



CITY OF COLLEGE STATION
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UNIFIED DEVELOPMENT ORDINANCE

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CITY OF COLLEGE STATION

Unified Development Ordinance

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Article 1. General Provisions

1.1 Short Title

This Ordinance shall be officially known and cited as the Unified Development Ordinance (UDO) of the City of College Station, Texas. References to "this Ordinance" or "this UDO" shall be interpreted as references to this Unified Development Ordinance.

1.2 Authority

This UDO is adopted under authority of the constitution and laws of the State of Texas, including particularly Chapters 211 and 212, TEXAS LOCAL GOVERNMENT CODE, and pursuant to the provisions of the Charter and Ordinances of the City of College Station, Texas.

1.3 Scope and Purpose

This UDO is adopted for the purpose of promoting the public health, safety, and general welfare of the citizens of the City of College Station. More specifically, this UDO provides for the division of land into different districts, regulations pertaining to such districts, regulations for the subdivision of land and drainage regulations pertaining thereto. These regulations are designed in accordance with a comprehensive plan. The City of College Station's Comprehensive Plan is the fundamental guide to all decisions made under this UDO. In order to implement the broad goals of the plan, this UDO regulates land use and the division of land in order to achieve objectives of the plan that include, but are not limited to, the following:

- A.** Promote the beneficial, economic, and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
- B.** Protect the character and the established pattern of desirable development in each area;
- C.** Prevent or minimize land-use incompatibilities and conflicts among different land uses;
- D.** Establish a process that effectively and fairly applies the regulations and standards of this UDO and respects the rights of property owners and the interests of citizens; and
- E.** Implements the Comprehensive Plan through compliance with its individual elements.

1.4 Jurisdiction

A. Land Within the City Limits

This UDO shall apply 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 7.4, 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.

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Section 1.5 Applicability

1.5 Applicability

- A.** In their interpretation and application, the provisions of this UDO shall be held to be minimum requirements (including cases where minimum requirements are stated as a maximum standard) adopted for the promotion of public health, safety, and general welfare.
- B.** Whenever the requirements of this UDO are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the Administrator shall govern.
- C.** The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this UDO shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other city, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

1.6 Relationship to the Comprehensive Plan

- A.** It is intended that this UDO implement the City’s planning policies as adopted as part of the City’s Comprehensive Plan, as amended and periodically updated.
- B.** The City’s Comprehensive Plan, and any associated plans or studies adopted by the City Council, shall be required to be amended prior to, or concurrent with, permitting development which would conflict with such plan.
- C.** The alignments of proposed thoroughfares and bikeways on the "College Station Thoroughfare Plan map" and the "College Station Bikeway and Pedestrian Plan map" are generalized locations that are subject to modifications to fit local conditions, budget constraints, and right-of-way availability that warrant further refinement as development occurs. Alignments within 1,000 feet of the alignment shown on the aforementioned maps will not require a thoroughfare plan amendment.

1.7 Effective Date

This UDO shall become effective and be in full force and effect 90 days from its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

1.8 Annual Review

The City Council shall review annually the Comprehensive Plan and this UDO. The review, or any delay in the review by the City Council, shall not affect the legality of the Comprehensive Plan or this UDO.

1.9 Severability

Should any section or provision of this UDO be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.10 Transitional Provisions

A. Pending Construction

1. Building Permits

As provided by Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE, nothing in this UDO shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this UDO, or any amendment to this UDO, provided

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construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

2. Approved Site Plans

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

B. Zoning Districts

1. Retained Districts

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

District	Name
A-O	Agricultural-Open
A-OR	Rural Residential Subdivision
A-P	Administrative Professional
R-1B	Single-Family Residential
R-1	Single-Family Residential
R-2	Duplex Residential
R-3	Townhouse
R-7	Manufactured Home Park
C-1	General Commercial
C-2	Commercial-Industrial
M-2	Heavy Industrial
WPC	Wolf Pen Creek Dev. Corridor
R&D	Research & Development
NG-1	Historic Northgate
NG-2	Commercial Northgate
NG-3	Residential Northgate
C-U	College and University
PDD	Planned Development
OV	Corridor Overlay

2. Renamed Districts

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

District	New name
M-1	Light Industrial

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

District	New name
R-6	High Density Multi-Family

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3. Combined Districts

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

Combined Districts	Name
R-4	Apartment/Low Density
R-5	Apartment/Medium Density

The districts listed below are hereby combined into the single zoning district hereafter designated as **C-1, General Commercial**.

Combined Districts	Name
C-B	Business Commercial
C-1	General Commercial

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

Combined Districts	Name
C-3	Planned Commercial
C-N	Neighborhood Business

4. New Districts

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

New District	Name
RDD	Redevelopment District
P-MUD	Planned Mixed Use Development

5. Redesignated District

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

Previous District	Name
A-OX	Existing Rural Residential
Redesignated District	Name
A-O	Agricultural-Open

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

Previous District	Name
PUD	Planned Unit Development
Redesignated District	Name
PDD	Planned Development Districts

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

Previous District	Name
R-1A	Single-Family Residential
Redesignated District	Name
R-1	Single-Family Residential

6. Deleted Districts

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

Deleted District	Name
C-PUD	Commercial Planned Unit Dev.
C-NG	Commercial Northgate

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Article 2. Development Review Bodies

2.1 City Council

A. General

The City Council will be responsible for final action regarding the text of this UDO and the Official Zoning Map.

B. Powers and Duties

As provided and established within the City of College Station Charter, the City Council has the following powers and duties regarding this UDO:

1. Appointments

The City Council shall have the responsibility of appointing and removing any member of the Planning and Zoning Commission (P&Z), Zoning Board of Adjustment (ZBA), Landmark Commission (LC), Design Review Board (DRB), and Bicycle, Pedestrian, and Greenways Advisory Board.

2. Final Action

The City Council shall hear and take final action on the following:

- a. Development agreements and oversize participation agreements for City participation in cost-sharing of infrastructure improvements;
- b. Conditional use permits;
- c. Zoning map amendments (rezoning);
- d. Concept plans for Planned Development Districts (PDD) and Planned Mixed-Use Districts (P-MUD);
- e. Text amendments;
- f. Comprehensive Plan amendments;
- g. Impact fee land use decisions and Capital Improvement Plan (CIP) priorities;
- h. Annexations;
- i. Appeal of the P&Z's decision regarding a development exaction appeal;
- j. Appeal of the DRB's denial of a Gateway Grant;
- k. Appeal of the LC's denial of a Certificate of Appropriateness; and
- l. Appeal of the LC's decision of a Certificate of Demolition.

2.2 Planning and Zoning Commission

A. Creation

The City Council shall provide for the appointment of a Planning and Zoning Commission and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms

1. Number, Appointment

A Planning and Zoning Commission is hereby created to consist of seven members. An ad hoc member shall be appointed to review impact fee land use assumptions in accordance with § 395 of the TEXAS LOCAL GOVERNMENT CODE. Members shall be residents of the City and eligible voters.

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Section 2.2 Planning and Zoning Commission

2. Terms

Terms of members of the Planning and Zoning Commission shall be for two years or until their successors are appointed. Four members shall be appointed in even-numbered years and three members shall be appointed in odd-numbered years.

3. Term Limits

Terms of office shall be limited to three (3) consecutive two-year terms or seven (7) consecutive years.

4. Vacancies

Vacancies shall be filled by the City Council for the unexpired term of any member whose position becomes vacant.

C. Officers, Meetings, Quorum

1. Officers

A Chairperson shall be appointed annually by the City Council. The Planning and Zoning Commission shall select a Vice-Chair from among its members as needed.

2. Meetings

Members of the Planning and Zoning Commission shall meet regularly and the Chairperson shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. Quorum

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation advanced to the City Council without a majority of positive votes from those members present shall be deemed a negative report.

4. Rules of Proceeding

The Planning and Zoning Commission shall adopt its own rules of procedure.

5. Minutes

The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

D. Powers and Duties

The Planning and Zoning Commission shall have the following powers and duties:

1. Comprehensive Plan

The Planning and Zoning Commission shall make recommendations for the effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan.

2. Recommendations

The Planning and Zoning Commission shall review and make recommendations to the City Council subject to the terms and conditions set forth for such uses in this UDO for the following:

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Section 2.2 Planning and Zoning Commission

- a. Conditional use permits;
- b. Zoning map amendments (rezoning);
- c. Concept plans for Planned Development Districts (PDD) and Planned Mixed-Use Districts (P-MUD);
- d. Text amendments;
- e. Comprehensive Plan amendments;
- f. Impact fee land use decisions;
- g. Capital Improvement Plan (CIP) priorities; and
- h. Annexations.

3. Final Action

The Planning and Zoning commission shall hear and take final action on the following:

- a. Applicable appeals of decisions of the Design Review Board;
- b. Preliminary plans, final plats, replats, development plats, and minor plats not approved by staff as set forth in the Plat Review Section in Article 3 of this UDO;
- c. Waivers of the standards in Article 8, Subdivision Design and Improvements;
- d. Development exaction appeal;
- e. Appeal of the Administrator's denial of a final minor or amending plat;
- f. Appeal of the Administrator's determination regarding applicability of plat requirements;
- g. Appeal of the Administrator's denial to amend the color palette for Northgate roof colors;
- h. Appeal of the Administrator's denial of an alternative parking plan; and
- i. Appeal of the Administrator's interpretation of the provisions of Article 8, Subdivision Design and Improvements.

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

E. Staff

1. The Administrator shall provide staff, as needed, to the Planning and Zoning Commission.
2. Where ministerial acts have not been completed, the staff shall insure that the changes to plats are completed as approved by the Planning and Zoning Commission.

2.3 Zoning Board of Adjustment

A. Creation

The City Council shall provide for the appointment of a Zoning Board of Adjustment (ZBA) and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements of the State of Texas.

B. Membership and Terms

1. Number, Appointment

The Zoning Board of Adjustment shall consist of five members who are residents of the City and eligible voters. Appointment of members shall be made by the City Council. The City Council may provide for the appointment of four alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so.

2. Terms

Each member of the Zoning Board of Adjustment shall be appointed for a term of two years, except that two members appointed initially shall have terms of only one year. After the initial appointments, two members shall be appointed in odd-numbered years

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Section 2.3 Zoning Board of Adjustment

to maintain a membership of five members. Any alternate members appointed shall serve for the same period as the regular members and any vacancies shall be filled in the same manner as the regular members.

3. Vacancies

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. Officers, Meetings, Quorum

1. Officers

A Chairperson shall be appointed annually by the City Council. The ZBA shall select a Vice-Chair from among its members as needed.

2. Meetings

Meetings of the Zoning Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board where a quorum is present shall be open to the public.

3. Quorum

All cases heard by the Zoning Board of Adjustment will always be heard by a minimum number of four members. Four members shall constitute a quorum for transaction of business and no variance or appeal shall be granted without a concurring vote of four members.

4. Rules of Proceeding

The Zoning Board of Adjustment shall adopt its own rules of procedure.

5. Minutes

The Zoning Board of Adjustment shall keep minutes of its proceedings, indicating the vote of each member on each question or the fact that a member is absent or fails to vote, and shall keep records of its examinations and other official actions. The minutes and records shall be filed in the office of the Administrator and shall be a public record.

D. Powers and Duties

The Zoning Board of Adjustment shall have the following powers and duties:

1. Variances

To hear and decide requests for variance from the setback, parking number or dimensions, parking island number or dimensions, sign (excluding sign regulations in the ETJ), maximum height, or lot size or dimension requirements of this UDO. Also, to hear and decide drainage variances (excluding landscaping provisions) when strict application of the provisions of the ordinance would result in unnecessary hardship.

Specifically excluded from the variance process are requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in Section 3.5.E, Site Plan Review Criteria. Such requests will be heard and decided by the Design Review Board.

Also excluded are roadway and infrastructure construction criteria and other subdivision regulations contained with Article 8, Subdivision Design and Improvements. Such requests shall require waivers granted by the Planning and Zoning Commission.

2. Administrative Appeals

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, interpretation, or determination made by the Administrator or his designee in the enforcement of this UDO.

3. Official Zoning Map

To interpret the intent of the Official Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Official Zoning Map.

E. Staff

The Administrator shall provide staff, as needed, to the Zoning Board of Adjustment.

2.4 Landmark Commission

A. Creation

A Landmark Commission is hereby established by the City of College Station for the purpose of enhancing the City's ability to identify and protect historically and/or culturally significant districts, areas, sites, buildings, and structures by bringing expertise from the community in those areas related to the designation of Historic Preservation Overlay Districts and protection of the contributing elements within them.

