / Expressway as designated by Map 6.6, Thoroughfare Plan - Functional Classification, in the City's Comprehensive Plan.

Detailed explanation of condition identified above:

NOTE: A waiver to the sidewalk requirements and fee in lieu of sidewalk construction shall not be considered at the same time by the Planning & Zoning Commission.

Requested Oversize Participation *N/A*

Total Linear Footage of Proposed Public:

2,132' Streets
1,826' Sidewalks
544' Sanitary Sewer Lines
2,081' Water Lines
587' Channels
704' Storm Sewers
N/A Bike Lanes / Paths

Parkland Dedication due prior to filing the Final Plat:

ACREAGE:

N/A No. of acres to be dedicated + $ _____ development fee
N/A No. of acres in floodplain
N/A No. of acres in detention
N/A No. of acres in greenways

OR

FEE IN LIEU OF LAND:

_____ No. of SF Dwelling Units X $_____ = $ _____

_____ (date) Approved by Parks & Recreation Advisory Board

NOTE: DIGITAL COPY OF PLAT MUST BE SUBMITTED PRIOR TO FILING.

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from the owner. If there is more than one owner, all owners must sign the application or the power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf. LIEN HOLDERS identified in the title report are also considered owners and the appropriate signatures must be provided as described above.

VP

Signature and title

7-13-12

Date

CERTIFICATIONS REQUIRED FOR ALL DEVELOPMENT

Owner Certification:

1. No work of any kind may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Occupancy is issued.
5. The permit will expire if no significant work is progressing within 24 months of issuance.
6. Other permits may be required to fulfill local, state, and federal requirements. Owner will obtain or show compliance with all necessary State and Federal Permits prior to construction including NOI and SWPPP.
7. If required, Elevation Certificates will be provided with elevations certified during construction (forms at slab pre-pour) and post construction.
8. Owner hereby gives consent to City representatives to make reasonable inspections required to verify compliance.
9. If, stormwater mitigation is required, including detention ponds proposed as part of this project, it shall be designed and constructed first in the construction sequence of the project.
10. In accordance with Chapter 13 of the Code of Ordinances of the City of College Station, measures shall be taken to insure that all debris from construction, erosion, and sedimentation shall not be deposited in city streets, or existing drainage facilities. All development shall be in accordance with the plans and specifications submitted to and approved by the City Engineer for the above named project. All of the applicable codes and ordinances of the City of College Station shall apply.
11. The information and conclusions contained in the attached plans and supporting documents will comply with the current requirements of the City of College Station, Texas City Code, Chapter 13 and associated BCS Unified Design Guidelines Technical Specifications, and Standard Details. All development has been designed in accordance with all applicable codes and ordinances of the City of College Station and State and Federal Regulations.
12. Release of plans to _____ (name or firm) is authorized for bidding purposes only. I understand that final approval and release of plans and development for construction is contingent on contractor signature on approved Development Permit.
13. I, THE OWNER, AGREE TO AND CERTIFY THAT ALL STATEMENTS HEREIN, AND IN ATTACHMENTS FOR THE DEVELOPMENT PERMIT APPLICATION, ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, AND ACCURATE.

VP — 7-13-12

Property Owner(s) — Date

Engineer Certification:

1. The project has been designed to ensure that stormwater mitigation, including detention ponds, proposed as part of the project will be constructed first in the construction sequence.
2. I will obtain or can show compliance with all necessary Local, State and Federal Permits prior to construction including NOI and SWPPP. Design will not preclude compliance with TPDES: i.e., projects over 10 acres may require a sedimentation basin.
3. The information and conclusions contained in the attached plans and supporting documents comply with the current requirements of the City of College Station, Texas City Code, Chapter 13 and associated BCS Unified Design Guidelines. All development has been designed in accordance with all applicable codes and ordinances of the City of College Station and State and Federal Regulations.
4. I, THE ENGINEER, AGREE TO AND CERTIFY THAT ALL STATEMENTS HEREIN, AND IN ATTACHMENTS FOR THE DEVELOPMENT PERMIT APPLICATION, ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, AND ACCURATE.

STATE OF TEXAS — ROBERT A. SCHOLZ — 65889 — PROFESSIONAL ENGINEER

7-15-12

Engineer — Date

The following CERTIFICATIONS apply to development in Special Flood Hazard Areas.

Required for Site Plans, Final Plats, Construction Plans, Fill / Grading Permits, and Clearing Only Permits:*

A. I, _____ certify, as demonstrated in the attached drainage study, that the alterations or development covered by this permit, **shall not:**

(i) increase the Base Flood elevation;

(ii) create additional areas of Special Flood Hazard Area;

(iii) decrease the conveyance capacity to that part of the Special Flood Hazard Area that is not in the floodway and where the velocity of flow in the Base Flood event is greater than one foot per second. This area can also be approximated to be either areas within 100 feet of the boundary of the regulatory floodway or areas where the depth of from the BFE to natural ground is 18 inches or greater;

(iv) reduce the Base Flood water storage volume to the part of the Special Flood Hazard Area that is beyond the floodway and conveyance area where the velocity of flow in the Base Flood is equal to and less than one foot per second without acceptable compensation as set forth in the City of College Station Code of Ordinances, Chapter 13 concerning encroachment into the Special Flood Hazard Area; nor

(v) increase Base Flood velocities.

beyond those areas exempted by ordinance in Section 5.11.3a of Chapter 13 Code of Ordinances.

_____ _____

Engineer Date

Initial

[ ] * If a platting-status exemption to this requirement is asserted, provide written justification under separate letter in lieu of certification.

Required for Site Plans, Final Plats, Construction Plans, and Fill / Grading Permits:

B. I, _____, certify to the following:

(i) that any nonresidential or multi-family structure on or proposed to be on this site as part of this application is designed to prevent damage to the structure or its contents as a result of flooding from the 100-year storm.

_____ _____

Engineer Date

Additional certification for Floodway Encroachments:

C. I, _____, certify that the construction, improvement, or fill covered by this permit shall not increase the base flood elevation. I will apply for a variance to the Zoning Board of Adjustments.

_____ _____

Engineer Date

Required for all projects proposing structures in Special Flood Hazard Area (Elevation Certificate required).

Residential Structures:

D. I, _____ , certify that all new construction or any substantial improvement of any residential structure shall have the lowest floor, including all utilities, ductwork and any basement, at an elevation at least one foot above the Base Flood Elevation. Required Elevation Certificates will be provided with elevations certified during construction (forms at slab pre-pour) and post construction.

_____ _____

Engineer / Surveyor Date

Commercial Structures:

E. I, _____ , certify that all new construction or any substantial improvement of any commercial, industrial, or other non-residential structure are designed to have the lowest floor, including all utilities, ductwork and basements, elevated at least one foot above the Base Flood Elevation

_____ _____

Engineer / Surveyor Date

OR

I, _____ , certify that the structure with its attendant utility, ductwork, basement and sanitary facilities is designed to be flood-proofed so that the structure and utilities, ductwork, basement and sanitary facilities are designed to be watertight and impermeable to the intrusion of water in all areas below the Base Flood Elevation, and shall resist the structural loads and buoyancy effects from the hydrostatic and hydrodynamic conditions.

Required Elevation Certificates will be provided with elevations certified during construction (forms at slab pre-pour) and post construction.

_____ _____

Engineer / Surveyor Date

Conditions or comments as part of approval: _____

CITY OF COLLEGE STATION
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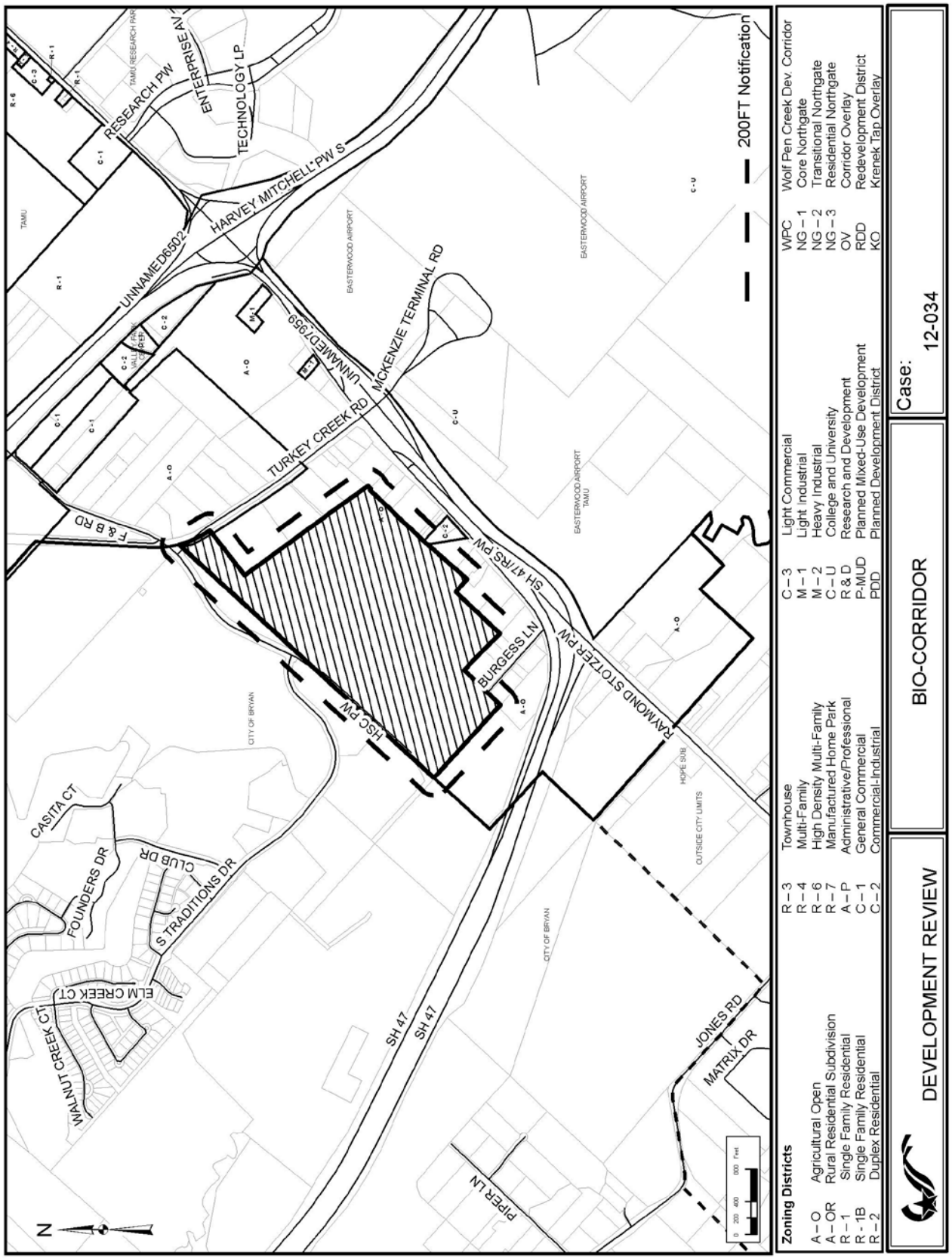
REZONING REQUEST
for
The BioCorridor Planned Development District
12-00500034

REQUEST:	A-O Agricultural Open to PDD Planned Development District for the establishment of land uses, development processes, and development standards for the Joint Research Valley BioCorridor Development Project
SCALE:	One tract of 147 acres
LOCATION:	Generally located between State Highway 47, Raymond Stotzer Parkway, Turkey Creek Road, and the City limit
APPLICANT:	The City of College Station in partnership with the City of Bryan
PROJECT MANAGER:	Molly Hitchcock, AICP, Assistant Director mhitchcock@cstx.gov
RECOMMENDATION:	Staff recommends approval.

DEVELOPMENT REVIEW

BIO-CORRIDOR

Case: 12-034


200FT Notification
RESEARCH PW
ENTERPRISE AV
TECHNOLOGY LP
HARVEY MITCHELL PW S
UNNAMED6502
UNNAMED7959
MCKENZIE TERMINAL RD
TURKEY CREEK RD
F & B RD
SH 47/RS PW
BURGESS LN
RAYMOND STOTZER PW
HSC PW
SH 47
JONES RD
MATRIX DR
PIPER LN
CASITA CT
FOUNDERS DR
CLUB DR
S TRADITIONS DR
ELM CREEK CT
WALNUT CREEK CT
TAMU
TAMU RESEARCH PARK
EASTERWOOD AIRPORT
EASTERWOOD AIRPORT TAMU
CITY OF BRYAN
HOPE SUB
OUTSIDE CITY LIMITS
N
0 200 400 1000 Feet
Zoning Districts
A – O Agricultural Open
A – OR Rural Residential Subdivision
R – 1 Single Family Residential
R - 1B Single Family Residential
R – 2 Duplex Residential
R – 3 Townhouse
R – 4 Multi-Family
R – 6 High Density Multi-Family
R – 7 Manufactured Home Park
A – P Administrative/Professional
C – 1 General Commercial
C – 2 Commercial-Industrial
C – 3 Light Commercial
M – 1 Light Industrial
M – 2 Heavy Industrial
C – U College and University
R & D Research and Development
P-MUD Planned Mixed-Use Development
PDD Planned Development District
WPC Wolf Pen Creek Dev. Corridor
NG – 1 Core Northgate
NG – 2 Transitional Northgate
NG – 3 Residential Northgate
OV Corridor Overlay
RDD Redevelopment District
KO Krenek Tap Overlay
DEVELOPMENT REVIEW
BIO-CORRIDOR
Case:
12-034

NOTIFICATIONS

Advertised Commission Hearing Date: September 6, 2012
Advertised Council Hearing Dates: September 27, 2012

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 23
Contacts in support: Two as of date of staff report
Contacts in opposition: None as of date of staff report
Inquiry contacts: Four as of date of staff report

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North (City of Bryan)	Mixed Use Regional (Southwest Bryan Highest and Best Use Study)	Agricultural Open and Planned Development	Research and development, manufacturing, and vacant
South	Business Park	A-O Agricultural Open and approximately five acres of C-2 Commercial Industrial	Vehicular storage, office, auto repair, fraternity house, single family, mobile/manufactured home park, and vacant
East	Suburban Commercial	A-O Agricultural Open	Single family and Vacant
West	Business Park	A-O Agricultural Open	Vacant

DEVELOPMENT HISTORY

Annexation: 1995
Zoning: A-O Agricultural Open upon annexation
Final Plat: None
Site development: None

BACKGROUND

The BioCorridor is a conceptual area of approximately 3,500 acres anticipated to be an international destination for education, research, development, commercialization, and production of innovative technologies to improve global health. In 2010, through the coordination of the Research Valley Partnership, the community came together with Broaddus Planning to provide input into the Research Valley BioCorridor Concept Master Plan ("BioCorridor Master Plan"). In 2011, the cities of College Station and Bryan initiated the municipal implementation of that plan.

On December 16, 2011, the College Station City Council adopted an interlocal agreement (ILA) with the City of Bryan for a Joint BioCorridor Development Project. The project site is approximately 196 acres at the eastern intersection of Raymond Stotzer Parkway and State Highway 47 and is owned by the City of Bryan through the Bryan Commerce Development Corporation. Of this acreage, 147 are located within the City limits of College Station. The major provisions of the ILA include cost and revenue sharing between the municipalities, coordinated infrastructure delivery, unified economic development incentives, and unified land uses, development standards, and project review processes.

To develop unified land uses, development standards, and project review processes, city staff from both communities have worked together and in conjunction with a subcommittee of both communities' Planning and Zoning Commissions. In addition to the technical and regulatory expertise and planning and zoning policy experience dedicated to these efforts, the City of Bryan's development partner, Traditions Acquisitions Partnership, LP has participated by bringing direct development interest into the collaboration. Using the cities' comprehensive plans, the BioCorridor Master Plan, the BioCorridor Design Guidelines proposed by Jacobs Consultancy, and local zoning and development codes as guides, and with considerations from Traditions representatives and their consultants, this proposal has been developed to rezone the property affected by the ILA as a Planned Development District (PDD), and through this rezoning, to have a set of unique zoning and development codes (the "BioCorridor Planned Development District Ordinance") to implement the vision of the BioCorridor.

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The subject property is designated as Business Park on the Future Land Use and Character Map and is located in the conceptual Presidential Corridor Gateway District identified for further planning. The Business Park designation is defined as one generally for areas that include office, research, or industrial uses, planned and developed as a unified project, and that need good access to arterial roadways. The Comprehensive Plan states that the focus of planning efforts for the Presidential Corridor Gateway should be accommodating business (research and development, office, and light industrial) that builds upon the assets in the area and protects and enhances this primary gateway into the City.

   The rezoning meets the direction the Comprehensive Plan identifies for future land use. The land uses proposed for the BioCorridor Planned Development District consist primarily of office, research and development, and manufacturing that will promote scientific industry, especially that of biotechnology. Supporting uses for area employees may include a small amount of commercial and multifamily. The rezoning proposal is a reflection of the adopted vision for land uses in this area of College Station, and the vision of the Brazos Valley area as formed through the BioCorridor Master Plan planning process.

One stated reason the ILA was adopted by both communities was to promote economic development in both cities. The Comprehensive Plan identifies research as one of the foundations of the local economy and from research emerges the commercialization of knowledge-based activities. The utilization of the subject property for research, development, and manufacturing of pharmaceuticals and health-related technologies supports College Station's desire to grow in these economic sectors.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The majority of the area in the City of College Station between State Highway 47, Raymond Stotzer Parkway, and Turkey Creek Road is designated as Business Park. There is a small amount of Suburban Commercial anticipated along Turkey Creek Road. With the exception of approximately five acres with frontage on Raymond Stotzer Parkway zoned C-2 Commercial Industrial, all of the area is zoned A-O Agricultural Open. There are a number of non-conforming uses in the vicinity, including appliance repair and a fraternity house. There are also uses that comply with the current zoning, such as single family residential on large lots, but do not conform to the long-range vision for the area. Depending on the intensity of possible development on the subject property, the rezoning proposal may or may not be compatible with the nearby conforming properties and neighborhood character. An office complex could be compatible, but an office complex with several stories of multifamily residential may not be. When considering the planned future of the area, the proposed rezoning will be compatible, especially if consideration of compatibility is extended across the City limit line to encompass the existing Caliber Biotherapeutics facility and the Health Science Center.

3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The property is suitable for the proposed uses. The industry proposed for the BioCorridor area will need access to a transportation network that extends beyond the region and the acreage is in close vicinity to State Highway 47 and Raymond Stotzer Parkway and near Easterwood airport. The tract does not have a large amount of highway frontage, but the uses proposed are not ones that require such visibility. The property is in close vicinity to Texas A&M University and existing research facilities, making collaboration and the sharing of resources possible. The property is also in close vicinity to the Aggieland Business Park in the City's Extraterritorial Jurisdiction, in which supporting industry is located.

4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Before the ILA was adopted, the delivery of wastewater in the area was problematic and therefore the property, for the near future, could not have supported the uses being proposed. Until such time as proper infrastructure could have been delivered to the area, A-O Agricultural Open uses would have been appropriate. With the ILA in place, the property values and taxable base of A-O uses would not justify the financial and resource investments that have and will be made by the City.

5. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Currently, the City has less than 5% of its acreage in the City designated for Business Park. There is less than 2% of land within the City currently zoned for office and industrial uses. This general area is part of a larger (3,500 acre) corridor currently being marketed by The Research Valley Partnership as what will become a leading-edge international biomedical zone.

6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The ILA for the Joint BioCorridor Development Project included a plan for cost sharing and oversight to provide primary infrastructure to facilitate development. This primary infrastructure design is currently underway and construction will commence as triggered by a "Target Company" as defined by the ILA. In short, the planned subject infrastructure is specifically designed and sized to accommodate the proposed uses and densities requested with this rezoning.

   With regard to wastewater, this site is currently within the City of College Station's Wastewater Certificate of Convenience and Necessity (CCN). The ILA proposed this site's wastewater CCN be transferred to the City of Bryan. This transfer application has been formally submitted and is near adoption with the Texas Commission on Environmental Quality (TCEQ). Per the ILA, primary wastewater infrastructure is proposed to be constructed to serve the site. This significant infrastructure generally includes a lift station, 8- to 24-inch diameter gravity mains, and a 14-inch forcemain.

   With regard to transportation facilities, the primary east-west thoroughfare is planned as a four-lane Minor Arterial per the ILA. This thoroughfare is HSC Parkway (previously Melrose Parkway). HSC Parkway generally aligns with F&B Road to the east, and to the west it will align with the grade separation at SH 47, which is currently under construction.

   With regard to stormwater, there is no FEMA designated Special Flood Hazard Area currently identified within the site. There are natural drainage tributaries which generally drain southward. Storm drains systems will be constructed with the transportation facilities.

   With regard to water, this site is currently (and is proposed to remain) within the City of College Station's Water CCN. An 18-inch water main is the primary water infrastructure proposed generally along the HSC Parkway alignment.

REVIEW OF CONCEPT PLAN

Purpose & Intent Statement

The purpose of the BioCorridor Planned Development District is to provide a mixed-use zoning district that establishes a planned urban environment that promotes leading-edged international bio-technology.

Land Use

The BioCorridor Planned Development District Ordinance includes a Concept Map that identifies the appropriate areas for different types of land uses. The Concept Map is not intended to be parcel specific, but to be flexible in the district borders. Land use categories are broken down into three main districts:

- **BioCorridor Research and Development District (BC-R&D)** is a district dedicated to the research, design, development, and testing of new products and services involving uses that support the purpose of the BioCorridor Planned Development District. This district consists of research land uses, especially that of biotechnology, as well as a mix of uses that support such activities from retail, commercial, office, entertainment, and high-density residential.

- **BioCorridor Office and Research District (BC-O&R)** is a district that is dedicated to the research, design, development, testing, and preliminary production of new products and services that support the purpose of the BioCorridor Planned Development District. This district allows a limited mix of uses that support such activities as retail, commercial, and office uses.
- **BioCorridor Manufacturing (BC-M)** is a district dedicated to the research, development, testing, and production of new products and services that support the purpose of the BioCorridor Planned Development District. This district is specifically intended to become the national bio-manufacturing center and can accommodate larger manufacturing uses.

A fourth land use—Greenbelt—is also shown on the Map. This depicts the tributary of Whites Creek that traverses the property. Rather than being a separate land use district, the greenbelt is a recognized, natural amenity that has certain protections through the BioCorridor Planned Development Ordinance to reflect its functional and aesthetic values.

Base Zoning and Meritorious Modifications

The BioCorridor Planned Development District will not utilize an underlying zoning district. In keeping with the terms of the ILA, city staff from College Station and Bryan, with the assistance of a subcommittee of both cities' Planning and Zoning Commissions, have developed joint development standards and processes that are described in the BioCorridor Planned Development Ordinance. Property zoned BioCorridor Planned Development District will be exempt from most sections of the Unified Development Ordinance so that the joint process/standard shared with the City of Bryan will prevail.

The sections and notable tenets of the BioCorridor Planned Development Ordinance are as follows:

1. **Land Use**
   This section will identify the appropriate and prohibited land uses for the BioCorridor Planned Development District.

2. **BioCorridor District Map**
   The map conceptually locates the different land use districts.

3. **Definitions**
   This section defines the terms of the Ordinance.

4. **BioCorridor Board**
   The BioCorridor Board will be an advisory and a decision-making body for more subjective development issues in the BioCorridor Planned Development District. The Board is intended to facilitate development by being empowered to make many decisions that would otherwise have to be heard by the Design Review Board, the Planning and Zoning Commission, and/or City Council. Where development proposals cross City limit lines, the Board will be able to make many decisions that may otherwise have to be considered by the Commissions and Councils of both communities, and that would require compatible rulings.

   The Board will consist of seven members: one City Council member from each city, four Planning and Zoning Commissioners (two from each city), and one employee of Texas A&M University who will be appointed by its president. The Board will have the

responsibility of making recommendations to the Planning and Zoning Commission on waivers to the Subdivision Regulations. Because of the tenets of the LOCAL GOVERNMENT CODE, the Planning and Zoning Commission will still make the final decisions on subdivision waivers and most plats. The Board will also make recommendations to Staff on proposed place-making elements such as street signage and pavement markings. The Board will take final action on items such as appeals from some staff decisions and alternatives to buffer requirements.

5. **BioCorridor Review Committee**
   A BioCorridor Review Committee is being established to implement the BioCorridor Planned Development District Ordinance. The Committee is intended to facilitate development by being empowered to make many decisions that would otherwise have to be heard by the Design Review Board, the Zoning Board of Adjustment, and/or the Planning and Zoning Commission. Where development proposals cross City limit lines, the Committee will be able to make many decisions that may otherwise have to be considered by the Zoning Board of Adjustment or Commissions of both communities, and that would require compatible rulings.

   The core membership will consist of planning and engineering professionals from each city. Other city staff will serve on the Committee when their area of municipal expertise is required. The Committee will have the responsibility of administering and enforcing the BioCorridor Planned Development District Ordinance, including ensuring compliance with the BioCorridor Site Design Guidelines, Bryan/College Station Unified Design Guidelines, boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations. The BioCorridor Review Committee shall review and take action on many development processes such as preliminary plans, minor and amending plats, site plans, construction documents, and administrative adjustments. The Committee will also provide support and recommendations to the BioCorridor Board.

6. **General Approval Procedures**
   The general procedures for development, such as application processing, are described in this section.

7. **BioCorridor Development Processes**
   Specific development processes, such as that for site plan approval, are described in this section.

8. **Subdivision Design and Improvements**
   The Subdivision Design and Improvements section identifies all requirements for the subdivision of property, with the exception of the detailed requirements of parkland dedication. The requirements of parkland dedication found in the Unified Development Ordinance will remain in effect for development within the City of College Station. The City of Bryan's parkland dedication requirements will remain in effect for development within the City of Bryan.

9. **Site Standards**
   The Site Standards section begins with a discussion of the overall site design goals and objectives of how design in the BioCorridor Planned Development District should reflect visual quality and interest, how there should be accommodations for multi-modal forms of transportation, and that the built environment should work with the natural environment. Many of the requirements of the Site Standards are similar to those

already applicable in other zoning districts in College Station, but in an effort to accomplish the stated goals and objectives, there are some significant changes that are unique for the BioCorridor Planned Development District.

Sites are to be designed to create a relationship with the street. To this end, there are proposed setback requirements that bring buildings closer up to the street. Parking lots will be located behind buildings. One drive aisle with a single-loaded row of parking may be located between a building and the street to provide easy access for a site's visitors while maintaining that relationship between the street and the building.

To accommodate multi-modal transportation, all development will have to provide three elements from a menu of design features intended to promote ease of access, comfort, and safety. The menu includes options such as providing larger sidewalks and multi-use paths than are required, providing shade along sidewalks, reducing the number of driveway curb cuts to a site, and providing decorative bus shelters.

To keep visual clutter to a minimum and to not detract from natural amenities and other place-making elements, signage will be restrained. Site signage will be limited to those attached to buildings, directional signage interior to a site, and low profile signs along the rights-of-way.

The requirement for Common Areas is new for College Station. Currently, large developments have an option to provide a plaza-type space as part of the non-residential architectural requirements. The BioCorridor Planned Development District Ordinance proposes something similar, but with a greater focus on its functionality as a place-making element. Even in its densest land use proposal, the BioCorridor Master Plan organizes uses around green and open space. Common areas are encouraged through the guidelines developed by Jacobs Consultancy to help act as central organizing elements in the development, helping different land uses relate to one another and providing focal points and anchors for pedestrian activity. Through the Common Area requirements of the BioCorridor Planned Development Ordinance, each site is required to devote 2% of its site area to an open space amenity. Much like the requirements for multi-modal transportation, there are options to providing open space amenities. A couple of examples are the preservation of wetlands and the protection of significant tree stands from construction damage.

Landscaping and streetscaping are required. The preservation of existing trees is highly encouraged, but not required. Sites that do not participate in tree preservation efforts will be required to plant additional canopy trees.

Somewhat similar to the City of Bryan's SH 47 Corridor Overlay's requirement is a buffer to State Highway 47 and Raymond Stotzer Parkway. It will consist of a 50-ft. buffer yard and vegetation. Its purpose is to visually separate the highway system from the BioCorridor developments and to shield glares, noise, and other nuisances. There will also be a greenway buffer to protect the tributary of Whites Creek and the wetland that is under the jurisdiction of the US Army Corps of Engineers.

The Guiding Principals stated in the BioCorridor Master Plan reference sustainable and healthy growth. To this end, another proposal with this ordinance is to provide water quality benefits through drainage and stormwater management. There are numerous

options that may be incorporated into a site's plans such as the provision of pervious pavement, stream buffers, and rainwater collection systems and reuse.

10. **Building Design Standards**
While industrial zoning districts in College Station are not required to meet the City's Non-Residential Architectural Standards, most zoning districts—including those primarily for office, research and development, and commercial uses—are required to have a heightened aesthetic. No matter the use, developments within the BioCorridor are expected to reflect visual quality. The building design standards proposed for the BioCorridor Planned Development District are a set of guidelines, accompanied by visual exhibits, intended to promote quality growth while providing a large amount of flexibility. To promote the development of biotechnology and industry in the area, buildings in the BioCorridor Manufacturing district are encouraged to be designed according to the guidelines. Design according to the guidelines is required in all other districts in the BioCorridor.

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

1. **The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area:** In an effort to maximize the public investment in the area, the proposal has several elements that are intended to create a sense of place and preserve natural amenities, such as greenway buffers, multi-modal transportation systems, and buffers to the highways. There are also building design guidelines intended to promote thoughtful, quality design while encouraging creativity.

2. **The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section:** The subject property is designated as Business Park on the Comprehensive Plan's Future Land Use and Character Map and is located in the conceptual Presidential Corridor Gateway District identified for further planning. The Business Park designation is defined as one generally for areas that include office, research, or industrial uses, planned and developed as a unified project, and that need good access to arterial roadways. The Comprehensive Plan states that the focus of planning efforts for the Presidential Corridor Gateway should be accommodating business (research and development, office, and light industrial) that builds upon the assets in the area and protects and enhances this primary gateway into the City.

   The BioCorridor Planned Development District has a higher standard than the City's typical industrial zoning districts, and unique standards that set it apart from other commercial districts. The uses, standards, and processes that are proposed for the BioCorridor Planned Development District will provide land zoned for business park uses (such as research and development), will build upon the assets in the area (such as the greenway) , and will protect and enhance this gateway into the City (such as the installation of highway buffers). In addition, the ordinance is created to be flexible where possible in an effort to accommodate new and expanding business ventures.

3. **The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** There are no proposed developments for the subject property at this time. The BioCorridor Planned Development District Ordinance will allow for several land uses in the different districts and will accommodate various site and architectural designs. The only land use buffers that are proposed are intended to mitigate the impacts of the highways and to mitigate impacts on the greenway and areas under the jurisdiction of the US Army Corps of Engineers.

   One impact the development of this area will have on adjacent development is the eventual accessibility to infrastructure. At a point in the near future, upgrades will be made to Health Science Center Parkway and sewer service will be extended into the area. As development occurs, all area infrastructure will be expanded, increasing the value and marketability of neighboring properties.

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 a homeowners association:** No dwelling units are proposed at this time, but should they wish to be developed, they may only be so on the second floor and above in mixed-use buildings. The only land use district within the BioCorridor Planned Development District that will allow such mixed-use development (BC-R&D, BioCorridor-Research and Development), is oriented around Health Science Center Parkway**.**

5. **The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** Public infrastructure improvements are being planned and provided as set forth in the ILA, separate and apart from the BioCorridor Planned Development District rezoning process.

6. **The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

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:** The BioCorridor Planned Development District Ordinance promotes multimodal forms of transportation. The cities of College Station and Bryan are re-designing and reconstructing Health Science Center Parkway to facilitate future development in the area. Multi-modal accommodations are being made with the design.

RECOMMENDATIONS

The Bicycle, Pedestrian, and Greenways Advisory Committee considered the rezoning proposal and its associated development ordinance at their meeting on July 2, 2012. They recommend approval of the project as presented to them.

Staff recommends approval.

SUPPORTING MATERIAL

1. Proposed BioCorridor Planned Development District Ordinance
2. A copy of the BioCorridor Master Plan may be downloaded from http://onehealthplusbiocorridor.com/downloads/
3. A copy of the BioCorridor Design Guidelines as proposed by Jacobs Consultancy may be downloaded from http://gis.bryantx.gov/public/BioCorridor%20Information/

BioCorridor Planned Development District Ordinance

Unified Land Use, Project Review Processes and Development Standards

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BIOCORRIDOR PLANNED DEVELOPMENT DISTRICT ORDINANCE
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ARTICLE 1. LAND USE.