B. Membership and Terms

- 1.** The Landmark Commission shall consist of seven (7) regular members and two (2) alternate members. Six (6) of the regular members and the two (2) alternate members shall be appointed by the City Council. City Council shall apportion membership according to the following fields of expertise or specialized knowledge:
 - a.** One (1) member shall represent one of the following fields or professions:
 - 1)** History or
 - 2)** Archaeology
 - b.** Two (2) members shall be the owners of the following:
 - 1)** Property in the City of College Station Historic Marker Program or
 - 2)** Property within a Historic Preservation Overlay District. If no Historic Preservation Overlay District has yet been applied to property in the City of College Station, a property owner(s) of land platted prior to 1970 may be considered.
 - c.** Two (2) members shall represent any combination of the following fields or professions:
 - 1)** Architecture: an architect, previously registered architect, architect registered in another state, or professor in the field of architecture;
 - 2)** Landscape architecture: a landscape architect, previously registered landscape architect, landscape architect registered in another state, or professor in the field of landscape architecture;
 - 3)** Urban planning: a certified planner, previously certified planner, a planner with at least three (3) years of municipal planning experience, or professor in the field of urban planning; or
 - 4)** Historical preservation specialist: an experienced professional who provides technical and strategic expertise to promote the viability, reuse, and integrity of historic buildings and/or property.

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Section 2.4 Landmark Commission

- d. One (1) member shall represent one of the following fields or professions:
 - 1) Banking, finance, or economics;
 - 2) Real estate; or
 - 3) Law.
- e. One (1) alternate shall represent the membership criteria identified above in subsection b.
- f. One (1) alternate shall represent any of the fields identified above in subsections a, c, or d.

The seventh regular member shall be the Chairman of the Historic Preservation Advisory Committee or his designee.

The City Council shall prioritize Landmark Commission candidates within each subsection above by their demonstrated expertise and interest in historic preservation. In the event any of the memberships assigned to a particular field of expertise or specialized knowledge identified above in subsections a, b, c, or d cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in historic preservation to fill such places.

- 2. Members shall be appointed for three-year terms or until their successors are appointed. Initially, one (1) member from subsection b and one (1) member from subsection c shall have terms of only one (1) year; the members of subsections a and d shall have terms of only two (2) years; and one member from subsection b and one member from subsection c shall have terms of three (3) years. After the initial appointments, two (2) members shall be appointed each year.
- 3. The Landmark Commission shall comply with the Open Meetings Act.

C. Officers, Meetings, Quorum

1. Officers

A Chairperson shall be appointed annually by the City Council. The Commission shall select a Vice-Chair from among its members, as needed.

2. Meetings

Members of the Landmark Commission shall meet monthly and the Chairperson shall designate the time and place of such meetings. All meetings of the Commission where a quorum is present shall be open to the public.

3. Quorum

Four (4) members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. Rules of Proceeding

The Landmark Commission shall adopt its own rules of procedure.

5. Minutes

The Landmark Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

D. Powers and Duties

The Landmark Commission shall have the following powers and duties:

1. Duties

- a. Review and approve surveys conducted and maintained by the City that include an inventory of significant historic, architectural, and cultural resources within the City of College Station according to guidelines established by the Texas Historical Commission;
- b. Utilize such surveys to identify potential property appropriate for the application of Historic Preservation Overlays;
- c. Review and approve surveys conducted and maintained by the City that include an inventory of all properties located within a Historic Preservation Overlay District within the City of College Station;
- d. Nominate properties to the National Register of Historic Places;
- e. Establish an ad hoc three-person Economic Review Panel when a property owner in a Historic Preservation Overlay District requests a Certificate of Demolition based on the reason that no economically viable use of the property exists. The Economic Review Panel must be comprised of three independent experts knowledgeable in one or more of the following fields: the economics of real estate, building renovation, or redevelopment. "Independent" as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a city employee; is not a member of the Landmark Commission; and is not compensated for serving on the Economic Review Panel. The Economic Review Panel must consist of one person selected by the Landmark Commission, one person selected by the property owner, and one person selected by the first two appointees. If the first two appointees cannot agree on a third appointee within thirty (30) calendar days after submission of all of the required documentation supporting the application, the third appointee will be selected by the Administrator within five (5) days. Within thirty-five (35) calendar days after submission of all of the required documentation supporting the application, all appointments to the Economic Review Panel shall be made;
- f. Act in an advisory role to the City Council of the City of College Station, all appointed boards and commissions, and City departments regarding the protection of local historic, architectural, and cultural resources;
- g. Review and make recommendations to the appropriate County Historical Commission of all proposed National Registration nominations for properties within the City of College Station; and
- h. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.

2. Recommendations

The Landmark Commission shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. The effective coordination of the various City departments, committees, and boards, in implementing the Comprehensive Plan as it relates to historic preservation;
- b. The adoption of text amendments as they relate to the designation of Historic Preservation Overlay Districts and the processes and standards for properties within Historic Preservation Overlay Districts; and
- c. The designation of Historic Preservation Overlay Districts.

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Section 2.4 Landmark Commission

The Landmark Commission shall make recommendations to the City Council for the following:

- a. The utilization of state, federal, or private funds to promote the preservation of Historic Preservation Overlay Districts within the City of College Station, and
- b. The acceptance of the dedication of Historic Preservation Easements for the purpose of historic preservation.

3. Final Action

The Landmark Commission shall hear and take final action on the following:

- a. Applications for Certificates of Appropriateness,
- b. Applications for Certificates of Demolition, and
- c. Certifications of properties of Demolition by Neglect, notices to owners of certified Demolition by Neglect properties, and referrals for enforcement.

E. Staff

The Administrator shall provide staff, including a Historic Preservation Officer, as needed, to the Landmark Commission.

2.5 Design Review Board

A. Creation

A Design Review Board is hereby established by the City of College Station for the purpose of enhancing the City's ability to review sign, building, and site design issues, including architectural issues as specified in this UDO, by bringing expertise from the community to bear on these issues in designated design districts.

B. Membership and Terms

- 1. The Design Review Board shall consist of seven (7) regular members and two (2) alternate members. Six (6) of the regular members and the two (2) alternate members shall be appointed by the City Council. City Council shall appoint the following six (6) members to the Design Review Board:
 - a. Architect, previously registered architect, architect registered in another state, or Emeritus Architect. Previously registered architects whose licenses were in good standing and surrendered voluntarily shall be the only previously registered architects considered for membership – those whose licenses were revoked are not eligible.
 - b. Business person.
 - c. Landscape architect, previously registered landscape architect, landscape architect registered in another state, or Emeritus Landscape Architect. Previously registered landscape architects whose licenses were in good standing and surrendered voluntarily shall be the only previously registered landscape architects considered for membership – those whose licenses were revoked are not eligible.
 - d. Developer, land owner, or business owner in a design district, a resident within a design district, or an individual employed within a design district.
 - e. Person knowledgeable in aesthetic judgment.
 - f. Citizen-at-large

The seventh regular member shall be the Chairman of the Planning and Zoning Commission or his designee.

The two (2) alternate members shall be citizens at large of the City.

- 2. Members shall be appointed for two-year terms.

Article 2. Development Review Bodies

Section 2.5 Design Review Board

3. The Design Review Board is a governmental body and shall comply with the Open Meetings Act.

C. Officers, Meetings, Quorum

1. Officers

A Chairperson shall be appointed annually by the City Council. The Board shall select a Vice-Chair from among its members as needed.

2. Meetings

Members of the Design Review Board shall meet regularly and the Chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. Quorum

Four members shall constitute a quorum for the transaction of any business. Any recommendation or decision which does not receive a majority of positive votes from those members present shall be deemed a negative report.

4. Rules of Proceeding

The Design Review Board shall adopt its own rules of procedure.

5. Minutes

The Design Review Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

D. Powers and Duties

The Design Review Board has the following powers and duties:

1. Site Plans

The Design Review Board shall hear and take final action on design district site plans.

2. Wolf Pen Creek District and Overlay District Review

The Design Review Board shall approve or deny any sign materials and colors in the Wolf Pen Creek District (WPC), and shall approve or deny all alternate building or fence materials and fence height in the Krenok Overlay District, as specified within this UDO.

3. Wolf Pen Creek Parking Waivers

The Design Review Board shall hear and decide requests to vary from the amount of required parking in the Wolf Pen Creek District (WPC).

4. Northgate District Standards Waivers

The Design Review Board shall hear and decide requests to vary from the standards to Section 5.6.B. Northgate Districts as listed in Section 5.6.B.14 Waivers.

5. Driveway Appeals

The Design Review Board shall hear appeals to decisions of the Development Engineer regarding driveway appeals.

6. Appeal of Requirement Based on Site Plan Review Criteria

The Design Review Board shall hear and decide appeals of the Administrator's application of site plan requirements to assure compliance with Section 3.5.E, Site Plan Review Criteria.

Article 2. Development Review Bodies

Section 2.5 Design Review Board

7. Buffer Appeals

The Design Review Board shall hear appeals of buffer requirements listed in Section 7.6, Buffer Requirements.

8. Non-Residential Architectural Standards Appeals

The Design Review Board shall hear and decide alternate building materials, colors, required screening, architectural relief elements, and parking lot concepts for non-residential structures, as specified in Section 7.9, Non-Residential Architectural Standards.

9. Gateway Grants

The Design Review Board shall hear and decide proposals for subdivision and neighborhood gateways as described in the Gateway Grant Policy.

E. Staff

The Administrator shall provide staff, as needed, to the Design Review Board.

2.6 Bicycle, Pedestrian, and Greenways Advisory Board

A. Creation

A Bicycle, Pedestrian, and Greenways Advisory Board is hereby established by the City of College Station for the purpose of advising and recommending to the City Council, the Planning and Zoning Commission, and other appointed boards and commissions on all matters concerning bicycling, walking, and greenways.

B. Membership and Terms

1. Number, Appointment

The Bicycle, Pedestrian, and Greenways Advisory Board shall consist of seven (7) members who are residents of the City and eligible voters. Appointment of members shall be made by the City Council. The Board shall consist of the following:

- a. One (1) member shall represent one of the following fields or professions:
 - 1) Real Estate
 - 2) Banking, finance, or economics
 - 3) Law
- b. One (1) member shall represent one of the following fields or professions:
 - 1) Recreation
 - 2) Health
 - 3) Kinesiology
- c. Two (2) members that are residents with a demonstrated interest in walking, running, bicycling or open space preservation.
- d. One (1) member shall represent one of the following fields or professions:
 - 1) Environmental/Ecological Sciences
 - 2) Stormwater/Floodplain Management
 - 3) Natural Resources
- e. One (1) member shall represent one of the following fields or professions:
 - 1) Transportation Planning
 - 2) Engineering
 - 3) Architecture
 - 4) Landscape architecture
 - 5) Urban planning

The seventh regular member shall be the Chairman of the Council Transportation Committee or his designee.

The City Council shall prioritize Bicycle, Pedestrian, and Greenways Advisory Board candidates within each subsection above by their demonstrated expertise. In the event any of the memberships assigned to a particular field of expertise or specialized knowledge identified in the above subsections cannot be timely filled (in the judgment of the City Council) with a qualified candidate, the City Council may appoint citizens-at-large that have demonstrated interest in bicycling, walking, and greenways to fill such places.

2. Terms

Each member of the Bicycle, Pedestrian, and Greenways Advisory Board shall be appointed for a term of two (2) years or until their successors are appointed. Initially, appointments will be the following: members from sections a through one of the residents under c shall have terms of only one (1) year and members from the second resident under section c and sections d and e shall have terms of two (2) years. Following initial appointments, three (3) members shall be appointed each year.

3. Vacancies

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant.

C. Officers, Meetings, Quorum

1. Officers

A Chairperson shall be appointed annually by the City Council. The Bicycle, Pedestrian, and Greenways Advisory Board shall select a Vice-Chairperson from among its members as needed.

2. Meetings

Members of the Bicycle, Pedestrian, and Greenways Advisory Board shall meet monthly and the Chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public.

3. Quorum

Four (4) members shall constitute a quorum for transaction of business. Any recommendation or decision which does not receive a majority of positive votes shall be deemed a negative report.

4. Rules of Proceeding

The Bicycle, Pedestrian, and Greenways Advisory Board shall adopt its own rules of procedure.

5. Minutes

The Bicycle, Pedestrian, and Greenways Advisory Board Shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Administrator and shall be public record.

D. Powers and Duties

The Bicycle, Pedestrian, and Greenways Advisory Board shall have the following powers and duties:

Article 2. Development Review Bodies

Section 2.6 Bicycle, Pedestrian, and Greenways Advisory Board

1. Duties

- a. Support the implementation of the Transportation element of the Comprehensive Plan and the Bicycle, Pedestrian, and Greenways Master Plan;
- b. Promote and encourage bicycling and walking as an accepted (alternate) form of transportation;
- c. Review project designs related to bicycle, pedestrian, and greenway improvements, including review of plats, site plans, and capital improvement projects;
- d. Assist in identifying and applying for alternative funding sources for bicycle, pedestrian, and greenway facilities, programs, services and projects;
- e. Promote education and safety programs for bicyclists, pedestrians, and motorists;
- f. Facilitate citizen participation in local governments' consideration of matters involving bicycle, pedestrian and greenway issues;
- g. Promote intergovernmental and public/private coordination on bicycle, pedestrian, and greenway matters including working with local businesses and other organizations; and
- h. Perform other duties as may be assigned it by the City;

2. Recommendations

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the Planning and Zoning Commission subject to the terms and conditions set forth for such uses in this UDO for the following:

- a. The adoption of comprehensive plan amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee/CIP priorities as they relate to bicycling, walking, and greenways.

The Bicycle, Pedestrian, and Greenways Advisory Board shall make recommendations to the City Council for the following:

- a. The adoption of comprehensive plan amendments as they relate to bicycling, walking, and greenways;
- b. The adoption of text amendments as they relate to bicycling, walking, and greenways;
- c. The setting of impact fee / CIP priorities as they relate to bicycling, walking, and greenways.

E. Staff

The Administrator shall provide staff, as needed, to the Bicycle, Pedestrian, and Greenways Advisory Board.

Per Ordinance No. 3265 (August 12, 2010)

2.7 Administrator

A. Designation

The City Manager shall designate the Administrator for the City of College Station. Where this UDO assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

B. Powers and Duties

The Administrator shall have the following powers and duties:

1. Administration and Enforcement

The Administrator shall administer and enforce the provisions of this UDO.

2. Interpretation

The Administrator is responsible for interpreting the provisions of this UDO. The Administrator shall make written interpretations of this UDO when requested, setting forth the reasons and explanation therefore.

3. Building Permits

The Administrator shall review and certify that the proposed construction, moving, alteration, or use of the land either does or does not comply with the provisions of this UDO prior to issuance of a Building Permit by the Building Official.

4. Final Action

The Administrator shall review and take final action on the following:

- a. Sign permits;
- b. Site plans (not Wolf Pen Creek District site plans);
- c. Administrative adjustments;
- d. Minor and amending plats;
- e. Determination of building plot (Section 7.1, General Provisions);
- f. Minor Wolf Pen Creek District projects;
- g. Amendments to the color palette for Northgate roof colors;
- h. Certificate of Appropriateness Routine Maintenance Work reviews;
- i. Determination regarding applicability of plat requirements; and
- j. Alternative parking plans (Section 7.2, Off-Street Parking).

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

5. Other Duties

- a. The Administrator, or his designee, shall serve as the Historic Preservation Officer (HPO) for the City of College Station. As such, the HPO shall serve as a representative of the Landmark Commission and shall be responsible for coordinating the Landmark Commission's preservation activities with the Historic Preservation Advisory Committee, those of state and federal agencies, and with local, state, and national nonprofit preservation organizations.
- b. The Administrator shall perform other duties imposed under the provisions of the CITY OF COLLEGE STATION CODE OF ORDINANCES, as amended from time-to-time.

2.8 Building Official

A. Designation

The Administrator shall designate the Building Official for the City of College Station. The Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

B. Powers and Duties

The Building Official shall have the following powers and duties:

1. Building Inspections

The Building Official shall have the power to conduct inspections of buildings and premises to carry out his duties herein and to determine compliance with the provisions of this UDO.

2. Building Permits

The Building Official shall issue Building Permits.

3. Certificate of Occupancy

The Building Official shall issue Certificates of Occupancy.

4. Certificates of Completion

The Building Official shall issue Certificates of Completion.

2.9 Development Engineer

A. Designation

The City Engineer shall designate the Development Engineer for the City of College Station.

B. Responsibility

The Development Engineer, or his designee, shall implement, administer, and oversee the provisions, terms, and conditions of all engineering and flood hazard protection requirements within this UDO. The Development Engineer may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Development Engineer may reasonably determine.

C. Powers and Duties

The Development Engineer has the following powers and duties in regard to engineering requirements and flood hazard protection:

1. Review and approve, approve with conditions, or deny driveway applications;
2. Maintain and hold open for public inspection all records pertaining to the provisions of the flood hazard protection regulations;
3. Review and approve, approve with conditions, or deny all applications for development permits;
4. Assure that adequate inspection of construction permitted under the terms and provisions of this UDO are carried out in accordance with the permitted plan;
5. Maintain, update, and provide to interested parties at a reasonable cost the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
6. Assure that adequate maintenance of drainage pathways, including altered or relocated waterways, is provided such that capacity for carrying stormwater flows is maintained;
7. Provide interpretation, where required, of boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations, when disputes arise during review;
8. Provide information to the Zoning Board of Adjustment, Municipal Court, or City Council, as applicable on all variance requests, administrative appeals, enforcement actions, and proposed amendments to the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details as required;
9. Review and utilize any acceptable new flood study data in accordance with the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details;
10. Notify adjacent communities and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of notification to the Federal Insurance Administration;

Article 2. Development Review Bodies

Section 2.9 Development Engineer

11. Review and make recommendations to the City Council concerning Development Agreements;
12. Interpret the terms and provisions of Section 7.8, Drainage and Stormwater Management, as required, as they apply to each project, in accordance with the stated purpose of that Section;
13. Review permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
14. Review and approve or deny alternative materials or standards for site construction; and
15. Review, evaluate and provide recommendations regarding development exaction appeals.

2.10 Summary of Review Authority

The following table summarizes the authority of the various review bodies and staff.

PROCEDURE	City Council	P&Z Comm.	Zoning Bd. of Adj.	Design Rev. Bd.	Land. Comm.	Bike, Ped. & Grnwy	Admin.	Building Official	Dev. Engr.
CITY COUNCIL (CC)									
Oversize Participation	D								RR
Development Agreement	D						RR		R
Conditional Use permit	D	R					RR		
Zoning Map Amendment	D	R					RR		
Zoning Map Amendment (HP)	D	R			R		RR		
PDD / P-MUD Concept Plan	D	R					RR		
Text Amendment	D	R				R	RR		
Comp. Plan Amendment	D	R				R	RR		
Impact Fee / CIP Priorities	D	R				R			RR
Annexations	D	R					RR		
PLANNING & ZONING COMMISSION (P&Z)									
Preliminary Plan		D					RR		R
Final Plat		D					RR		R
Development Plat		D					RR		R
Waiver of Subdivision Standard		D					RR		R
Development Exaction Appeal	A	D							RR
ZONING BOARD OF ADJUSTMENT (ZBA)									
Variance			D				RR	R	RR
Administrative Appeal			D				RR		
Zoning Map Interpretation			D				RR		

Article 2. Development Review Bodies

Section 2.10 Summary of Review Authority

2.10 Summary of Review Authority (cont.)

The following table summarizes the authority of the various review bodies and staff.

PROCEDURE	City Council	P&Z Comm.	Zoning Bd. of Adj.	Design Rev. Bd.	Land. Comm.	Bike, Ped. & Grnwy	Admin.	Building Official	Dev. Engr
DESIGN REVIEW BOARD (DRB)									
WPC District Site Plan		A		D			RR		R
WPC District Building/Sign Review		A		D			RR		
WPC Parking Waivers		A		D			RR		
NG Waivers				D			RR		
Non-Residential Arch. Stand. Waiver				D			RR		
Gateway Grants	A			D			RR		
LANDMARK COMMISSION (LC)									
Certificates of Appropriateness	A				D		RR		
Certificates of Demolition	A				D		RR		
ADMINISTRATOR									
Interpretation		A**	A				D		
Sign Permit			A				D		
Site Plan		A		A*			D		R
Administrative Adjustment			A				D		
WPC District Building or Sign, Minor			A				D		
Minor or Amending Plat		A					D		R
PD Concept Plan Minor Amend.		A					D		
Certificate of Appropriateness, Routine					A		D		
NG Roof Color Palette Amendment		A					D		
Alternative Parking Plans		A					D		
Determination of Plat Applicability		A					D		R
BUILDING OFFICIAL (BO)									
Building Permit								D	
Certificate of Occupancy							R	D	R
Certificate of Completion							R	D	R
DEVELOPMENT ENGINEER (DE)									
Development Permit									D
Driveway Application				A					D
Alternative Const. Material				A					D
*Section 3.5.E. Site Plan Review Criteria and 3.6.E. Wolf Pen Creek Design District General Site Plan Review Criteria only. **Subdivision Regs. only. KEY: A =Appeal R =Recommend D =Final Action/Decision RR =Review/Report									

Article 3. Development Review Procedures

3.1 General Approval Procedures

A. Conformity with Unified Development Ordinance (UDO) and the Comprehensive Plan

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on any and all persons seeking to develop, redevelop, or otherwise change existing land uses within the corporate limits of the City of College Station and, where applicable, its extraterritorial jurisdiction (ETJ). Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way, and improvement of specified facilities including but not limited to pedestrian facilities, bicycle facilities, thoroughfares, etc.

B. Preapplication Conference

Prior to the submission of any application required by this UDO, applicants are encouraged to schedule and attend an optional preapplication conference with the City Staff. Preapplication conferences with City Staff may be used to discuss, in general, procedures, standards, or regulations relating to a proposed development. If a preapplication conference is requested, the Administrator may require the applicant to submit information prior to the preapplication conference to allow City Staff time to review the proposal. Any proposed development submitted or discussed as a part of a preapplication conference shall not be considered a plan, plat, or permit application but will be considered an informal request for information prior to the actual plat, plan, or permit application.

C. Application Forms and Fees

The following regulations shall apply to all applications:

1. Forms

Applications required under this UDO shall be submitted using correct, completed forms, where applicable, along with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required

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

3. Fees

Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.

- a.** All required fees shall be made payable to "The City of College Station."
- b.** An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to any notification, review, or action taken, shall be entitled to a refund of fifty percent (50%) of the total amount paid upon written request to the City except that the filing fee required for text or map amendments shall not be refundable.
- c.** The Administrator may waive or reduce development-related fees on a case-by-case basis pursuant to applicable law or when the City is the applicant.

Article 3. Development Review Procedures

Section 3.1 General Approval Procedures

D. Application Deadline

All applications shall be completed and submitted to the Administrator in accordance with a submittal deadline schedule established by the City. All applications not delivered to the City by a date and time according to the submittal deadline schedule shall be considered timely received for the next official submittal deadline. An application shall not be considered officially submitted until application completeness has been determined in accordance with this UDO.

E. Application Completeness

An application shall be considered submitted only after the Administrator has determined it is complete as set forth herein. This includes determining whether it is accompanied with any required forms, mandatory information (including all exhibits), and the applicable fee. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this UDO nor precludes that additional information and/or documents may still be required as identified during the formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. An application of any kind under this Article expires and application fee forfeited on or after the forty-fifth (45th) day after the application is deemed incomplete if:

- 1.** The applicant fails to provide documents or other information necessary to comply with the technical requirements of this UDO as to form and content of the submittal;
- 2.** The City notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, noting the date the application will expire if same is not provided; and
- 3.** The applicant fails to provide the specified documents or other information within the time provided in the notice.

No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

F. Standards of Review

Applications shall be reviewed based on the ordinances which are in effect at the time the permit application is submitted with the City. It is the responsibility of the applicant to inform the Administrator if vesting is claimed on a specific project application and to which ordinance the claim is vested in accordance with Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE. This information shall be conveyed to the Administrator as part of the permit application. The Administrator may attempt to inform the applicant if a project is able to vest to a previously adopted ordinance. Notwithstanding anything in this UDO to the contrary, vesting is limited to that which is provided in Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE or other applicable law.

Article 3. Development Review Procedures

Section 3.1 General Approval Procedures

G. Required Public Notice

1. Summary of Notice Required

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

Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendment	X		X
Zoning Map Amend. (Rezoning)	X	X	X
UDO Text Amendment	X		X
Conditional Use Permit	X	X	X
Subdivision - Replats*	X*	X*	X
Design District - Site Plan/Bldg.			X
Certificate of Appropriateness			X
Certificate of Demolition (No economically viable use)	X	X	X
Variances – ZBA	X	X	X
Appeals – Site Plan & Driveway			X
Waiver – Subdivision Design			X
Waiver – Buffer Requirements			X
Administrative Appeals	X		X
Development Exaction Appeal			X

* Only when required per the TEXAS LOCAL GOVERNMENT CODE.

2. Specific Notice Requirements

a. Published Notice

A Public Hearing Notice shall be placed by the Administrator at least once in the official newspaper of the City before the fifteenth (15th) day before the date of the hearing for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice

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 two-hundred feet (200') of the parcel under consideration. The notice may be served by its deposit, properly addressed with postage paid, in U.S. mail before the fifteenth (15th) day before the date of the hearing.

c. Content of Notice

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

- 1) The general location of land that is the subject of the application;
- 2) The substance of the application, including the magnitude of proposed development and the current zoning district;
- 3) The time, date, and location of the public hearing; and
- 4) A phone number to contact the City.