1.1 Purpose of BioCorridor Planned Development District Zoning Ordinance.

To provide a mixed-use zoning district that establishes a planned urban environment that promotes leading-edged international bio-technology. This Ordinance may sometimes be referred to as the "BioCorridor Ordinance" as same may, from time to time, be amended.

1.2 District Purpose Statements.

There shall be three Districts within the Planned Development District. The purpose of each District is as follows:

A. BioCorridor Research and Development District (BC-R&D) is a district dedicated to the research, design, development, and testing of new products and services involving uses that support the purpose of the BioCorridor Planned Development District. This district consists of research land uses, especially that of biotechnology, as well as a mix of uses that support such activities from retail, commercial, office, entertainment, and high-density residential.

B. BioCorridor Office and Research District (BC-O&R) is a district that is dedicated to the research, design, development, testing, and preliminary production of new products and services that support the purpose of the BioCorridor Planned Development District. This district allows a limited mix of uses that support such activities as retail, commercial, and office uses.

C. BioCorridor Manufacturing District (BC-M) is a district dedicated to the research, development, testing, and production of new products and services that support the purpose of the BioCorridor Planned Development District. This district is specifically intended to become the national bio-manufacturing center and can accommodate larger manufacturing uses.

D. Use Table.

Signified by an "A", the following uses are allowed in the designated Districts as follows:

	BioCorridor Zoning Districts		
	BC-R&D	**BC-O&R**	**BC-M**
Residential	A	-	-
Office	A	A	A
Medical services	A	A	-
Retail sales and service	A	A	-
Light research and development	A	A	A
Heavy research and development	-	A	A

Specific use examples include but are not limited to:

Residential
Multi-family on second story and above
Office
Call center
Business services
Contractor's office
Professional office
Medical Services
Medical and health facilities and uses
Medical offices
Laboratories and medical diagnostic facilities
Hospitals
Retail Sales and Services
Artist gallery or studio
Auditoriums
Banks
Broadcast studios
Convenience store
Computer sales and repair
Commercial laundry (dry cleaners – no onsite laundering)
Conference Center
Copying and reprographics service
Day care center
Health club / gymnasium / gymnastic school / exercise business
Museum (nonprofit)
Office equipment sales
Hotels / motels
Night club
Parcel delivery service
Restaurants
Light Research and Development
Assembly of products
Business incubator centers
Communication systems research and development
Computer systems research and development
Electronic repair and assembly
Research and development laboratories
Pharmaceutical manufacturing
Software development

Specific use examples include but are not limited to (cont.):

Heavy Research and Development
Incinerators (incidental to the primary use)
Manufacturing and technology support industries
Packaging
Printing and publishing, book binding
Wholesale distribution and catalog sales

E. Prohibited Uses.
The following uses are prohibited uses within the BioCorridor Planned Development District:

Adult Establishments
Appliance sales and repair
Automobile Services (includes all automobile-related uses such as but not limited to: sales, repair, body shops, service, fueling as automobile includes RV's, boats, motorcycles, jet ski's, etc.)
Bakery, wholesale and distribution
Boarding house
Bottling plant
Building materials sales
Cemeteries, crematoriums, mausoleums, columbaria, and memorial gardens
Ceramic products manufacturing
Churches or Religious Institutions
Coal and wood lots
Commercial dorms (private dorms)
Concrete plants
Contractor or building supply, retail (with or without outside storage)
Convenience stores with gasoline sales
Correctional facilities and jails
Detached single-family dwellings
Feed and grain sales and storage
Food packaging including packing shed
Foundries
Forging
Metal casting
Funeral homes
Furniture finishing and repair
Garden centers
Heavy equipment sales or repair
Ice kiosks
Junk, wrecking, scrap or salvage yards

Prohibited Uses. (cont.)

Kennels
Landfills
Manufactured home or office sales
Mini-storage
Movie theatres
Moving and storage service
Multi-family not part of a mixed-use development
Quarries or mining
Rendering plants
Retirement centers, nursing homes, or life-care centers
Seed processing and packaging
Sheet-metal fabrication
Single-family residential
Slaughtering and meat packing plants
Storage yards
Tattoo parlor
Any use which constitutes an unreasonable danger to the health and safety of the general public or which constitutes a public nuisance. This may include uses that are obnoxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substance or conditions.

1.3 Dimensional Standards.

The following table establishes dimensional standards that shall be applied within the BioCorridor:

	BioCorridor Zoning Districts		
	BC-R&D	**BC-O&R**	**BC-M**
Minimum Lot Area	20,000 SF	20,000 SF	20,000 SF
Minimum Lot Width	100'	100'	100'
Minimum Lot Depth	200'	200'	200'
Maximum Height	(A)	(A)	(A)
For properties with frontage on HSC Parkway (B)			
Minimum Setback to HSC Parkway ROW	15'	15'	25'
Maximum Setback to HSC Parkway ROW	75'	75'	75'
Minimum Side Setback	(C) (D)	(C) (D)	(C) (D)
Minimum Street Side Setback (not HSC Parkway ROW)	15'	15'	25'
Minimum Rear Setback	30'	15'	15'
For properties without frontage on HSC Parkway			
Minimum Setback to ROW or public way	15'	15'	25'
Maximum Setback to ROW or public way	100'	100'	100'
Minimum Side Setback	(C) (D)	(C) (D)	(C) (D)
Minimum Rear Setback	30'	15'	15'

Notes: **(A)** The maximum height is as determined by the Easterwood Airport Zoning Ordinance. Maximum height applies to the highest point of all structures, accessories, appurtenances, landscaping, etc., constructed or installed at time of development.

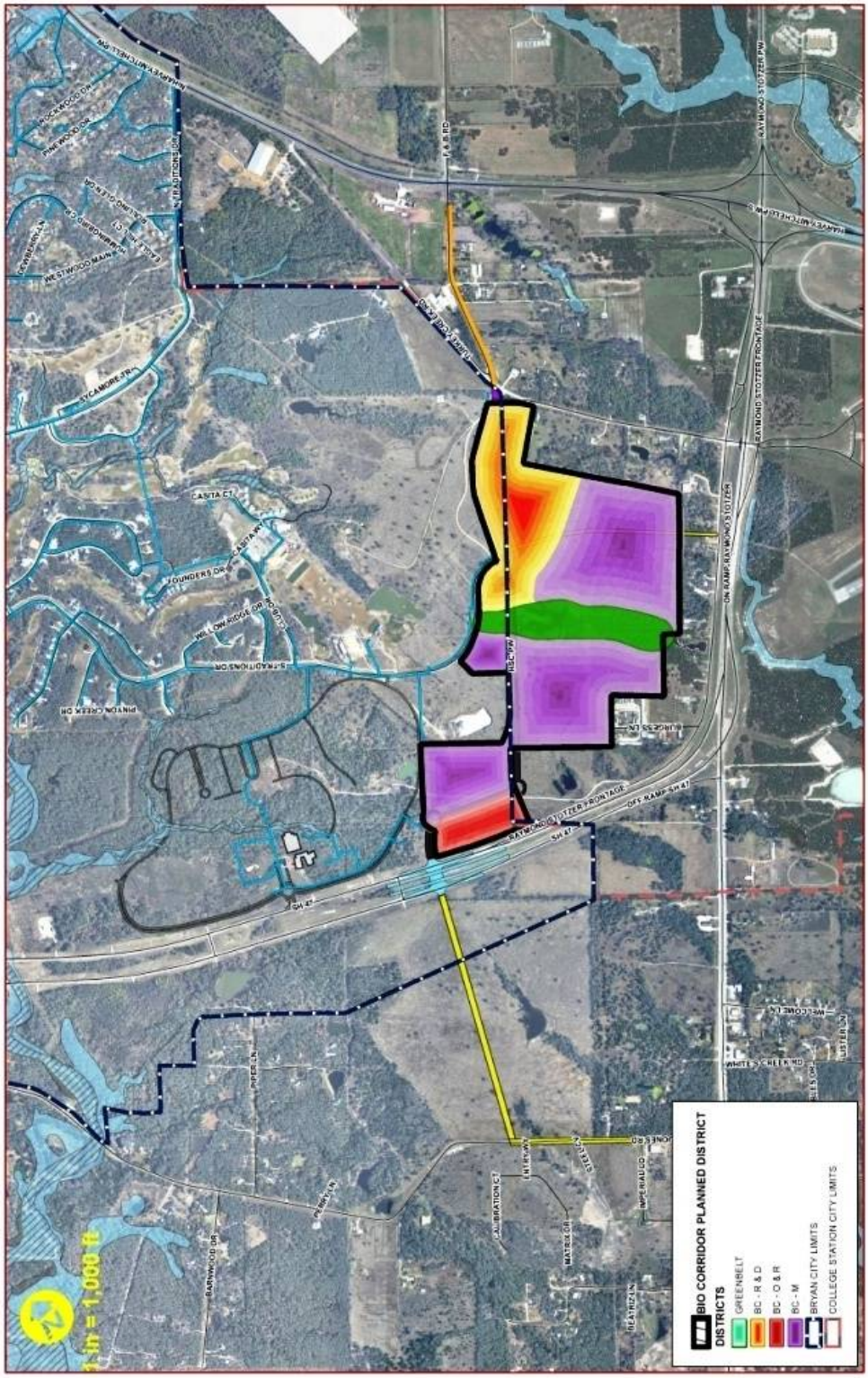
(B) The setbacks along Health Science Center Parkway shall always apply if the property has any frontage along Health Science Center Parkway.

(C) A minimum side setback of 7.5 feet shall be required for each building or group of contiguous buildings.

(D) 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 15 feet in width.

Article 2. BIOCORRIDOR DISTRICT MAP

The gradient colors are intended to illustrate that the exact boundary between two districts is fluid and will be determined once the land within each area is subdivided and the potential impact of each development on adjacent sites is fully examined.


BIO CORRIDOR PLANNED DISTRICT
DISTRICTS
GREENBELT
BC - R & D
BC - O & R
BC - M
BRYAN CITY LIMITS
COLLEGE STATION CITY LIMITS
1 in = 1,000 ft
N
RAYMOND STOTZER FRONTAGE
OFF RAMP TO I-47
ON RAMP TO I-47
RAYMOND STOTZER
SYCAMORE TRL
CASITA CT
FOUNDERS DR
WILLOW RIDGE DR
S. TRADITIONS DR
RIVER CREEK DR
FIRE STATION DR
FIRE STATION CT
MATRIX DR
IMPERIAL DR
PIPER LN
RAINWOOD DR
WHITE SCHEELER RD
WESTWOOD MANOR
WESTWOOD DR
WESTWOOD LN
CAMBRIA LN
PINEWOOD DR
HOCKENBERRY LN
HOCKENBERRY DR
HOCKENBERRY CIR
MAURICE DR
WESTWOOD MANOR LN
SYCAMORE TRL
CASITA CT
CASITA PKY
FOUNDERS DR
WILLOW RIDGE DR
S. TRADITIONS DR
RIVER CREEK DR
FIRE STATION DR
FIRE STATION CT
MATRIX DR
IMPERIAL DR
PIPER LN
RAINWOOD DR
WHITE SCHEELER RD
WESTWOOD MANOR
WESTWOOD DR
WESTWOOD LN
CAMBRIA LN
PINEWOOD DR
HOCKENBERRY LN
HOCKENBERRY DR
HOCKENBERRY CIR
MAURICE DR
WESTWOOD MANOR LN
RAYMOND STOTZER
RAYMOND STOTZER FRONTAGE
ON RAMP TO I-47
OFF RAMP TO I-47
RAYMOND STOTZER FRONTAGE
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ARTICLE 3. DEFINITIONS.

Access Way: An Access Way consists of a minimum fifteen-foot (15') wide public access easement or public right-of-way. A minimum five-foot (5') sidewalk shall be constructed in the center of the Access Way, except where the Access Way provides connection to a multi-use path, a minimum eight-foot (8') sidewalk shall be provided.

Adult Establishment: Land uses involved in providing entertainment or amusement to a person or persons, such a type of land use being an adult arcade, adult bookstore, adult cabaret, adult escort agency, adult massage establishment, adult motel, adult movie theater, adult novelty store, adult service establishment, adult video store, sex parlor, sexual encounter center nude modeling studio, or other adult entertainment uses. "Other adult entertainment use" also includes any other commercial enterprise, that has as a primary business purpose of offering of a service or the selling, renting or exhibiting of material, devices or any other items, intended to provide sexual stimulation or sexual gratification to its customers, and which material, devices or any other items is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity.

Alley: A minor public way which provides a secondary means of vehicular access to the abutting property otherwise served from a public street.

Appliance Sales and Repair: A land use primarily for the sale and repair of household goods and home equipment.

Area of Special Flood Hazard: The land adjacent to a clearly defined channel within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, A1—99, VO, V1—30, VE, or V.

Artist Gallery or Studio: 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.

Automobile Services: Any premises or structures when used for the sales, servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Excepted from this definition are residential premises where not more than two (2) motor vehicles belonging to the lawful residents thereof are involved in such activities at any one (1) time, and not in operating condition, or where not more than one (1) motor vehicle, whether or not in operating condition, and not belonging to the lawful residents thereof is involved in such activities for a period of more than one (1) week, and only one (1) motor vehicle may be serviced and/or repaired each month.

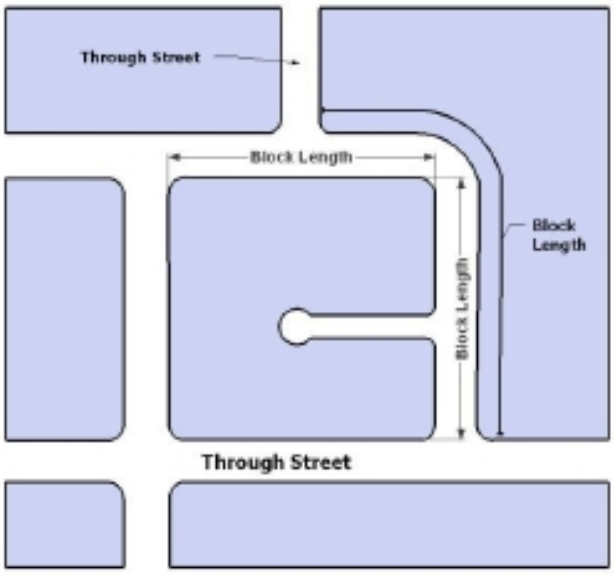
BioCorridor: When used alone, this refers to the area of land identified elsewhere in this Ordinance that is subject to its requirements.

BioCorridor Board: A board comprised of appointees from the City of Bryan, City of College Station and Texas A&M University, authorized to make decisions and recommendations on specific functions as set forth in this Ordinance.

BioCorridor Review Committee: A development review committee consisting of staff representatives from the City of Bryan and City of College Station charged with the implementation of the BioCorridor Ordinance as set forth in this Ordinance.

Block: A tract or parcel of designated as such on a duly recorded plat.

Block Length: A measurement of the linear distance of land along a Blockface that is bounded on both ends by public through streets or by a combination of a public through street, Public Way, railroad, or one hundred-year floodplain. Gated streets, private streets, cul-de-sac, alleys, private driveways, or Access Ways do not divide land into separate Blockfaces.



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.

Boarding House: A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three persons or more, but not exceeding 20 persons on a weekly or monthly basis.

Bottling Plant: A plant where beverages are put into bottles, either plastic or glass, with caps.

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 Official: The designated “Building Official” of the City, or his/her 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 is 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.

Caliper: The width of the trunk of a tree measured at twelve inches (12”) above grade.

Canopy Tree: See "Tree, Canopy."

Cemeteries, Crematoriums, Mausoleums, Columbaria, and Memorial Gardens: A property used for the interring of the dead.

Ceramic Products Manufacturing: Use of various ovens for hardening, burning, or drying of substances such as grain, meal, or clay, especially brick-lined oven used to bake or fire ceramics.

City: Unless otherwise specified, the municipal corporation in which the land is located.

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.

Coal and Wood Lots: An area restricted to the growing of forest trees or storage of coal, especially for building material or fuel.

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.

Concrete Plant (permanent): A permanent manufacturing facility for the production of concrete or asphalt.

Contractor or Building Supply, Retail (with or without outside storage): A store where builders can purchase materials for building houses and related structures.

Contractor Offices (except job sites): A place in which business, clerical, or professional activities related to contract work are conducted.

Convenience Stores with Gasoline Sales or Automobile Service Station: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of beverages, food, alcohol, or convenience items such as over-the-counter medicine, toiletries, and household supplies, or of automobile fuels, lubricants, and automobile accessories, including those operations listed under minor automobile repair.

Corner Lot: A lot abutting upon two (2) or more streets at their intersections.

Correctional Facilities and Jails: A place of confinement for the punishment and rehabilitation of criminals.

Cul-de-Sac: A street having but one (1) outlet to another street and terminating on the other end in a vehicular turnaround.

Day Care Center: Any facility or premises where a total of seven (7) or more children under sixteen (16) years of age, and/or elderly adults, regularly attend for purposes of custody, care, or instruction; and which children or elderly adults are not members of the immediate nuclear family of any natural person actually operating the facility or premises.

Density: The number of dwelling units per net 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.

District: When used alone, the term refers to the geographical sections within this Planned Development District for which different kinds of uses and other requirements apply pursuant to this Ordinance.

Drainage Area: That area, measured in a horizontal plane, which contributes stormwater flows by gravity flow along natural or man-made pathways to a single designated point along a pathway.

Drainage Easement: An interest in land granted to others for creation, repair, or maintenance of a drainage facility.

Drainage Facility: Any element necessary to convey stormwater flows from initial contact with earth to its disposition through a watercourse; said drainage facilities may consist of both public and private storm sewers (closed conduits), streets, improved channels constructed in conformity with the adopted *Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details*, unimproved drainageways left in their natural condition, areas covered by drainage easements for the purpose of providing concentrated or overland sheet flow, and all appurtenances to the foregoing, including inlets, manholes, junction boxes, headwalls, energy dissipaters, culverts, etc.

Easement: A right of use over property which the underlying fee is owned by another.

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.

Façade: The exterior face of a building.

Façade Work: The removal, repair, 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 one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by (1) blood, (2) adoption, (3) guardianship, (4) marriage, or (5) are part of a group home for disabled persons, no such family shall contain more than four (4) persons.

Feed and Grain Sales and Storage: A building used for the display and sale of livestock feed and affiliated equipment, and material and equipment used primarily for farming.

Filed: The point at which an application has been determined to be complete and all required fees have been paid.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

Food packaging including packing shed: The wrapping or boxing of any product in which a product is for sale that is a nourishing substance that is eaten, drunk, or otherwise taken into the body to sustain life, provide energy, promote growth, etc., for human or animal development.

Foundries: An establishment where founding is carried on in the act, process, or art of casting metals.

Forging: To form by heating and hammering or to form by a mechanical or hydraulic press with or without heat

Funeral Homes: An establishment where the deceased are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

Furniture finishing and repair: An establishment providing repair services for either indoor or outdoor furniture. Furniture finishing includes, but not limited to: varnish, penetrating resin, shellac, lacquer, wax, and oil.

Garden Centers: A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses as secondary uses, import most of the items sold, and may include plants, nursery stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other such garden and farm variety tools.

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.

Groundcover: A spreading plant including sods and grasses less than eighteen inches (18") in height.

Health 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: 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.

Heavy Equipment Sales or Repair: The sale or repair of heavy duty vehicles like earth movers, road pavers, asphalt makers and steam rollers, and other construction type equipment.

Height: The vertical distance from the established grade at the center of the front of the structure to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.

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; 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.

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.

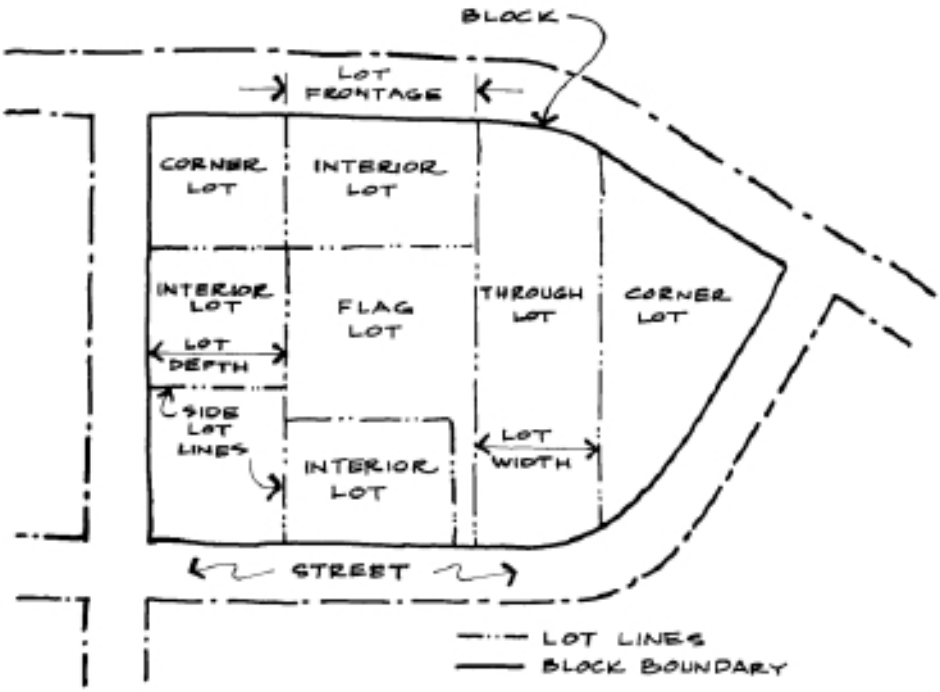
Ice Kiosks: A small, freestanding, one-story structure used for commercial purposes to sell ice.

Incinerators: An enclosed chamber in which heat is produced to destroy refuse

Junk, Wrecking, Scrap or Salvage yards: An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Material shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard shall be considered a junkyard

Kennels: An establishment with indoor and/or outdoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Landfills: A disposal site where solid waste, such as paper, glass, and metal, is buried between layers of dirt and other materials in such a way as to reduce contamination of the surrounding land.



Lot: The physical and undivided tract or parcel of land as shown on a duly recorded plat. The following represent the various platted lot types:

(1) Corner Lot: A lot located at the intersection of and abutting upon two (2) or more streets.

(2) Double Frontage or Through Lot: A lot, other than a corner lot, which has frontage on more than one (1) street.

(3) Flag Lot: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

(4) Interior Lot: A lot other than a corner lot.

Lot Area: The horizontal land area within lot lines, excluding any wetlands and/or drainage easements.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to all areas covered by buildings, parking structures, driveways - gravel or paved, roads, and sidewalks.

Lot Width: The measurement 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.

Manufactured Home or Office Sales: The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Medical Clinic: See "Clinic."

Metal Casting: A manufacturing process by which a liquid material is poured into a mold, which contains a hollow cavity of the desired shape, and then allowed to solidify.

Minimum Lot Width: Lot Width at the front setback line.

Mini-storage: A structure containing separate, individual, and private storage spaces or varying sizes.

Moving and Storage Service: A building used primarily for the storage of goods and materials.

Multi-Family Dwelling: A residential structure providing complete, independent living facilities for three (3) or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Condominiums are included in this definition.

Non-Canopy Tree: See "Tree, Non-Canopy."

Nursing Home: A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

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. Office includes firms and activities in an office setting focusing on business, administrative, corporate, government and quasi-public agencies, educational, professional, medical, financial services, and similar offices where the primary focus of the office is not open to the general public or pedestrian traffic in contrast to retail, commercial, or shopping uses.

Medical Services: Includes firms and activities such as medical centers, counseling centers, clinics, laboratories, hospitals, and other allied health services.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material or merchandise in the same place for more than twenty-four (24) hours and not actively being sold.

Outdoor Display: The placement of goods for active sale outside the building.

Pad Site: The portion of a building plot that is located on the periphery of the site and has at least seventy-five feet (75') of frontage on a public street classified as a collector or greater on the City's Thoroughfare Plan. A pad site contains a stand alone, single or

multiple tenant structure and meets all site plan requirements within the pad site area. The total area of all pad sites within a defined building plot may not be more than one-third (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, Peripheral: Parking rows which abut the periphery or property lines associated with the proposed project site.

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 Ordinance as to size, location, and configuration.

Permitted Use: A use specifically allowed in one (1) or more of the various Districts created in this Ordinance.

Person: Every natural person, firm, partnership, joint venture, association, corporation, or other group which conducts activities regulated hereunder as a single entity, whether same be a legal entity or not, venture, or trust.

Pharmaceutical Manufacturing: The process of industrial–scale synthesis of pharmaceutical drugs.

Plan, Preliminary: A conceptual plan of a subdivision intended for planning purposes showing the general 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 Ordinance but not intended for final action in recordable form filed with the applicable county records.

Planning and Zoning Commission: The Planning and Zoning Commission appointed by the City Council in which the land is located.

Plat: A map of a subdivision intended to be filed for record with the applicable county records showing the exact location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., drawn to scale; includes a final plat, replat, amending plat, minor plat, development plat, and vacating plat meeting the requirements of this Ordinance.

Plat, Minor: As defined by SECTION 212.0065 OF THE TEXAS LOCAL GOVERNMENT CODE, which currently is a subdivision of land 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.

Public Way: A Public Way provides circulation and through movement similar to a public street but is a privately maintained drive, constructed to certain standards, with unrestricted public access designated as a public access easement. The drive shall be designed to the geometric design, construction standards, and driveway spacing of a Commercial Street according to the *Bryan/College Station Unified Design Guidelines* with the following modifications. A Public Way shall have a minimum pavement structure constructed to the City's fire lane standards, a minimum drive width of twenty-four feet (24') back-to-back of curb when no parking is provided, and a minimum horizontal curve radius of two hundred feet (200'). No head-in parking is permitted but parallel parking is allowed if the drive is widened an additional ten feet (10') for each row of parallel parking provided. Parking on the drive may count toward the minimum off-street parking requirements. Five-foot sidewalks shall be provided on each side of the drive and placed a minimum three feet (3') from the back of curb. The public access easement shall be a minimum of forty feet (40') in width to incorporate the entire width of the pavement section and sidewalks on each side.

Quarries or Mining: An open excavation or pit from which stone is obtained by digging, cutting, or blasting; or the process or business of extracting ore or minerals from the ground.

Redevelopment: The revision or replacement of an existing land use or existing site according to a comprehensive plan.

Rendering Plants: A plant that converts packing-house waste, kitchen grease, and livestock carcasses into industrial fats and oils and various other products.

Research and Development Laboratory: An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include technology, biotechnology, engineering, and product development.

Residential: A land use used or designated in whole or in part as a place for people to live. The term includes the multi-family portion of a mixed-use development.

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.

Retail Sales: Establishments engaged in selling goods, merchandise or personal services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Seed Processing and Packaging: A series of operations performed in the making or treatment of a seed and the wrapping or boxing of the seeds in which the product is for sale.

Setback Line: A line which marks the minimum distance a structure must be located from the property line of the tract on which it is located, and establishes the minimum required front, side, or rear yard space of a building plot.

Shrub: A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

Sheet Metal Fabrication: The manufacturing from standardized parts of a distinct object differing from the individual components.

Single-Family: A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

Sign: Any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character which is used for the communication of commercial information, or communication of ideas or subjects of political significance, and about which the following definitions apply:

(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) **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. If the sole significant purpose of the building or part thereof, is to support or constitute the sign, the sign shall not be an “attached” sign.

(3) **Campus Wayfinding Sign:** A sign utilized as a traffic-control device in off-street or access areas whose primary purpose is to direct traffic within the planned development district, that may include the names of tenants or businesses, but does not contain any additional commercial logo, graphics, or information.

(4) **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.

(5) **Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

(6) **Development Sign:** A sign announcing a proposed building project prior to completion of such project.

(7) **Flag:** A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).

(8) **Low Profile Freestanding Sign:** A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign.

(9) **Non-Commercial Sign:** A work of art or message which is political but which does not fall within the definition of “Political Sign” herein, 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.

(10) **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 located.

(11) **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 located.

(12) **Political Sign:** Any sign which promotes a candidate for any public office or which advocates a position on any social or political issue as its primary purpose, has an effective area smaller than 36 square feet, is not more than 8 feet high, is not illuminated, has no moving elements, and is located on private property with the consent of the owner. Political signs are a type of non-commercial signs for the purposes of this Ordinance except where there are regulations pertaining to their removal after an election.

(13) **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.

(14) **Real Estate, Finance, and Construction Sign:** An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease, or for advertising the furnishing of interim or permanent financing for a project, or for the furnishing of labor, materials or the practice of crafts on the job site.

(15) **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 feet (6') 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.

Site Development: Any excavation, landfill or land disturbance, including new construction, reconstruction, relocation, or change of use.

Site Plan: A site development plan showing the use of the land including locations of buildings, drives, sidewalks, parking areas, drainage facilities, and other structures to be constructed, and any other details required by this Ordinance.

Slaughtering and Meat Packing Plants: A place where animals are butchered; an abattoir; a butchery; and the further packaging for the sale of the butchering.

Start of Construction: The date the building permit was issued for the beginning of construction, including new construction, reconstruction, and substantial repairs and improvements, provided the actual start of construction, repair, reconstruction, placement, or other improvement is 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.

Storage Yards: The outdoor storage of various materials and/or equipment as the primary use of the site. Includes contractor's storage yards, equipment storage yards, etc.

Stormwater Management: All City 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.

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.

Structure: Anything constructed, built, or erected.

Structure, Principal: The principal structure which fulfills the primary purpose for which the building plot is intended.

Subdivision: The division of a lot, tract, or parcel of land into two (2) or more parts, lots, or sites. This also includes the resubdivision of land or lots which are a part of a previously recorded subdivision. Divisions of land for agricultural purposes, where no building construction is involved, in parcels of five (5) acres or more, shall not be included within this definition, unless such subdivision of five (5) acres or more includes the planning or development of a new street or access easement.

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.

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.

Tattoo Parlor: The workshop of a tattoo artist, and/or a facility where the piercing of body parts, other than ears, is performed for purposes of allowing the insertion of jewelry.

Tree, Canopy: An overstory tree that exhibits a layer or multiple layers of branches and foliage at its top or crown and extending a distance outward from its trunk or trunks. This tree's overall appearance is dominated by its tall stature (often over eighty (80) feet), its broad canopy, and the shade that it produces.

Tree, Non-Canopy: A tree that may reach canopy tree height, but does not have the same dominance of canopy as the canopy tree, OR an understory tree that does not reach canopy tree height, but does exhibit a similar dominance of canopy size and structure.

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.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum if specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow of flood water.

Wholesale Distribution: A place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: Open spaces on the lot or building plot on which a building is situated and which are open and unobstructed to the sky by any structure. The following types of yards are defined below:

(1) **Front Yard.** A yard facing and abutting a street and extending across the front of a lot or building plot between the side property lines and having a minimum horizontal depth measured from the front property line to a depth of the front setback specified for the District in which the lot is located.

(2) **Rear Yard.** A yard extending across the rear of the lot or building plot between the side property lines and having a minimum depth measured from the rear property line as specified for the District in which the building plot is located.

(3) **Side Yard.** A yard located on a lot or building plot extending from the required rear yard to the required front yard having a minimum width measured from the side property line as specified for the District in which the building plot is located.

ARTICLE 4. BIOCORRIDOR BOARD

4.1 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.

4.2 Membership and Terms.

A. Number, Appointment.

A BioCorridor Board is hereby created to consist of seven (7) members as follows:

1. 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.
2. 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.
3. Appointment of one (1) member shall be made by the President of Texas A&M University or his designee. This appointment shall be an employee of Texas A&M University in College Station.

B. Terms.

1. Terms of members of the BioCorridor Board shall be for two (2) years or until their successors are appointed.
2. Should a BioCorridor Board member no longer qualify for his or her position, that member's term shall be ended immediately upon such qualifying event. For example, if an appointed Planning and Zoning Commissioner is no longer a Commissioner for the City.

C. Vacancies.

Vacancies shall be filled by the governing entity/person responsible for the appointment.

4.3 Officers, Meetings, Quorum.

A. Officers.

A Chairperson and a Vice-Chairperson shall be selected every two 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.

B. 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.

C. 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.

D. Rules of Proceeding.

The BioCorridor Board may adopt its own rules of procedure consistent with this Ordinance.

E. 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.

4.4 Powers and Duties.

The BioCorridor Board shall have the following powers and duties:

A. Recommendations.

1. 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.
2. The BioCorridor Board shall review and make recommendations to the City's Planning and Zoning Commission regarding Waivers of the standards in the Subdivision Design and Improvements article of the BioCorridor Planned Development District ordinance.

B. Final Action.

The BioCorridor Board shall hear and take final action on the following:

1. Special District Identification Signs as set forth in the BioCorridor Planned Development District ordinance;
2. Temporary signs promoting positive communications as set forth in the BioCorridor Planned Development District ordinance;
3. Works of art and their locations when located in public right-of-way or other public area as set forth in the BioCorridor Planned Development District ordinance;
4. Appeal of the BioCorridor Review Committee's determination regarding applicability of plat requirements;
5. Appeal of the BioCorridor Review Committee's denial of a site plan as set forth in the Site Plan Review section of the BioCorridor Planned Development District ordinance;
6. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements section of the BioCorridor Planned Development District ordinance;
7. Appeal of the BioCorridor Review Committee's denial of an alternative parking plan;
8. Alternative Highway Buffers Standards as allowed in the BioCorridor Planned Development District ordinance; and
9. Appeal of the terms of the Highway Buffer Standards as set forth in the BioCorridor Planned Development District ordinance.

4.5 Staff.

The City of College Station and the City of Bryan shall provide staff support, as needed, to the BioCorridor Board.

A. BioCorridor Review Committee.

The BioCorridor Review Committee will provide background information and recommendations to the Board as set forth in the BioCorridor Planned Development District ordinance.

B. 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.

C. Planning Representative.

Where ministerial acts have not been completed, the City's planning representative shall ensure that the changes to plats and/or plans are completed as approved by the BioCorridor Board.

ARTICLE 5. BIOCORRIDOR REVIEW COMMITTEE

5.1 Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing 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 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.

5.2 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.

A. Core members.

1. The City Manager of each municipality shall designate two city employees from his/her municipality. One employee shall be a planner and one an engineer or engineer in training familiar with development review procedures.
2. The BioCorridor Review Committee's main point of contact for a development project proposal shall be the planner of the Committee from the city in which the majority of the project is located.

B. 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:

1. A representative from College Station Utilities or Bryan Texas Utilities;
2. A representative from the Fire Marshall's office;
3. A representative from the Sanitation department; or
4. The City's transportation planner or transportation engineer.

Ad hoc members shall be designated by their respective City Manager.

5.3 Powers and Duties.

The BioCorridor Review Committee shall have the following powers and duties:

A. Administration and Enforcement.

The BioCorridor Review Committee shall carry out their duties as set forth in the BioCorridor Planned Development District ordinance, including ensuring compliance with the *BioCorridor Site Design Guidelines*, *Bryan/College Station Unified Design Guidelines*, boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations.

The BioCorridor Review Committee shall review and take action on the following as set forth in the BioCorridor Planned Development District ordinance:

1. Minor and amending plats;
2. Site plans;
3. Construction documents;
4. Structure plans as they relate to exterior aesthetic design standards (not Building Code review);
5. Sign permits;
6. Development permits;
7. Administrative adjustments;
8. Alternative parking plans;

9. Driveway applications;

10. Determination of building plot; and

11. Determination of plat applicability.

B. 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 is located shall make the final determination.

ARTICLE 6. GENERAL APPROVAL PROCEDURES.

6.1 Conformity with this Ordinance and Applicable Ordinances of the City.

The provisions of this Ordinance shall apply to and be binding on any and all persons, firms, or corporations who singly or jointly seek to develop, redevelop, or otherwise change existing land within the geographical area of the City of College Station or City of Bryan as set forth in this Ordinance. Where the project spans portions of both cities, the city in which the majority of the project is located shall determine which city's regulations shall apply. Compliance includes the dedication and construction of identified infrastructure, right-of-way, or improvement of specified facilities including but not limited to sidewalks, bikeways, thoroughfares, etc.

The requirements and standards of this Ordinance are in lieu of, and not in addition to, those identified in The City of College Station Unified Development Ordinance Article 3 Development Review Procedures, Article 6 Specific Use Standards, Article 7 General Development Standards, and Article 8 Subdivision Design and Improvements except for the Requirements for Parkland Dedication section of that article. All other codes and ordinances of the City shall apply.

The requirements and standards of this Ordinance are in lieu of, and not in addition to, those identified in The Bryan Code of Ordinances, Chapter 62 except for Compliance and Enforcement, Chapter 130 except for Preserving Rights in Pending Litigation and Violations Under other Existing Ordinance and Penalty for Violations and Chapter 110 except for the requirements for Parkland Dedication and Enforcement. All other codes and ordinances of the City shall apply.

6.2 Pre-Application Conference.

Prior to the submission of an application required by this Ordinance, a pre-application conference with the BioCorridor Review Committee is highly recommended. Pre-application conferences are for the purpose of meeting the staff members that will be working with the landowner and landowner agents to ensure a smooth and predictable development process and to discuss, in general, procedures, standards, or regulations relating to development. The pre-application conference is not considered an application for a "permit".

6.3 Application Forms and Fees.

The following regulations shall apply to all applications:

A. Forms.

Applications required under this Ordinance shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City in which the application is being made, including any checklists for submittals. The BioCorridor Review Committee shall have the authority to request any other pertinent information required to ensure compliance with this Ordinance.

B. Electronic Submission Required.

All preliminary plans, plats, and site plans shall be prepared and submitted upon request in an electronic form acceptable to the BioCorridor Review Committee and compatible with the City's Geographic Information System (GIS).

C. Fees.

1. Filing fees shall be established from time to time by the City Councils for the purpose of defraying the actual cost of processing the application.
2. Depending upon the ruling jurisdiction, all required fees shall be made payable to "The City of College Station" or to "The City of Bryan", as appropriate.

3. An applicant who has paid the appropriate fee pursuant to submission of a complete application, but who chooses to withdraw such application prior to any notification, review, or action taken other than a determination of completeness by the City, shall be entitled to a refund of fifty percent (50%) of the total amount paid upon written request to the City.

4. Waiver or reduction of any plat application fee is determined on a case-by-case basis by the BioCorridor Review Committee when the Committee is requesting a change to an approved plat due to unforeseen technical deficiencies.

6.4 Application Submission.

All applications shall be completed and submitted to the planning representative of the City in which the land is located. An application shall not be considered officially submitted until it has been determined to be complete in accordance with the following paragraph.

6.5 Application Completeness.

An application shall be considered submitted only after the City's planning representative has determined it is complete as set forth herein. This includes determining whether the proper form has been used, whether all requisite information has been provided, and if the applicable fee has been submitted. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this Ordinance nor precludes that additional information and/or documents may still be required as identified during 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. Unless state law provides otherwise, an application of any kind under this Ordinance expires and application fee forfeited after the forty-fifth (45th) day after the application is deemed incomplete if:

A. The applicant fails to provide documents or other information necessary to the technical requirements of this Ordinance as to form and content of the submittal;

B. The City's planning representative notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, unless state law provides otherwise, noting the date the application will expire if same is not provided; and

C. 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.

6.6 Required Public Notice.

A. Summary of Notice Required.

Notice shall be required for development review as shown in the following table.

Application Type	Published	Mailed	Agenda Posted
Subdivision - Replats*	X*	X*	X
Variances – ZBA	X	X	X

* Only when required per the Local Government Code.

B. Specific Notice Requirements.

1. Published Notice.

A Public Hearing Notice shall be placed by the planning representative of the City in which the project will be located at least once in the official newspaper of the City before the 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.

2. Mailed Notice.

A notice of public hearing shall be sent to owners of record of real property, as indicated by the most recently-approved municipal tax roll, within 200 feet of the parcel under consideration, by the City in which the project will be located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in U.S. mail before the 15th day before the date of the hearing.

3. Content of Notice.

A published or mailed notice shall provide at least the following specific information:

a. The general location of land that is the subject of the application;

b. The substance of the application, including the magnitude of proposed development and the current zoning district;

c. The time, date, and location of the public hearing; and

d. A phone number to contact the City.

C. Required Public Hearings.

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Application Type	Zoning Board of Adjustment	Planning and Zoning Commission
Subdivision*		X
Variances – ZBA	X	

* Only when required per the Local Government Code.

6.7 Simultaneous Processing of Applications.

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals may, at the option of the BioCorridor Review Committee, be processed simultaneously, so long as the approval procedures for each individual application can be completed pursuant to the requirements of this Ordinance and other applicable laws. Such processing shall occur at the applicant's own risk.

6.8 Expiration of Applications, Permits, and Projects.

A. 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 BioCorridor Review Committee to the applicant, if the applicant has not taken action by providing written response comments and revised documents to the BioCorridor Review Committee that seek to address the review comments.

B. Expiration of Approved Permits.

Unless otherwise specified by this Ordinance, any individual permit, authorization, or approval required in this Ordinance expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this Ordinance, 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.

C. Expiration of Projects.

1. For projects requiring more than one 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 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 Ordinance. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE.
2. 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 in regards to the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

6.9 Appeals from Development Exaction Requirements.

A. 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 municipalities' roadways and other public infrastructure.

B. Applicability.

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or pay fees or to construct or pay for public improvements as required by this Ordinance, the *Bryan/College Station Unified Design Guidelines*, or any other applicable rules or regulations when the applicant believes that same is not roughly proportionate to the proposed development as determined by an engineer licensed to practice in the state of Texas.

C. Petition Requirements.

1. Form of Petition.

The petition for relief from a dedication, fee, construction cost, or construction requirement shall explain in detail how the application of the applicable dedication, fee, construction cost, or construction requirement is not roughly proportional to the proposed development. This should include an explanation of the nature and extent of the impacts created by the proposed development on one or both cities' water, wastewater, storm drainage, parks, roadway system, or other public infrastructure.

2. Required Supporting Documentation.

In addition to the above, the applicant shall provide information in support of the petition for relief that includes the following:

a. Total capacity of the municipal 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;

b. Total capacity to be supplied to the municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure by the proposed dedication of an interest in land, payment of fees, cost of construction, or actual construction of public infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications, payment of fees, construction costs, or construction of public infrastructure, as well as projected capacity;

c. Comparison of the capacity of the 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, payment of fees or construction costs, or construction of public infrastructure. In making this comparison, the impacts on the public infrastructure system(s) from the entire development shall be considered;

d. The effect of any municipal participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;

e. Any and all other information that alleges the dedication, fees, construction costs, or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;

f. 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

g. Only costs directly related to the dedication, fees, construction costs, or construction requirements should be included in the analysis.

h. The monetary value of any incentives offered for the development of the project should be included in the analysis as offsetting any required dedication, fee, construction cost, or construction.

3. Time for Filing Petition and Supporting Documentation.

A petition for relief from a dedication, fee, construction cost, or construction requirement shall be filed with the City Engineer of the City in which the project is located within fourteen (14) calendar days following the City's Planning and Zoning Commission's, BioCorridor Board's, or BioCorridor Review Committee's decision to approve, conditionally approve, or deny an application, as the case may be. The information in support of the petition as set forth above shall be filed with the City's City Engineer within sixty (60) calendar days following the decision upon which the appeal is based, unless the applicant (petitioner for relief) seeks an extension in writing. The City's City 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. Processing of Petitions and Decision.

1. Responsible Official.

The City's City Engineer shall be the responsible official for reviewing a petition for relief from a dedication, payment of fee, cost of construction, or construction requirement.

2. Evaluation & Recommendation.

a. The City's City Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the City's Planning and Zoning Commission for their consideration.

b. In evaluating the petition and documentation, the City's City Engineer shall 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 for similar developments on the municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure. The City's City Eningeer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.

c. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City of College Station and/or City of Bryan may participate in the costs of public infrastructure, credit or offset 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, fee, construction cost, or construction requirement.

3. Planning and Zoning Commission Decision.

The City's Planning and Zoning Commission shall consider the petition for relief from a dedication, fee, construction cost, or construction requirement as set forth herein.

4. Public Hearing.

The City's Planning and Zoning Commission shall conduct a public hearing within thirty (30) calendar days after the final documentation supporting the petition is due by the applicant with the City's City Engineer.

5. Burden of Proof.

The applicant bears the burden of proof to demonstrate that the application of a dedication, fee, construction cost, or construction requirement imposes a disproportionate burden on the applicant.

6. Decision.

The City's Planning and Zoning Commission shall consider the petition for relief from a dedication, fee, construction cost, or construction requirement based upon the following criteria:

a. The City's 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 municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure, and whether the application of the standard or condition reasonably fits the development.

b. In making such determination, the City's Planning and Zoning Commission shall consider the documentation submitted by the applicant and the report and recommendation of the City's City Engineer.

7. Action.

Based on the decision criteria stated above, the City's Planning and Zoning Commission may take one or more of the following actions:

a. Deny the petition for relief in whole or in part, upon finding that the proposed dedication, fee, construction cost, or construction requirements are inadequate to offset the impacts of the development on municipal water, wastewater, storm drainage, parks, roadway system or other public infrastructure; or

b. Grant the petition for relief in whole or in part, and waive all or a portion of any dedication, fee, construction cost, or construction requirement to the extent necessary to achieve proportionality, including consideration of alternative designs for the public infrastructure systems or improvements.

8. Notification of Decision on Petition.

The applicant shall be notified of the decision on the petition for relief by the City's City Engineer within fourteen (14) calendar days following the City's Planning and Zoning Commission's decision.

E. Appeal of the Decision on a Petition for Relief.

1. The applicant may appeal the decision of the City's Planning and Zoning Commission to City Council within fourteen (14) calendar days following the date of notification of the City's Planning and Zoning Commission's decision by the City's City Engineer.

2. A letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.

3. The City Council shall hold a hearing and consider a properly-submitted appeal within thirty (30) days after such hearing. The City Council may affirm, modify or reverse the decision of the City's Planning and Zoning Commission by simple majority vote. The decision of the City Council is final.

F. Expiration or Failure to File Application.

Where an application was denied based upon the imposition of the standard requiring dedication of land, payment of fee, construction cost, or construction of a required public infrastructure and the City's 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, including modification of one or more requirements, 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-day (60-day) period, the relief granted by the City's Planning and Zoning Commission or City Council, as applicable, shall expire.

G. Effect of Relief.

1. The City's City Engineer may require the applicant to re-submit an application or supporting materials that are consistent with the relief granted.

2. The relief granted shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

6.10 Figures and Flow Charts.

The figures and flow charts provided in this Ordinance are intended to be graphical representations of procedures or standards set forth in this Ordinance to assist in understanding the requirements of this Ordinance and are not intended to be requirements themselves.

ARTICLE 7. BIOCORRIDOR DEVELOPMENT PROCESSES.

7.1 Plat Review.

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

A. Applicability.

1. Subdivision Plat Required.

a. Subdivision of property wholly or partially within the area zoned BioCorridor Planned Development District as shown on the BioCorridor District Map set forth in this Ordinance 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, except as otherwise set forth in this Ordinance. 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 subject to this Ordinance. 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 BioCorridor Review Committee, or the City's Planning and Zoning Commission, as applicable; and provided further, that it conforms to all requirements of this Ordinance and the City's Comprehensive Plan.

3) Minor Plats and Amending Plats.

A Preliminary Plan shall not be required prior to the application of a Minor Plat or Amending Plat. Pursuant to the Delegation of Approval Responsibility Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE, the City Councils of the City of College Station and City of Bryan delegate to their respective employees, the ability to approve the following plats in accordance with the procedure set forth herein:

a) Amending Plats described in the Amending Plat Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE;

b) Minor Plats or Replats involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; and

c) A Replat under Section 212.0145 Replatting without Vacating Preceding Plat: Certain Subdivisions, Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE, and that does not require the creation of any new street or the extension of municipal facilities.

4) Vacating Plats.

A Vacating Plat shall adhere to the requirements of Vacating Plat Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE, as amended. Vacating plats shall 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 where each part has access and no public improvement is being dedicated;

2) Division of property that results from a governmental entity's land acquisition for public facilities such as expansion of street right-of-way;

3) A division of land performed by a political subdivision of the state, as defined in Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE. Such entities that choose to plat voluntarily shall comply with all of the applicable requirements; or

4) A division of land created by order of a court of competent jurisdiction.

B. Determination of Plat Applicability.

Upon written application and in compliance with the TEXAS LOCAL GOVERNMENT CODE, Section 212.0115 as amended, the BioCorridor Review Committee shall make the following determinations regarding the tract of land identified in the request:

1. Whether a plat is required under this Ordinance 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 City's Planning and Zoning Commission or BioCorridor Review Committee, as applicable.

The BioCorridor Review Committee may require additional information and documents be provided by the applicant in order to make the requested determination. A decision made by the BioCorridor Review Committee regarding this matter shall be appealable to the City's Planning and Zoning Commission.

C. Application Requirements.

1. A complete application for review shall be submitted to the BioCorridor Review Committee, including payment of a fee as set forth in this Ordinance by the City. Upon request, all Preliminary Plans and all plats shall be submitted in an electronic form acceptable to the BioCorridor Review Committee 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.

2. 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 Ordinance and minimum standards of design and improvements as set forth in the Subdivision Design and Improvements article of this Ordinance;

2) Provide the Preliminary Plan on sheets twenty-four inches by thirty-six inches (24 x 36 in.) to a scale of one hundred feet (100 ft.) per inch or larger. Smaller scales may be allowed. If more than one sheet, provide an index sheet at a scale of five hundred feet (500 ft.) per inch or larger;

3) The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan in letters one-half inch (½ in.) high;

4) The date the Preliminary Plan was submitted and the dates of any revisions shall legibly appear on the plan;

5) 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;

6) The name and address of all property owners, developers and applicants, engineers, and surveyors;

7) The legal description by metes and bounds of the subdivision or development which shall close within accepted land survey standards. An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, city horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The Preliminary Plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;

8) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;

9) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;

10) The following existing features shall be shown:

a) The location, dimension, name, and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel, the approximate location, size of line, design pressure and product transported through the line shall be shown;

b) The location, dimension, description and name of all existing or recorded lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision or development;

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;

11) Date of preparation, scale in feet, and north arrow;

12) Topographic information, including contours at two-foot (2-ft.) intervals, flow line elevation of streams, and wooded areas;

13) 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;

14) A number or letter to identify each lot and each block. Lots and blocks shown on a Preliminary Plan should be numbered sequentially;

15) Location of current City limits line(s), and current zoning district boundaries;

16) Vicinity map which shows general location of subject property to existing streets in College Station and Bryan. No scale is required but a north arrow is to be included;

17) Show number of lots;

18) Provide any oversize participation requests that will be sought;

19) Provide title report for the property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc.;

20) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable sections of this Ordinance; and

21) When waivers are requested or parkland dedication is required, eleven-inch by seventeen-inch (11 x 17-in.) copies of the Preliminary Plan (not necessarily to scale) will be required when the Preliminary Plan has been reviewed and has the potential to be scheduled for a BioCorridor Board and/or City Parks and Recreation Advisory Board meeting for recommendation(s), as applicable, and the City's Planning and Zoning Commission meeting for consideration.

b. Final Plats and Other Plats to be Recorded.

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

1) The plat shall conform to the general requirements of this Ordinance and minimum standards of design and improvements as set forth in the Subdivision Design and Improvements article of this Ordinance unless expressly provided for otherwise;

2) Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;

3) Provide title report for 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 inches by thirty-six inches (24 x 36 in.) to a scale of one hundred feet (100 ft.) per inch or larger. Smaller scales may be allowed. If more than one sheet, provide an index sheet at a scale of five hundred feet (500 ft.) per inch or larger;

5) Vicinity map which shows general location of subject property to existing streets in College Station and Bryan. 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, applicants, engineers, and surveyors responsible for the plat;

9) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;

10) For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;

11) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;

12) The location of the one hundred (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;

15) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable sections of this Ordinance;

16) The Plat shall also include the following, based on field survey and marked by monuments and markers:

a) The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, and length of all curves, where applicable;

b) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, and length of curves, where applicable;

c) Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of College Station or City of Bryan horizontal control monuments;

d) The following, when applicable, shall appear on the face of the plat: (See examples in the Subdivision Design and Improvements article of this Ordinance.)

(1) Certificate of Ownership and Dedication;

(2) Certificate of Surveyor and/or Engineer;

(3) Certificate of City Engineer;

(4) Certificate of City's Planning and Zoning Commission;

(5) Certificate of the County Clerk;

(6) Certificate of City Planner; and,

(7) Certificate of Approval.

17) 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 (24 x 36-in.) sheets;

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 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. Detailed drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;

f) Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and

g) Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.

18) Eleven-inch by seventeen-inch (11 x 17-in.) copies of the plat (not necessarily to scale) will be required when the plat has been reviewed and has the potential to be scheduled for a BioCorridor Board meeting and/or the City's Planning and Zoning Commission meeting for consideration.

D. Filing of Plat.

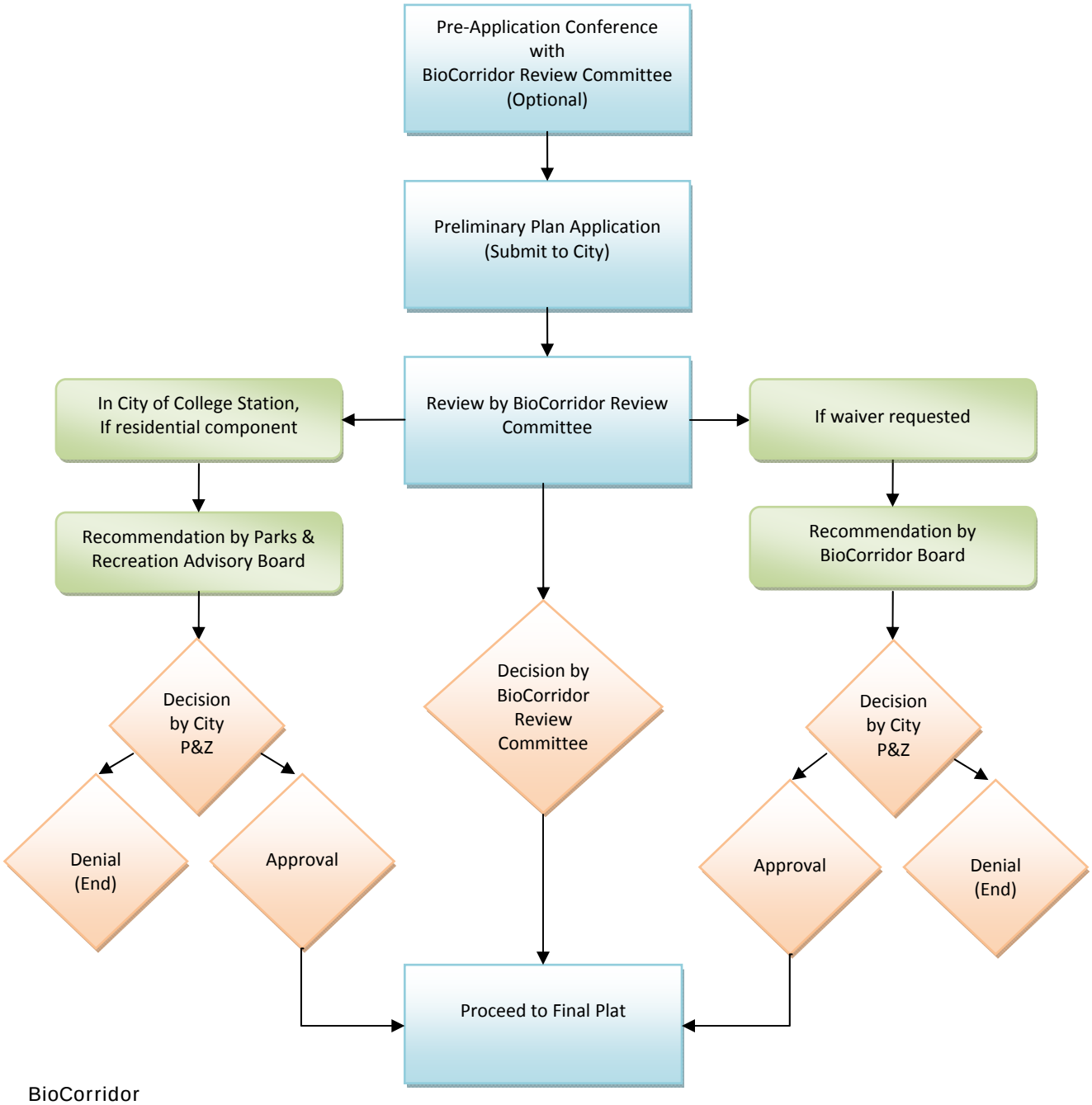
For the purposes of this Section, the date of filing shall be determined as the date on which a complete application, as determined by the BioCorridor Review Committee, and a plat meeting all of the technical terms and conditions of this Ordinance, or a request for a waiver to those terms and conditions is submitted. Once a complete application has been filed with the City, it will be scheduled for action by the BioCorridor Review Committee, the City's Parks and Recreation Advisory Board, the BioCorridor Board, and/or the City's Planning and Zoning Commission, as applicable.

E. Review Procedure.

1. Preliminary Plan Review.

In general, the preliminary plan process is as shown below:

Preliminary Plan Process



The process for Preliminary Plans shall be as set forth below.

a. Review by the BioCorridor Review Committee.

The BioCorridor Review Committee shall review the Preliminary Plan application for compliance with the following elements:

1) The City's Comprehensive Plan including but not limited to the Land Use Plan, the City's Thoroughfare Plan, Utility Master Plans, Parks and Recreation Master Plan, Bicycle, Pedestrian and Greenways Master Plan, and Sidewalk Master Plan;

2) The BioCorridor Planned Development District zoning of the property;

3) The Subdivision Design and Improvements article of this Ordinance;

4) Form and content as required in the General Approval Procedures and BioCorridor Development Processes articles of this Ordinance;

5) If phased, the Preliminary Plan must demonstrate sufficiency and viability of public infrastructure for each phase such that an undue burden is not placed on any particular phase. In addition, the proposed phasing is not to create phases or potential remainders of a size, shape or location so as not to be developable in compliance with this Ordinance; and

6) Other provisions of this Ordinance as applicable.

b. Approval by the BioCorridor Review Committee

1) The BioCorridor Review Committee shall approve the Preliminary Plan if the plan application meets all the technical requirements of this Ordinance, no waiver to the technical requirements is requested, and is not subject to the City's parkland dedication requirements of its subdivision regulations.

2) The BioCorridor Review Committee shall not approve, but shall forward any Preliminary Plan which is subject to the City's parkland dedication requirements at the Preliminary Plan stage to the City's Parks and Recreation Advisory Board for recommendation and then to the City's Planning and Zoning Commission for final action.

3) The BioCorridor Review Committee shall not approve, but shall forward any Preliminary Plan for which a request for one or more waivers to the Subdivision Design and Improvements article of this Ordinance has been made to the BioCorridor Board for recommendation and then to the City's Planning and Zoning Commission for final action.

c. Recommendation by the BioCorridor Review Committee

1) The BioCorridor Review Committee shall recommend to the City's Parks and Recreation Advisory Board and the City's Planning and Zoning Commission approval, approval with conditions, or disapproval of any Preliminary Plan subject to the City's parkland dedication requirements of its subdivision regulations.

2) The BioCorridor Review Committee shall recommend to the BioCorridor Board approval, approval with conditions, or disapproval of any Preliminary Plan with a request for one or more waivers to the Subdivision Design and Improvements article of this Ordinance.

d. Review and Recommendation by the City's Parks and Recreation Advisory Board.

This section applies only if a Preliminary Plan application is subject to the City's parkland dedication requirements of the City's subdivision regulations.

The City's Parks and Recreation Advisory Board shall review the Preliminary Plan application for compliance with the parkland dedication requirements of the City's subdivision regulations, and recommend to the City's Planning and Zoning Commission approval, approval with conditions, or disapproval of the same. This

recommendation may be considered by the City's Planning and Zoning Commission in its plan review if timely made available. Once the City's Parks and Recreation Advisory Board has determined compliance, the Preliminary Plan and related subsequent plats may proceed directly to the City's Planning and Zoning Commission.

e. Review and Recommendation by the BioCorridor Board.

This section applies only if a Preliminary Plan application includes one or more waiver requests to the Subdivision Design and Improvements article of this Ordinance.

The BioCorridor Board shall review the Preliminary Plan application for compliance with the Subdivision Design and Improvements article of this Ordinance, and recommend approval, approval with conditions, or disapproval of the same. This recommendation may be considered by the City's Planning and Zoning Commission in its plan review if timely made available. Once the BioCorridor Board has determined compliance, the Preliminary Plan and related subsequent plats may proceed directly to the City's Planning and Zoning Commission.

f. Final Action by the City's Planning and Zoning Commission.

Any Preliminary Plan involving parkland dedication and/or one or more waiver requests to the Subdivision Design and Improvements article of this Ordinance must be submitted to the City's Planning and Zoning Commission for final action. The City's Planning and Zoning Commission can approve, deny, or approve with conditions only if the conditions are administrative in nature.

g. Effect of Approval.

Approval of a Preliminary Plan by the BioCorridor Review Committee or the City's Planning and Zoning Commission, as applicable, shall mean the following:

1) Approval of a Preliminary Plan application 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 City's Planning and Zoning Commission may, upon written application of the applicant, extend the approval for a one-time additional twelve-month period. The request for consideration of an extension shall be submitted to the City's Planning and Zoning Commission at least thirty (30) days before the Preliminary Plan approval expires;

4) Each Final Plat that 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 City's Planning and Zoning Commission; and

5) If a Preliminary Plan is phased, Final Plats shall only be permitted to proceed to the City's Planning and Zoning Commission in the numerical order set forth on the Preliminary Plan.

2. Amendments to an Approved Preliminary Plan.

Amendments to an approved Preliminary Plan shall be processed as set forth below.

a. Minor Amendments

Minor amendments to an approved Preliminary Plan may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for approval of a Preliminary Plan. Minor amendments may include adjustment in street or alley alignments and lengths, adjustment in lot lines that

do not result in creation of additional developable lots, or adjustments to utility or access easements. Minor amendments shall comply with the standards of this Ordinance and other applicable ordinances of the City, shall not alter a subdivision standard that is discretionary to the City's 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 minor amendments shall be considered major amendments and require the approval of a new Preliminary Plan application as set forth in this Preliminary Plan Review section. 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.

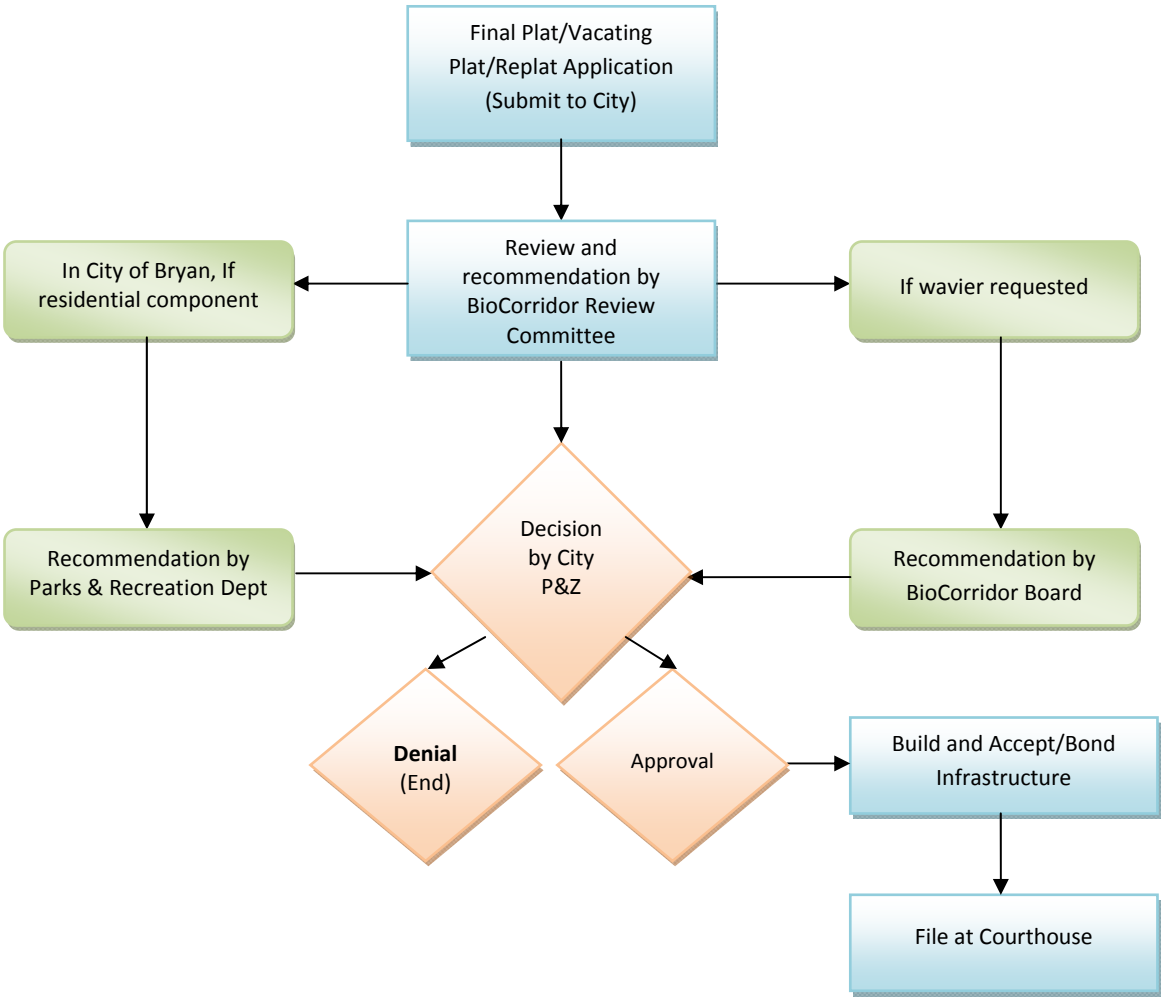
The applicant shall provide a written description of proposed amendments to an approved Preliminary Plan. The BioCorridor Review Committee shall determine whether the proposed amendments are deemed minor or major amendments. At the discretion of the BioCorridor Review Committee, a new Preliminary Plan 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 of conditional approval, the applicant may withdraw the proposed amendments by written request and retain the previously-approved Preliminary Plan.