3. Public Hearing Signs

In addition to meeting the minimum statutory notice requirements, for the purpose of notifying the public the Administrator may require the installation of a sign on the property advertising the public hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

Article 3. Development Review Procedures

Section 3.1 General Approval Procedures

4. Required Hearings and Reviewing Body

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

Application Type	Zoning Board of Adjustment	Landmark Commission	Planning and Zoning Commission	City Council
Comprehensive Plan Amendment			X	X
Zoning Map Amendment (Rezoning)			X	X
Zoning Map Amendment (Rezoning - Historic Preservation Overlay District)		X	X	X
Certificate of Demolition (No economically viable use)		X		
UDO Text Amendment			X	X
Conditional Use Permit			X	X
Subdivision*			X	
Variances – ZBA	X			
Administrative Appeals	X			
Development Exaction Appeal			X	X**

* Only when required per the TEXAS LOCAL GOVERNMENT CODE.

** Request is considered by Council only if Planning and Zoning Commission’s decision is appealed.

H. Simultaneous Processing of Applications

Two or more forms of review and approval are typically required in the development process. Development proposals that require applications for Zoning Map Amendments (Rezoning) are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, Preliminary Plans are to be acted upon by the Planning & Zoning Commission before a subsequent Final Plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each individual application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant’s own risk.

I. Expiration of Applications, Permits, and Projects

1. Expiration of Inactive Applications

An application that has been determined to be administratively complete and written staff review comments provided to the applicant shall be deemed expired and closed in ninety (90) calendar days from the date the most recent written review comments were provided by the City to the applicant, if the applicant has not taken action by providing written response comments and revised documents to the Administrator that seek to address the review comments.

2. Expiration of Approved Permits

a. Unless otherwise specified by this UDO, any individual permit, authorization or approval required in this UDO expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this UDO, if no progress has been made towards completion of the project. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE.

b. If no expiration date was in effect at the time the approval of the permit occurred, an expiration date of twenty-four (24) months from the approval shall apply.

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Section 3.1 General Approval Procedures

3. Expiration of Projects

- a. 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 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 UDO. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE.
- b. Any application for a new permit, authorization for approval or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it in regards to the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

J. Appeals from Development Exaction Requirements

1. Purpose

The purpose of a petition for relief from a dedication or public infrastructure requirement is to ensure that the application of uniform dedication and construction standards to a proposed development does not result in a disproportionate burden on the property when considering the nature and extent of the demands created by the proposed development on the City's roadways and other public infrastructure.

2. Applicability

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or to construct public improvements as required by this UDO, the *Bryan/College Station Unified Design Guidelines*, or any other public infrastructure standards in any ordinance or regulation to a plat application or to any related development related development application authorized by the City or attached as a condition to approval of the application. A petition for relief shall not be used to waive a standard on grounds subject to other appeal and waiver criteria outlined in this UDO.

3. Petition Requirements

a. Form of Petition

The petition for relief from a dedication or construction requirement shall allege that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure.

b. Required Supporting Documentation

The applicant shall provide information in support of the petition for relief that includes the following:

- 1) Total capacity of the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;
- 2) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure by the proposed dedication of an interest in land or construction of public

Article 3. Development Review Procedures

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infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public infrastructure;

- 3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of public infrastructure. In making this comparison, the impacts on the City's public infrastructure system(s) from the entire development shall be considered;
- 4) The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;
- 5) Any and all other information that alleges the dedication or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;
- 6) The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and
- 7) Only costs directly related to the dedication or construction requirements should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.

c. Time for Filing Petition and Supporting Documentation

A petition for relief from a dedication or construction requirement shall be filed with the Development Engineer within fourteen (14) calendar days following the Commission's decision to approve, conditionally approve or deny an application for approval of an application. The information in support of the petition as set forth above shall be filed with the Development Engineer within sixty (60) calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing. The Development Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

d. Land in Extraterritorial Jurisdiction (ETJ)

Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the applicable county, a petition for relief or documentation in support of the petition shall be accepted as complete for review by the Development Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the applicable county.

4. Processing of Petitions and Decision

a. Responsible Official

The Development Engineer shall be the responsible official for reviewing a petition for relief from a dedication or construction requirement. Where the petition is for relief from dedication of land or construction of a facility in the City's ETJ that is to be dedicated to the applicable county, the Development Engineer shall coordinate a recommendation with the appropriate county official responsible for reviewing plats.

b. Evaluation & Recommendation

- 1) The Development Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the Commission for their consideration and recommendation to the City Council, if applicable.

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h. Notification of Decision on Petition

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

5. Appeal of the Decision on a Petition for Relief

a. Initiation of an Appeal

The applicant, the Administrator, or no less than four (4) voting members of City Council may appeal the decision of the Commission within fourteen (14) calendar days following the date of the Commission's decision:

- 1) For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.
- 2) The Administrator may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.
- 3) For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.

b. Notification of Appeal

Both the applicant and the City shall be notified of the appeal request within fourteen (14) calendar days. Appeals by the applicant shall include all documentation submitted for the appeal.

c. Council Decision

The City Council shall consider a properly submitted appeal at its next available regularly scheduled meeting. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

6. Expiration or Failure to File Application

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public infrastructure and the Commission's decision, if not further appealed (or the City Council's decision if further appealed as applicable), is to grant some level of relief, the applicant must resubmit the application within sixty (60) calendar days following the date the relief is granted. If such re-submittal of the application is not made within the sixty-day (60-day) period, the relief granted by the Commission (or City Council as applicable) on the petition shall expire.

7. Effect of Relief

- a. The Development Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Commission on the petition.
- b. The relief granted on the petition shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

K. Figures and Flow Charts

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

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

3.2 Zoning Map Amendment (Rezoning)

A. Purpose

To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan as may, from time to time, be amended.

B. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

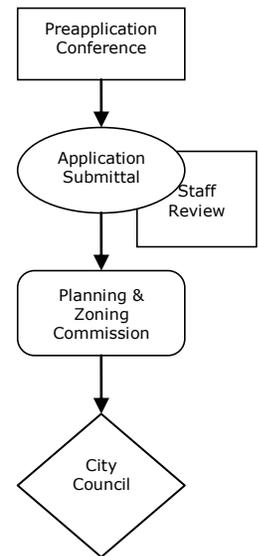
1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO and herein.

As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section in Article 7 of this UDO.

1. Application requests for a Planned Development District (PDD) and Planned Mixed-Use District (P-MUD) shall provide the following additional information:
 - a. A written statement of the purpose and intent of the proposed development;
 - b. A list and explanation of the potential land uses permitted; and
 - c. A concept plan as described in Concept Plan Review Section in Article 3 of this UDO.
2. Application requests for a Neighborhood Prevailing Overlay District (NPO) shall provide the following additional information:
 - a. An original plat of the subdivision; and
 - b. A petition including dated signatures by fifty percent plus one (50% + 1) of current property owners in the neighborhood in support of the overlay; and
 - c. Contact information for all Neighborhood Association or Homeowners Association committee members.
3. Application requests for a Neighborhood Conservation Overlay District (NCO) shall provide the following additional information:
 - a. An original plat of the subdivision;
 - b. A petition including dated signatures by fifty percent plus one (50% + 1) of the property owners in the neighborhood in support of the overlay;
 - c. Contact information for all Neighborhood Association or Homeowners Association committee members;
 - d. A list of six (6) property owners in the neighborhood to serve on neighborhood stakeholder committee; and
 - e. A checklist of the proposed items to be included in the Conservation Study.
4. Application request for a Historic Preservation Overlay District shall provide the following additional information:
 - a. An inventory and survey of structures to be included in the rezoning, submitted



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Section 3.2 Zoning Map Amendment (Rezoning)

on a form provided by the Historic Preservation Officer;

- b.** A current photograph of each property included in the rezoning, and its improvements;
- c.** Historical photographs, where available; and
- d.** A completed Designation Report. Upon initiation of the historic designation procedure, the Historic Preservation Officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation at the request of the applicant, but the rezoning application will not be considered complete until the report has been completed. A Designation Report shall include a statement on each of the following to the extent that they apply:
 - 1)** A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;
 - 2)** A description of the historical, cultural and architectural significance of the structures and sites;
 - 3)** Identification of contributing and noncontributing resources to the proposed district; and
 - 4)** A description of the boundaries of the proposed Historic Preservation Overlay District, including subareas and areas where new construction will be prohibited.

D. Approval Process

1. Preapplication Conference

Prior to the submission of an application for a Zoning Map Amendment, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity.

2. Required Meetings

a. Neighborhood Meeting

Prior to the submission of an application for a Zoning Map Amendment for a NPO or NCO Overlay Rezoning, all potential applicants shall request to set up a Neighborhood Meeting with City Staff.

b. Historic Preservation Officer

Prior to the submission of an application for a Zoning Map Amendment for a Historic Preservation Overlay District rezoning, all potential applicants shall request a Neighborhood Meeting with the Historic Preservation Officer. The purpose of the meeting is to present information about the proposed overlay and explain the process of rezoning to the neighborhood.

3. Review and Report by Administrator

With the exception of applications for Historic Preservation Overlay Districts, once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

4. Review and Report by Historic Preservation Officer

An application for a Historic Preservation Overlay District rezoning shall be reviewed by the Historic Preservation Officer, who shall review the proposed amendment in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and the Historic Preservation Overlay District Section in Article 5, and give a report to the Landmark Commission on the date of the scheduled public hearing.

5. Referral To Landmark Commission

The Historic Preservation Officer, upon receipt of an application to amend the Official Zoning Map to a Historic Preservation Overlay District, shall refer the same to the Landmark Commission for study, hearing, and report. The Planning and Zoning Commission may not hold a public hearing or make a report to the City Council until it has received a report from the Landmark Commission.

6. Recommendation by Landmark Commission

The Landmark Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Landmark Commission shall hold a public hearing and make a recommendation to the Planning and Zoning Commission.

7. Referral To Planning and Zoning Commission

With the exception of applications for Historic Preservation Overlay Districts, the Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. For an application to amend the Official Zoning Map to a Historic Preservation Overlay District, the Historic Preservation Officer shall refer the same to the Planning and Zoning Commission for study, hearing, and report with the report of the Landmark Commission. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

8. Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

9. City Council Action

a. Notice

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and hold a public hearing before taking final action on an application to amend the Official Zoning Map.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. Effect of Protest to Proposed Amendment

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least twenty percent (20%) of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area.

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Section 3.2 Zoning Map Amendment (Rezoning)

d. Review Criteria

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Consistency with the Comprehensive Plan;
- 2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- 3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- 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;
- 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; and
- 6) Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use.
- 7) In addition, for proposed amendments to Historic Preservation Overlay Districts, the City Council shall consider if the proposed amendment contains property(ies) and an environmental setting which meets two or more of the criteria for designation of a Historic Preservation Overlay District as described in the Historic Preservation Overlay District Section in Article 5 of this UDO.

e. Effect of Historic Preservation Overlay District Zoning Upon Official Public Records

Upon designation of a property with a Historic Preservation Overlay District, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Brazos County, Texas, the tax records of the City of College Station, and the Brazos County Appraisal District, as well as the official zoning map of the City of College Station.

E. Limitation on Reapplication

If an application for rezoning is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be considered within a period of one-hundred and eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact.

F. Repeal of a Single-Family Overlay District

A repeal of a single-family overlay district may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;

3. The Administrator; or
4. By petition of fifty percent plus one (50% + 1) of the property owner(s) in the subject district.

A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein.

3.3 Plat Review

A. Applicability

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

1. Subdivision Plat Required

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

b. Types of Subdivision Filings

1) Preliminary Plans

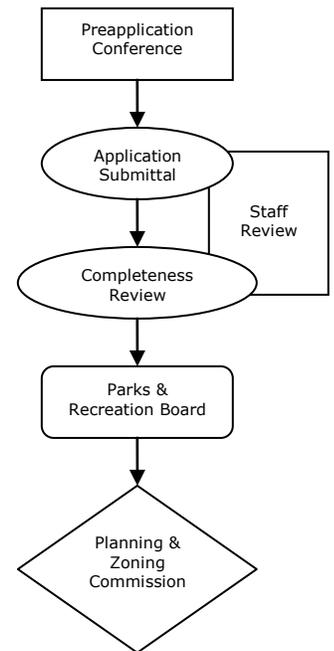
A Preliminary Plan is required for the subdivision of all tracts of land within the City limits or ETJ of the City of College Station, except as otherwise set forth in this UDO. A Preliminary Plan shall include the entire parent survey or tract of land under common ownership.

2) Final Plats and Replats

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

3) Minor Plats and Amending Plats

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



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- (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 or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities;
- (c) A Replat under Section 212.0145 Replatting Without Vacating Preceding Plat: Certain Subdivisions, Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE, and that does not require the creation of any new street or the extension of municipal facilities.