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

In general, the final plat, replat, and vacating plat process is as shown below:



The process for Final Plats, Replats, and Vacating Plats shall be as set forth below.

a. Review and Recommendation by the BioCorridor Review Committee.

1) The BioCorridor Review Committee shall review the plat application for compliance with the following elements:

a) The approved Preliminary Plan, if applicable;

b) The City's Comprehensive Plan including but not limited to the Land Use Plan, the City's Thoroughfare Plan, Utility Master Plans, Parks and Recreation Master Plan, Bicycle, Pedestrian and Greenways Master Plan, and Sidewalk Master Plan;

c) The BioCorridor Planned Development District zoning of the property;

d) The Subdivision Design and Improvements article of this Ordinance;

e) Form and content as required in the General Approval Procedures and BioCorridor Development Processes articles of this Ordinance; and

f) Other provisions of this Ordinance and other City ordinances, as applicable.

2) If public infrastructure is required for the plat, the following is required for a complete plat application in order to be scheduled for the City's Planning and Zoning Commission consideration:

a) Option 1

(1) The construction documents must be approved by the City's City Engineer;

(2) Any necessary off-site easements are reviewed and acceptable by the City in recordable form; and

(3) Either the public infrastructure is constructed by the applicant and accepted by the City, or a guarantee of performance is provided to the City's City Engineer in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure section of this Ordinance.

b) Option 2

(1) The construction documents must be approved by the City's City Engineer;

(2) Any necessary off-site easements are reviewed and acceptable by the City in recordable form; and

(3) The applicant places a notation on the Final Plat that there will be no permit for private improvements, excepting quasi-public improvements such as public ways, until the public infrastructure is constructed by the applicant and accepted by the City, or a guarantee of performance is provided to the City's City Engineer in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure section of this Ordinance.

3) The applicant will be advised of the date set for the City's Planning and Zoning Commission consideration.

4) The BioCorridor Review Committee shall recommend approval or disapproval of the same.

b. Review and Recommendation by the City's Parks and Recreation Advisory Board.

If not already determined through an approved Preliminary Plan, the City's Parks and Recreation Advisory Board shall review the plat application for compliance with the parkland dedication requirements of the City's subdivision regulations, and recommend approval, approval with conditions, or disapproval of the same. This recommendation must be considered by the City's Planning and Zoning Commission in its plan review if the recommendation is available within 30 days of the plan meeting all technical requirements.

c. Review and Recommendation by the BioCorridor Board.

If a plat application includes one or more waiver requests to the Subdivision Design and Improvements article of this Ordinance, the BioCorridor Board shall review the plat application for compliance with the Subdivision Design and Improvements article of this Ordinance and for consistency with any waivers granted, and recommend approval, approval with conditions, or disapproval of the same. This recommendation, when timely available, must be considered by the City's Planning and Zoning Commission in its plat review.

d. Criteria for Approval by the City's Planning and Zoning Commission.

Criteria for approval of the Final Plat by the City's Planning and Zoning Commission includes the following:

1) Within thirty (30) days after the plat is filed, the City's Planning and Zoning Commission shall receive any recommendations of the BioCorridor Review Committee, the City's Parks and Recreation Advisory Board, and the BioCorridor Board, when appropriate and available, and shall approve or disapprove such plat. The City's Planning and Zoning Commission's action shall be based on compliance with the review elements listed in the Final Plat, Replat, and Vacating Plat Review section of this Ordinance and the approval of the City Engineering representative 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 this Ordinance.

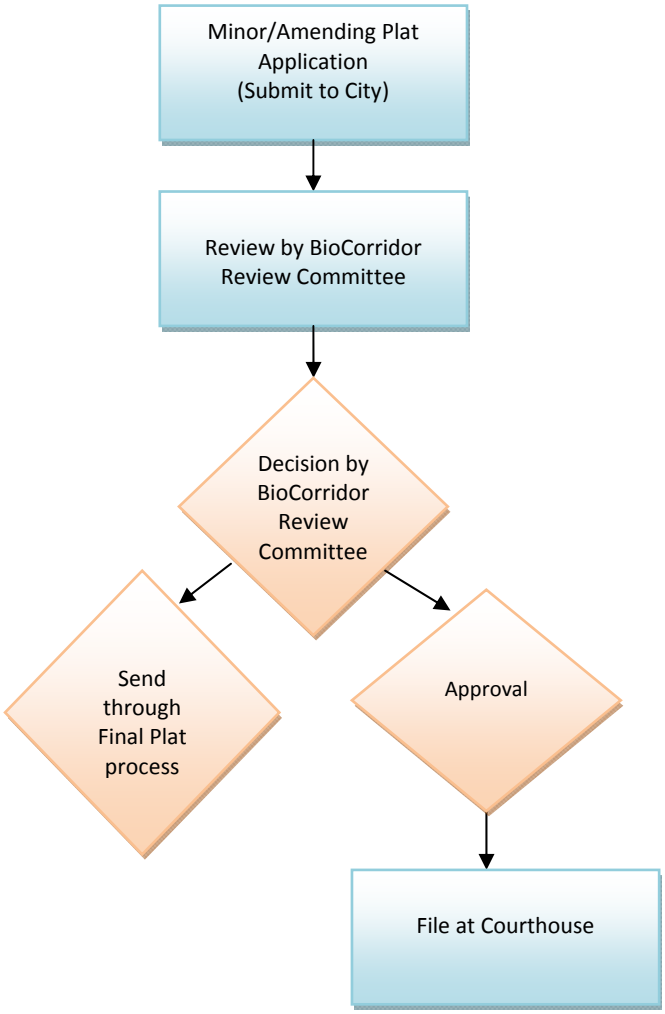
2) Only conditions of approval entailing corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out are allowed, and approval of a plat conditioned upon the completion of public infrastructure improvements, as allowed in this Ordinance.

e. Recordation.

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

4. Minor Plat and Amending Plat Review.

In general, the minor plat and amending plat process is as shown below:



The process for Minor Plats and Amending Plats shall be as set forth below.

a. Review and Action by BioCorridor Review Committee.

The plat shall be reviewed by the BioCorridor Review Committee for compliance with all applicable requirements of this Ordinance and other City ordinances including those elements identified in the Preliminary Plan and in accordance with the following procedures:

1) Consideration of the approval, approval with conditions, or recommended denial of the plat by the BioCorridor Review Committee, usually within fifteen (15) days of filing a Minor Plat or Amending Plat;

2) The BioCorridor Review Committee shall approve, approve with conditions, or recommend denial and forward the plat to the City's Planning and Zoning Commission at the next available meeting. Only in the event of denial, the Minor Plan or Amending Plat must be forwarded to the City's Planning and Zoning Commission. The BioCorridor Review Committee may also elect to forward the plat to the City's Planning and Zoning Commission for any reason. Conditions of approval, if any, may only entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out.

3) If forwarded to the City's Planning and Zoning Commission, the City's Planning and Zoning Commission shall approve, disapprove, or conditionally approve the plat. Conditions of approval may only entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out;

4) Upon approval of the City's Planning and Zoning Commission meeting minutes, the same shall be available to the applicant; and

5) A report shall be made to the City's Planning and Zoning Commission at each meeting notifying the City's Planning and Zoning Commission of any Amending Plats or Minor Plats in the City limits that were approved by the BioCorridor Review Committee since the last City Planning and Zoning Commission meeting.

b. Recordation.

When the Minor Plat or Amending Plat is approved, same shall be recorded in the Office of the County Clerk of the county in which the plat is located when all requirements and conditions have been met.

F. Waivers

Waivers to a plat requirement pursuant to the Subdivision Design and Improvements article of this Ordinance may be requested by an applicant in accordance with the Waiver of Subdivision Standards section therein.

G. Failure to Obtain Plat Approval.

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

a. Prohibition of Recordation.

It shall be unlawful to offer and cause to be recorded any plat or replat of land within the City limits of the City of College Station or the City of Bryan at the Office of the County Clerk unless the same bears the endorsement and approval of its respective Planning and Zoning Commission, the BioCorridor Review Committee, or bears a valid certificate of No Action Taken as provided for in this Ordinance;

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.

Neither city shall issue any building, repair, plumbing, electrical, or other permit relating to such property until such approval occurs;

d. No Provision or Maintenance of Infrastructure.

Neither City shall repair, maintain, install or provide any streets, public utilities, or public infrastructure of any kind to such property; and

e. No Provision of Public Utilities.

Neither city shall 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 of the city in which the property is located 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.

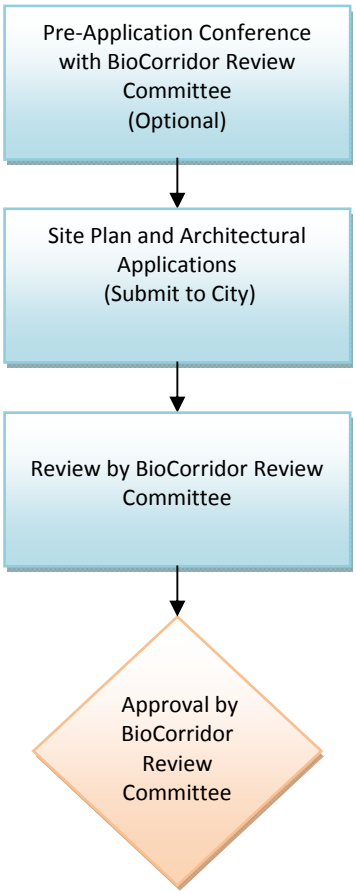
b. The City's City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be recorded in the Deed Records of the County.

c. If such compliance and plat approval are secured after the recording of such resolution, the City's City Secretary shall forthwith record an instrument in the Deed Records of the County stating that the property is no longer in violation.

7.2 Site Plan Review.

A. BioCorridor Site Planning Process.

In general, the site planning process is as shown below:



B. Applicability.

1. Prior to development of any use or structure, a site plan must be approved by the BioCorridor Review Committee 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.

C. General Requirements.

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.

D. Application Requirements.

A complete application for site plan approval may be submitted to the BioCorridor Review Committee as set forth in the General Approval Procedures article of this Ordinance. The application shall include a landscape plan illustrating compliance with the requirements of the Landscaping and Streetscaping section of this Ordinance. Applicants shall submit information, documents, and materials required in the Building Design Standards article of this Ordinance.

E. Site Plan Approval Process.

Site plan review 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.
2. **Final Action by the BioCorridor Review Committee.**
   If the proposed site plan is determined to be consistent with all applicable provisions of this Ordinance, the BioCorridor Review Committee 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 may only entail corrections or changes that are ministerial and explicitly spelled out.

F. Site Plan Review Criteria.

The BioCorridor Review Committee may request changes to the site plan to accomplish the following requirements. In 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;
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 regarding landscaping and streetscaping;

11. Clear indication of what constitutes the building plot for purposes of signage; and

12. Location and density of buildings 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.

G. Appeal.

Appeals of site plans denied by the BioCorridor Review Committee where the denial was based upon a condition imposed to assure compliance with the Site Plan Review Criteria described above, shall be submitted to the BioCorridor Board within thirty (30) days of the decision. If no appeal is filed within thirty (30) days, the decision shall be final.

Upon appeal, the BioCorridor Board shall have the same authority as the BioCorridor Review Committee 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 Ordinance.

7.3 Development Permit.

A. Applicability.

A development permit shall be required prior to any Development, as defined in the Definitions article of this Ordinance, to ensure conformance to the provisions and requirements in this Ordinance. The following uses are exempt from the permitting requirements of this Section, but otherwise Development must meet all of the requirements of this Ordinance and the *Bryan/College Station Unified Design Guidelines* and Drainage and Stormwater Management section of this Ordinance:

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; or

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.

A pre-application conference may be held with the BioCorridor Review Committee if the property contains areas of special flood hazard.

2. Application.

A complete application for a development permit shall be submitted to the BioCorridor Review Committee as set forth in the General Approval Procedures article of this Ordinance.

3. Review and Action by the BioCorridor Review Committee.

The BioCorridor Review Committee shall review the required information and application form and shall take one 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 his engineer.

4. Review Criteria.

Approval or denial of a development permit by the BioCorridor Review Committee 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 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 Streetscaping section of this Ordinance; and

j. Compliance with this Ordinance.

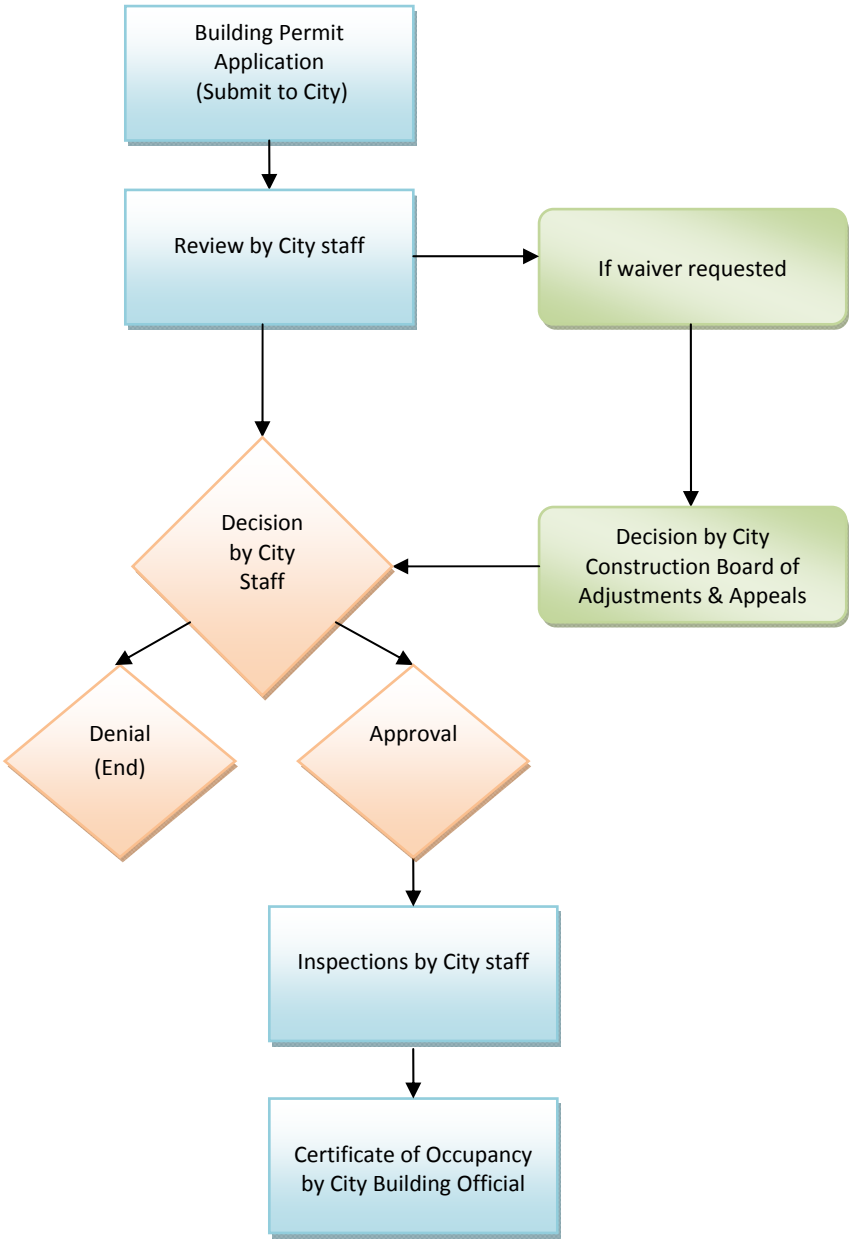
5. Notification of Decision.

The applicant shall be notified in writing of the action 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 given by the BioCorridor Review Committee within ten (10) working days after acceptance of the complete application.

7.4 Building Permit.

A. Building Process.

In general, the building process is as shown below:



B. Building Permit Required.

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

C. Application for Building Permit.

1. An application for a building permit shall be accompanied by three (3) sets of complete plans, drawn to scale, including the approved site plan as required in the Site Plan Review section of this Ordinance. Additional sets of plans shall be supplied to the City's Building Official upon request.
2. The application shall include such other information as lawfully may be required by the City's Building Official, 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 Ordinance.
3. One (1) copy of the plans shall be returned to the applicant by the City's Building Official after it is marked as either approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, and the associated site plan shall be retained by the City's Building Official.
4. Where applicable, applicants shall submit information and materials required in the Landscaping and Streetscaping section of this Ordinance.
5. Where applicable, applicant shall submit information and materials required in the Building Design Standards article of this Ordinance.

D. Review and Recommendation.

The City's 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 Ordinance, and approve or disapprove the same.

E. Review and Action by Building Official.

The City's Building Official shall make a final determination of whether the intended uses, buildings, or structures comply with all applicable regulations, standards, and the City's building codes. The City's 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 Ordinance and the City's building codes.

7.5 Certificate of Occupancy.

A. Applicability.

A Certificate of 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 land use category;
3. Any change in a nonconforming use or structure; or
4. As required by the City's adopted building code.

B. Application.

Once all required building inspections have been reviewed by the City's Building Official and he/she finds no violation of the provisions of the building codes, the City's Building Official shall issue a Certificate of Occupancy for the structure or use.

C. Review and Action by Building Official.

Upon the request for a Certificate of Occupancy, the City's Building Official shall inspect the use or structure. If the City's Building Official determines that the use or structure complies with all applicable provisions of the adopted building codes and this Ordinance, 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 City's Building Official. The Temporary Certificate of Occupancy shall be valid for a period established by the City's Building Official, pending completion of an addition or during partial occupancy of a structure and as provided in the City's adopted building codes.

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.

7.6 Certificate 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, 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 City's Building Official and he/she finds no violation of the provisions of the City's building codes, the City's 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 City's Building Official shall inspect the structure. If the City's Building Official determines that the structure complies with all applicable provisions of the building codes and this Ordinance, 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 City's Building Official. The Temporary Certificate of Completion shall be valid for a period established by the City's 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.

7.7 Sign Permit.

A. Sign Permits Required.

1. No sign shall hereafter be installed, erected, moved, added to, or structurally altered without a permit issued by the BioCorridor Review Committee, except in conformity with the provisions of this Section and the Signs section under the Site Design Standards article of this Ordinance, and with all conditions being met, unless directed by the City's Zoning Board of Adjustment as provided by this Ordinance.

2. A permit shall be required for the following:
   - **b.** Attached Signs;
   - **c.** Campus Wayfinding Signs;
   - **d.** Grand Opening Signs;
   - **e.** Low Profile Freestanding Signs;
   - **f.** Signs for which approval by the BioCorridor Board is required; and
   - **g.** Any sign not expressly excepted or expressly made exempt from the applicable sections of this Ordinance.

3. No permit shall be required for the following signs:
   - **a.** Commercial Signs carried by a person;
   - **b.** Development Signs;
   - **c.** Flags;
   - **d.** Non-Commercial Signs;
   - **e.** Real Estate, Finance, and Construction Signs; and
   - **f.** Vehicle Signs.

4. Special Event Signs shall be permitted through the City's Special Event permitting process and shall not require a separate sign permit.

5. It shall be the responsibility of the owner or the leasing agent to assign the available low profile or building sign square footage to individual building tenants. In no case shall this be the responsibility of the BioCorridor Board, the BioCorridor Review Committee, or any member of a city's staff. In no case may the cumulative total of individual signs for a multi-tenant building exceed the allowable area available for attached or low profile signs.

B. Application.

A complete application for a sign permit plan shall be submitted to the City's Building Official and shall be processed as set forth in the General Approval Procedures article of this Ordinance.

C. Review and Action by the BioCorridor Review Committee.

The BioCorridor Review Committee must review each sign permit application in light of this Ordinance and act to approve, approve with conditions, or deny the permit. The BioCorridor Review Committee may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this Ordinance.

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 replacement of a sign face.

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.

7.8 Administrative Adjustment.

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 Ordinance.

B. Applicability.

The BioCorridor Review Committee shall have the authority to authorize adjustments of up to ten percent (10%) from any dimensional standards set forth in the Dimensional Standards section of this Ordinance, and the Off-Street Parking Standards section of this Ordinance.

C. Application.

A complete application for an administrative adjustment shall be submitted to the BioCorridor Review Committee as set forth in the General Approval Procedures article of this Ordinance.

D. Review and Action by BioCorridor Review Committee.

The BioCorridor Review Committee shall review the application and approve, approve with conditions, or deny the application based upon the criteria 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 BioCorridor Review Committee must 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 Ordinance.
2. In the event that the BioCorridor Review Committee finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the City's Zoning Board of Adjustment as a variance request subject to the requirements of the Variances section of this Ordinance below.

7.9 Variances.

A. Purpose.

The City's Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this Ordinance. The City's 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 Ordinance would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the area zoned for the BioCorridor, and that the granting of the variance would preserve the spirit and intent of this 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 Ordinance so that public health, safety, and welfare may be secured and substantial justice done.

B. Applicability.

The City's Zoning Board of Adjustment shall have the authority to grant variances from the standards in this Ordinance except for waivers of the standards in the Subdivision Design and Improvements article of this Ordinance, which may be made by a City's Planning and Zoning Commission during the subdivision process and requests for relief from a site plan requirement imposed by the BioCorridor Review Committee when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Site Plan Review section of this Ordinance, which may be made by the BioCorridor Board. Any variance request up to ten percent (10%) may be treated as an Administrative Adjustment subject to the requirements of the Administrative Adjustment section of this Ordinance.

C. Application.

A complete application for a variance shall be submitted to the City's Planning representative as set forth in the General Approval Procedures article of this Ordinance.

D. Action by the City's Zoning Board of Adjustment.

1. Public Hearing.

Following notice in accordance with the General Approval Procedures article of this Ordinance, the City's 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 below, the City's 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 City's Zoning Board of Adjustment may authorize a variance from the requirements of this Ordinance when an unnecessary hardship would result from the strict enforcement of this Ordinance. In granting a variance, the City's Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the City's Zoning Board of Adjustment shall 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. Extraordinary Conditions.

That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Ordinance would result in unnecessary hardship and that granting a variance would ensure the spirit of the Ordinance is observed and substantial justice is done. For example, the variance is justified because of topographic or other special conditions unique to the property and development are involved, rather than mere inconvenience or financial disadvantage.

b. Enjoyment of a Substantial Property Right.

That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

c. 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 Ordinance.

d. 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 Ordinance.

e. Flood Hazard Protection.

That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with the provisions of this Ordinance.

f. Other Property.

That these conditions do not generally apply to other property in the vicinity.

g. Hardships.

That the hardship is not the result of the applicant's own actions.

h. Comprehensive Plan.

That the granting of the variance would not substantially conflict with the City's Comprehensive Plan and the purposes of this Ordinance.

2. Limitations.

The City's 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 BioCorridor Planned Development zoning district;

b. To extend physically a nonconforming use of land; or

c. To change the zoning district boundaries shown on the City's 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.

ARTICLE 8. SUBDIVISION DESIGN AND IMPROVEMENTS.

8.1 Authority and 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 BioCorridor in an orderly manner.

8.2 General Requirements and Minimum Standards of Design for Subdivisions within the BioCorridor.

A. Suitability of Lands.

The City's 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. Land Use and Other Regulations.

No plat of land shall be approved unless it conforms to the land use regulations contained within this Ordinance.

C. Reserved Strips and Tracts Prohibited.

A plat shall not provide reserved strips or tracts of land. In addition, the effect of phasing of a plat, provision of common area or other land or easement shall not unnecessarily restrict access to land, right-of-way, or easements dedicated or intended to be dedicated to the public by the subject plat or adjacent developments.

D. Technical Standards.

All public infrastructure shall be designed and constructed in accordance with applicable local, state, and federal requirements. All public infrastructure shall also be designed and constructed in accordance with the *Bryan/College Station Unified Design Guidelines*, *Bryan/College Station Unified Technical Specifications*, and *Bryan/College Station Unified Construction Details*. 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 BioCorridor Review Committee. 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 City's Thoroughfare Plan.

Where a subdivision encompasses or is adjacent to a thoroughfare, as shown on the City's Thoroughfare Plan, the thoroughfare shall be constructed and included in the subdivision plat to maintain continuity in the approximate location as shown, and of the type indicated.

2. Relation to Adjoining Street System.

a. Where there is an existing street adjacent to or through the area to be subdivided, the necessary street intersections to the existing street shall be constructed.

b. Existing and planned streets and Public Ways in adjacent or adjoining areas shall be continued in alignment therewith.

c. When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

3. Street Projections.

a. Where adjoining areas are not platted, the subdivision shall provide street projections to such areas by projecting a public street:

1) In each cardinal direction around the proposed subdivision;

2) At intervals no fewer than the maximum block length along the perimeter boundary of the subdivision; and

3) To provide street connection or street frontage to land-locked tracts that do not otherwise have frontage to a public street.

b. 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 mixed-use development and can be continued through that development to a public street.

4. Adequate Street Access.

a. One 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 the external paved public streets shall be required. The City's Planning and Zoning Commission may allow a Remote Emergency Access where development phasing or constraints of the land prevent the provision of a second street connection. Notwithstanding the foregoing, two (2) street connections to external paved public streets shall be required when one hundred (100) or more lots are served.

c. Three (3) street connections to external paved public streets may be required when two hundred (200) or more lots are served.

d. Where more than one external street connection is required, at least one external street connection shall not be located over a potential hazard such as a high-pressure gas line or a creek where the 100-year floodplain overtops the street, regardless of its classification.

5. Dead-End Streets.

Dead-end streets shall be prohibited except short stubs to permit future extension. Temporary turnarounds shall be required for stubs in length of more than one hundred feet (100 ft.) or the depth of one lot, whichever is less.

6. Geometric Standards, Street Design Criteria.

Streets and alleys shall be designed and constructed in accordance with the *B/CS Unified Design Guidelines.*

7. 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 side of such a roadway, the amount dedicated shall generally equal one-half (1/2) of the deficiency in width based on the classification and type of street, as measured from the existing centerline of the right-of-way. If the parcel(s) on the opposite side of the right-of-way previously dedicated a portion, the proposed plat shall dedicate the remaining width. If the opposite side of the right-of-way has a permanent constraint such as a railroad right-of-way or conservation easement, the full width of the deficiency may be required.

b. The BioCorridor Review Committee 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.

8. 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 BioCorridor Review Committee.

b. New streets shall be named to prevent conflict or confusion with identical or similar names in the cities, Brazos County 911 district, or the cities' Extraterritorial Jurisdictions (ETJs).

c. Streets shall not be named after any living person.

d. A proposed street name may be denied 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 BioCorridor Review Committee.

F. Alleys.

1. Alleys may be required at the rear of all lots intended to be used for business purposes.

2. Alleys shall generally be parallel to the street that the lot it serves fronts.

3. Where two (2) alleys intersect, or where an alley turns, additional width may be required to allow turning of vehicles or guying of utility poles.

4. Dead-end alleys shall not be permitted.

5. Private alleys shall be constructed to public alley standards except that the private alley 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. In order to provide a public street network that is complimentary to the City's 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 land use designations in this Ordinance:

a. Six hundred sixty feet (660 ft.) in the BioCorridor Research & Development District;

b. Nine hundred feet (900 ft.) in the BioCorridor Office & Research District; and

c. One thousand two hundred feet (1,200 ft.) in the BioCorridor Manufacturing District east of the area identified as "Greenbelt" on the BioCorridor District Map.

d. The BioCorridor Manufacturing District west of the the area identified as "Greenbelt" on the BioCorridor District Map shall be exempt from block length requirements.

2. If a plat is not bounded by a public through street or other qualifying break to block length then the block length measurement shall continue to extend each way beyond the plat along the public through street until the nearest intersecting through street or qualifying break to the block is reached. The area identified as "Greenbelt" on the BioCorridor District Map, SH47 and FM60 shall be exempt from this requirement.

3. Block perimeter shall not exceed the following dimensions based on the land use designation:

a. One thousand six hundred feet (1,600 ft.) in the BioCorridor Research & Development District; and

b. Two thousand feet (2,000 ft.) in the BioCorridor Office and Research District.

c. The BioCorridor Manufacturing District shall be exempt from block perimeter requirements.

4. In lieu of a public street, non-residential and mixed-use developments may opt to construct a Public Way to satisfy block length and block perimeter requirements when the Public Way connects two 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 this property. A Public Way shall not substitute for a thoroughfare identified on the City's Thoroughfare Plan.

5. Block length or block perimeter shall not require a new street, Public Way, or Access Way 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.

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 District requirements.

c. Lots established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or other similar facilities shall be uniquely named and are not required to meet the minimum dimensional standards for the applicable District.

d. Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.

e. A subdivision shall not cause an existing structure to encroach into the setback of a proposed lot line.

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.

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. Minimum Utility Easements.

Utility easements are required as necessary to provide utilities and pursuant to the *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, a twenty foot (20 ft.) width of easement may be required for continuance of public infrastructure in the future.

b. Improvements in Easements.

Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements; except that landowners may place a fence in utility easements if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel within 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 for Access Ways. 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 shall be acquired by the applicant and conveyed by an instrument approved by the City's City Attorney.

5. Non-Public Easements.

Except as set forth herein, dedication of rights-of-way, easements, and public infrastructure shall not be encumbered by private easements that have pre-existing rights. Minor crossings are allowed.

J. Access Ways.

1. Existing and planned Access Ways in adjacent or adjoining areas shall be continued in alignment therewith.

2. In Blockfaces over nine hundred feet (900 ft.) 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 cul-de-sacs, 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 feet (300 ft.) in length then an additional access point to the Access Way shall be provided.

6. Property within the BioCorridor Manufacturing District shall be exempt from these requirements.

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.

Except as may be set forth herein, sidewalks shall be required on both sides of all streets.

3. Sidewalk Exceptions.

Sidewalks are not required:

a. Along a street classified on the City's Thoroughfare Plan as a Freeway/Expressway that does not have frontage roads. Sidewalks, however, shall be provided along frontage roads of a Freeway/Expressway.

b. Around the bulb of cul-de-sac streets.

4. Standards.

Sidewalks shall be constructed in accordance with the following criteria:

a. The *B/CS Unified Design Guidelines* and all applicable state and federal requirements;

b. Consistent with the minimum standards necessary to meet the projected non-vehicular traffic demand in the area;

c. Sidewalks shall maintain a minimum clear width as set forth in the *B/CS Unified Design Guidelines*; and

d. All sidewalks shall terminate into streets or driveways with ambulatory ramps.

5. Timing of Construction.

All required sidewalks must be constructed concurrently with the street, or if the street is already constructed, prior to acceptance of all public improvements.

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. Required Bicycle Facilities.

Depending in which City the property is located; bicycle facilities may be required in accordance with the *B/CS Unified Design Guidelines* and constructed along with other required public infrastructure.

3. Types of Bicycle Facilities.

There are at least three (3) types of bicycle facilities that may be required. These types include the following:

a. Multi-use Path: a facility completely separated from auto traffic and within an independent right-of-way or within the right-of-way of another public facility;

b. Bike Lane: a facility where part of the roadway or shoulder is striped, signed, and marked for exclusive or preferential bicycle use and where vehicular parking is not permitted, unless otherwise specified; and

c. Bike Route: a facility designated by signing and sometimes pavement markings to help make motorists aware of the presence of bicycles which share the same area with motor vehicles.

4. Geometric Design Criteria.

All facilities shall be designed to meet or exceed standards set forth in the "Guide for Development of Bicycle Facilities" published by the American Association of State Highway and Transportation Officials (AASHTO) and the *B/CS Unified Design Guidelines*. Signing and pavement markings for such facilities shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Geometric design criteria for each type of bikeway facility are as follows:

a. Bike Routes.

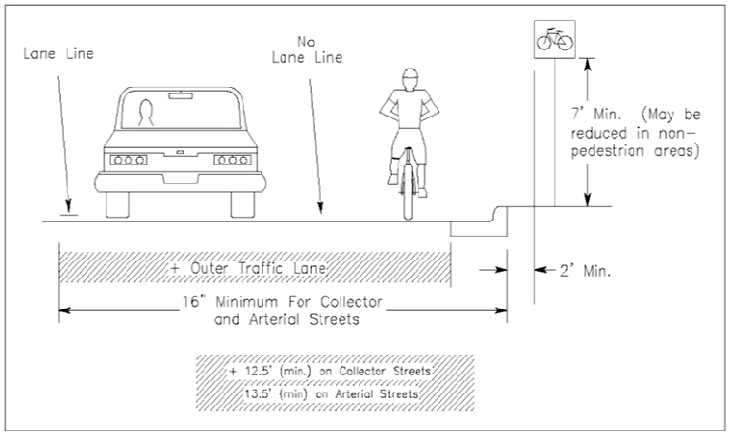
Bike routes shall be indicated as follows:

1) The placement of bike route signing and shared lane pavement markings identifies bicycle-compatible streets that will serve as bike routes;

2) A minimum of sixteen feet (16 ft.) of the outer lane of streets measured from the outer lane line to the back of curb shall be required for bike routes. A typical bicycle route street is shown in Figure 1; and

3) Bike route signing should not end at a barrier. Information directing the bicyclist around the barrier should be provided.

FIGURE 1
BIKE ROUTE/BICYCLE COMPATIBLE STREET



a. 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 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.

b. Multi-Use Paths.

The criteria that must be met for multi-use paths is as follows:

1) Multi-use paths should be located primarily in greenways, parks, or occasionally within street rights-of-way. If a multi-use path is to be located in the right-of-way of a street, there should be a minimum of five feet (5 ft.) separating the multi-use path from the roadway;

2) The standard width for a two-way multi-use path shall be ten feet (10 ft.). In areas with projected high volumes of use, multi-use paths shall be twelve feet (12 ft.) wide;

3) The minimum width of a one-directional multi-use path is five feet (5 ft.). 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 multi-use paths will be used as two-way facilities and designed accordingly;

4) A minimum of three-foot (3-ft.) 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 twenty feet (20 ft.) in width.

M. Water Facilities.

1. All subdivisions shall have access to public water supply and distribution systems for domestic use that meet adequate fire protection standards. 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 BioCorridor Review Committee. The City shall accept for public use only water mains, distribution and service lines that comply with these standards for construction.

2. All subdivisions shall connect with a publicly-owned water distribution system and the developer shall extend water distribution lines from the nearest City-approved point of connection to the furthest boundary line of the platted subdivision along the right-of-way line. This is required in order to provide a point of connection for adjacent properties not having access to such services and to provide for orderly growth.

3. For water systems that are not part of a municipal water utility, the applicant shall provide a letter with the construction documents from the non-City utility that the non-City utility is able to properly serve the proposed subdivision as required pursuant to applicable law.

4. Plans for such systems will be subject to City review and inspection. City review and inspection of such water system ends at 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 BioCorridor Review Committee. The City shall accept for public use only wastewater facilities that comply with these standards for construction.

2. All subdivisions shall connect with a publicly-owned wastewater collection system and the applicant shall extend wastewater collection lines from the nearest City approved point of connection to the furthest boundary line of the platted subdivision along the right-of-way line. This is required in order to provide a point of connection for adjacent properties not having access to such services and to provide for orderly growth.

3. Plans for such a system will be subject to City review and inspection.

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,* 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 BioCorridor Review Committee. 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,* 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 BioCorridor Review Committee. 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 BioCorridor Review Committee.

3. No construction shall impede, constrict, or block, the flow of water in any drainage pathway.

4. Lot Grading

a. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed so as to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot. Subsequent permits for each lot shall comply with the approved grading plan.

b. Non-residential lots and lots that have mixed uses that include residential 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 inches (30 in.) and shall be marked by an all-weather type sign installed at each crossing and at intervals of not more than three hundred feet (300 ft.). The signs shall be installed by the utility company, state that the line is high pressure, identify the utility company name, provide an emergency phone number, and state the type of product or products transported therein.

2. Notification to Utility Company.

The applicant 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 BioCorridor Review Committee.

R. Street Lights.

1. General Standards.

a. Street lights shall be designed and installed according to the utility standards in effect at the time of subdivision construction or addition thereto.

b. The quantity, size, and type of street light pole and fixture shall be selected by the applicant from the approved City street light standards.

c. The applicant shall furnish public utility easements for the installation of street lights, with said easements to normally be five feet (5 ft.) in width.

d. Where 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.

2. Street Light Locations.

Street lights shall normally be required at all street intersections and Access Ways, in cul-de-sacs, and at approximately three hundred-foot (300-ft.) intervals along tangent streets.

3. Installation and Maintenance.

a. The applicant or his authorized construction representative shall be responsible for furnishing and installing all street light facilities in accordance with the electric utility's design and specifications. All conduit installations shall be inspected prior to acceptance for conformance with the utility specifications.

b. Street lights shall be owned and maintained by the electric utility provider with the 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, Public Ways, drives, or Access Ways.

S. Electric Facilities.

1. All applicants shall ascertain which electric utility is certificated to serve the proposed subdivision. The electric utility design and facilities must meet all applicable City ordinances.

2. The electric utility will design the electrical system to all lots within a subdivision.

3. All electric utility service shall be installed underground in all subdivisions. All lateral electric lines and service lines supplying electric utility service shall be placed underground.

4. The applicant 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.

5. 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.

6. 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.

7. The applicant shall be responsible for the costs and installation of all conduit needed for underground feeder, lateral, and service lines utilized to provide electric utility service to the subdivision. The developer of a platted lot shall be responsible for the costs and installation for the service conduit for such platted lot. The specifications for the conduit shall be provided by the electric utility prior to installation. All conduit installations shall be inspected prior to acceptance for conformance to utility specifications.

8. Temporary utility service may be provided via overhead line extension.

9. The applicant shall contact the appropriate electric utility provider to determine any additional requirements.

T. Monuments and Corner Markers.

1. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch (1/2-in.) steel rod, two feet (2 ft.) in length, set in the center of a concrete monument six inches (6 in.) in diameter and thirty inches (30 in.) deep, with the top flush with the finished ground surface.

2. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two (2) adjacent monuments, intermediate monuments shall be set as to assure a clear view between adjacent monuments.

3. Corner markers, consisting of a one-half inch (1/2-in.) steel rod or three-fourths inch (3/4-in.) pipe, two feet (2 ft.) in length, shall be driven flush with the ground surface to mark the corners of all lots.

U. Owners Associations for Common Areas and Facilities.

1. A Homeowners Association or Property Owners Association ("Owners Association") shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair, and maintenance of all common areas, fences, walls, gate equipment, landscaping, and all other common facilities (the "Common Facilities").

2. The Owners Association shall prepare and file for record a legal instrument establishing a plan for the use and permanent repair and maintenance of the Common Facilities and which provides that the association is self-perpetuating and adequately funded to accomplish its purpose. The Owners Association understands that upon formation it 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, suit, claim deficiency, interests, fees, charges, costs, or expenses including, without limitation, interest, court cost, and penalties, attorney's fees and disbursement and amounts paid in settlement, or liabilities resulting from any change in federal, state, or local law or regulation or interpretation hereof of whatever nature. The foregoing shall apply even when caused in part by the negligence of either or both the City of College Station or the City of Bryan or the joint or concurring negligence of either or both cities and any other person or entity, which may result or to which the cities and/or any of the cities' respective 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.

8.3 Waiver of Subdivision Standards.

A. Except as may be expressly prohibited elsewhere in the Ordinance, the City's Planning and Zoning Commission, with a recommendation from the BioCorridor Board, may authorize a waiver from a regulation of this Article when, in their opinion, undue hardship will result from requiring strict compliance. The City's Planning and Zoning Commission may approve, approve with conditions, or deny waivers.

B. A waiver request shall be approved only if it prescribes conditions that it deems not prejudicial to the public interest. In making the findings hereinbefore required, the City's Planning and Zoning Commission shall 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 City's Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this Ordinance will deprive the applicant of the reasonable 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 Ordinance; and

4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area.

C. Such findings of the City's 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 Ordinance so that public health, safety, and welfare may be secured and substantial justice done.

D. Waiver from Water Flow Requirements

A waiver to fire-flow provisions set out in the Water Facilities standards contained in this Ordinance is prohibited.

8.4 Responsibility for Payment for Installation Costs.

A. Applicant Responsibilities.

The applicant 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 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 Ordinance and City Code of Ordinances shall be considered as primarily serving the subdivision unless otherwise determined by the City.

B. Street Lights.

The applicant 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 applicant will provide and install, at no cost to the City, all street name signs and associated poles and hardware.

D. Engineering Inspection and Testing.

1. The City will charge for engineering inspection during construction and for final inspection; 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 applicant.

8.5 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure.

Construction of private improvements is prohibited until the requirements for constructing or guaranteeing construction of public infrastructure are met as set forth herein.

A. Construction.

1. Timing.

Upon approval of the construction documents by the BioCorridor Review Committee and upon issuance of a Development Permit, the applicant 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 public 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.

The City will inspect the construction of the required public infrastructure while in progress. Upon completion, the City will inspect and then approve the public infrastructure and issue a Letter of Completion when:

a. The construction conforms to the approved plans, the *Bryan/College Station Unified Design Guidelines,* and all applicable city, state, and federal regulations;

b. The applicant provides construction red-lined record drawings signed by the contractor acceptable to the City's 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 as substantially depicted 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 applicant and his agent/contractor, if applicable, signs the Letter of Completion which shall constitute a written guarantee to the City 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's City Engineer; and

d. Off-site easements relating to the public infrastructure have been recorded, or are presented to the City and acceptable to be recorded.

3. Upon completion by the applicant, and formal acceptance by the City of the public infrastructure required to be completed by the applicant, they shall become the property of the City.

B. Guarantee of Performance.

1. In lieu of the obligation to construct public infrastructure as set forth above, the applicant may elect to file a security instrument guaranteeing construction of the same in order to obtain final plat approval and to commerce construction of private improvements. This may be accomplished in one of the following two ways:

a. Performance Bond.

The applicant 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, 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 applicant has filed with the City's 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, on demand, a stipulated sum of money to apply to the estimated cost of installation of all public 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 applicant's engineer and approved by the City's City Engineer. The letter shall state the name of the subdivision and shall list the improvements which the applicant is required to provide.

2. If one of the two types of security is filed by the applicant and accepted by the City as described above, the City's City Engineer shall inspect and approve the construction of public improvements in accordance with the requirements of this Ordinance. If the applicant fails to properly construct some or all required public improvements, the City's City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Section.

3. The City's City Engineer may extend the period of time by when the completion of public improvements is to occur regardless of time periods that may be iterated elsewhere in this Ordinance. Such extension of time shall be granted upon a showing of good cause and shall be reported to the BioCorridor Review Committee. 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 general public health, safety, or welfare.

8.6 Certifications.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

I (we) _____, owner(s) and developer(s) of the land shown on this plat, and designated herein as the ____ Subdivision to the City of [College Station/Bryan], 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.

_____

CERTIFICATE OF CITY ENGINEER

I, _____, City Engineer of the City of [College Station/Bryan], Texas, hereby certify that this Subdivision Plat conforms to the requirements of the Subdivision Regulations of the City of [College Station/Bryan].

_____
City Engineer
City of [College Station/Bryan]

CERTIFICATE OF PLANNING AND ZONING COMMISSION

I,_____, Chairman of the Planning and Zoning Commission of the City of [College Station/Bryan], hereby certify that the attached plat was duly approved by the Planning and Zoning Commission on the day of _____, 20___.

_____
Chairman

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
(SEAL) Brazos County, Texas

CERTIFICATE OF CITY PLANNER (for Amending or Minor Plats)

I, _____, City Planner of the City of [College Station/Bryan], Texas, hereby certify that this Subdivision Plat conforms to the requirements of the Subdivision Regulations of the City of [College Station/Bryan].

_____
City Planner
City of [College Station/Bryan]

CERTIFICATE OF NO ACTION TAKEN

I, _____, Chairman 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.

_____
Chairman

ARTICLE 9. SITE DESIGN STANDARDS.

9.1 General Development Standards.

The following general development standards shall apply to all of the BioCorridor Planned Development District except where expressly stated to apply to, or exclude, specific districts.

9.2 Overall Design Goals and Objectives.

A. General Standards.

The standards of this article are intended to use site planning and building orientation in order to:

1. Ensure that buildings relate appropriately to surrounding development and streets and create a cohesive visual identity and attractive street scene;
2. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;
3. Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;
4. Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;
5. Ensure that trees or man-made shading devices are used to create a pedestrian-friendly environment both alongside roadways and connecting roadside sidewalks to businesses;
6. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;
7. Ensure that building entranceways are convenient to and easily accessible from the roadside pedestrian system;
8. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings;
9. Ensure that large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene; and
10. Create a multi-modal connected environment clearly indicating entries and amenities. Connect sites through the use of open-space corridors, natural and developed, facilitating pedestrian and bicycle linkage through and within the BioCorridor.

B. Environmental Sensitivity Standards.

The sensitive design and development of this corridor will enable the natural and built systems to work together to meet present needs without jeopardizing the ability of future generations to meet their needs. The standards of this article are intended to use environmental sensitivity standards in order to:

1. Do no harm – do not degrade the surrounding environment in the design and development of building sites;
2. Utilize a decision-making hierarchy of preservation, conservation, and regeneration in the design process – maximize the benefits of the existing and future ecosystem by

preserving sensitive and unique environmental features, conserving resources in a sustainable manner and regenerating lost or damaged ecosystem features;

3. Design with nature and culture – create designs that meet economic and environmental conditions with respect to the local and regional context;
4. Engage the end users into nature; and
5. Foster environmental stewardship through the adherence to the Sustainable Sites Initiative and Guidelines and their Ecosystem Scoreboard.

9.3 General Provisions.

A. Health and Environmental Safeguards.

No machine, process, or procedure shall be employed on any property in the BioCorridor Planned Development District 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, plastic, or have a pH factor greater than ten or less than five;
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 Districts in this Ordinance.
2. No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Ordinance except on a lot that was platted before the adoption of this Ordinance.
3. Utilities using land or an unoccupied building covering less than one thousand square feet (1000 sq.ft.) of site area shall be exempt from minimum lot area standards.
4. Projects may be phased with the phase lines being drawn twenty feet (20 ft.) beyond any new site amenity. If a buffer is required, the buffer shall be installed with the first phase. Each individual phase must meet or exceed minimum requirements for that phase (including requirements for parking and landscaping). The portion left for subsequent phases shall be of developable size and quality.

C. Visibility at Intersections in all Districts.

Within a departure sight triangle as defined by the latest edition of the American Association of State Highway & Transportation Officials' (AASHTO) "A Policy on Geometric Design of Highways and Streets", nothing shall be erected, placed, planted, or allowed to grow in such a manner that would obstruct the driver's view at intersections. Sight triangles shall apply to street intersections, commercial driveways, and mixed-use 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 feet to nine feet (3 – 9 ft.) above the curb may be permitted with the approval of the BioCorridor Review Committee. Required public use facilities such as fire hydrants, traffic signage, utility structures, etc., are exempted.

D. Required Yards (Setbacks).

1. **Purpose and Intent.**
   a. Setbacks are measured from the property line;
   b. On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;

c. No structure that is taller than eight feet (8 ft.) 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; and

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 Ordinance, shall be included for any other building, building plot, or use as part of a yard or open space.

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 percent (50%) 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 Ordinance.

b. For the purposes of this Section, such conveyance shall have occurred within one year immediately preceding submittal for site plan approval, or be anticipated to occur within one 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 sides, may extend up to six feet (6 ft.), including eaves, into any required front or side street setback;

i. Openwork fire balconies and fire escapes may extend up to six feet (6 ft.) into any required rear setback;

j. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves, and other architectural features may extend up to eighteen inches (18 in.) into any required yard;

k. Balconies or decks located more than eight feet (8 ft.) from the ground may project up to six feet (6 ft.) into the required front yard;

l. 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

m. Swimming pools and hot tubs without shelter.

E. More Than One Principal Structure on a Lot or Parcel.

More than one 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.

1. Fences of wood, chain-link, or similar material visible from a right-of-way are prohibited. Fences of wood, chain-link, or similar material may be utilized when they are screened or otherwise not visible from the right-of-way.

2. Fences of wood, chain-link, or similar material, and less than eight feet (8 ft.) in height, and walls of brick, stone, concrete, or similar material, and less than six feet (6 ft.) 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 BioCorridor Review Committee that consists of one 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 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 BioCorridor Review Committee shall determine the building plot using the following criteria:
   a. Contiguous properties that consist of less than two acres and have one or fewer frontages on a street classified as a collector or higher on the City's current Thoroughfare Plan will be consolidated and defined as one 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 BioCorridor Review Committee need to be consolidated for ease of access, reduction of the proliferation of signage along the public right-of-way, or other public health, safety, or general welfare reasons.

H. Height.

1. Every site within the BioCorridor Planned Development District shall be allowed to construct to a height of at least fifty feet (50 ft.) above the natural grade as indicated on the Easterwood Airport Zoning Ordinance map.
2. Height limitations shall apply to all elements—natural and man-made—on a site.
3. Calculation of the height limits shall be to the highest point of the structure. Equipment such as satellite dishes and heating and air conditioning units may be installed on top of buildings provided that they are screened from horizontal view and included in the height limitations.

9.4 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. Eliminate the occurrence of on-street parking in adjoining neighborhoods;
2. Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking areas; and
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.

B. Bicycle 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 parking spaces provided for bicycles 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 area 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.

4. Each building shall provide a facility capable of storing a minimum of four (4) bicycles. The area provided for such a facility shall be approximately fifty-five square feet (55 sq. ft.) in area, approximately nine feet by six feet (9 x6 ft.) or as approved by the BioCorridor Review Committee.

5. Facilities shall be located so that a building is between it and the primary street to which the building orients. The 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 feet (3 ft.). 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 facilities shall be constructed so as to enable the user to secure a bicycle by locking the frame and one 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 points. Facilities shall be anchored securely to the ground.

C. Off-Street Vehicular 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.

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 area 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.

D. Vehicular Parking Spaces' Dimensions and Access.

This Section applies to any development or redevelopment of uses.

1. Each off-street parking space for automobiles shall have an area of not less than nine by twenty feet (9 x 20 ft.) and each stall shall be striped.

2. An eighteen-foot (18-ft.) paved space, ninety degree (90°) only, may be utilized where the space abuts a landscaped island with a minimum depth of four feet (4 ft.). An eighteen-foot (18-ft.) space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six feet (6 ft.).

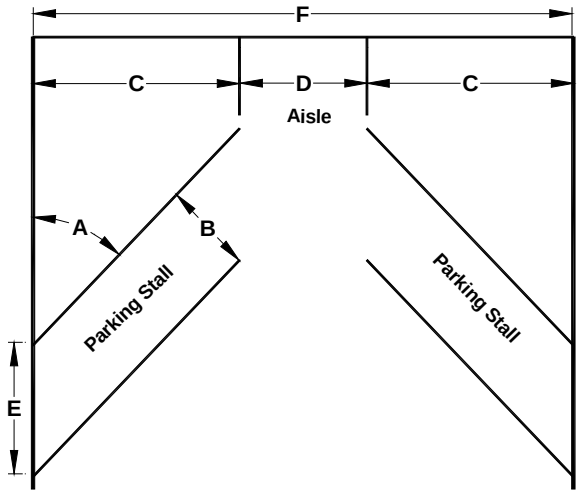
3. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABA) administered by the Texas Department of License and Regulation.

4. 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 BioCorridor Review Committee.

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

PARKING SPACE AND AISLE DIMENSIONS

A	B	C	D		E	F	
Angle (degrees)	Width of stall	Depth of stall 90° to aisle	Width of aisle		Width of stall parallel to aisle	Module width	
			One way	Two way		One way	Two way
0	22 feet	10 feet	12 feet	20 feet	22 feet	22 feet	40 feet
45	9 feet	21.1 feet	12 feet	20 feet	12.7 feet	54.2 feet	62.2 feet
60	9 feet	22.3 feet	15 feet	22 feet	10.4 feet	59.6 feet	66.3 feet
90	9 feet	20 feet	23 feet	23 feet	9 feet	63 feet	63 feet

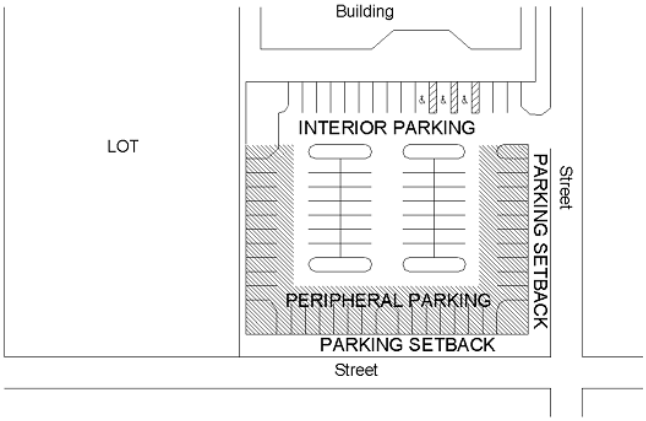


6. Parking lots located within fifteen feet (15 ft.) of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot (18 x 20-ft.) landscaped island. All parking lots and drive aisles shall be setback a minimum of six feet (6 ft.) from any public right-of-way.

7. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments.

E. End Islands.

1. A raised island, encompassing not less than one hundred eighty square feet (180 sq.ft.) 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.



2. All end islands must be raised at least six inches (6 in.) 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.

F. Interior Islands.

1. All interior islands shall be evenly distributed throughout the interior of the parking area.
2. For every fifteen (15) interior parking spaces, one hundred eighty square feet (180 sq.ft.) 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 square feet (180 sq.ft.). Interior islands may have sidewalks through them.
3. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.
4. All interior islands must be raised at least six inches (6 in.) 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.

G. Requirements Apply to All Parking Areas.

Every parcel of land hereafter used as a public parking area, including commercial parking lots, shall be developed and maintained in accordance with the requirements in this Section and as described in the *BioCorridor Site Design Guidelines*.

H. Parking Lots.

1. With the exception of a single-loaded row of angled parking along a one-way drive aisle located between the building frontage and the right-of-way, no parking is allowed adjacent to any street.
2. Where parking or drive aisles are located between the building and the public right-of-way, there shall be a minimum ten-foot (10-ft.) setback from the public right-of-way line to the parking area or drive aisle.

I. Surfacing.

1. General.

All surfacing of off-street parking areas shall be constructed of either asphalt or concrete as described in the *BioCorridor Site Design Guidelines.* Alternatives to the standards may be approved by the BioCorridor Review Committee if it is demonstrated that the materials and design are equal or superior to the requirements in the *Guidelines*. All off-street parking areas shall be graded to drain and maintained so as to dispose of surface water accumulated within the area. Parking spaces shall be so 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 that are 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 BioCorridor Review Committee 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 *BioCorridor Site Design Guidelines*. This temporary all-weather surface must be reworked or replaced to meet the permanent pavement standard as described in the *BioCorridor Site Design Guidelines* prior to issuance of a Certificate of Occupancy.

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

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

c. Permanent Surfaces.

1) All-Weather Surface (Permanent).

In some development scenarios, an emergency access or turnaround must be constructed to meet emergency access purposes and is not required for public traffic, service vehicles or sanitation vehicles. In these cases, the area required for emergency access only may consist of permanent pavement surface as specified in the *BioCorridor 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 BioCorridor Review Committee.

b) Fire lanes may also 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's Fire and Sanitation departments.

c) 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 the section of the ordinance 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 *BioCorridor Site Design Guidelines*. Alternatives to the standards may be approved by the BioCorridor Review Committee if it is demonstrated that the materials and design are equal or superior to the requirements in the *Guidelines*.

2. Temporary Curbing.

A temporary curb may be permitted in lieu of the minimum standard stated in the *BioCorridor Site Design Guidelines*, at the discretion of the BioCorridor Review Committee, when a project is phased in such a way that a permanent, monolithic curb may preclude development of future phases or limit access to a recorded private or public access easement adjoining properties. Wheel stops shall not be permitted as 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 *BioCorridor Site Design Guidelines*.

K. 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;

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 BioCorridor Review Committee;

4. Whenever a building or use constructed or established after the effective date of this Ordinance 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 Ordinance is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;

5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately;

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 City's Building Official;

7. Where a manufacturing/industrial use has more than one working shift of employees, parking shall be provided to accommodate overlap requirements during transition periods;

8. When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards of this Section, the BioCorridor Review Committee may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the BioCorridor Review Committee. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand. Mixed-use developments that include multi-family residential on the second floor or above are not required to hold land in reserve for future parking needs.

MINIMUM OFF-STREET PARKING REQUIREMENTS*

Use*	Unit	Spaces/Unit	Plus Spaces For:
Restaurant (w/o drive-through)	65 sq.ft.	1.0	
(w/drive-through)	100 sq.ft.	1.0	
Medical or Dental Clinic<20,000 s.f.	200 sq.ft.	1.0	
Office	250 sq.ft.	1.0	
Retail Sales & Service	250 sq.ft.	1.0	
R&D / Manufacturing / Warehouse	1000 sq.ft.	1.0	
Convalescent Home / Hospital	Bed	1.0	
Residential	Bedroom	1.0	
Hotel / Motel	Guest room	1.0	1/250 sq.ft. meeting room

* No more than 25% of any building plot's total square footage shall be utilized for intense uses (uses that, individually, have a parking requirement greater than the primary use) unless additional parking is provided in accordance with the above requirements for that square footage of such uses in excess of 25%.

L. Drive-Through Facility Queuing Requirements.

1. Minimum Number of Spaces.
Drive-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
Dry cleaning or Laundry	2	Window
Other	As determined by the BioCorridor Review Committee	

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 feet (10 ft.) wide and eighteen and one-half feet (18.5 ft.) long with a vertical clearance as specified in the building code.

c. Queue spaces are not interchangeable with parking spaces except for bank tellers, where the space providing services may count toward the parking requirement.

d. A twelve-foot (12-ft.) bypass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.

e. Queue areas and drive-through facilities shall be clearly identified with the appropriate signing and marking.

M. 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 Number of Off-Street Parking Spaces Required section of this Ordinance.

2. Applicability.

Applicants who wish to provide fewer off-street parking spaces than required above shall be required to secure approval of an Alternative Parking Plan, in accordance with the standards of this Section. The BioCorridor Review Committee may require that an Alternative Parking Plan be submitted in cases where they deem 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 BioCorridor Review Committee 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 BioCorridor Review Committee shall be authorized to approve Alternative Parking Plans. Appeals of the Committee's decision may be made to the BioCorridor Board.

5. Recording.

An attested copy of an approved Alternative Parking Plan shall be submitted to the County Clerk's office for recordation. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit.

6. Eligible Alternatives.

A number of specific parking and access alternatives are described below. The BioCorridor Review Committee 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 urban design than would strict compliance with otherwise applicable off-street parking standards.

a. Shared Parking.

The BioCorridor Review Committee 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 two hundred and fifty feet (250 ft.) from the building site. The BioCorridor Review Committee may waive this distance limitation if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use.

2) Required Study and Analysis.

The applicant shall submit a shared parking analysis to the BioCorridor Review Committee that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the BioCorridor Review Committee 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 City's BioCorridor Review Committee shall have the authority to require a

revised study and analysis should conditions change that may result in a change in site parking conditions.

3) Shared Parking Agreement.

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the County Clerk's office for recordation. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to this Section, or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

4) Revocation.

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

b. Off-Site Parking.

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

1) Location.

No off-site parking space or parking garage in which the off-site spaces are secured shall be located more than two hundred and fifty feet (250 ft.) from the building site. The BioCorridor Review Committee may waive this distance limitation if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use.

2) Off-Site Parking Agreement - Parking Lot.

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to the County Clerk's Office for recordation on forms made available in the City's Development Services office. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to the Off-Street Parking Standards section of this Ordinance or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

3) Off-Site Parking Agreement - Parking Garage.

In the event that off-site parking is provided through a garage and the parking garage is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. A signed lease for the required spaces in the garage, of not less than one year with an option to renew annually, shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to the Off-Street Parking Standards section of this Ordinance or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

c. Bicyclist Accommodations.

The BioCorridor Review Committee may authorize a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and dressing areas for employees.

9.5 Access Management and Circulation.

A. Multi-Modal Routes.

1. Applicability.

All 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.

2. Minimum Requirements.

All sites shall provide at least three (3) of the following. If a, b, c, and/or d is applicable, that minimum requirement shall be provided. If both b and c are applicable, the connection to the adjacent right-of-way ("b") shall be provided.

a. Connections to adjacent property.
Where right-of-way is adjacent to the subject tract and there is no sidewalk in or adjacent to the right-of-way, a minimum six-foot (6-ft.) width sidewalk shall be provided along the extent of the right-of-way, up to the property line. If a sidewalk exists that is less than six feet (6 ft.) in width, it shall be upgraded to meet the minimum requirements. If the sidewalk or any portion thereof is constructed on private property, a public access easement shall be dedicated to cover the facility in its entirety.

b. Connections to adjacent right-of-way.
Where right-of-way is adjacent to the subject tract, a six-foot (6-ft.) minimum width sidewalk shall be provided from the right-of-way to the subject tract's building entrance.

c. Connections to adjacent greenway and/or parkland.
Where greenway and/or public parkland is adjacent to any of the subject tract's property lines, pedestrian and bicycle access from the trail or walkway system on that greenway or parkland to the subject tract's building entrance shall be provided. The pedestrian and bicycle access points must be fully accessible during operating hours and shall meet City standards for multi-use paths, to a minimum width of eight feet (8 ft.).

d. Connections to adjacent mixed-use development.
If there is mixed-use (residential/non-residential) development adjacent to the site, pedestrian connection(s) from the building entrance to those mixed-use buildings, up to the property line, and to an existing sidewalk or multi-use path (if one is present on the adjacent site) shall be provided.

e. Limitation of curb cuts.
Where multiple curb cuts to a street are allowed as per the Driveway Access Location and Design section of this Ordinance, a site shall only provide fifty percent (50%) or less access points than allowed.

f. Wider sidewalks.
Where a sidewalk is provided on site, the full extent of all such sidewalks shall be provided at a minimum width of eight feet (8 ft.)

g. Wider multi-use paths.
Where a multi-use path(s) is provided on site, the full extent of all such paths shall be provided at a minimum width of ten feet (10 ft.).

h. Vegetative shading of sidewalks and multi-use paths.
Where a sidewalk or multi-use path is provided on site, canopy trees with a minimum two-inch (2-in.) caliper shall be planted adjacent to the sidewalk or path every twenty feet (20 ft.) and maintained to provide shade to bicyclists and pedestrians.

i. Decorative bus stop shelters.
A shelter shall be provided to protect transit customers from the elements and provide seating. Such shelter shall be coordinated with the main building's material and architecture.

j. WiFi accessible bus stop shelters.
A bus shelter shall provide WiFi to the extent that those utilizing the shelter may access the internet at that location.

k. Bicycle parking at bus stops.
If a bus stop is located on or adjacent to the subject tract, a facility capable of storing a minimum of four (4) bicycles shall be provided near the stop. The bus stop bicycle parking facility is in addition to the facility required in Bicycle Parking Spaces Required section of this Ordinance.

l. Sheltered bicycle parking.
All bicycle parking provided on site shall be sheltered as to protect the bicycles from the elements.

B. Easements.

1. Shared Driveways.

The BioCorridor Review Committee may require a shared driveway at the time of platting, development, or redevelopment of the affected lots.

2. Cross-Access Easements.

a. 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.

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 been accomplished, and that all applicable standards of this Ordinance have been met.

e. The BioCorridor Review Committee 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.

C. Driveway Access Location and Design.

1. General.

a. Access facilities shall be located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, the BioCorridor Review Committee may require a traffic study to be performed.

b. 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 BioCorridor Review Committee for the purposes of drainage.

c. 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.

d. This Section shall be deemed to be supplemental to other ordinances regulating the use of public property, and in case of conflict, this Section shall govern.

e. 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 BioCorridor Review Committee.

f. As determined by the BioCorridor Review Committee, engineering judgment shall override the required dimensions set forth in this Section if warranted by specific traffic conditions.