4) Vacating Plats

A Vacating Plat shall adhere to the requirements of Vacating Plat Section of Subchapter A, "Regulations of Subdivisions," Chapter 212 of the TEXAS LOCAL GOVERNMENT CODE, as amended. Vacating plats be processed and reviewed in the same manner as a Final Plat.

c. Exemptions from Subdivision Plat Requirement

The following subdivisions are exempt from Subdivision Plat requirements:

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

2. Development Plat Required

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

b. Exemptions from Development Plat Requirement

The following developments are exempt from Development Plat requirements:

- 1) When an applicant is required to file a Preliminary Plan or Final Plat pursuant to other requirements of this Section, a Development Plat is not required in addition thereto.
- 2) The development of a tract of land within the City limits or the extraterritorial jurisdiction of the City of College Station that meets all of the following criteria is not required to file a Development Plat:
 - (a) The tract is at least five (5) acres;

- (b) The tract has access; and
 - (c) The development is a single-family home for the use of the property owner or a member of the property owner's family, an accessory structure(s) of the home, and/or an accessory structure(s) for the benefit of agricultural uses.
- 3) Development by a political subdivision of the state, as defined in Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE. Such entities that choose to plat voluntarily shall comply with all of the applicable requirements.
- 4) The Administrator may waive the requirement for a Development Plat within the City limits when no parkland, public infrastructure, or public dedication is required on the subject tract.

B. Determination of Plat Applicability

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

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

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

C. Application Requirements

1. Preapplication Conference

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

- 2. A complete application for review shall be submitted to the Administrator including payment of a fee as set forth in this UDO. Upon request, all preliminary plans and all plats shall be submitted in an electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS). The signatures of all owners of land within the boundary of the preliminary plan or the plat shall be required on the application. A representative of an owner may sign the application provided a written letter of agency is provided to the City with the application. If the property owner is not an individual but an entity (e.g., business or trust), the application must be accompanied by proof of authority for the individual to sign on behalf of the entity.
- 3. When required to submit the following, the applications shall comply with and/or show the following information:

a. Preliminary Plans

When submitting preliminary plans, the following information is required:

- 1) The preliminary plan shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Article 8 Subdivision Design and Improvements;
- 2) Provide the preliminary plan on sheets twenty-four inches (24") by thirty-six inches (36") to a scale of one-hundred feet (100') per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five-hundred feet (500') per inch or larger;
- 3) The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan in letters one-half inch (1/2") high;

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- 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 subdividers, 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 of College Station horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
- 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') 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, and current zoning district boundaries;
- 16)** Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 17)** Show number of residential lots;
- 18)** Provide any oversize participation requests that will be sought;

- 19) Provide title report for 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 UDO; and
- 21) Eleven-inch (11") by seventeen-inch (17") copies of the preliminary plan (not necessarily to scale) will be requested by the Administrator when the preliminary plan has been reviewed and has the potential to be scheduled for a 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, Vacating Plats, and Development Plats, the following shall be required:

- 1) The plat shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Article 8 Subdivision Design and Improvements unless expressly provided for otherwise;
- 2) Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
- 3) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
- 4) Provide the plat on sheets twenty-four inches (24") by thirty-six inches (36") to a scale of one-hundred feet (100') per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five-hundred feet (500') per inch or larger;
- 5) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 6) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
- 7) Date of preparation, scale in feet, and north arrow;
- 8) The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
- 9) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 10) For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
- 11) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
- 12) The location of the one-hundred (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 UDO;
- 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-

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- way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, and length of all curves, where applicable;
- (b) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, and length of curves, where applicable;
 - (c) Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of College Station horizontal control monuments;
 - (d) The following, when applicable, shall appear on the face of the plat: (See examples in Article 8 Subdivision Design and Improvements.)
 - i. Certificate of Ownership and Dedication;
 - ii. Certificate of Surveyor and/or Engineer;
 - iii. Certificate of City Engineer;
 - iv. Certificate of Planning and Zoning Commission;
 - v. Certificate of the County Clerk;
 - vi. Certificate of City Planner; and
 - vii. Certificate of Approval.
- 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 (24") by thirty-six inch (36") sheets;
 - (b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;
 - (c) Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;
 - (d) Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;
 - (e) Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;
 - (f) Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and
 - (g) Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.
- 18)** Eleven-inch (11") by seventeen-inch (17") copies of the plat (not necessarily to scale) will be requested by the Administrator when the plat has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration.

D. Filing of Plat

For the purposes of this Section, the date of filing shall be determined as the date on which a complete application, as determined by the Administrator, and a plat meeting all of the technical terms and conditions of this UDO, or has filed a waiver request to those Sections for which the plat does not comply, is submitted. Once a complete application has been filed with the City, it will be scheduled for action by the Administrator and/or the Planning and Zoning Commission, as applicable.

E. Review Procedure

1. Preliminary Plan Review

a. Review and Recommendation by Administrator

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

b. Review and Recommendation by Parks and Recreation Advisory Board

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

c. Criteria for Approval by Planning and Zoning Commission

The Administrator shall forward the Preliminary Plan to the Planning and Zoning Commission for consideration when it meets all of the technical terms and conditions of this UDO, or has filed a waiver request to those sections for which the Preliminary Plan does not comply. The Planning and Zoning Commission shall receive the recommendations of the Administrator and the Parks and Recreation Advisory Board and shall approve, disapprove, or conditionally approve the Preliminary Plan with modifications based on compliance with the same elements listed in the Review and Recommendation by Administrator. Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out.

Article 3. Development Review Procedures

Section 3.3 Plat Review

d. Effect of Approval

Approval of a Preliminary Plan shall mean the following:

- 1)** Approval of a Preliminary Plan application by the Planning and Zoning Commission shall allow the applicant to continue the subdivision process by submitting a Development Permit application with construction plans and a Final Plat application.
- 2)** Approval of a Preliminary Plan shall not constitute approval of a Final Plat. Application for approval of a Final Plat will be considered only after the requirements for Preliminary Plan approval as specified herein have been fulfilled and after all other specified conditions have been met.
- 3)** If a Final Plat is not filed with the City within twenty-four (24) months of the date of approval or conditional approval of a Preliminary Plan, the Planning and Zoning Commission may, upon written application of the applicant, extend the approval for a one-time additional twelve (12) month period. The request for consideration of an extension shall be submitted to the Administrator at least thirty (30) days before the Preliminary Plan approval expires.
- 4)** Each Final Plat which is a phase of an approved Preliminary Plan shall extend the expiration date of the Preliminary Plan an additional two (2) years from the date the Final Plat was approved by the Commission.
- 5)** If a Preliminary Plan is phased, Final Plats shall only be permitted to proceed to the Planning & Zoning Commission in the numerical order set forth on the Preliminary Plan.

2. Amendments to an Approved Preliminary Plan

a. Minor Amendments

Minor amendments of an approved Preliminary Plan may be 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 UDO, shall not alter a subdivision standard that is discretionary to the Commission, or shall not increase the extent of an approved waiver to a subdivision standard.

b. Major Amendments

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

c. Amendment Determination

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

d. Retaining Previous Approval

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

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

a. Review and Recommendation by Administrator

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

b. Review and Recommendation by Parks and Recreation Advisory Board

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

c. Criteria for Approval by Planning and Zoning Commission

Within thirty (30) days after the plat is filed, the Planning and Zoning Commission shall receive the recommendation of the Administrator and the Parks and Recreation Advisory Board and shall approve or disapprove such plat. The Commission's action shall be based on compliance with the review elements listed in Final Plat, Replat, Vacating Plat, and Development Plat Review and the City Engineer's approval of all required infrastructure as proposed in the construction documents and which has been constructed and accepted or guaranteed in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure Section in Article 8 of this UDO. Conditions of approval must entail corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out

d. Recordation

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

4. Minor Plat and Amending Plat Review

a. Review and Action by Administrator

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

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

b. Recordation

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

F. Waivers

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

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

If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the City Council may approve a Concept Plan that provides for general modifications to the site development and subdivision standards. The general modifications shall be indicated on the approved Concept Plan or within the rezoning ordinance.

H. Platting in the Extraterritorial Jurisdiction

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

I. Failure to Obtain Plat Approval

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

a. Prohibition of Recordation

It shall be unlawful to offer and cause to be recorded any plat or replat of land within the City limits or ETJ of the City of College Station at the Office of the

County Clerk unless the same bears the endorsement and approval of the Planning and Zoning Commission, the Administrator, or bears a valid certificate of No Action Taken as provided for in this UDO.

- b. Prohibition of Making Improvements**
It shall be unlawful to make any improvements, alterations or changes of any kind to such property;
- c. No Issuance of Permits**
The City shall not issue any building, repair, plumbing, electrical or other permit relating to such property until such approval occurs;
- d. No Provision or Maintenance of Infrastructure**
The City shall not repair, maintain, install or provide any streets, public utilities or public infrastructure of any kind to such property;
- e. No Provision of Public Utilities**
The City shall not sell or supply water, gas, electricity, or sewerage to such property.

2. Council Action

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

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

3.4 Concept Plan Review (PDD and P-MUD Districts)

A. Applicability

A Concept Plan shall be required for all proposed Planned Development District (PDD) or Planned Mixed-Use District (P-MUD) rezonings.

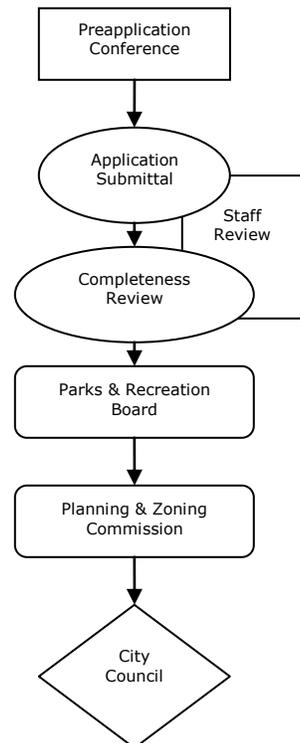
B. Application Requirements

A complete application for a Concept Plan shall be submitted to the Administrator with a PDD or P-MUD rezoning application as set forth in the General Approval Procedures Section in Article 3 of this UDO, unless otherwise specified in this Section.

C. Concept Plan Approval Process

1. Preapplication Conference

Prior to submitting a Concept Plan, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.



Article 3. Development Review Procedures

Section 3.4 Concept Plan Review (PDD and P-MUD Districts)

2. Review and Report by the Parks and Recreation Advisory Board

If the proposed area involves any required or voluntary parkland dedication, the Concept Plan must be reviewed by the Parks and Recreation Advisory Board. Parks and Recreation Advisory Board recommendations shall be forwarded to the City Council.

3. Review and Report by the Greenways Program Manager

If the proposed area includes a greenway dedication as shown on the Greenways Master Plan, or if the applicant is proposing greenway dedication or voluntary sale, the Concept Plan must be reviewed by the Greenways Program Manager. The Greenways Program Manager's recommendation shall be forwarded to the City Council.

4. Review and Recommendation by the Administrator

The Administrator shall review the Concept Plan and recommend approval, approval with conditions, or disapproval of the same.

5. Review and Recommendation by the Planning and Zoning Commission

The Planning & Zoning Commission shall review the Concept Plan and recommend to the City Council approval, approval with conditions, or disapproval of the same.

6. City Council Final Action

The City Council shall review the Concept Plan and approve, approve with conditions, or disapprove.

D. Concept Plan Requirements

A Concept Plan shall not be considered or reviewed as a complete site plan application. The Concept Plan for the proposed development shall include the following:

1. A general plan showing the location and relationship of the various land uses permitted in the development;
2. A range of proposed building heights;
3. A written statement addressing the drainage development of the site;
4. The general location of detention/retention ponds and other major drainage structures;
5. A list of general bulk or dimensional variations sought;
6. If general bulk or dimensional variations are sought, provide a list of community benefits and/or innovative design concepts to justify the request;
7. The general location of building and parking areas;
8. Open spaces, parkland, conservation areas, greenways, parks, trails and other special features of the development; and
9. Buffer areas or a statement indicating buffering proposed.

E. Review Criteria

The Administrator and Planning and Zoning Commission shall recommend approval and the City Council may approve a Concept Plan if it finds that the Plan meets the following criteria:

1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;
2. The proposal 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;
3. The proposal is compatible with existing or permitted uses on abutting sites and will

not adversely affect adjacent development;

4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association;
5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities;
6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity; and
7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

F. Minimum Requirements

Unless otherwise indicated in the approved concept plan, the minimum requirements for each development shall be those stated in this UDO for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted. Modification of these standards may be considered during the approval process of the Concept Plan. If modification of these standards is granted with the Concept Plan, the Administrator will determine the specific minimum requirements.

G. Compliance with Other Regulations

The approval of a Concept Plan shall not relieve the developer from responsibility for complying with all other applicable sections of this UDO and other codes and ordinances of the City of College Station unless such relief is granted in the approved concept plan.

H. Owners Association Required

An owners' association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service and parking areas, common open spaces, buffer areas, and common recreational areas at the time the development plan is submitted. If an owners' association is required, documentation must be submitted to the City at the time of platting to assure compliance with the provisions of this UDO.

I. Modifications

Any deviations from the approved Concept Plan shall require City Council approval except as provided for below.