2. Location of Driveway Access.

a. In making a determination as to the location of driveway access, the BioCorridor Review Committee 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 mixed-use developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.

c. No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.

d. 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.

e. When a commercial or mixed-use development abuts more than one 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 BioCorridor Review Committee may require the submittal of a traffic study that demonstrates that such access is required; and

2) The minimum requirements for corner clearance for commercial 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. Streets are classified as follows and defined in the Definitions article of this Ordinance:

1) Major Arterial;

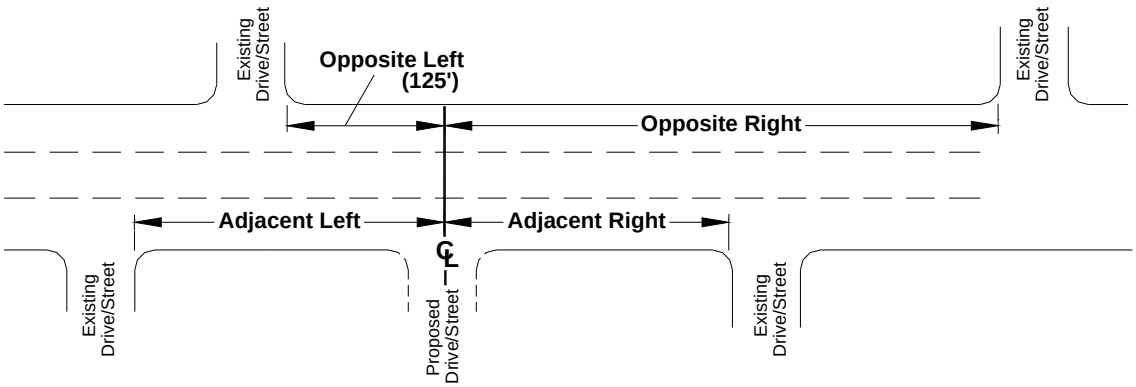
2) Minor Arterial;

3) Collector; and

4) Local Street.

b. Major arterial, minor arterial, and collector streets in the cities are indicated on their respective City's Thoroughfare Plans. The functional classification of any street in the cities not indicated as an arterial or collector street shall be determined using the functional street classification defined by the most recent edition of the AASHTO, *A Policy on Geometric Design of Highways and Streets*.

c. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in the illustration below.



d. A minimum of one hundred and twenty-five feet (125 ft.) shall be required for opposite left driveways for all street classifications.

e. If the centerline of an opposite drive is less than fifteen feet (15 ft.) 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 BioCorridor Review Committee 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, other streets, alleys, private roads, and driveways on either side of the median openings should be aligned. 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 BioCorridor Review Committee may waive this requirement if an existing condition precludes access at a median opening.

Adjacent Driveways

Street Classification	Spacing (feet)
Major Arterial	350
Minor Arterial	300
Major Collector	235
Minor Collector and Local Street	175

g. Spacing of Opposite Right Driveways.

1) Opposite right driveways shall be located no closer than the standard requirements of the table below. The BioCorridor Review Committee 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 BioCorridor Review Committee 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.

Opposite Right Driveways

Street Classification	Spacing (feet)
Major Arterial	400
Minor Arterial	350
Major Collector	300
Minor Collector and Local Street	175

4. Freeway Frontage Road Access and Location Requirements.

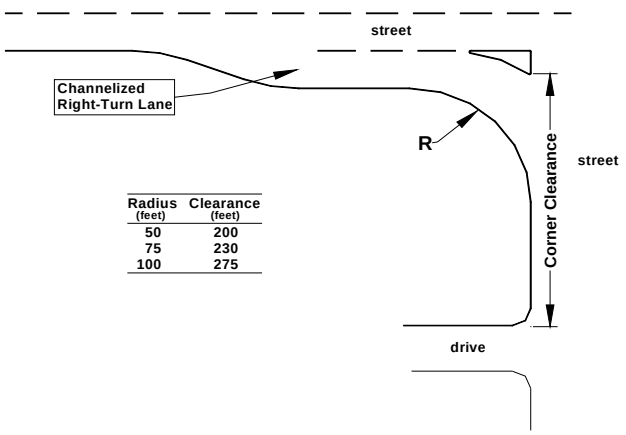
a. Driveways shall be located in accordance with the most recent version of the *Access Management Manual,* as administered by the Texas Department of Transportation (TXDOT).

b. These guidelines apply to existing and planned interchanges.

c. In addition to ramp spacing, driveways on frontage roads under the jurisdiction of the Texas Department of Transportation shall also meet the other requirements of this Section as major arterial streets.

5. Corner Clearance.

a. 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.



Radius (feet)	Clearance (feet)
50	200
75	230
100	275

b. When the requirements of the previous two 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 feet (75 ft.) on collector streets, one hundred feet (100 ft.) on minor arterials, and one hundred and twenty feet (120 ft.) on major arterials. This measurement shall be taken from the intersection of property lines at the corner. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

6. Shared Access.

a. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the BioCorridor Review Committee.

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 BioCorridor Review Committee.

7. Geometric Design of Driveway Access.

a. All driveways shall meet the City's Standard Specifications for Street Construction.

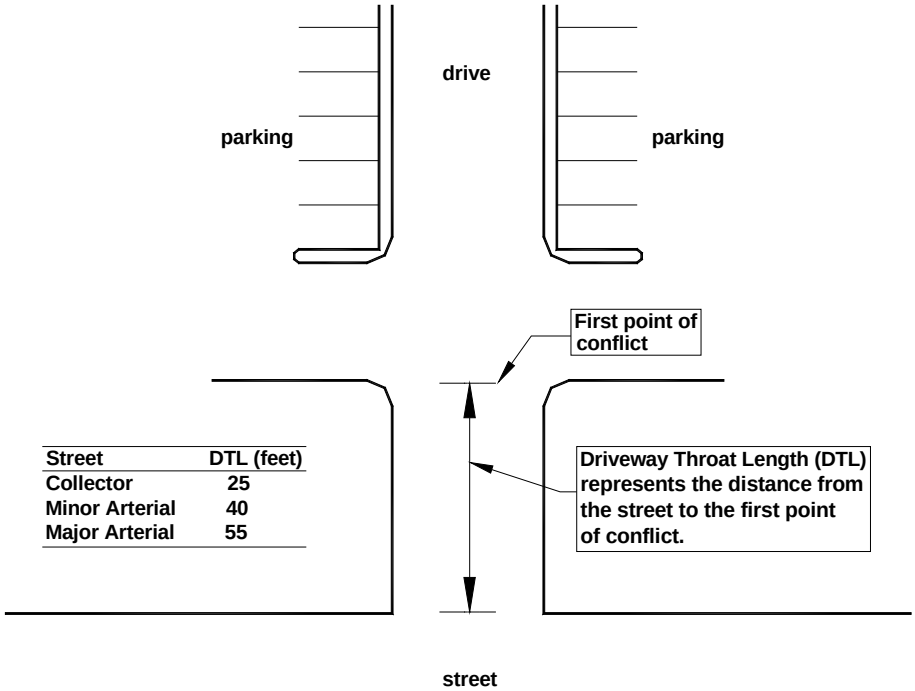
b. Curb cuts for driveways shall not be permitted in the curb return of an intersection.

c. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall vary between twenty-five feet and thirty feet (25 -30 ft.). When special traffic conditions exist, the BioCorridor Review Committee may require larger curb return radii up to fifty feet (50 ft.).

d. The maximum width of driveway approaches for two-way operation shall not exceed thirty-six feet (36 ft.), except that the BioCorridor Review Committee may issue permits for driveway approaches greater than thirty-six feet (36 ft.) in width on major streets to handle special traffic conditions. The minimum width of driveway approaches for two-way operation shall be not less than twenty-four feet (24 ft.).

e. The angle of driveway approach shall be approximately ninety degrees (90°) for two-way drives and between forty-five degrees and ninety degrees (45 - 90°) for one-way drives.

f. 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.



Street	DTL (feet)
Collector	25
Minor Arterial	40
Major Arterial	55

g. Gated developments shall use the *BioCorridor Site Design Guidelines* as a guideline for throat depth and entry designs.

h. 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.

i. 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.

j. 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 vehicles per hour (50 vph). If the posted speed is greater than forty miles per hour (40 mph), a right-turn deceleration lane and taper may be required for any access with a projected peak hour ingress turning volume greater than twenty-five vehicles per hour (25 vph).

k. Driveways shall be constructed as to avoid altering the drainage patterns of the street and adjoining property.

l. Driveways shall be constructed to provide a crossing path within the right-of-way that meets the minimum Texas Accessibility Standards.

m. A right-turn acceleration lane with taper may be required for any access with a projected peak hour right-turning volume greater than fifty vehicles per hour (50 vph) when the posted speed on the roadway is greater than forty miles per hour

(40 mph). Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes.

n. The spacing requirements for driveways not meeting the specifications in Spacing of Driveway Access section of this Ordinance, may be lessened or waived if auxiliary lanes are used.

o. 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.

9.6 Signs.

A. Purpose.

The purpose of this Section is to establish clear and unambiguous regulations pertaining to signs in the BioCorridor Planned Development District and to promote an attractive business park, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information.

1. The City Councils of College Station and Bryan recognize that signs are necessary for visual communication and 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 Councils herein seek to provide a reasonable balance between the right of a person to identify his or her business or activity, the aesthetic protection of public and private investments made in the BioCorridor Planned Development District, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs. This Section will insure that signs are compatible with adjacent land uses and with the total visual environment of the BioCorridor Planned Development District and the community.

2. The City Councils of College Station and Bryan find that the rights of their residents 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 Councils seek 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.

3. The City Councils find 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 Ordinance for good cause. The City Councils find 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 City's Zoning Board of Adjustment shall remain the sole administrative means to obtain any exception to the terms hereof.

B. Permit Required.

Except as expressly provided for otherwise, all signs are herein subject to the permit requirements set forth in the Sign Permit section of this Ordinance.

C. Prohibited Signs.

The following signs are prohibited in the BioCorridor:

1. Portable and trailer signs, and temporary freestanding signs;

2. Signs painted on rooftops;

3. Signs that incorporate the use of exposed neon;
4. Illuminated plastic signs;
5. Internally illuminated awning signs;
6. Inflated signs, pennants, wind driven devises (excluding flags), tethered balloons, and/or any gas-filled objects for advertisement, decoration, or otherwise, except as permitted for Grand Opening Signs and for Special Event Signs;
7. Vehicle Signs except as may be expressly permitted in this Ordinance;
8. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards;
9. Signs containing manual changeable copy;
10. 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;
11. Any sign located within a site triangle as provided for in the section addressing Visibility at Intersections in all Districts. This does not include traffic control or directional signs;
12. Any sign that emits sound, odor, or visible matter; and
13. Off-premise signs, including commercial and non-commercial billboards.

D. Exempt Signs.

Unless they otherwise qualify as a prohibited sign, the following signs are exempt from the requirements of this Ordinance:

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. Such signs are not exempt from the safety regulations contained herein and in City Building and Electrical Codes;
2. Official notices posted by government officials in the performance of their duties: government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger;
3. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;
4. 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;
5. Signs related to a Primary or Secondary Educational Facility;
6. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, or religious celebration; and
7. National, state, and university flags if they are displayed using proper flag etiquette.

E. Signs Approved by the BioCorridor Board.

The BioCorridor Board may approve the following signs:

1. On-premise and/or off-premise signs that the BioCorridor Board determines:
   a. Promotes a positive image of the BioCorridor and/or the communities for the attraction of business; or
   b. Depicts an accomplishment of an individual or group.

   Such signs, their designated locations for display, and a specified time period for display may be approved by the Board. The location and placement of these signs shall not impede traffic safety.

2. Special district identification signs that the BioCorridor Board has approved as set forth in this Ordinance. The location and placement of these signs shall not impede traffic safety.

F. Non-Commercial and Political Signs.

The following requirements must be met for Non-Commercial Signs:

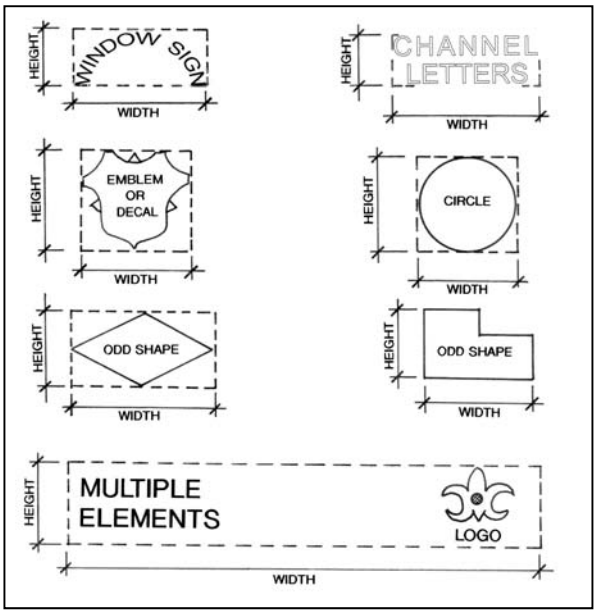
1. No commercial message shall be shown on any Non-Commercial or Political Sign.
2. Non-Commercial or Political Signs:
   a. May not be greater than thirty-six square feet (36 sq. ft.) in size;
   b. May not be located within public road right-of-way of the State of Texas or the City. In the event any non-commercial sign is located in a public right-of-way of the State or City, the City may remove it;
   c. May not be located on private property without the property owner's consent; and
   d. May not be located within any sight distance triangle as defined in the Visibility at Intersections in All Districts section of this Ordinance.
3. All Non-Commercial and Political 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 the event to which the sign relates.

G. Sign Standards.

The following table summarizes the standards for private commercial signs allowed in the BioCorridor:

Sign Type	Maximum Area (sq.ft.)**	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Attached Signs	Varies, see as expressly addressed in the section on Attached Signs	Not to exceed 1 ft. from top of wall, marquee, or parapet to which it is attached	---	Any number allowed if within the total allowed square footage of attached signs
Campus Wayfinding Signs	30	6	---	Varies, see as expressly addressed in the section on Campus Wayfinding Signs
Development Signs:				
Residential/Collector Street	35	15	10	1/premise
Arterial Street	65			
Freeway	200			
Flags:				
Commercial	100	35	10	1
Decorative	---	30	10	6
National, state, and TAMU	Exempt	Exempt	Exempt	Exempt
Grand Opening Signs	---	Not to exceed 1 ft. from top of wall, marquee, or parapet to which it is attached	10	---
Low Profile Freestanding Signs	60	---	10	1/curb cut
Real Estate, Finance, and Construction Signs:				1/frontage (Real Estate)
Up to 150-foot frontage	16	8	10	1/property (Finance)
Greater than 150-foot frontage	32	8	10	3/property (Construction)

** 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.



H. Attached Signs.

The following requirements must be followed for attached signs:

1. Size

Attached Signs on any building shall not exceed a total of two and a half square feet (2.5 sq.ft.) per linear foot of all public entry façades, with a maximum of five hundred square feet (500 sq.ft.) of attached signage allowed for any one commercial tenant or residential community. Multi-story buildings will be allowed one hundred square feet (100 sq.ft.) of additional attached signage.

2. Visibility

Signs attached to features such as automatic teller machines, mail/package drop boxes, or similar on-site features, if identifiable from the right-of-way, as determined by the BioCorridor Review Committee, shall count as part of the allowable sign area of the attached signs for the site. Information contained on such features pertaining to federal and state requirements and operation/safety instructions are not counted.

3. Architectural Elements

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.

4. Placement of Attached Sign

a. An attached sign 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. An attached sign shall be parallel to the face of the building;

c. An attached sign shall not be cantilevered away from the structure;

d. An attached sign shall not extend more than one foot (1 ft.) from any exterior building face, mansard, awning, or canopy;

e. An attached sign shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and

f. An attached sign shall not be attached to any tree or public utility pole.

5. Attached Signs on Site Lighting Poles

Attached signs may be mounted to site lighting poles located on private property. When attached to site lighting poles, attached signs 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 square feet (12 sq.ft.) in area and shall have a minimum of eight feet (8 ft.) of clearance from the grade below;

c. Light pole signs shall only be attached to one side of a light pole;

d. Light pole signs shall not project more than three feet (3 ft.) 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.

I. Campus Wayfinding Signs.

A campus wayfinding sign:

1. May be utilized as part of a unified development that is at least twenty (20) acres in size, contains multiple buildings, and that may include multiple building plots;

2. A maximum of one 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 at the intersection of a primary circulation drive aisle and public way, when parking is not provided along the drive aisle and public way;

3. 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.

4. Shall be limited in height to no greater than six feet (6 ft.), measured from the elevation of the curb or pavement edge, with a maximum total sign area of thirty square feet (30 sq.ft.);

5. Shall not be located within a site visibility triangle;

6. Shall be submitted as part of a sign package for the development; and,

7. Shall utilize a common design or theme throughout the development and contain no commercial logo or graphics.

J. Commercial Signs Carried by a Person.

1. A Commercial Sign carried by a person and not set on or affixed to the ground is allowed provided that the sign is temporary and on-premise.

2. A Commercial Sign may not be carried by a person on the premises for more than three (3) consecutive days, more than four (4) times per calendar year.

K. Development Sign.

Development Signs must meet the following requirements:

1. A Development Sign may be placed only on private property and must comply with the requirements in Sign Standards above. The classification of the street to which the sign is oriented is as identified on the City's Thoroughfare Plan;

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 months from the date of site plan approval. The BioCorridor Review Committee may renew the sign permit for one additional twelve-month period upon written request. Once a building permit for the project is received, the sign may stay in place until seventy-five percent (75%) of the project is leased, occupied, or until a permanent sign is installed, whichever comes

first; and

3. A Development Sign may only be used for a building project. It may not be used for a proposed subdivision.

L. Flags.

Decorative flags and flags that contain copy or a logo(s) are allowed if they comply with the following:

1. One flag that contains copy or a logo(s) is allowed per building plot. The flag may not exceed one hundred square feet (100 sq.ft.) in area or be flown on a flagpole higher than thirty-five feet (35 ft.) in height; and

2. Flags used solely for decoration and not containing any copy or logo are restricted to thirty feet (30 ft.) in height. No more than six (6) decorative flags per building plot shall be allowed.

M. Grand Opening Signs.

In addition to any other lawful sign, Grand Opening Signs are allowed provided they meet the following requirements:

1. Flags, commercial banners, and balloons, which advertise a business's grand opening, may be displayed for one 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.

2. In addition to meeting the above requirements, a Commercial Banner used as a Grand Opening Sign must comply with the following:

a. Shall advertise only the name of, logo, 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 foot (1 ft.) from any exterior building face, mansard, awning, or canopy;

e. Shall not obstruct any window, door, stairway, or other opening intended for ingress, ventilation, or light; and

f. Shall not be attached to any tree, fence, or public utility pole.

N. Low Profile Freestanding Signs.

Low Profile Freestanding Signs must comply with the following:

1. Allowable Area.

The allowable area for Low Profile Freestanding Signs is as follows:

a. Low Profile Freestanding Signs shall have a maximum area of sixty square feet (60 sq.ft.); and

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

2. Allowable Height.

A Low Profile Freestanding Sign shall not use a pole but shall be affixed to the ground. There shall be no height limit for a Low Profile Freestanding Sign.

3. Sign Setback.

A Low Profile Freestanding Sign shall be set back a minimum of ten feet (10 ft.) from the curb or pavement edge, measured from the nearest part of the sign.

O. Real Estate, Finance, and Construction Signs.

The following rules apply for Real Estate, Finance, and Construction Signs:

1. One Real Estate Sign not exceeding sixteen square feet (16 sq.ft.) 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 and fifty feet (150 ft.) of frontage shall be allowed one Real Estate Sign not exceeding thirty-two square feet (32 sq.ft.) in total area. Properties with a minimum of two acres and frontage on two streets shall be allowed one 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 Finance Sign and three Construction Signs (for a total of four signs), not exceeding sixteen square feet (16 sq.ft.) 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 feet (1,000 ft.) of frontage shall be allowed one Finance Sign and three Construction Signs not exceeding thirty-two square feet (32 sq.ft.) in total area each;
3. Real Estate, Finance, and Construction Signs may be either attached or freestanding and only those visible from the street are limited in number;
4. All such signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken, or incapable of remaining erect; and
5. Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of Construction Signs) has been completed. In all cases, Financing and Construction Signs shall be removed prior to issuance of a Certificate of Occupancy.

P. Special Event Signs.

Special Event Signs must comply with the following:

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

Q. Vehicle Signs.

The following rules apply to 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 allowed; 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 allowed.

R. Abandoned, Damaged, or Unsafe Signs.

1. The provisions of this Section shall apply when in conflict with the provisions of the Building Code; but where the provisions of both ordinances are consistent, the enforcement of both shall be permissible and remedies or penalties cumulative.

2. Non-conforming signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty percent (50%) 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 BioCorridor Review Committee shall have authority to grant a thirty-(30-) day time extension where it determines there is a reasonable necessity for same.

4. Discontinuance of use or removal of any non-conforming sign or any sign in connection with a non-conforming use shall create a presumption of intent to abandon said sign. A non-conforming 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.

9.7 Private Common Open Space.

A. Purpose.

Open-air and semi-enclosed public gathering spaces can act as central organizing elements in a development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity.

B. Standards.

1. Amenity Required.

All developments shall devote a minimum of two percent (2%) of the net site area, or the equivalent of two percent (2%) of the net site area but located elsewhere within the BioCorridor Planned Development District, to one of the following types of private common open space:

a. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the area zoned BioCorridor Planned Development District;

b. A landscape area other than those required by these Site Design Standards, provided such landscaped area has a minimum depth and width of ten feet (10 ft.) and a minimum total area of six hundred and fifty square feet (650 sq.ft.). The area shall include pedestrian amenities to support these places as gathering areas;

c. A patio or plaza with an outdoor seating area, provided the patio or plaza has a minimum depth and width of ten feet (10 ft.) and a minimum total area of three hundred square feet (300 sq.ft.). The area shall include pedestrian amenities to support these places as gathering areas;

d. Green roofs with amenities such as outdoor seating areas to support these places as gathering areas for use of the residents, employees, and visitors to the development; or

e. A combination of the previously-listed amenities.

2. Location Criteria.

To the maximum extent feasible, where significant natural and scenic resource assets exist in the area zoned BioCorridor Planned Development District, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the BioCorridor Design Review Committee shall use all applicable plans, maps, and reports to determine whether significant resources exist that should be protected, with priority being given to the following areas (which are not listed in a particular order):

a. Wetlands;

b. Flood hazard areas;

c. Lakes, rivers, and stream/riparian corridors (outside of greenway buffers); and

d. Tree preservation areas.

3. Areas Not Credited.

Lands within the following areas shall not be counted towards private common open space required by this section:

a. Private yards;

b. Public or private streets or rights-of-way;

c. Parking areas and driveways;

d. Highway buffers;

e. Greenway buffer; and

f. Water quality and stormwater detention ponds, unless approved by the BioCorridor Review Committee.

4. Design Criteria.

Land set aside for private common open space pursuant to this section shall meet the following design criteria, as relevant:

a. Common open space areas shall be located to be readily accessible and useable by residents or visitors in various locations of the development or area zoned BioCorridor Planned Development District, unless the lands are sensitive natural resources and access should be restricted.

b. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.

c. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

5. Maintenance.

All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

9.8 Landscaping and Streetscaping.

A. Purpose and Intent.

The purpose and intent of this Section is to regulate the manner in which landscaping in the BioCorridor 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, the BioCorridor falls within Zone 8 of the United States Department of Agriculture (USDA) Hardiness Zone Map.

B. Application of Section.

The requirements of this Section apply to all land located in the BioCorridor within the City, proposed for site development.

1. 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.

2. The 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.

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

4. All plantings must be in accordance with the Planting List found within the *BioCorridor Site Design Guidelines*, or as deemed appropriate by the USDA for Zone 8 in their Hardiness Zone Map. The plant list is approved and amended as needed by the BioCorridor Review Committee.

C. Landscaping Requirements.

1. The landscaping requirements shall be determined on a point basis as follows:

a. Minimum Landscape Points required: thirty (30) points per one thousand square feet (1,000 sq.ft.) of site area;

b. The minimum total number of points for any development is eight hundred (800) points; and

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. The preservation of existing trees is highly encouraged. Sites that choose not to barricade and protect existing canopy trees with a DBH of four inches (4 in.) or greater throughout the development process are required to provide an additional ten percent (10%) more landscaping points than the minimum required in accordance with the regulations below:

1) The additional points may be utilized on site or in private common open spaces that qualify as “a landscape area other than those required by the Site Design Standards” or “a patio or plaza with outdoor seating areas”;

2) All points shall be utilized for new canopy trees;

3) The additional landscaping points and trees may not be used to meet other requirements or additional point credits of this Section; and

4) The new canopy trees required of this section shall be irrigated.

2. Point values will be awarded for any type of canopy tree, non-canopy tree, or shrub, except for those listed on the BioCorridor Non-Point Tree List in the *BioCorridor Site Design Guidelines*. All caliper measurements shall be at four and a half feet (4.5 ft.) above grade.

a. 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
Non-canopy	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	Between 4 and 8
Non-canopy Tree	35	2 and larger
Existing Trees with Barricade Protection Area		
Canopy Tree	400	Between 4 and 8
	500	8 and larger
Non-canopy Tree	150	Between 2 and 4
	200	4 and larger

b. 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.

c. 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 and additional points provided through the planting of canopy trees as described above may be required.

3. Every project must expend a minimum of fifty percent (50%) of its point total on canopy trees.

4. One hundred percent coverage of groundcover, decorative paving, decorative rock (not loose), 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 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 percent (100%) 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 groundcover.

5. Vegetation used for screening purposes shall be a minimum of three feet (3 ft.) in height at time of planting. Dwarf plants will not be allowed as screening vegetation, regardless of their size at time of planting.

6. For existing plantings, the BioCorridor Review Committee may require a health appraisal.

7. 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 BioCorridor Review Committee deems appropriate.

8. Additional Point Credits.

The following additional point credits will apply to the total landscaping point requirement:

a. A ten percent (10%) point credit will be awarded where the irrigation system employed is a recognized water-conserving system.

b. A ten percent (10%) point credit will be awarded if twenty-five percent (25%) or more of parking area consists of enhanced paving.

c. A ten percent (10%) point credit will be awarded for every one percent (1%) of site area devoted to special facilities including water features, public art, or other public features as determined by the BioCorridor Review Committee. Minimum required open space amenities shall not accrue point credits, but amenities provided in excess of the minimum may count towards additional point credits. All locations and works of art, regardless of ownership, placed within the public rights-of-way or public areas shall be approved by the BioCorridor Board.

d. A ten percent (10%) point credit will be awarded for landscape plans that are prepared by a landscape architect registered in Texas, an International Society of Arboriculture (ISA) certified arborist, or other professional as deemed appropriate by the BioCorridor Review Committee.

9. 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.

10. Landscaping must be reasonably dispersed throughout all visible areas of the site.

11. All mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or district that allows residential uses within one-hundred and fifty feet (150 ft.) of the perimeter boundary of the subject lot or tract, measured from a point five feet (5 ft.) above grade. Such screening shall be coordinated with the building architecture, materials, colors and scale, or landscape architecture to maintain a unified appearance. Acceptable methods of screening are: encasement, parapet walls, brick/stone/masonry walls, fences with evergreen plantings, and/or evergreen plantings. Dwarf plants will not be allowed for required screening.

D. Streetscape Requirements.

1. The streetscaping requirements shall be determined along all major arterials, freeways, and expressways as follows:

a. Within fifty feet (50 ft.) of the property line along the street, one canopy tree for every twenty-five linear feet (25 l.f.) of frontage shall be required. With the exception of street trees along the Health Science Center Parkway right-of-way, the 1:25 ratio is for calculation purposes only and is not intended to mandate the installation of trees at regular intervals. Two non-canopy trees may be substituted for each one canopy tree;

b. Canopy and non-canopy trees must be selected from the BioCorridor Plant List in the *BioCorridor Site Design Guidelines* and, with the exception of street trees along Health Science Center Parkway, may be grouped as desired; and

c. One existing tree with a minimum four-inch (4-in.) caliper may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the BioCorridor Review Committee.

2. The streetscaping requirements shall be determined along all other roadways by the following:

a. Within fifty feet (50 ft.) of the property line along the street, one canopy tree for every thirty-two feet (32 ft.) of frontage shall be installed. The 1:32 ratio is for calculation purposes only and is not intended to mandate the installation of trees at regular intervals. Two non-canopy trees may be substituted for one canopy tree;

b. Canopy and non-canopy trees must be selected from the BioCorridor Streetscape Plant List in the *BioCorridor Site Design Guidelines* and may be grouped as desired; and

c. One existing tree with a minimum four-inch (4-in.) caliper may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the BioCorridor Review Committee.

3. Three hundred (300) additional landscape points shall be required for every fifty linear feet (50 l.f.) of frontage on a right-of-way or public way. Driveway openings, visibility triangles, and other traffic control areas may be subtracted from total frontage. The additional landscape points can be dispersed throughout the site.

4. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements in paragraphs 1, 2, and 3 above.

5. Parking areas adjacent to a right-of-way or public way shall be screened from the right-of-way/public way. Screening is required along one hundred percent (100%) of the street frontage (such as ten (10) shrubs for every thirty linear feet (30 l.f.) 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 feet (3 ft.) above the parking lot pavement elevation. Dwarf plants may not be used for screening. Walls and planting strips shall be located at least two feet (2 ft.) from any parking area. Where the street and the adjacent site are at different elevations, the BioCorridor Review Committee may alter the height of the screening to ensure adequate screening. Shrubs used for screening shall be evergreen.

6. Dumpsters (where permitted), concrete retaining walls where more than six (6) vertical inches of untreated concrete are visible, off-street loading areas, utility connections, and any other site characteristics that could be considered visually offensive must be adequately screened.

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 BioCorridor Review Committee;

5. Location, size, spread, type, and quantity of all proposed landscaping and screening materials, along with common and botanical names;

6. The location of existing and proposed utilities and all easements on or adjacent to the lot;

7. An indication of adjacent land uses, existing development, and roadways;

8. An irrigation system plan or a general note indicating that an irrigation system to service all new plantings will be installed by a certified installer before a Certificate of Occupancy will be issued;

9. Landscape Information

a. Landscape points required for site and calculations shown in the landscape legend;

b. A legend showing the size, type (canopy, non-canopy, shrub), and points claimed for proposed landscaping;

c. Location of landscape plants on plan identified by a symbol defined in a landscape legend;

10. 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; and

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 to dispose of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other harmful liquids or materials within the drip line of any tree or groups of trees that are required to remain;

d. No attachments or wires of any kind shall be attached to any tree, except those used to stabilize or protect such tree;

e. With grade changes in excess of six inches (6 in.), a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half (½) the distance between the trunk and the drip line. The mid-point of the retaining wall shall be constructed at the new grade. Grade changes greater than one inch (1 in.) may not be made without the prior approval of the BioCorridor Review Committee; and

f. All vegetation must be planted in accordance with the visibility triangle regulations referenced in the Visibility at Intersections in all Districts section of this Ordinance.

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 BioCorridor Review Committee. 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 BioCorridor Review Committee, shall constitute a violation of this Section of the ordinance for which the penalty provision may be invoked.

2. Landscaping/Streetscaping Changes to Existing Sites

a. If changes constituting twenty-five percent (25%) or more of the number of required 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 BioCorridor Review Committee.

G. Completion and Extension.

The BioCorridor Review Committee shall review all landscaping for completion in compliance with this Section and the approved Landscape/Streetscape Plan. Landscaping/ streetscaping shall be completed in compliance with the approved plan before a Certificate of Occupancy will be issued. However, the applicant may receive an extension of four (4) months from the date of the Certificate of Occupancy upon the approval of an application for extension with a bond or letter of credit in the amount of one hundred and fifty percent (150%) 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 Ordinance.

H. Review and Approval.

Landscape/Streetscape Plans shall be reviewed jointly and approved by the BioCorridor Review Committee.

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 BioCorridor Review Committee. Such plans must show reasonable evidence that the requirements as set forth in this Section were used as a guide.

9.9 Highway Buffers.

A. Purpose.

The purpose of highway buffer requirements, which generally include a buffer yard, existing vegetation, and plantings is to provide a visual barrier around the BioCorridor from State Highway 47 (SH 47) and Farm to Market Road 60 (FM 60), and to help mitigate any negative impacts of these major thoroughfares on developed or developing properties. A buffer should visibly separate the highway system from the developments within the BioCorridor and shield or block noise, glares, or other nuisances.

B. Applicability.

1. Perimeter buffers shall be provided on building plots abutting SH 47 and/or FM 60 right-of-way in accordance with the standards of this Section, as outlined in the Minimum Highway Buffer Standards.

2. Properties that abut both SH 47 and FM 60 shall provide perimeter buffers to both rights-of-way.

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. 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. Driveways and necessary utility boxes and equipment are permitted within the buffer yard.

3. No storage of materials, parking, signage, or structure shall be located within the buffer yard.

4. No fences or walls over three feet (3 ft.) high shall be located within the buffer yard, with the exception of retaining walls required for soil stabilization.

E. Minimum Highway Buffer Standards.

1. Buffer Yard.

Each buffer yard shall be a minimum of fifty feet (50 ft.) in depth. The buffer yard shall be measured from the common property line with the applicable TxDOT rights-of-way and may include established building setbacks.