J. Minor Amendment to Concept Plan

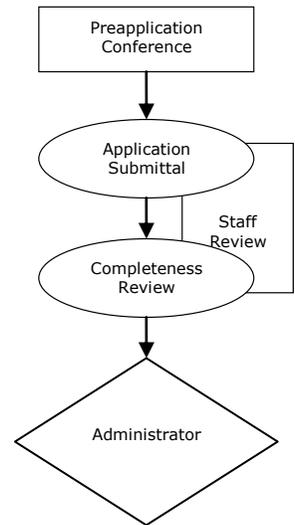
Minor additions and modifications to the approved Concept Plan meeting the criteria below may be approved by the Administrator:

1. Minor additions to structures as determined by the Administrator;
2. Minor new accessory structures if the location does not interfere with existing site layout (e.g., circulation, parking, loading, storm water management facilities, open space, landscaping, buffering);
3. Minor additions to parking lots;
4. Clearing or grading of areas not depicted on the concept plan as a conservation area, greenway, or park; and
5. Final determination of the specific meritorious modifications such as setbacks, lot size, dimensional standards, etc., granted generally as part of the Concept Plan.

3.5 Site Plan Review

A. Applicability

1. Prior to development of any use or structure other than single-family (excluding Manufactured Home Parks), duplex, or townhouse residential development, a site plan shall be approved by the City in accordance with this Section.
2. No development described in paragraph 1 above shall be lawful or permitted to proceed without final site plan approval. A site plan approved as part of a conditional use permit shall be considered a site plan approval.
3. If the subject property is zoned as a Planned Development District (PDD) or Planned Mixed-Use District (P-MUD), the City Council may approve a Concept Plan that provides for general modifications to the site development standards. The general modifications shall be indicated on the approved Concept Plan. The Administrator shall determine the specific standards that comply with the general modifications of the site development requirements at the time a site plan is approved. The applicant or the Administrator may have the City Council determine the specific standards that comply with the approved Concept Plan.



B. 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.

C. Application Requirements

A complete application for site plan approval shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 in this UDO. The application shall include a landscape plan illustrating compliance with the requirements of the Landscaping and Tree Protection Section in Article 7 of this UDO. Where applicable, applicants shall submit information, documents, and materials required in the Non-Residential Architectural Standards Section and Traffic Impact Analyses Section in Article 7 of this UDO.

D. Site Plan Approval Process

Site plan review applications shall be processed in accordance with the following requirements:

1. Preapplication Conference

Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

2. Final Action by the Administrator

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the Administrator shall approve or conditionally approve the site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

E. Site Plan Review Criteria

The Administrator may request changes to the site plan to accomplish the following requirements. 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 that complies with Chapter 7, Health and Sanitation, of the City's Code of Ordinances;
8. Runoff, drainage, and flood control;
9. Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities and solid waste facilities;
10. Compliance with standards, guidelines, and policies of the City's adopted Streetscape Plan referenced in Article 8, Subdivision Design and Improvements;
11. Clear indication of what constitutes the building plot for purposes of signage; and
12. Location and density of buildings or dwellings where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles.

F. Appeal

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

The Design Review Board shall have the same authority as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable site-related conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this UDO.

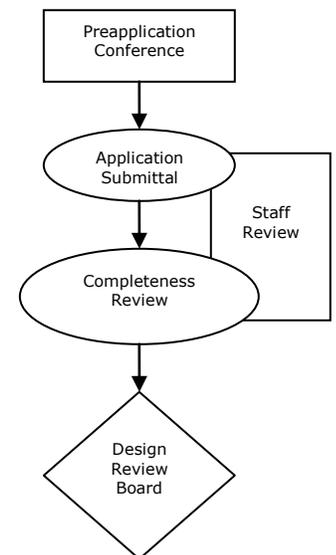
3.6 Wolf Pen Creek Design District Site Plan Review

A. Applicability

1. Design District

Prior to any development in the Wolf Pen Creek district (WPC) excluding minor additions such as storage buildings, fencing and the like, an applicant must obtain design district site plan approval under this Section.

In reviewing a project, the Design Review Board may require traffic and parking impact studies, a review of existing occupancy, and other reasonable data to determine the impact of the project.



Article 3. Development Review Procedures

Section 3.6 Wolf Pen Creek Design District Site Plan Review

2. Design District Site Plan Review Required

No private development shall be lawful or permitted to proceed without final design district site plan approval. Minor additions may be approved by the Administrator. Design district site plan approval shall be required for all site plans as part of a conditional use permit.

3. General Requirements

- a. All improvements reflected on approved site plans must be constructed at the time of development.
- b. All associated rehabilitation, façade work, and other construction must be conducted subsequent to and in compliance with approved elevations, colors, and materials. Such review may take place concurrent with the site plan review, or may take place separately, as provided in Section 3.8, Development Permit.
- c. All terms and conditions of site plan approval must be met at the time of development.

B. Application Requirements

A complete application for site plan approval shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO. The application shall include a landscaping plan illustrative compliance with the requirements of the Landscaping and Tree Protection Section in Article 7 of this UDO. Where applicable, applicants shall submit information, documents, and materials required in the Non-Residential Architectural Standards Section and Traffic Impact Analyses Section in Article 7 of this UDO.

C. Wolf Pen Creek Design District Site Plan Approval Process

Wolf Pen Creek district site plan review applications shall be processed in accordance with the following requirements:

1. Preapplication Conference

Prior to the submission of an application for design district site plan approval, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

2. Review and Report by the Administrator

If the proposed design district site plan is determined to be consistent with all applicable provisions of this UDO, the City’s Comprehensive Plan, and the Wolf Pen Creek Master Plan, or if the plan is recommended for denial or conditional approval, the Administrator shall report such consistency, inconsistency, or proposed conditions to the Design Review Board.

3. Review by the Design Review Board

The Design Review Board shall review the design district site plan in a public meeting and may approve, approve with conditions or deny the application. Notice shall be provided by publication of the agenda of the meeting.

4. Final Action by the Design Review Board

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Design Districts Section in Article 5 of this UDO, and the review criteria below, the Design Review Board shall approve the design district site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan.

D. Design District Minor Additions Approval Process

Minor additions to a site are accessory buildings and structures, change of solid waste disposal location, painting, and landscaping. All site plan review applications for minor additions shall be processed in accordance with the following requirements:

1. Review by the Administrator

The Administrator shall review the design district site plan for minor additions and may approve, approve with conditions, or deny the site plan. The Administrator may also forward the site plan to the Design Review Board for any reason.

2. Final Action by the Administrator

If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the City's Comprehensive Plan, and the Wolf Pen Creek Master Plan, including the applicable district provisions of the Design Districts Section in Article 5 of this UDO, and the review criteria below, the Administrator shall approve the design district site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan.

E. General Site Plan Review Criteria

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 meeting the specifications for same as outlined in Article 8, Subdivision Design and Improvements, relative to width and placement;
3. Efficient and economic public utility and sanitation access;
4. Public road or street access;
5. Satisfactory internal access including public, private, and emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion that complies with Chapter 7, Health and Sanitation, of the City's Code of Ordinances;
8. Visual screening of trash receptacles or other areas offensive to the public or existing adjacent development;
9. Runoff, drainage, and flood control;
10. Visual screening from the right-of-way of parking lots;
11. Compliance with standards, guidelines, and policies of the City's adopted Streetscape Plan; and
12. Determination and clear indication of what constitutes the building plot for purposes of this UDO.

F. Additional Review Criteria for the WPC District

The following standards, which affect the appearance of a development, shall govern the evaluation of a design submission in the WPC district:

1. Conformance to the City's Comprehensive Plan;
2. Exterior space utilization;
3. Material selection;
4. Compatibility with existing development in the design district;
5. Vehicular, pedestrian, and bicycle circulation;

Article 3. Development Review Procedures

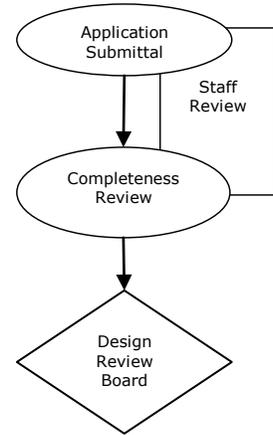
Section 3.6 Wolf Pen Creek Design District Site Plan Review

- 6. Building location and orientation; and
- 7. Specific standards listed in the Design Districts Section in Article 5 of this UDO.

3.7 Wolf Pen Creek Design District Building and Sign Review

A. Applicability

- 1. In the Wolf Pen Creek district (WPC), all substantial maintenance (including but not limited to rehabilitation, façade work, and, change or exterior materials or other construction, including the replacement or alteration of signs) shall be subject to the WPC district building and sign review process.
- 2. Minor additions to a site (accessory buildings and structures, change of solid waste disposal location, painting, and landscaping) shall be reviewed by the Administrator.



B. Application

A complete application for building or sign review in a design district shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

C. Final Action by Design Review Board

1. Public Meeting

The Design Review Board shall conduct design district review in a public meeting. Notice shall be provided by publication of the agenda of the meeting.

2. Design Review

The Board shall apply the standards for the applicable district as set forth in the Design Districts Section in Article 5 of this UDO. In considering such matters, the Design Review Board may rely on special area plans or studies adopted by the City Council.

3. Written Decision

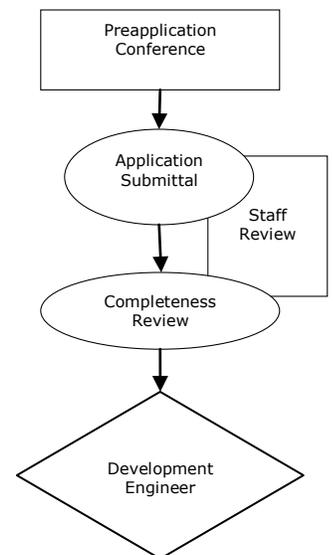
If approval is granted, the decision shall be communicated in writing to the applicant.

3.8 Development Permit

A. Applicability

A development permit shall be required prior to any development, as defined in Article 11, Definitions, to ensure conformance to the provisions and requirements of this UDO. The following uses are exempt from the permitting requirements of this Section, but shall otherwise meet all of the requirements of this UDO and the *Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details* and the Drainage and Stormwater Management Section in Article 7 of this UDO:

- 1. Customary and incidental grounds maintenance, landscaping, and gardening.
- 2. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated Area of Special Flood Hazard.



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. Preapplication Conference

A preapplication conference may be held with the Development Engineer, or his designated representative, if the property contains areas of special flood hazard.

2. Application

A complete application for a development permit shall be submitted to the Development Engineer as set forth in the General Approval Procedures Section in Article 3 of this UDO.

3. Review and Action by the Development Engineer

The Development Engineer shall review the required information and application form and shall take one 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 Development Engineer shall be based on the following relevant factors:

- a. The danger to life or property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The maintenance and operational costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;
- g. The necessity to the facility of a waterfront location, where applicable;
- h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- i. The barricading of existing trees to remain on the property and count as protected trees under the Landscaping and Tree Protection Section in Article 7 of this UDO; and
- j. Compliance with this UDO.

5. Notification of Decision

- a. 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,

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Section 3.8 Development Permits

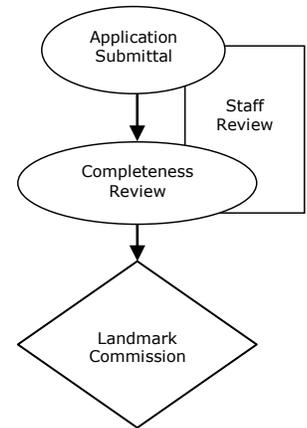
considering the additional information, shall be made and written notification to the applicant given within ten working days after acceptance of the complete application.

- b. Any proposal which includes areas of special flood hazard within the following special drainage areas shall receive written notice of approval or disapproval of the development permit from the Development Engineer within sixty (60) working days after receipt of the proposal:
 - 1) The entirety of Carter’s Creek;
 - 2) The main channel of Lick Creek;
 - 3) Wolf Pen Creek from the Earl Rudder Freeway to the confluence with Carter’s Creek; and
 - 4) The Brazos River.

3.9 Certificate of Appropriateness

A. Applicability

- 1. Prior to any construction, reconstruction, alteration, restoration, or rehabilitation of any structure or any property within a Historic Preservation Overlay District, or any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way that affects the appearance and cohesiveness of any structure or any property within a Historic Preservation Overlay District, an applicant must obtain a Certificate of Appropriateness in accordance with this Section.
- 2. No building permit shall be issued for proposed work within a Historic Preservation Overlay District until a Certificate of Appropriateness has first been issued as required by the UDO. The Certificate of Appropriateness shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of College Station.



B. Application Requirements

A complete application for a Certificate of Appropriateness shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO. The application shall include, where applicable:

- 1. Detailed description of proposed work;
- 2. Proposed building plans (this will not constitute a building plan submittal for review for a building permit);
- 3. Landscaping plans showing landscaping features and vegetation species, sizes, and locations;
- 4. Landscape protection plans;
- 5. Location and photographs of the property and adjacent properties;
- 6. Elevation drawings of the proposed changes, if available;
- 7. Samples of materials to be used;
- 8. Specifications for architectural features and materials; and
- 9. Any other information that the Landmark Commission or Historic Preservation Officer may deem necessary in order to visualize proposed work.

C. Certificate of Appropriateness Approval Process

Certificate of Appropriateness applications shall be processed in accordance with the following requirements:

1. Preapplication Conference

Prior to the submission of an application for Certificate of Appropriateness, all potential applicants may request a preapplication conference with the Administrator. The purpose of the preapplication conference is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this UDO; however, the preapplication conference does not fulfill the requirements for formal review or submittal as set forth in this UDO.

2. Review and Report by the Historic Preservation Officer

Upon receipt of an application for a Certificate of Appropriateness, the Historic Preservation Officer shall determine whether the application is to be reviewed under the Standard Certificate of Appropriateness Review Procedure or the Routine Maintenance Work Procedure. If the application is to be reviewed under the Standard Certificate of Appropriateness Review Procedure, the following applies. If the application is to be reviewed under the Routine Maintenance Work Procedure, the procedure in subsection E. below will apply.

Under the Standard Certificate of Appropriateness Review Procedure, the Historic Preservation Officer will review the application to determine if the proposed plan is consistent with all applicable provisions of this UDO and the City's Comprehensive Plan. The Historic Preservation Officer will forward his report on the application to the Landmark Commission with a recommendation for approval, denial or conditional approval.

3. Review by the Landmark Commission

The Landmark Commission shall review the application in a public meeting and may approve, approve with conditions or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by publication of the agenda of the meeting.

4. Final Action by the Landmark Commission

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay District Section in Article 5 of this UDO and the review criteria below, the Landmark Commission shall approve the plan. A determination that all requirements and provisions have not been satisfied shall result in disapproval of the plan.

D. Criteria for Approval of a Certificate of Appropriateness

The Landmark Commission shall approve a Certificate of Appropriateness if it finds:

1. For Contributing Resources

- a.** The proposed work is consistent with The Secretary of the Interior's Standards for Rehabilitation, The Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings, Preservation Briefs, and all related interpretative documents published by the US Department of Interior;
- b.** The proposed work will not have an adverse effect on the architectural features of the structure;
- c.** The proposed work will not have an adverse effect on the Historic Preservation Overlay district; and
- d.** The proposed work will not have an adverse effect on the future preservation, maintenance, and use of the structure or the Historic Preservation Overlay

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District.

2. For Non-Contributing Resources

The proposed work is compatible with the Historic Preservation Overlay District.

E. Certificate of Appropriateness Routine Maintenance Work Review Procedure

1. If, upon review of an application for a Certificate of Appropriateness, the Historic Preservation Officer determines that an applicant is seeking a Certificate of Appropriateness to authorize only routine maintenance work, the Historic Preservation Officer shall review the Certificate of Appropriateness application to determine whether the proposed work complies with the regulations contained in this Section and approve, approve with conditions, or deny the application. The Historic Preservation Officer may also forward the application to the Landmark Commission for any reason.
2. Routine Maintenance Work on a property is considered to be:
 - a. The installation of a chimney located on an accessory building, or on the rear fifty percent (50%) of a main building and not part of a corner side façade;
 - b. The installation of an awning located on an accessory building, or on the rear façade of a primary structure;
 - c. The installation of a wood or chain link fence that is not painted or stained;
 - d. The installation of gutters and downspouts of a color that matches or compliments the dominant trim or roof color;
 - e. The installation of skylights and solar panels;
 - f. The installation of storm windows and doors;
 - g. The restoration of original architectural elements;
3. The applicant may appeal the Historic Preservation Officer’s decision by submitting to the Historic Preservation Officer a written request for appeal within ten (10) calendar days of the decision. Upon the written request for appeal, the Landmark Commission will review the application under the Standard Certificate of Appropriateness Review Procedure.

F. Expiration of Approval

For plans that do not require the issuance of a building permit, work to complete the plans shall commence and be completed within twenty-four (24) months from the date of approval of the application. The Historic Preservation Officer may authorize a single extension of a Certification of Appropriateness up to six (6) months upon demonstration of substantial progress and the lack of changed or changing conditions in the area.

For plans that require the issuance of a building permit, if a building permit has not been issued for the proposed work within twenty-four (24) months from the date of approval of the application, the Historic Preservation Officer may authorize a single extension of a Certification of Appropriateness up to six (6) months upon demonstration of the lack of changed or changing conditions in the area. A Certification of Appropriateness shall be valid as long as there is a valid building permit.

G. Appeals

An applicant for a Certification of Appropriateness dissatisfied with the action of the Landmark Commission related to the issuance or denial of a Certification of Appropriateness shall have the right to appeal to the City Council within ten (10) calendar days after the date of such action. In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

H. Limitation on Reapplication

If a final decision is reached denying a Certificate of Appropriateness, no further applications may be considered for the subject matter of the denied Certificate of Appropriateness for one (1) year from the date of the final decision unless the Landmark Commission waives the

time limitation because the Landmark Commission finds that there are changed circumstances sufficient to warrant a new hearing.

I. Revocation

The Historic Preservation Officer may, in writing, revoke a Certificate of Appropriateness if:

1. The Certificate of Appropriateness was issued on the basis of incorrect information supplied by the applicant, or
2. The work is not performed in accordance with the Certificate of Appropriateness.

J. Amendment to a Certificate of Appropriateness

A Certificate of Appropriateness may be amended by submitting a new Certificate of Appropriateness application to the Historic Preservation Officer. The application shall then be subject to either the Standard Certificate of Appropriateness Review Procedure or the Routine Maintenance Work Procedure.

K. Ordinary Maintenance

Other than the Routine Maintenance Work listed above, a Certificate of Appropriateness shall not be required for the ordinary maintenance and repair of any exterior architectural feature of a property within a Historic Preservation Overlay District which does not involve a change in design, material, or outward appearance such as:

1. The replacement of a roof of the same or an original material that does not include a change in color;
2. The application of paint that is the same as the existing;
3. Minor repair using the same material and design as the original;
4. The repair of sidewalks and driveways using the same type and color of materials;
5. The process of cleaning (including but not limited to low-pressure water blasting and stripping, but excluding sandblasting and high-pressure water blasting); and
6. The painting, replacing, duplicating, or stabilizing deteriorated or damaged non-original architectural features (including but not limited to roofing, windows, columns, and siding) in order to maintain the structure and to slow deterioration.

L. Temporary Emergency Repairs

If the Building Official determines that a building or structure in a Historic Preservation Overlay District poses an immediate threat to persons or property, the Building Official may take any action authorized under the CITY OF COLLEGE STATION CODE OF ORDINANCES to make the building or structure safe without the requirement of a Certification of Appropriateness. The Building Official shall send a written report of such actions to the Landmark Commission.

3.10 Certificate of Demolition

A. Applicability

1. Prior to any demolition or removal of any structure or portion thereof on any property within a Historic Preservation Overlay District, an applicant must obtain a Certificate of Demolition in accordance with this Section.
2. No building permit shall be issued for proposed work within a Historic Preservation Overlay District until a Certificate of Demolition required by the UDO has first been issued by the Landmark Commission. The Certificate of Demolition shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of College Station.

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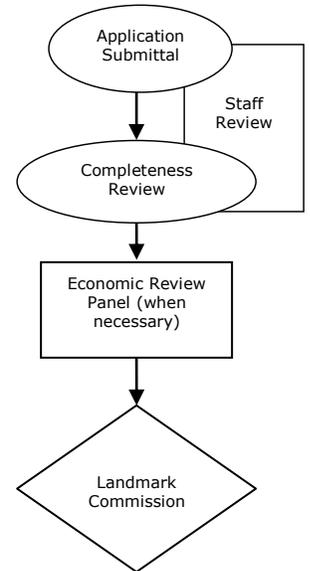
Section 3.10 Certificate of Demolition

- 3. No permit for the demolition of a structure or property within a Historic Preservation Overlay District, including secondary buildings and landscape features, shall be granted by the Building Official without the review of a completed application for and approval of a Certificate of Demolition by the Landmark Commission.

B. Application Requirements

A property owner seeking demolition or removal of a structure, including secondary buildings and landscape features, on a property in a Historic Preservation Overlay District shall submit a complete application for a Certificate of Demolition to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO. The application shall include:

- 1. An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.
- 2. An indication that the demolition or removal is sought for one or more of the following reasons:
 - a. To replace the structure with a new structure that is more appropriate and compatible with the Historic Preservation Overlay District;
 - b. No economically viable use of the property exists;
 - c. The structure poses an imminent threat to public health or safety; or
 - d. The structure is noncontributing to the Historic Preservation Overlay District because it is newer than the period of historic significance.
- 3. An application "To replace the structure with a new structure that is more appropriate and compatible with the Historic Preservation Overlay District" shall also include:
 - a. Records depicting the original construction of the structure, including drawings, pictures, or written descriptions where available;
 - b. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
 - c. Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure;
 - d. Complete architectural drawings of the new structure; and
 - e. A guarantee agreement between the owner and the City that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee must:
 - 1) Contain a statement of intent to construct the proposed structure by a specific date in accordance with architectural drawings approved by the City through the Certificate of Appropriateness process;
 - 2) Require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other arrangement acceptable to the Administrator to ensure construction of the new structure; and
 - 3) Be approved as to form by the City Attorney.
- 4. An application that "No economically viable use of the property exists" shall also include:
 - a. The past and current uses of the structure and property;
 - b. The name of the owner.
 - 1) If the owner is a legal entity, the type of entity and states in which it is registered.



- 2)** The date and price of purchase or other acquisition of the structure and property, and the party from whom acquired, and the owner's current basis in the property.
 - 3)** The relationship, if any, between the owner and the party from whom the structure and property were acquired. (If one or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified.);
 - 4)** The assessed value of the structure and property according to the two most recent tax assessments;
 - 5)** The amount of real estate taxes on the structure and property for the previous two (2) years;
 - 6)** The current fair market value of the structure and property as determined by an independent licensed appraiser;
 - 7)** All appraisals obtained by the owner and prospective purchasers within the previous two (2) years in connection with the potential or actual purchase, financing, or ownership of the structure and property;
 - 8)** All listings of the structure and property for sale or rent within the previous two (2) years, prices asked, and offers received;
 - 9)** A profit and loss statement for the property and structure containing the annual gross income for the previous two (2) years; itemized expenses (including operating and maintenance costs) for the previous two (2) years, including proof that adequate and competent management procedures were followed; the annual cash flow for the previous two (2) years; and proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor;
 - 10)** A mortgage history of the property during the previous five (5) years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property;
 - 11)** All capital expenditures during the current ownership;
 - 12)** Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions;
 - 13)** A study of restoration of the structure or property, performed by a licensed architect, engineer or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for a ten (10) year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property;
 - 14)** Any consideration given by the owner to profitable adaptive uses for the structure and property;
 - 15)** Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations;
 - 16)** Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure; and
 - 17)** Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.
- 5.** An application to demolish or remove a structure that "Poses an imminent threat to public health or safety" shall also include:
- a.** Records depicting the current condition of the structure, including drawings, pictures, or written descriptions;
 - b.** A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer; and

5. Review by the Landmark Commission

The Landmark Commission shall review the application for Certificate of Demolition in a public meeting and may approve, approve with conditions, or deny the application. If the Landmark Commission requires additional information than that presented at a meeting, a decision may be postponed until a specified date when the specified information may be provided. Notice shall be provided by publication of the agenda of the meeting.

6. Final Action by the Landmark Commission

If the application is determined to be consistent with all applicable provisions of this UDO, including the applicable district provisions of the Historic Preservation Overlay District Section in Article 5 of this UDO, and the review criteria below, the Landmark Commission shall approve the plan. A determination that all such requirements and provision have not been satisfied shall result in disapproval of the plan. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the Landmark Commission.

D. Criteria for Approval of a Certificate of Demolition

In considering an application for a Certificate of Demolition, the Landmark Commission shall deny the application unless it makes the following findings:

- 1.** The Landmark Commission shall deny an application for a Certificate of Demolition to replace a structure with a new structure unless it finds that:
 - a.** The new structure is more appropriate and compatible with the Historic Preservation Overlay District than the structure to be demolished or removed; and
 - b.** The owner has the financial ability and intent to build the new structure. The Landmark Commission must first approve the Certificate of Appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application for a Certificate of Demolition.
- 2.** The Landmark Commission shall deny an application for a Certificate of Demolition to remove a structure because of no economically viable use of the property unless it finds that:
 - a.** The structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);
 - b.** The structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and
 - c.** The owner has failed during the last two (2) years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.
- 3.** The Landmark Commission shall deny an application for a Certificate of Demolition to remove a structure that poses an imminent threat to public health or safety unless it finds that:
 - a.** The structure constitutes a documented major and imminent threat to public health and safety;
 - b.** The demolition or removal is required to alleviate the threat to public health and safety; and
 - c.** There is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.
- 4.** The Landmark Commission shall deny an application for a Certificate of Demolition to remove a structure that is noncontributing to the Historic Preservation Overlay District because it is newer than the period of historic significance unless it finds that:
 - a.** The structure is noncontributing to the Historic Preservation Overlay District;
 - b.** The structure is newer than the period of historic significance for the Historic

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Preservation Overlay District; and

- c.** Demolition of the structure will not adversely affect the historic character of the property or the integrity of the Historic Preservation Overlay District.