2. Landscape Reserve.

All existing trees within the buffer yard with a four-inch (4-in.) caliper or greater shall be preserved.

3. Plantings.

a. The following plantings shall be installed in each buffer yard:

1) A minimum of one five-gallon shrub at a minimum of three feet (3 ft.) in height per linear foot of landscaping buffer; and

2) A minimum of one two-inch (2 in.) caliper canopy tree per eight linear feet (8 l.f.) of landscape buffer.

b. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, groundcover, or other appropriate landscape treatment in accordance with the Landscaping and Streetscaping section of this Ordinance.

c. Fifty percent (50%) of all required shrubs within the buffer yard shall be evergreen.

d. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the BioCorridor Plant List in the *BioCorridor Site Design Guidelines* or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.

e. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between the BioCorridor Planned Development District and the highways.

f. Irrigation is required for all new plantings.

g. Existing vegetation, including trees meeting the requirement of the landscape reserve of this Section, may count toward the planting requirement if:

1) The vegetation is in good health and the landscaping 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 Streetscaping section of this Ordinance.

b. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in the Visibility at All Intersections in All Districts section of this Ordinance.

c. Where utility or drainage easements or other similar situations exists in the required buffer yard, all new plantings and irrigation shall be located outside of the easement.

F. 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 shall be maintained by the owner(s) of the property that was required to install such landscaping materials 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.

G. Appeals.

1. Appeals of the terms of this Section, with the exception of Maintenance and Replacement above, shall be to the BioCorridor Board.

2. An appeal shall be made within thirty (30) days of the date of the notification of the decision by filing with the BioCorridor Review Committee a notice of appeal specifying the grounds thereof.

3. The BioCorridor Board 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 waiver 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 would result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

9.10 Greenway Buffers.

A. Purpose.

Generally consisting of creek beds and native tree, shrub, and grassland zones, the purpose of the greenway buffer is to reduce erosion associated with increased water flow and flooding; preserve native vegetation that will stabilize banks, slow and absorb contaminants, and provide wildlife habitat; and provide a natural aesthetic and ecological amenity. The buffer is intended to preserve the greenway by limiting the impact of development.

B. Applicability.

A greenway buffer shall be provided on building plots that contain any portion of the buffer as defined in this Section.

C. Relationship To Other Landscaping Standards.

1. The area of a site dedicated to a greenway buffer shall not be included in calculating a site's minimum landscaping point requirements.
2. If a highway buffer and a greenway buffer overlap, the requirements for a greenway buffer shall prevail.

D. Permitted Uses.

1. A greenway buffer may be used for passive recreation or stormwater management.
2. A greenway buffer may contain pedestrian, bike, or equestrian trails provided that the trails or paths are located outside of the floodplain.
3. Necessary utility infrastructure is permitted within the buffer.
4. Other uses that will enhance the stated purpose of the greenway may be determined acceptable by the BioCorridor Review Committee.
5. No storage of materials, parking, signage, or structures (including fences and walls) shall be located within the buffer.

E. Minimum Greenway Buffer Standards.

1. Greenway buffers shall consist of:
   a. The area delineated and protected by the US Army Corps of Engineers; and
   b. The area encompassed by a White's Creek tributary measuring seventy-five feet (75 ft.) off of each of its banks.
2. Public access easements of at least fifteen feet (15 ft.) in width shall be dedicated in or adjacent to the greenway buffer and outside of the floodplain to allow developing or future trails or paths to span the extent of the greenway.

9.11 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 BioCorridor Planned Development District 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 mixed-use developments; and
2. Reduce nuisances associated with waste-collection containers.

B. Responsibility.

The BioCorridor Review Committee 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. The Committee will endeavor to accommodate applicants to the extent equipment, efficiency, and policy allow.

C. Storage Locations.

1. Dumpster storage outside of the primary structure is prohibited for office, medical service, and/or residential facilities. These facilities shall include a sufficient amount of space within the primary structure for the suitable storage of refuse and shall adhere to the following guidelines, as applicable.
2. New retail sales and service and research and development facilities may locate their refuse containers in an accessory structure or accessory building provided they adhere to state and local health and safety codes as well as the requirements of the

BioCorridor Building Design Standards article of this Ordinance and the *Guidelines* of this Section.

D. Guidelines.

The following shall be considered minimum standards:

1. The interior clearance (inside the screen) dimensions for a single three hundred- (300) gallon container enclosure shall be ten feet deep by ten feet wide (10 x 10 ft.);
2. The interior clearance (inside the screen) dimensions for a single (one eight-yard) dumpster enclosure shall be twelve feet deep by twelve feet wide (12 x 12 ft.);
3. The interior clearance (inside the screen) dimensions for a double (two eight-yard) dumpster enclosure shall be twelve feet deep by twenty-four feet (12 x 24 ft.) wide;
4. Bollards and other such devices shall not be set within the minimum width dimensions noted above;
5. All required containers and dumpsters pads shall be constructed of six inches (6 in.) of steel-reinforced concrete;
6. All required containers and dumpsters shall be screened by means of an approved six-foot (6-ft.) 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 300-gallon side-loading automated containers. Gates shall have a minimum width of twelve feet (12 ft.) when open, shall swing one hundred and eighty degrees (180°) from the closed position, and shall utilize a positive-locking mechanism while in the open position. Three (3) hundred-gallon side-loading automated container enclosures shall be open on the side, facing the collection point. The open side cannot be facing the public right-of-way; and
7. The ingress, egress, and approach to all dumpster pads shall conform to fire lane requirements.

9.12 Drainage and Stormwater Management.

A. Water Quality Improvements.

The development shall incorporate a minimum of two of the following measures to provide additional water quality benefits, the design of which shall be proposed and sealed by the applicant's engineer, architect, or landscape architect, as appropriate:

1. Rainwater collection and reuse;
2. Pervious pavement;
3. A retention pond that will treat the entire site for water quality and provide approximately 75% total suspended solids (TCC) removal efficiency;
4. Native and adapted landscaping;
5. Bioswales;
6. Rain gardens;
7. Urban planters;
8. Green roof;
9. Vegetated filter strips;
10. Conserved open space; or
11. Greenway buffers.

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 and shall comply with the following:

1. Unless the landscape plan is sealed by a landscape architect and approved by the BioCorridor Review Committee, only plantings found in the BioCorridor Plant List for Detention Pond Areas of the *BioCorridor Site Design Guidelines* may be used in a detention area;

2. If visible from any right-of-way or abutting property, concrete structures (such as weirs, outlets, and spillways) and retaining walls over six inches (6") in height shall be treated so as to replicate stone, wood, or other alternatives approved by the BioCorridor Review Committee. The treatment shall be complementary to the structures on the site; and

3. Variations to the requirements of this Section may be approved by the BioCorridor Review Committee if the development project is employing Leadership in Energy and Environment 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.

C. General.

1. Purpose and Intent.
The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges into the municipal stormwater drainage system to the maximum extent practicable as required by Federal Law. This Article establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this Article are to:

a) Regulate the contribution of pollutants into the municipal stormwater drainage system by any person or entity;

b) Prohibit illicit discharges and illegal connections into the municipal stormwater drainage system;

c) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, into the municipal stormwater drainage system; and,

d) To establish legal authority to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the MS4 permit.

2. Compatibility with Other Regulations.
This Article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Article imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

D. Definitions.

In this Article:

Accidental Discharge: a discharge prohibited by this Article that occurs by chance and without planning or thought prior to occurrence.

Agricultural stormwater runoff: any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other Nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR. Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR. Section 122.24.

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. 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.

CFR: the Code of Federal Regulations.

Clean Water Act (CWA): The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92500, as amended Pub. L. 95217, Pub. L. 95576, Pub. L. 6483 and Pub. L. 97117, 33 USC. 1251 et.seq.

Construction Activity or Construction Activities: include clearing, grading, and excavating that are subject to TPDES General Construction Permits. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Additionally, it does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Contaminated: containing a harmful quantity of any substance.

Contamination: the presence of or entry into a public water supply system, the municipal stormwater drainage system, waters of the State, or waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.

Construction Site: any construction site required by the Clean Water Act to Operate within the limits of an TPDES permit to discharge stormwater associated with construction activity.

Construction Site Notice (CSN): 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.

Discharge: any addition or introduction of any unpolluted water, pollutant, stormwater, or any other substance whatsoever into the municipal stormwater drainage system or into waters of the United States. This includes, but is not limited to, household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal wastes.

Discharger: any person who causes, allows, permits, or is otherwise responsible for, a Discharge, including, without limitation, any Operator of a Construction Site or Industrial Facility.

Environmental Protection Agency (EPA): the United States Environmental Protection Agency, or any duly authorized official of said agency.

Facility: 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.

Harmful quantity: the amount of any substance that will cause Pollution of waters of the State, the municipal stormwater drainage system, or that will present or may present imminent and substantial danger to the environment or to the health or welfare of persons.

Illicit Connections: any manmade conveyance connecting an Illicit Discharge directly to a municipal separate storm sewer.

Illicit Discharge: any Discharge to a municipal separate storm sewer that is not composed entirely of stormwater except Discharges pursuant to an TPDES permit

(other than the TPDES permit for certain Discharges from the municipal separate storm sewer), Discharges resulting from fire fighting activities, and other allowable non-storm water Discharges.

Industrial Facility: 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).

Municipal Separate Stormwater System (MS4) Permit: a Stormwater permit for municipalities to regulate stormwater discharges.

Municipal Separate Stormwater Sewer System (MS4): the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. Also designated as MS4.

Municipal Stormwater Drainage System Operator: the City.

National Pollutant Discharge Elimination System (NPDES): the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act.

Nonpoint source: any source of any Discharge of a pollutant that is not a "point source."

Notice of Change (NOC): the notification of changes to SWP3 that is required by the TPDES Stormwater Permits.

Notice of Intent (NOI): the advance notification that is required by the TPDES Stormwater Permits prior to commencement of work.

Notice of Termination (NOT): the notification that is required by the TPDES Stormwater Permits upon completion of work.

Operate: to drive, conduct, work, run, manage, or control a vehicle or machine.

Operator: the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications) and 2) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWP3 requirements and any permit conditions.

Pollutant: includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt, and industrial, municipal, recreational, and agricultural waste discharged into water or into the MS4.

Pollution: the alteration of the physical, thermal, chemical, or biological quality of, or the Contamination of, any water of the State or water of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Premises: lots, buildings, and any appurtenances situated thereon.

Private: property or Facilities owned by individuals, corporations, and other organizations and not by a city, county, state, or federal government agency.

Public: property or Facilities owned by a city, county, state, or federal government or agency thereof.

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.

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.

Stormwater: any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Stormwater discharge associated with industrial activity: 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":

(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 category (11) of this definition);

(2) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31l, 32 (except 323), 33, 344l, 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 (SMCRA) 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 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 paragraphs (1)-(7) or (9)-(11) of this definition are associated with 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 are located within the confines of the Facility, with a design flow of 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;

(10) Construction Activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale;

(11) 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 (2)-(10) of this definition);

Stormwater Pollution Prevention Plan (SWP3): 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.

TCEQ: the Texas Commission on Environmental Quality or successor. MS4 interest is delegated to the TCEQ upon authority of the EPA.

Texas Pollutant Discharge Elimination System (TPDES): the regulatory program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

TPDES Permit: 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.

Uncontaminated: not containing a Harmful quantity of any substance.

United States Code (USC): the Federal law containing the Clean Water Act.

Vehicle: any form of motorized conveyance that transports people, cargo, or any other objects.

Wastewater: any water or other liquid, other than Uncontaminated Stormwater, Discharged from a Facility.

Surface Water in the State: includes lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the State (From the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State or subject to the jurisdiction of the State; except that waters in treatment systems which are authorized by state or federal law, regulations, or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Waters of the United States:

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) all interstate waters, including interstate wetlands;

(3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(a) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(b) from which fish or shellfish are or could be taken or sold in interstate or foreign commerce; or

(c) which are used or could be used for industrial purposes by industries in interstate commerce;

(4) all impoundments of waters otherwise defined as waters of the United States under this definition;

(5) tributaries of waters identified in this definition;

(6) the territorial sea; and

(7) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this definition; Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds

as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the United States (such as disposal are in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any federal agency, for the purpose of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Wetland: an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

E. Prohibitions.

1. Discharge to Municipal Stormwater Drainage System Prohibited.
A person commits an offense if the person Discharges or causes to be Discharged into the MS4 any Release of a Harmful quantity of any substance that is not comprised entirely of Stormwater.

2. Exceptions.

a. It is an affirmative defense to prosecution, subject to subparagraph (2) below, that the Discharge was composed entirely of one or more of the following:

1) A Discharge authorized by, and in full compliance with, a TPDES permit (other than the TPDES permit for discharges from the MS4);

2) A Discharge or flow resulting from fire fighting by the fire department;

3) Agricultural Stormwater runoff;

4) A Discharge or flow from water line flushing or disinfection that contains no Harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;

5) A Discharge or flow from normal lawn watering or landscape irrigation;

6) A Discharge or flow from a diverted stream flow or natural spring;

7) A Discharge or flow from uncontaminated pumped groundwater or rising groundwater;

8) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to the MS4;

9) Uncontaminated Discharge or flow from a foundation drain, crawl space pump, or footing drain;

10) A Discharge or flow from a potable water source not containing any harmful substance;

11) A Discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of Pollutant;

12) A Discharge or flow from individual residential car washing;

13) A Discharge or flow from a riparian habitat or wetland;

14) A Discharge or flow from cold water (or hot water with prior permission of the City's City Engineer) used in street washing or cosmetic cleaning that is not Contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

15) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals; or

16) A Discharge or flow of uncontaminated Stormwater pumped from an excavation.

b. No exception to enforcement shall be available under subparagraph (1) if:

1) The Discharge or flow in question has been determined to be a source of a Pollutant or pollutants to the waters of the United States or to the MS4;

2) Notice of such determination has been provided to the Discharger; and

3) The Discharge has continued after the expiration of the time given in the notice to cease the Discharge.

3. Prohibition of Illicit Connections.

a. The construction, connection, use, maintenance or continued existence of any Illicit Connection to the MS4 is prohibited.

b. Connections that were permissible when originally installed but that are now considered Illicit must be brought into compliance within a timeframe designated by the City's City Engineer.

c. A person violates this Article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

d. Improper connections in violation of this Article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

4. Unpermitted Discharges Prohibited.

It is an offense for an operator or responsible party of a facility to:

a. Discharge, or cause to be Discharged, Stormwater associated with industrial or construction site activity without first having obtained a TPDES permit from the TCEQ.

b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the NOI or construction site notice to the City.

c. Introduce sediment, concrete, asphalt or any other construction debris into the MS4 from a construction activity. The City's City Engineer will provide the Operator a reasonable amount of time, to remove any Pollutants or debris from the MS4 conveyances.

F. Suspension of Utility Service

1. Emergency Suspension of Utility Service and Municipal Stormwater Drainage System Access.

a. The City may, without prior notice, suspend water service, sanitary sewer service or MS4 Discharge access to a person Discharging to the MS4, waters of the United States, or Publicly-Owned Treatment Works when such suspension is necessary to stop an actual or threatened Discharge which:

1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or

2) Presents or may present imminent and substantial danger to the MS4 or waters of the United States.

b. When the City's City Engineer determines that City provided water or sanitary sewer service must be suspended pursuant to subsection (1), the City's City Engineer will request the Director of Water Services to do so.

c. As soon as is practicable after the suspension of service or MS4 Discharge access, the City's City Engineer will notify the violator of the suspension and order the violator to cease the Discharge immediately.

d. If the violator fails to comply with an order issued under subsection (3), the City's City Engineer may take such actions as he/she deems necessary to prevent or minimize harmful Discharges to the MS4, waters of the United States, or to persons or wildlife.

e. The City will not reinstate suspended services or MS4 access to the violator until:

1) The violator presents proof, satisfactory to the City's City Engineer and Director of Water Services, that the non-complying Discharge has been eliminated and its cause determined and corrected;

2) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and

3) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully Discharged into the MS4 incurred by the City while responding to, abating, and remediating the Discharge or threatened Discharge.

f. A violator whose service or access has been suspended or disconnected may appeal the enforcement action to the City Manager's attention, in writing, within 10 days of notice of the suspension. The City Manager will render a decision within 7 days upon written receipt of the petition.

g. The remedies provided by this section are in addition to any other remedies set out in this Article. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.

h. A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to Premises terminated pursuant to this section, without the prior approval of the City's City Engineer.

2. Nonemergency Suspension of Utility Service and Municipal Stormwater Drainage System Access.

a. The City may suspend the City-provided water supply, sanitary sewer connection, or MS4 access for any person failing to comply with previous notices to cease discharges to the MS4 in violation of this Article. Utilities will be subject to suspension if such measures would abate or reduce the Discharge.

b. The City's City Engineer will notify a violator of the proposed suspension of its water supply, sanitary sewer connection or MS4 access. The violator may petition the City's City Engineer for a reconsideration and hearing before the City Manager.

c. The City will not reinstate suspended services or MS4 access to the Discharger until:

1) The violator presents proof, satisfactory to the City's City Engineer, that the non-complying Discharge has been eliminated and its cause determined and corrected;

2) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and

3) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the Discharge or threatened discharge.

d. The remedies provided by this section are in addition to any other remedies set out in this Article. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.

e. A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to Premises terminated pursuant to this section, without the prior approval of the City's City Engineer.

G. 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 an NOI notifying the TCEQ and the MS4 operator.

b. The MS4 permit issued to the City by the TCEQ mandates the City "Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions" (Part III (E)(6)) and to implement a program that shall include "Inspection of construction sites and enforcement of control measure requirements" (Part III (A)(9)(b)). To meet these requirements the City must enter onto the Premises of Industrial and Construction Sites to inspect, monitor, and conduct surveillance of requirements mandated by the TCEQ. These requirements include, but are not limited to:

1) Review of the Facilities' SWP3 with onsite conditions;

2) Evaluation of BMP to effectively prohibit the Discharge of nonstormwater to the MS4;

3) Inspection for Illicit Connections and Illicit Discharges;

4) Self inspection compliance; and

5) Compliance with the City's MS4 permit and the Facilities subject general permit (TXR150000 or TXR050000).

2. Access to Industrial Facilities and Construction Sites.

a. The intent of Facility inspections shall be to determine compliance with the conditions of the City's TPDES permit, any TPDES general permit the Facility is currently obligated to for Industrial and Construction Activities, and this Article. Facility owners and Operators will allow the City's City Engineer ready access to applicable sections of Public and Private Premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal Discharges to the MS4, Illicit Connections to the MS4, and assessment of any portions of a regulated Facility influenced by Stormwater runoff that may adversely affect the MS4 or waters of the United States.

b. Admittance to the Facility shall be requested at a reasonable time during the Facilities normal working hours unless it is determined by the City's City Engineer that imminent and substantial danger exists.

c. The owner or Operator shall make all necessary arrangements to allow access to the City's City Engineer.

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 City's City Engineer 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 Article.

f. The City's City Engineer has the authority to establish on subject Facilities devices as are necessary in the opinion of the City's City Engineer to conduct monitoring of the Facility's Stormwater Discharge.

g. The City's City Engineer 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 City's City Engineer 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 City's City Engineer deems may affect stormwater discharges to the MS4.

b. The City's City Engineer 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 City's City Engineer will provide the Operator a reasonable amount of time to make the necessary changes in the Stormwater Pollution Prevention Plan.

4. Review and Modifications of Best Management Practices.

a. Any person engaged in activities or Operation, or owning Facilities or property, which will or may result in Pollutants entering the MS4 or waters of the United States, shall implement BMPs to the extent they are technologically achievable to prevent and reduce such Pollutants. The owner or Operator of a regulated Facility shall prove reasonable protection from Accidental Discharge of prohibited materials or other wastes into the MS4 or waters of the United States. Practices implemented to prevent Accidental Discharge of prohibited materials or other wastes shall be provided and maintained at the owner's or Operator's expense.

b. The City does not maintain a list of required or approved BMPs for regulated Facilities. The City's City Engineer may request Facilities to demonstrate the effectiveness of implemented BMPs. Suggested BMPs and a list of prohibited BMPs will be maintained in the *B/CS Drainage Design Guidelines*.

c. The City's City Engineer may require an Operator of a regulated Facility to modify its BMP if the BMPs do not provide effective protection from Accidental Discharge of prohibited materials or other wastes from entering into the MS4 or waters of the United States.

d. The deficiencies in a Facility's BMP will be communicated in writing, and the City's City Engineer 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.

H. Stormwater Discharges Associated with Industrial Activity.

1. Applicability.

This section applies to all Facilities located within the BioCorridor Planned Development District that have stormwater discharges associated with Industrial Activity.

2. Industrial and High Risk Runoff Monitoring.

a. All hazardous waste treatment and storage Facilities, active municipal landfills, Facilities subject to section 313 of Title III of the Superfund Amendment and

Reauthorization Act of 1986 (SARA), and any other Industrial Discharger the City determines is contributing a substantial Pollutant load to the MS4 shall submit self-monitoring data to the City on an annual basis. Submittal date of self-monitoring data is to be determined by the City's City Engineer.

b. The City's MS4 permit requires that all Industrial Facilities listed in (1) be subject to site inspections of no less than once per permit term (five years). However, the City's City Engineer 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 City's City Engineer is a violation of this Ordinance. 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 City's City Engineer reasonable access to a Facility's self-monitoring data for the purpose of review required by this Article.

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 years) to verify the Facility's "no exposure" exemption.

e. The City may waive monitoring requirements for Industrial Facilities determined to be in compliance with the TPDES Multi-Sector General Permit Number TXR050000.

f. The City's City Engineer has the authority to conduct inspections on any Industrial Facility subject to the TCEQ's TPDES Multi-Sector General Permit or has been deemed to be, or has potential to be, contributing a substantial Pollutant load to the MS4 to determine compliance and safety of the MS4 and waters of the United States.

I. Stormwater Discharges Associated with Construction Activity.

1. Applicability.

This subsection applies to all Facilities located within the BioCorridor Planned Development District that have Stormwater Discharges associated with Construction Activity.

2. Submission of Notice of Intent, Notice of Change, Notice of Termination or Construction Site Notice to Municipal Stormwater Drainage System Operator.

a. The Operator of a Construction Site required to have a TPDES permit to Discharge Stormwater associated with Construction Activity shall submit a copy of the above notices to the City's City Engineer at the same time the Operator submits the original notice to the TCEQ.

b. The Operator of a Construction Site which does not require an NOI is required to submit, per TCEQ's TPDES general permit for Construction Sites, a Construction Site notice to the City's City Engineer.

c. Copies of all notices may be delivered to the City's City Engineer either in person or by mail.

J. Control and Containment Requirements.

1. Spill or Release Corrective Actions, Responsibility, and Compensation.

a. Spills or leaks of Polluting substances Discharged to, or having the potential to be indirectly transported to, the MS4, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition. Any costs of the containment, control, collection, removal, or restoration incurred by the City will be reimbursed to the City by the person associated with the spill or leak.

b. Persons associated with the spill or leak must immediately call 911 to notify emergency personnel of all spills or leaks of polluting substances. Notification does not relieve any person of any costs related to the restoration, loss, damage,

or any other responsibility which may be incurred as a result of the spill or leak, nor will the notification relieve any person from any other responsibility which may be imposed by state, federal, or other law.

c. Any person operating a Vehicle that causes or results in an Accidental Discharge or Release to the MS4 is responsible for costs of any testing, containment, cleanup, abatement, removal and disposal of Contamination to the extent determined by the City's City Engineer.

2. Stockpiling, Accumulations, and Heaps.

a. Stockpiles, accumulations, and heaps comprised of soil, sand, mulch, trash, asphalt, aggregate or any other material deemed a Pollutant by local, state, or federal regulations, which are located within the City limits and present a real or perceived potential of discharging to the MS4 are subject to control measures to prevent introduction into the MS4.

b. The City's City Engineer has the authority to necessitate the use of control measures to mitigate the introduction of Pollutants to the MS4. Failure to implement control measures as prescribed by the City's City Engineer will result in enforcement as described in this Article.

c. Stockpiles, accumulations, and heaps discovered to be Discharging Pollutants to the MS4 are subject to enforcement as described in this Article.

K. Enforcement.

1. Enforcement Responsibility.

The City's City Engineer or his designee has the responsibility for enforcement of the provisions of this Article. The duties include not only the issuance of permits as required by this Article, but also the responsibility of ensuring that all Facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of the City's Code of Ordinances. The City's City Engineer has the authority to adopt policies and procedures not inconsistent with the terms of this Article necessary to implement the provisions of this Section.

2. Violations.

Violation of the provisions of this Article 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 Article is committed or continued. Any person found guilty of violating this Article may be punished as provided for in the City's Code of Ordinances.

3. Notice of Violations.

If the City's City Engineer determines that there is a violation of this Article, notice will be sent to the property owner or Operator of record by registered or certified mail, unless deemed an emergency pursuant to the Emergency Suspension of Utility Service and Municipal Stormwater Drainage System Access section of this Ordinance. The notice will specify the measures required to come into full compliance with this Article and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this Article and subject to additional penalties outlined herein.

4. Voluntary Compliance.

The City's City Engineer has the authority to instruct an Operator of a Facility that commits any acts prohibited by this Article to achieve voluntary compliance as determined by the City's City Engineer. The City's City Engineer will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

5. Stop Orders.

The City's City Engineer has the authority to issue stop work orders for any Facility that commits any acts prohibited by this Article.

L. Penalties and Violations.

1. Violations of provisions of this Drainage and Stormwater Management section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with the City's Code of Ordinances for each violation. Each day such violation continues shall be considered a separate offense.

2. The owner or Operator of any Facility, structure, Premises, or part thereof, and any architect, builder, contractor, agent, or other 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.

M. Appeals, Interpretation, and Variances.

Any appeals, interpretations or variances of the City's City Engineer, except those under the Enforcement section of this Article, shall first be to the City Manager, then to a court of competent jurisdiction.

9.13 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.

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, LED, or color-corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one 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.

1. Outdoor lighting shall not exceed the following levels:

a. 0.50 footcandle at the property line if the subject property abuts a residential zoning district or a lot containing a residential use; or

b. 1.00 footcandle at the property line if the subject property abuts a nonresidential zoning district or lot containing a nonresidential use, or at the right-of-way line.

2. Outdoor lighting shall not exceed the following heights:

a. Light fixtures in parking lots shall not exceed a maximum height of twenty-four feet (24 ft.).

b. Pedestrian walkway fixtures shall not exceed a maximum height of twelve feet (12 ft.).

3. 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.

4. All lighting fixtures incorporated into non-enclosed structures (e.g., bank drive-thru canopies) shall be fully recessed into the underside of such structures.

9.14 Outdoor Storage and Display.

A. General.

Outdoor storage and display is allowed 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.

B. Standards.

1. General Outdoor Storage.

Items that are stored outside must be related to the use on the site. Outdoor storage is allowed so long as it is completely screened from view from adjacent rights-of-way and/or public ways by landscaping and a solid wall that at a minimum meets the height of the screened materials and at least six feet (6 ft.) in height. Outdoor storage shall not be allowed within a required front setback.

2. Outdoor Display.

Outdoor sales/outdoor display areas shall be located within five feet (5 ft.) of a required entrance façade and shall only be located in front of the property/business that is selling the item(s). A four-foot (4-ft.) minimum clear space on the sidewalks shall be maintained. All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

3. Exceptions.

Waste generated on-site and deposited in ordinary refuse containers shall not be considered outdoor storage or display. Outdoor appurtenances essential to the function of sidewalk cafés shall not be considered outdoor storage or display.

ARTICLE 10. BUILDING DESIGN STANDARDS.

10.1 Design Standards for the Built Form.

Introduction.

The BioCorridor is emerging as one of the most vital and energetic growth areas for the City of Bryan, City of College Station and the entire Brazos Valley region. It is this energy and vitality that should be promoted and enhanced through quality design. The primary purpose of the Building Design Guidelines is to provide prospective developers of properties with a sense of what the community desires in the future built environment within this BioCorridor. These design principles and guidelines are organized and constructed to provide a consistent, quality built environment across the entire BioCorridor in order that this new "neighborhood" can be anchored by quality jobs, quality developments and an enhanced quality of life that can be sustained into the future.

The Cities desire to create a quality-built environment within this area that is underscored through the creation of "places" rather than just developments. "Places" are memorable because they exhibit quality that is manifested through their physical design and with elements that are authentic, rich in detail and diversity and express a unique style and character appropriate to their local setting. From a land use and urban design perspective, the BioCorridor is a complex and diverse area. As a result, distinct districts have been identified based on characteristics of the area. The design palette is shaped by the unique landforms and built environments already present within the area and also by the nature and type of developments that are anticipated and encouraged as a part of the overall plan. The architectural style and details of buildings in the BioCorridor will and should vary from other corridors in both cities based on the unique settings and the influences of the architectural styles of the dominant facilities that already exist. Accordingly, this document provides design guidelines that address the standards that are applicable to the BioCorridor.

10.2 Overall Design Goals and Objectives.

Exhibit A-1 illustrates with narrative and images the overall design theme, goals and objectives for the future built environment in the BioCorridor. These overall goals and principles were formed and structured to create a coordinated system of buildings and facilities that emphasize quality design and materials, provide a sense of place and scale that is appropriate for both persons and automobiles and work in concert with the natural landscape in a sustainable manner. Establishing these guiding principles for the design of the built environment will provide a benchmark to which all future building development should adhere. These overall goals and objectives serve as the basis for the more detailed design standards, and when applied, help to reinforce those objectives on each site. To this end, the following goals and objectives serve as the guiding principles for design of the built environment.

A. Overall Design Intent for the Built Environment.

The built environment should portray a progressive image that encourages building designs that are appropriate to the local context, contribute to the creation of a pedestrian-friendly environment and are responsive to the natural environment in which they are situated.

B. Design Objectives Supporting the Overall Design Intent for the Built Environment.

The following design objectives are to be adhered to as benchmark standards and principles in development and design of buildings and facilities in the BioCorridor.

1. Building designs should strengthen the character, quality and sustainability of the existing and future built environment in this area;

2. Building design should encourage architectural styles that respect and relate to the local context and/or create a cohesive, coordinated theme within the area;
3. Buildings should be constructed using authentic and durable materials (natural stone, brick and/or architectural metal) and all sides of the building should be designed and treated with similar styles, materials, and details;
4. Buildings should be designed with an appropriate human scale which create and maintain a recognizable and consistent relationship to the public streets and rights-of-way;
5. Buildings should be designed to establish the visual importance of the primary street entrance and ensure that entries contribute to the building's attractiveness and are readily visible and accessible to visitors;
6. Buildings should be designed to provide sun and weather protection and increase opportunities for people to see and be seen; and
7. Site development should include preservation and protection of sensitive natural features and the built environment should not be designed to dominate the natural environment, but instead work in harmony with the natural landscape.

10.3 Design Standards Applying to the BioCorridor Planned Development District.

The following design standards are required of all developments in the BioCorridor Research and Development District and the BioCorridor Office and Research District to reinforce and effectuate the design objectives stated. These standards are highly encouraged, but not required, in the BioCorridor Manufacturing District.

A. Building Design Should Strengthen the Character, Quality and Sustainability of the Area.

1. All sides of all buildings should be treated with the same architectural style, use of materials, and details as the front of the building;
2. Architectural design, building materials, colors, forms, roof styles, and detailing should all work together to express a harmonious and consistent design;
3. Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. Roof features should complement the character of adjoining buildings or the preferred style and character of the district in which the property is located; and
4. Blank walls facing public streets are strongly discouraged and a fenestration pattern that has "punched" openings and a strongly-defined base, middle, and top to the buildings is strongly encouraged.

B. Encourage Architectural Styles that Respect and Relate to the Local Context.

The architectural style, height, roofline, materials and proportions of existing buildings within the overall area should be noted when new buildings are designed. The design of new buildings is to be compatible and complementary to the style and character of the BioCorridor Planned Development District. Exterior modification of an existing structure should respect the style and character of the BioCorridor Planned Development District. Additions to existing buildings are to be compatible in size, or reflect updated architectural styles compatible with the BioCorridor Planned Development District's style and character.

C. Building Construction Using Authentic and Durable Materials.

All structures constructed within the BioCorridor Research and Development District and the BioCorridor Office and Research District shall comply with the following items. These standards are highly encouraged in the BioCorridor Manufacturing District:

1. Encourage durable, high quality building materials that are compatible with the existing buildings in the BioCorridor and reflect the authentic materials available in the area;

2. Major exterior walls of buildings should be constructed with brick masonry and stone with some stucco and/or architectural metals;

3. Plexiglass, reflective, opaque and tinted materials are strongly discouraged and glazing must utilize modern materials, such as Low-E type glass;

4. Color schemes should tie building elements together and should be used to enhance the architectural form of a building. Color tones should be based on the colors of stones and materials indigenous to the area; and

5. Intense, bright colors are not encouraged, and should be used only for building accents. Such colors should not be the predominant color on any building, wall, or roof.

D. Scale of Buildings.

Buildings within the BioCorridor Planned Development District should be in proportion to the human scale and should maintain a recognizable relationship to public streets by complying with the following:

1. Single, large, dominant building mass should be avoided. Any buildings over 5,000 square feet in total floor area should have variation in roof form, building height, and wall planes;

2. Linear "strip" development should incorporate variation in building height, building mass, roof forms, and changes in wall planes in the architectural design to mitigate the linear effect;

3. Large windowless or otherwise unarticulated spaces on the street facades should be avoided. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail and office buildings and provide visual interest that will be consistent with the identity, character, and scale intended for the BioCorridor Planned Development District; and

4. Buildings should have a well-differentiated first floor façade, utilizing awnings, cornices and ornamentation, varying window patterns, and colors.

E. Primary Street Entrance.

The development should establish the visual importance of the primary street entrance by complying with the following:

1. Entrances should be planned and designed to mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses;

2. All sides of a principal building that directly face an abutting public or private right-of-way should feature one primary entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement may apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street; and

3. To contribute to the pedestrian scale of the street, rooflines should be broken into smaller elements, or roof sections. Alternatively, varying the roof height or style to give the appearance of or emphasize the many individual buildings may be used.

10.4 Design Standards Applying to Buildings and Developments.

The following design standards are required of all developments in the BioCorridor Research and Development District and the BioCorridor Office and Research District. These standards are highly encouraged in the BioCorridor Manufacturing District. These standards are based on the design context that is likely to prevail in the BioCorridor Planned Development District, since most of this area is presently undeveloped and will be most heavily influenced by the new facilities for the Health Science Center campus, and the designs and strategies initiated

by the Research Valley Partnership, the City of Bryan, the City of College Station and Brazos County. Additionally, these standards are influenced by the intensity of development anticipated in the BioCorridor. Current development patterns and proposed development initiatives indicate that the area is more likely to develop to "urban" densities rather than the more typical "suburban" densities found on many of the community's main traffic corridors. Consequently, most of these design standards are oriented towards creating an urban environment, where pedestrians and automobiles share the public rights-of-way, and walkability and connectivity are crucial ingredients in the overall design fabric of the area.

A. General Architectural Style and Massing.

The general architectural style and massing of buildings within the BioCorridor Planned Development District should comply with the sections below:

1. Architectural Style and Character.

The architectural style and character should conform to the following:

a. The underlying theme of the BioCorridor Planned Development District is characterized as a progressive and "state-of-the-art" environment where contemporary styles and thoughts are encouraged and promoted. Contemporary architectural styles are generally recommended for all building types to portray the progressive tone and nature envisioned in the BioCorridor; and

b. Building design throughout the BioCorridor Planned Development District should promote visual interest and diversity through the use of architectural articulation and massing variations. There should be no box-like or single monolithic forms not relieved by variations in massing of facades.

2. Building Height and Massing.

To support the anticipated development economics with adequate density and intensity, create an increased sense of enclosure, and diminish the perceived width of the street (particularly Health Science Center Parkway), and maximize opportunities for upper-story offices and housing, building height and massing should comply with the following:

a. Multi-story buildings greater than two (2) stories should be built to the maximum heights permitted by zoning are encouraged;

b. Stepping portions of upper stories back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc., is encouraged. This is especially important for buildings facing Health Science Center Parkway; and

c. New single-story commercial building types with flat roofs should, whenever possible, have a minimum height to the cornice or parapet of twenty (20) feet or more measured from finished grade to better define the street.

B. Building Materials and Colors.

Building materials and colors with the BioCorridor Planned Development District should comply with the sections below.

1. Building Materials.

To ensure that durable and authentic building materials are used in all forms of building construction, buildings should, whenever possible, be constructed using local or regionally available, durable materials such as:

a. Brick;

b. Natural stone;

c. Manufactured stone;

d. Textured, patterned and/or integrally-colored cast-in-place concrete;

e. Integrally-colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture;

f. Stucco, EIFS (exterior insulating finish system), architectural metal and pre-finished decorative panels such as store front systems should only be used as accent materials and in conjunction with another appropriate building material.

2. Materials to be Avoided.

The following materials should be avoided in the design and construction of buildings:

a. Unadorned plain or painted concrete block;

b. Unarticulated or blank tilt-up concrete panels;

c. Pre-fabricated metal building systems; and

d. Aluminum, fiberglass, asphalt, or fiberboard siding.

3. Building Colors.

To ensure that building colors are aesthetically pleasing and compatible with their surroundings, the building colors should blend with, or enhance surroundings. Principal building colors should consist of subtle, neutral or muted colors with low reflectance such as tones of browns, grays, tans, and dark or muted greens. “Warm-toned” colors are encouraged because of their year-round appeal. No more than three principal colors should be used on a facade or individual storefront. Bright, complimentary colors should be used only as accents.

C. Building Facades, Articulation and Entries and Shelters for Pedestrians.

1. Facades.

In order to employ visually legible building proportions that support the human scale, define the street edge and provide visual continuity, the following standards apply:

a. In general, buildings over two stories shall have a well-defined base, middle, and top. The base, or ground floor, should appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, an intermediate cornice line, an awning, arcade or portico, or similar element;

b. It shall be recognized that buildings will be viewed from a variety of vantage points. Consequently, the placement of doors, windows, balconies, changes in materials, and roof height should be designed to provide an attractive and harmonious design from the front, side, rear and top; and

c. Building tops should be articulated with discernible cornice lines, parapets and/or fascias.

2. Façade Articulation.

In order to add visual interest and variety by avoiding long, monotonous facades, the following standards apply:

a. New building façades, including parking garages should have a pedestrian scale aesthetic. This can be accomplished by establishing a layering of rhythmic patterns and architectural elements such as windows, columns, roof lines, building materials, and colors;

b. “Flat” facades should be avoided. The historic structures found in downtown Bryan exhibit more of the desired play of light and shadow on a building and these precedents with a contemporary interpretation present suitable design influences for the new retail development in the BioCorridor Planned Development District. In general, the design should create more of a visual impact than standard retail and commercial architecture in ways similar to that of historic structures; and

c. The primary façade(s) viewable by the public from streets and parking lots of all buildings should be articulated into distinct increments through the following or similar techniques:

1) Stepping back or extending forward a portion of the façade;

2) Use of different textures or contrasting, but compatible, materials;

3) Division into storefronts with separate display windows and entrances;

4) Arcades, awnings, window bays, balconies or similar ornamental features; or

5) Variation in roof lines to reinforce the articulation of the primary façade.

D. Entries.

In order to establish the visual importance of the primary street entrance, and to ensure that entries contribute to the visual attractiveness of the building and are readily visible to visitors, the following design standards should be followed with respect to entries.

1. Primary building entrances should face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances should be oriented to a secondary street or parking area. Residential entries should be separate and distinct from commercial entrances;

2. In the case of a corner building or a building abutting more than one street, the street with the higher classification should be considered primary and the main entrance should be placed at sidewalk grade; and

3. Entries should be designed with one or more of the following:

a. Canopy, portico, overhang, arcade or arch above the entrance;

b. Recesses or projections in the building facade surrounding the entrance;

c. Display windows surrounding the entrance;

d. Architectural detailing such as brick work or ornamental moldings; or

e. Planting areas, pots or window boxes for seasonal landscaping.

E. Rear Facades and Entries.

In order to improve the appearance of rear facades and entries, orient customers parking or walking to the rear of buildings, and provide safe and convenient access to all building entries, the following standards apply:

1. Rear facades should be designed as an integral part of the overall building with similar materials and detail treatments. If parking is placed to the rear of a building, the building's rear facade shall be welcoming in appearance. Awnings, landscaping and small wall signs identifying businesses are encouraged;

2. If customers, visitors and/or tenants park to the rear of the building, a well-defined and lighted rear entrance is strongly encouraged; and

3. If no rear building entrance is provided, a signed and lighted walkway to the front or side building entrance shall be provided.

F. Awnings, Balconies and Arcades.

In order to encourage pedestrian activity, safety, shelter, and opportunities to see and be seen, the following design standards apply for awnings:

1. Awnings.

a. The use of awnings is encouraged as a way to shelter customers, residents and other pedestrians; reduce glare and conserve energy; and provide additional accent color to building facades:

b. Where awnings are used, canvas, fabric or vinyl awnings are preferable, and these awnings should be resistant to fading and degradation due to UV exposure. High UV rated materials are required. If glass or metal awnings are employed, they should closely complement the building's architectural character and aesthetic; and

c. Back-lighted vinyl awnings and similar vinyl or canvas canopy signs shall not be used.

2. Architectural Arcades and Balconies.

To provide sun and weather protection and increase opportunities for people to see and be seen, the following applies with respect to architectural arcades and balconies:

a. The use of ground floor architectural arcades to provide pedestrian connections between facilities is encouraged; Upper floor balconies and terraces are encouraged to provide opportunities for outdoor activities and provide views to the public streets, thus encouraging street-level interaction and enlivening the BioCorridor Planned Development District; and

b. Architectural arcades should be illuminated with wall or ceiling light fixtures for pedestrian safety and security.

G. Roof Design and Equipment.

1. Roof Form and Design.

In order to provide a visual terminus to the building, reduce monotony and reflect interior and exterior patterns of use or ownership, the following roof design standards should be followed:

a. Buildings should be designed with pitched and/or flat roofs. Flat roofs should be defined with a discernible cornice line. Variations in roof type, height, and or distinct, separate roof segments are encouraged as a means of creating greater visual interest, identifying changes in use, areas of ownership or reducing monotony;

b. Pitched roofs such as gable, hip, shed or mansard roofs should be clad with highly durable, fire resistant materials such as standing seam metal, slate, ceramic or composite tiles. Use of asphalt rolls or shingles is strongly discouraged; and

c. Use of green roofs for reductions in heat island effects, building energy consumption, and stormwater runoff is highly encouraged.

2. Roof Equipment.

In order to ensure that views of rooftop equipment from public streets or pedestrian ways are minimized, the following design guidelines should be followed for roof equipment:

a. All rooftop equipment should be screened from view from adjacent streets, public rights-of-way and adjacent properties. Preferably, rooftop equipment should be screened by the building parapet, or located out of view from the ground;

b. If the total screening of rooftop equipment is not feasible, the equipment should be grouped within a single on-ground enclosure and screened from public view. This structure should be set back a distance of 1½ times its height from any primary facade fronting a public street. Screens should be of durable, permanent materials, not including wood, that are compatible with the primary building materials; and

c. Exterior mechanical equipment such as ductwork should not be located on primary building facades.

H. Window and Door Openings.

In order to enliven the streetscape, window and door openings should comprise at least 60 percent of the length and at least 30 percent of the area of the ground floor of the primary street facade;

1. A minimum of 20 percent of the ground level of side and rear facades not fronting a public street should consist of window and door openings; and

2. A minimum of 20 percent of all sides of upper story facades should consist of window or balcony/door openings.

I. Parking Structure Design Standards.

In order to ensure scale and form will achieve visual continuity with surrounding buildings while providing neighborhood-supportive uses along the street, the design of parking structures within the BioCorridor shall comply with these design standards:

1. At least 60% of the ground floor facade abutting any street, excluding areas needed for ingress and egress, should be occupied by commercial or office uses;
2. Facades should be designed and architecturally detailed like other commercial buildings within the BioCorridor Planned Development District. The structure's exterior should feature horizontal detailing to hide angled ramps within the structure's interior. Windows or other openings should be provided that echo those of surrounding buildings;
3. Screening of refuse facilities and mechanical equipment should be accomplished by locating the facilities internally in a partitioned enclosure; and
4. Parking facilities within the BioCorridor Planned Development District should incorporate CPTED (Crime Prevention through Environmental Design) by utilization of both active and passive security design features.

J. Lighting Design for Parking Structures.

Following are some design considerations for the illumination of parking structures which apply:

1. Lighting on the top deck of a parking structure should be limited to sixteen (16) feet in height and be located along the centerline of adjoining internal parking rows rather than at the perimeter of the structure;
2. Illumination plans for parking facilities should consider reducing lighting to the minimum level required for security of areas such as the upper deck of parking structures or remote surface parking areas used only during peak hours;
3. Lighting of lower parking decks should be placed in recessed areas between T- beams and along the perimeter, aiming light inward; and
4. Lighting of surface lot parking canopies should be recessed and/or shielded. Considering a lighting design that reflects off the underside of the canopy from a hidden or a fully-shielded source is encouraged.

K. Free-Standing Enclosures.

In general, accessory structures and free-standing enclosures to the main building are discouraged. However, if an accessory structure is deemed necessary in the design review process, its design is to be compatible with the principal structures to which they relate. The design of all accessory structures should be in character with the principal building and constructed of the same quality, permanent materials as the principal building, including a structurally-sufficient concrete floor. Where appropriate, the accessory structure should be located on the same lot and within close proximity to the principal structure. The building's exterior perimeter should be landscaped in the same manner as the principal facility.

Exhibit A-1

Design Objectives supporting the Overall Design Intent for the Built Environment

Buildings should be designed to provide sun and weather protection and increase opportunities for people to see and be seen;

Preservation and protection of sensitive natural features is required and the built environment should not be designed to dominate the natural environment, but instead work in harmony with the natural landscape.

Encourage architectural styles that respect and relate to the local context and/or create a cohesive, coordinated theme within the area;

Buildings should be constructed using authentic and durable materials(natural stone, brick and/or architectural metal) and all sides of the building should be designed and treated with similar styles, materials, and details;

Establish the visual importance of the primary street entrance and ensure that entries contribute to the building's attractiveness and are readily visible and accessible to visitors;

Building design should strengthen the character, quality and sustainability of the existing and future built environment in this area.

Exhibit A-1

Create Buildings with an Appropriate Human Scale which Maintain a Recognizable Relationship to the Public Street

- A single, large dominant building mass should be avoided. Any buildings over 5,000 square feet in total floor area should have variation in roof form, building height and wall planes.
- Linear “strip” development should incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of “strip” development.
- Avoid large windowless or otherwise unarticulated spaces on the street facades. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearance of large retail and office buildings and provide visual interest that will be consistent with the identity, character, and scale intended for the District.
- Buildings should have well differentiated first floor façade, utilizing awnings, cornices and ornamentation, varying window patterns and colors.

Exhibit A-1

Example of a building properly set to the corner

Flat facades shall be avoided. They should be divided into smaller, human scale increments.

Preservation of unique natural features is encouraged.

Building massing "encloses" the street and front door parking maintained.

Example of screening equipment with roof forms.

Thoughtful placement of the building to encourage pedestrian traffic.

Dense but landscaped well.

A traditional application of transparent, storefront type windows at ground level.

Existing Vegetation and supplemental planting provide a forest effect.

1101 Texas Avenue, PO Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

August 24, 2012

TO: Members of the Planning & Zoning Commission

FROM: Molly Hitchcock, AICP
Assistant Director, Planning and Development Services

SUBJECT: **UDO Amendments regarding the BioCorridor Planned Development District**

Item: Public hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," 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," and Article 10, "Enforcement," of the Code Of Ordinances of the City of College Station, Texas, regarding the establishment of a BioCorridor Planned Development District.

Background: On December 16, 2011, the College Station City Council adopted an interlocal agreement (ILA) with the City of Bryan for a Joint BioCorridor Development Project. The project site is approximately 196 acres at the eastern intersection of Raymond Stotzer Parkway and State Highway 47 and is owned by the City of Bryan through the Bryan Commerce Development Corporation. Of this acreage, 147 are located within the City limits of College Station. The major provisions of the ILA include cost and revenue sharing between the municipalities, coordinated infrastructure delivery, unified economic development incentives, and unified land use, development standards, and project review processes.

To develop unified land uses, development standards, and project review processes, city staff from both communities have worked together and in conjunction with a subcommittee of both communities' Planning and Zoning Commissions. In addition to the technical and regulatory expertise and planning and zoning policy experience dedicated to these efforts, the City of Bryan's development partner, Traditions Acquisitions Partnership, LP, has participated by bringing direct development interest into the collaboration. Using the cities' comprehensive plans, the BioCorridor Master Plan, the BioCorridor Design Guidelines proposed by Jacobs

Consultancy, and local zoning and development codes as guides, and with considerations from Traditions representatives and their consultants, this proposal has been developed to rezone the property affected by the ILA as a Planned Development District (PDD), and through this rezoning, to have a set of unique zoning and development codes (the "BioCorridor Planned Development District Ordinance") to implement the vision of the BioCorridor.

The terms of the proposed BioCorridor Planned Development District Ordinance necessitate amendments to the Unified Development Ordinance (UDO).

The Amendments: There are four types of amendments that are being proposed to the UDO. The first type is for the establishment of new regulatory bodies in the development review process. The creation of the BioCorridor Review Committee (BRC) and the BioCorridor Board (BioC Board) is intended to facilitate expected development through an efficient process that is consistent across city limit lines. With a BRC and BioC Board, development approval delays associated with taking items to the Design Review Board, Zoning Board of Adjustment, Planning and Zoning Commission(s), and/or City Council(s) can be avoided in many instances. The BRC will consist of staff members from the cities of College Station and Bryan whom will provide project management services through the development process from the cities' side, will review development proposals for compliance with the adopted standards, and will approve projects or provide support to the regulatory bodies that can approve projects. The BioCorridor Board will consist of elected officials and Planning and Zoning Commission representatives from the cities of College Station and Bryan and a representative of Texas A&M University. The BioC Board will have the authority to make decisions in the interest of the BioCorridor Planned Development District on subjective matters such as district signage and appeals to BRC determinations.

The second type of amendment is for the exemption of the area zoned BioCorridor Planned Development District from the terms of several sections of the Unified Development Ordinance. The BioCorridor Planned Development District Ordinance prescribes the land uses, development processes, and standards that are applicable in the PDD. These types of amendments will help to prevent confusion as to which ordinance applies on a particular matter, and prevents possible future UDO amendments from affecting the terms of the BioCorridor Planned Development District Ordinance.

The third and forth types of amendments are for "housekeeping" purposes. Once the language exempting areas zoned BioCorridor Planned Development District from portions of the UDO is inserted into the UDO, the numbering of those sections must be updated. In turn, virtually all references in the UDO that utilize section numbers are made incorrect. The fourth type of amendment removes the references to specific section numbers whenever possible and replaces each reference with one using the section title, or where the numbers were required for clarity, this type of amendment updates the references with the new section numbers.

The BioCorridor Planned Development District rezoning request and this UDO amendment request are scheduled to go the City Council on September 27, 2012 for public hearings and final decisions.

Attachment: Proposed UDO amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 1, "GENERAL PROVISIONS," ARTICLE 2, "DEVELOPMENT REVIEW BODIES," ARTICLE 3, "DEVELOPMENT REVIEW PROCEDURES," 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," AND ARTICLE 10, "ENFORCEMENT," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; 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 Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," 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," and Article 10, "Enforcement," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A", "B", "C", "D", "E", "F", "G", "H", "I". "J", "K", "L", and "M" attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter 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) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: Said Ordinance will not become effective until The City of Bryan, Texas approves a rezoning in accordance with the terms of the Joint Research Valley BioCorridor Development Project interlocal agreement signed by the City of College Station on December 16, 2011.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

_____
MAYOR

ATTEST:

_____
City Secretary

APPROVED:

_____
City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Section 1.4, "Jurisdiction," is hereby amended to read as follows:

A. Land Within the City Limits

Except as set forth below, this UDO applies to all land within the 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 that portion of the City's ETJ 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 ETJ as established by the MUNICIPAL ANNEXATION ACT:

1. Applicable portions of Section 7.5, Signs (ref. Chapter 1, Section 30, City of College Station Code of Ordinances);
2. Article 8, Subdivision Design and Improvements;
3. Articles 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 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 Park Land Dedication section. Parkland Dedication shall remain in effect for property within the BioCorridor Planned Development District.

EXHIBIT "B"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," Sections 2.7 "Administrator", 2.8 "Building Official", 2.9 "Development Engineer", and 2.10 "Summary of Review Authority" of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 2.8, "Administrator", 2.9 "Building Official", 2.10 "Development Engineer", and 2.12 "Summary of Review Authority," respectively.

EXHIBIT "C"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to add Section 2.7 BioCorridor Board as follows:

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's Planning and Zoning Commission. One (1) appointment shall be a member of the 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 President of Texas A&M University or his designee. This appointment shall be an employee of Texas A&M University in College Station.

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 his or her position, that member's term shall be ended immediately upon such qualifying 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 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's Planning and Zoning Commission regarding Waivers of the standards in the Subdivision Design and Improvements section of 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 as set forth in the BioCorridor Planned Development District ordinance;

b. Temporary signs promoting positive communications as set forth in the BioCorridor Planned Development District ordinance;

c. Works of art and their locations when located in public right-of-way or other public area as set forth in the BioCorridor Planned Development District ordinance;

d. Appeal of the BioCorridor Review Committee's determination regarding 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 the BioCorridor Planned Development District ordinance;

f. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements of 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 as allowed in the BioCorridor Planned Development District ordinance; and

i. Appeal of the terms of the Highway Buffer Standards as set forth 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.

1. BioCorridor Review Committee.

The BioCorridor Review Committee will provide background information and recommendations to the Board as set forth in 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 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.

EXHIBIT "D"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to add Section 2.11 BioCorridor Review Committee as follows:

2.11 BioCorridor Review Committee.

A. Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing 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 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.

a. The City Manager of each municipality shall designate two city employees from his/her municipality. One employee shall be a planner and one 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 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 the BioCorridor Planned Development District ordinance, including ensuring compliance with the BioCorridor Site Design Guidelines, Bryan/College Station Unified Design Guidelines, boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations.

The BioCorridor Review Committee shall review and take action on the following as set forth in the BioCorridor Planned Development District ordinance:

a. Minor and amending 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.

EXHIBIT "E"

That Chapter 12, "Unified Development Ordinance," Article 3, "Development Review Procedures," Sections 3.1, "General Approval Procedures," 3.2, "Zoning Map Amendment (Rezoning)," 3.3, "Plat Review," 3.4, "Concept Plan Review (PDD and P-MUD Districts)," 3.5, "Site Plan Review," 3.6, "Wolf Pen Creek Design District Site Plan Review," 3.7, "Wolf Pen Creek Design District Building and Sign Review," 3.8, "Development Permit," 3.9, "Certificate of Appropriateness," 3.10, "Certificate of Demolition," 3.11, "Building Permit," 3.12, "Certificate of Occupancy," 3.13, "Certificate of Completion," 3.14, "Sign Permit," 3.15, "Conditional Use Permit," 3.16, "Written Interpretation," 3.17, "Administrative Adjustment," 3.18, "Variance," 3.19, "Administrative Appeal," 3.20, "Text Amendment," 3.21, "Comprehensive Plan Amendment," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 3.2, "General Approval Procedures," 3.3, "Zoning Map Amendment (Rezoning)," 3.4, "Plat Review," 3.5, "Concept Plan Review (PDD and P-MUD Districts)," 3.6, "Site Plan Review," 3.7, "Wolf Pen Creek Design District Site Plan Review," 3.8, "Wolf Pen Creek Design District Building and Sign Review," 3.9, "Development Permit," 3.10, "Certificate of Appropriateness," 3.11, "Certificate of Demolition," 3.12, "Building Permit," 3.13, "Certificate of Occupancy," 3.14, "Certificate of Completion," 3.15, "Sign Permit," 3.16, "Conditional Use Permit," 3.17, "Written Interpretation," 3.18, "Administrative Adjustment," 3.19, "Variance," 3.20, "Administrative Appeal," 3.21, "Text Amendment," 3.22, "Comprehensive Plan Amendment," respectively.

EXHIBIT "F"

That Chapter 12, "Unified Development Ordinance," Article 3, "Development Review Procedures," is hereby amended to add Section 3.1 Applicability as follows:

3.1 Applicability.

The provisions of this article shall not apply to land zoned BioCorridor Planned Development District.

EXHIBIT "G"

That Chapter 12, "Unified Development Ordinance," Article 6, "Use Regulations," Sections 6.2, "Types of Use," 6.3, "Specific Use Standards," 6.4, "Accessory Uses," and 6.5, "Temporary Uses," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 6.3, "Types of Use," 6.4, "Specific Use Standards," 6.5, "Accessory Uses," and 6.6, "Temporary Uses," respectively.

EXHIBIT "H"

That Chapter 12, "Unified Development Ordinance," Article 6, "Use Regulations," is hereby amended to add Section 6.2 Applicability as follows:

6.2 Applicability.

The provisions of this article shall not apply to property zoned BioCorridor Planned Development District.

EXHIBIT "I"

That Chapter 12, "Unified Development Ordinance," Article 7, "General Development Standards," Sections 7.1, "General Provisions," 7.2, "Off-Street Parking Standards," 7.3, "Access Management and Circulation," 7.4, "Signs," 7.5, "Landscaping and Tree Protection," 7.6, "Buffer Requirements," 7.7, "Solid Waste," 7.8, "Drainage and Stormwater Management," 7.9 "Non-Residential Architectural Standards," 7.10, "Outdoor Lighting Standards," 7.11, "Outdoor Storage and Display," and 7.12, "Traffic Impact Analysis," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 7.2, "General Provisions," 7.3, "Off-Street Parking Standards," 7.4, "Access Management and Circulation," 7.5, "Signs," 7.6, "Landscaping and Tree Protection," 7.7, "Buffer Requirements," 7.8, "Solid Waste," 7.9, "Drainage and Stormwater Management," 7.10 "Non-Residential Architectural Standards," 7.11, "Outdoor Lighting Standards," 7.12, "Outdoor Storage and Display," and 7.13, "Traffic Impact Analysis," respectively.

EXHIBIT "J"

That Chapter 12, "Unified Development Ordinance," Article 7, "General Development Standards," is hereby amended to add Section 7.1 Applicability as follows:

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.

EXHIBIT "K"

That Chapter 12, "Unified Development Ordinance," Article 8, "Subdivision Design and Improvements," Sections 8.2, "General Requirements and Minimum Standards of Design for Subdivision within the City Limits," 8.3, "General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction," 8.4, "Waiver of Subdivision Standards," 8.5, "Responsibility for Payment for Installation Costs," 8.6, "Construction, Guarantee of Performance, and Acceptance of Public Infrastructure," 8.7, "Requirements for Park Land Dedication," and 8.8, "Certifications," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 8.3, "General Requirements and Minimum Standards of Design for Subdivision within the City Limits," 8.4, "General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction," 8.5, "Waiver of Subdivision Standards," 8.6, "Responsibility for Payment for Installation Costs," 8.7, "Construction, Guarantee of Performance, and Acceptance of Public Infrastructure," 8.8, "Requirements for Park Land Dedication," and 8.9, "Certifications," respectively.

EXHIBIT "L"

That Chapter 12, "Unified Development Ordinance," Article 8, "Subdivision Design and Improvements," is hereby amended to add Section 8.2 Applicability as follows:

8.2 Applicability.

With the exception of Section 8.8, "Requirements for Park Land Dedication," the provisions of this article shall not apply to property zoned BioCorridor Planned Development District. Section 8.8, "Requirements for Park Land Dedication," shall apply to property zoned BioCorridor Planned Development District.

EXHIBIT "M"

That Chapter 12, "Unified Development Ordinance," Article 5, Section 5.2, Notes "(G),"," (H)," and "(I),"; Section 5.3.H.1.d, Section 5.6.A.1.c., Section 5.6.A.10, Section 5.6.B.2., Section 5.6.B.6., Section 5.6.B.6.c., Section 5.6.B.9., Section 5.6.B.9.a.3)., Section 5.6.B.9.f., Section 5.6.B.10., Section 5.6.B.12.c.1).a)., Section 5.6.B.12.c.5).b)., Section 5.6.B.13., Section 5.6.B.14., Section 5.6.B.14.h.1)., Section 5.6.B.14.i., Section 5.6.B.14.m., Section 5.6.B.14.m.2), Section 5.8.A.2.b., Section 5.8.A.4.b.1)., Section 5.8.A.4.b.3)., Section 5.9.C.1., Sections 5.9.D.2.d.1).a). and b)., Section 9.2.A.2., Section 9.4.D., and Section 10.5 are hereby amended to read as follows:

DESCRIPTION OF STYLE CHANGE: That all references within these sections have been amended to read as follows:

Article 5, "District Purpose Statements and Supplemental Standards"

….

5.2, Note (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.

(I) Reference Section 7.2.D.1.b for lots with approved rear access.

….

5.3.H.1.d. Signs: Any detached or freestanding signage shall meet the criteria for low-profile signs established in this UDO. Materials shall match building façade materials.

….

5.6.A.1.c. In order to create and then preserve a distinctive atmosphere and character in the Wolf Pen Creek development corridor, elements listed in Additional Review Criteria of the Wolf Pen Creek Design District Site Plan Review section of this UDO, shall be considered in the review of all projects and proposals for development.

….

5.6.A.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 this UDO, all landscaping shall meet the following:…

….

5.6.B.2. Additional Use Standards
The permitted and conditional uses outlined in the Types of Uses section of this UDO shall meet the following additional requirements related to the district in which the proposed project is located…

….

5.6.B.6. Off-Street Parking Standards
All off-street parking shall meet the requirements specified in the Off-Street Parking Standards section found elsewhere in this UDO, except as specifically provided herein:…

….

5.6.B.6.c. Off-street parking facilities for residential uses shall meet 75% of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required section.

….

5.6.B.9. Landscape and Streetscape Standards
For NG-1 and NG-3, the standards set forth herein are in lieu of Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO.

For NG-2, the standards set forth herein are in addition to Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO…

….

5.6.B.9.a.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 (see the Landscaping and Tree Protection section of this UDO) during construction.

….

5.6.B.9.f. Trash Receptacles
If installed, trash receptacle locations shall be shown on the landscape plan. One trash receptacle may be located within an intersection's sight distance triangle described in the Visibility at Intersections in All Districts section of this UDO.

….

5.6.B.10. Dumpster and Mechanical Equipment Standards
The following standards are in addition to the requirements of the Solid Waste section of the General Development Standards article of this UDO…

….

5.6.B.12.c.1).a). Refer to the Signs section of the General Development Standards article of this UDO.

….

5.6.B.12.c.5).b). Refer to the Sign Standards section of the General Development Standards article of this UDO.

….

5.6.B.13. Outside Storage and Display Standards
The following standards are in lieu of the Outdoor Storage and Display section of the General Development Standards article of this UDO…

….

5.6.B.14. Waivers
The Design Review Board (DRB) shall review requests for deviations from the standards of the Northgate Districts section of this UDO as listed below. The DRB shall approve waivers found to meet the intent of the standards of 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.

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—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…

….

5.6.B.14.h.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 Exterior Building Materials section of this Ordinance for the Northgate zoning districts or…

….

5.6.B.14.i. Alternative materials on façade work that does not involve an expansion of an existing building as defined in the Nonconformities section of the UDO or constitute redevelopment if the applicant shows that:

1) The materials allowed in the 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…

….

5.6.B.14.m. 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 section of the General Development Standards article of this UDO, in no case shall the DRB permit a reduction in the number of required spaces:…

….

5.6.B.14.m.2) To more than a fifty percent (50%) reduction in the amount of parking required for residential uses by the Number of Off-Street Parking Spaces Required section of this UDO.

….

5.8.A.2.b. Freestanding signs shall be limited to the restrictions of the Signs section of the General Development Standards article of this UDO, but shall not exceed the height of the building.

….

5.8.A.4.b.1). Sign height shall be restricted by the provisions of the Signs section of the General Development Standards article of this UDO, but shall not exceed the height of the building.

….

5.8.A.4.b.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 the General Development Standards article of this UDO.

….

5.9.C.1. The yard, lot, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, and open space regulations in the Residential Dimensional Standards and Required Yards sections of this UDO. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls**.**

….

5.9.D.2.d.1).a). Contextual front setbacks as provided for in Required Yards (Setbacks) section of this UDO; or

b). Contextual front setbacks as provided for in the General Provisions of this Single-Family Overlay Districts section of the UDO; or…

….

Article 9, "Nonconformities"

….

9.2.A.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 Permit section of this UDO. In the event of issuance of a conditional use permit, such use becomes a permitted and lawful use.

….

9.4.D. Other Uses of Nonconforming Lots: Site Plan Required

In any district in which single-family dwellings 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 Plan Review section of this UDO.

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Article 10, "Enforcement"

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10.5 Specific Penalties for Certificates of Appropriateness and Certificates of Demolition

A person is criminally responsible for a violation of the Certificate of Appropriateness and Certificate of Demolition sections of this UDO if:…