E. Appeals

- 1.** Any interested person may appeal the decision of the Landmark Commission to the City Council by filing a written notice with the Administrator within ten (10) calendar days after the decision of the Landmark Commission. If no appeal is made of a decision to approve a Certificate of Demolition within the ten (10) day period, the Building Official shall issue the permit to allow demolition or removal. If an appeal is filed, the City Council shall hear and decide the appeal within sixty-five (65) calendar days of its filing.
- 2.** In considering an appeal, the City Council shall consider the same standards and evidence that the Landmark Commission was required to consider in making the decision.

F. Limitation on Reapplication

If a final decision is reached denying a Certificate of Demolition, no further applications may be considered for the subject matter of the denied Certificate of Demolition for one (1) year from the date of the final decision unless the Landmark Commission waives the time limitation because the Landmark Commission finds that there are changed circumstances sufficient to warrant a new hearing.

G. Expiration of Approval

A Certificate of Demolition expires if the work authorized by the Certificate of Demolition is not commenced within 180 days from the date of final approval. A final, one-time extension for the commencement of work of 90 days may be granted by the Administrator upon written request by the applicant showing circumstances beyond the control of the applicant. If the Certificate of Demolition expires, a new Certificate of Demolition must first be obtained before the work can commence.

H. Demolition by Neglect

1. Prohibition

No owner or person with an interest in real property included within a Historic Preservation Overlay District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature or structural compromise which would, in the judgment of the Landmark Commission, produce a detrimental effect upon the character of the Historic Preservation Overlay District as a whole or the life and character of the property itself. Examples of such deterioration include, but are not limited to:

- a.** Deterioration of the foundation.
- b.** Deterioration of floor supports or the addition of floor supports that are insufficient to carry the loads imposed.
- c.** Deterioration of walls, windows, doors, or other vertical supports, or the addition of such supports that are of insufficient size or strength to carry the loads imposed.
- d.** Deterioration of roof or other horizontal members.
- e.** Deterioration of exterior chimneys.
- f.** Deterioration or crumbling of exterior stucco or mortar.
- g.** Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- h.** Defective weather protection or lack of weather protection for exterior wall coverings, including lack of paint or other protective coating.

- i. Any fault, defect, or condition in the structure that renders it structurally unsafe or not properly watertight.
- j. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

2. Procedure

a. Purpose

The purpose of the Demolition by Neglect procedure is to allow the Landmark Commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

b. Request for Investigation

Any interested party may request that the Historic Preservation Officer investigate whether a property is being Demolished by Neglect.

c. First Meeting With the Property Owner

Upon receipt of a request, the Historic Preservation Officer and City Building Official shall meet with the property owner or the property owner's agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the Historic Preservation Officer shall prepare a report for the Landmark Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

d. Certification and Notice

After review of the report in a public meeting, the Landmark Commission may vote to certify the property as a Demolition by Neglect case. If the Landmark Commission certifies the structure as a Demolition by Neglect case, the Landmark Commission shall notify the property owner or the property owner's agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within thirty (30) days and set a deadline for completion of the repairs. The notice shall be sent by certified mail.

e. Second Meeting With the Property Owner

The Historic Preservation Officer and the City Building Official shall meet with the property owner or the property owner's agent with control over the structure at least within sixty (60) days after the notice was sent to inspect any repairs.

f. Referral for Enforcement

If the property owner or the property owner's agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the Landmark Commission may refer the Demolition by Neglect case to the City's Code Enforcement Division for appropriate enforcement action to prevent Demolition by Neglect.

I. Demolition by Condemnation

Reasonable attempts to engage a property owner in a Demolition by Neglect procedure shall be made when there is concern for the deterioration of a structure, but when a structure or equipment is found by the City Building Official to be a dangerous structure, the provisions of the City of College Station Code of Ordinances regulating dangerous structures will apply.

J. Historic Preservation Fund

- 1. The City of College Station, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.

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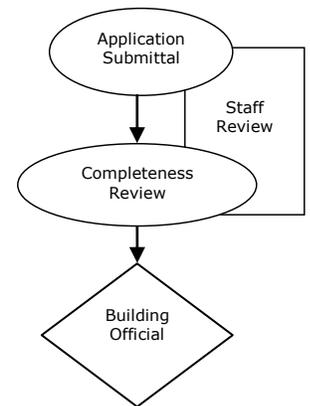
Section 3.10 Certificate of Demolition

- 2. The historic preservation fund is composed of the following funds:
 - a. Outside funding (other than City general funds or capital funds), such as grants and donations, made to the City for the purpose of historic preservation and funding partnerships with community organizations.
 - b. Damages recovered pursuant to TEXAS LOCAL GOVERNMENT CODE SECTION 315.006 from persons who illegally demolish or adversely affect historic structures.
- 3. The outside funding may be used for financing the following activities:
 - a. Necessary repairs in Demolition by Neglect cases;
 - b. Full or partial restoration of low-income residential and nonresidential structures;
 - c. Full or partial restoration of publicly owned historic structures;
 - d. Acquisition of historic structures, places, or areas through gift or purchase;
 - e. Public education of the benefits of historic preservation or the regulations governing Historic Preservation Overlay Districts; and
 - f. Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.
- 4. Damages recovered pursuant to Texas Local Government Code Section 315.006 must be used only for the following purposes:
 - a. Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure;
 - b. Restoration, using as many of the original materials as possible, of the historic structure; and
 - c. Restoration of another historic structure.

3.11 Building Permit

A. Building Permit Required

No building or other structure shall hereafter be erected, moved, added to, structurally altered, repaired, demolished, or occupancy changed without a permit issued by the Building Official except in conformity with the provisions of this section and the 2006 INTERNATIONAL BUILDING CODE as adopted and amended by the City, unless otherwise provided for in the CITY OF COLLEGE STATION CODE OF ORDINANCES. No Building Permit issued under the provisions of this Article for land use or construction in the City shall be considered valid unless signed by the Building Official.



B. Application for Building Permit

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

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

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

- 2. The application shall include such other information as lawfully may be required by the Building Official or the Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate;

conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this UDO.

3. One copy of the plans shall be returned to the applicant by the Building Official after it is marked as either approved, approved with conditions, or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, and the associated site plan shall be retained by the Building Official.
4. Where applicable, applicants shall submit information and materials required in the Landscaping and Tree Protection Section in Article 7 of this UDO.
5. Where applicable, applicants shall submit information and materials required in the Non-Residential Architectural Standards Section in Article 7 of this UDO.

C. Review and Recommendation

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

D. Review and Action by Building Official

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

3.12 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 Use Category;
3. Any change in a nonconforming use or structure; or
4. As required by the 2006 International Building Code, Section 110.

B. Application

Once all required building inspections have been reviewed by the Building Official and he finds no violation of the provisions of the code, the 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 Building Official shall inspect the use or structure. If the Building Official determines that the use or structure complies with all applicable provisions of the 2006 INTERNATIONAL BUILDING CODE and this UDO, a Certificate of Occupancy shall be issued.

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D. Temporary Certificate of Occupancy

Pending the issuance of a Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued by the Building Official. The Temporary Certificate of Occupancy shall be valid for a period established by the Building Official, pending completion of an addition or during partial occupancy of a structure and as provided in SECTION 110 OF THE 2006 INTERNATIONAL BUILDING CODE.

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.

3.13 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 in a design district, or a change to an existing site that is not done in conjunction with a building or structure that requires a building permit; or
3. Site improvements associated with a telecommunications tower.

B. Application

Once all required building inspections have been reviewed by the Building Official and he finds no violation of the provisions of the code, the Building Official shall issue a Certificate of Completion for the structure.

C. Review and Action by Building Official

Upon the request for a Certificate of Completion, the Building Official shall inspect the structure. If the Building Official determines that the structure complies with all applicable provisions of the INTERNATIONAL BUILDING CODE and this UDO, a Certificate of Completion shall be issued.

D. Temporary Certificate of Completion

Pending the issuance of a Certificate of Completion, a Temporary Certificate of Completion may be issued by the Building Official. The Temporary Certificate of Completion shall be valid for a period established by the Building Official, pending compliance with approved development plans.

E. Unlawful to Utilize Without Valid Certificate of Completion

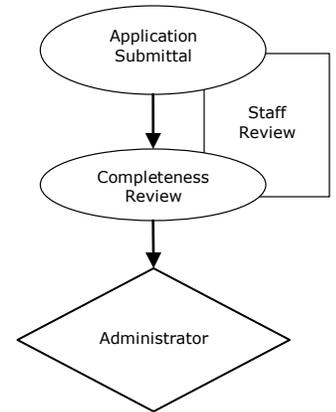
It is unlawful to utilize any structure that does not have a validly issued Certificate of Completion or Temporary Certificate of Completion.

3.14 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 Administrator, except in conformity with the provisions of this Section, unless he is so directed by the Zoning Board of Adjustment as provided by this UDO.
2. A permit shall be required for the following:

- a. Apartment/condominium/manufactured home park identification signs;
 - b. Attached signs;
 - c. Development signs;
 - d. Freestanding signs;
 - e. Low profile signs;
 - f. Roof signs; and
 - g. Subdivision and area identification signs.
3. No permit shall be required for the following signs:
- a. Real estate, finance, and construction signs;
 - b. Directional traffic control signs;
 - c. Home occupation signs; and
 - d. Noncommercial signs.
4. It shall be the responsibility of the owner or the leasing agent to assign the available freestanding or building sign square footage to individual building tenants. In no case shall this be the responsibility of the Administrator. In no case may the cumulative total of individual signs for a multi-tenant building exceed the allowable area available or attached or freestanding signs.



B. Application

A complete application for a sign permit plan shall be submitted to the Building Official as set forth in the General Approval Procedures Section in Article 3 of this UDO.

C. Review and Action by the Administrator

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

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. Repainting or replacement of materials in the Wolf Pen Creek district must receive approval of either the Administrator or the Design Review Board as provided in the Wolf Pen Creek District Building and Sign Review Section in Article 3 of this UDO.
2. Repair of conforming signs, damaged as a result of accidents or acts of God, shall be exempt from permit fees when they are being restored to their original condition.

3.15 Conditional Use Permit

A. Purpose

Conditional use permit review allows for City Council discretionary approval of uses with unique or widely-varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDO.

B. Applicability

Conditional uses are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density and intensity, and may require the imposition of additional conditions in order to ensure the appropriateness and compatibility of the use at a particular location.

Article 3. Development Review Procedures

Section 3.15 Conditional Use Permit

C. Applications

A complete application for a conditional use permit shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO. A complete site plan must accompany all applications for a conditional use permit.

D. Approval Process

1. Preapplication Conference

Prior to the submission of an application for a conditional use permit, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

2. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed development subject to the criteria enumerated in Section E below, and give a report to the Planning and Zoning Commission on the date of the scheduled Public Hearing.

3. Planning and Zoning Commission Recommendation

a. Notice

The Planning and Zoning Commission shall publish, post, and mail notice in accordance with the General Approval Procedures Section in Article 3 of this UDO.

b. Public Hearing

After review of the conditional use application, subject to the criteria enumerated in Section E below, the Planning and Zoning Commission shall hold a Public Hearing and recommend to the City Council such action as the Planning and Zoning Commission deems proper.

4. City Council Action

a. Notice

The City Council shall publish, post, and mail notice in accordance with the General Approval Procedures Section in Article 3 of this UDO.

b. Public Hearing

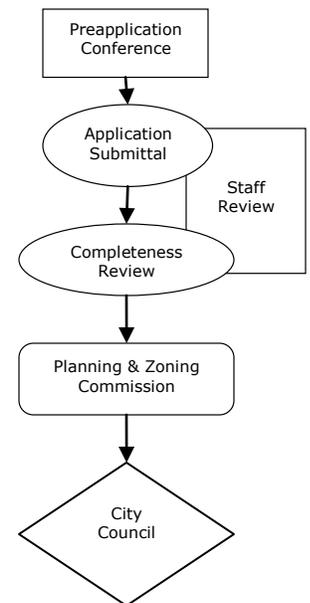
The City Council shall hold a Public Hearing after review of the conditional use application, subject to the criteria enumerated in Section E below. With consideration of the recommendation provided by the Planning and Zoning Commission, the City Council shall approve, approve with modifications or conditions, or disapprove the conditional use application.

E. Conditional Use Review Criteria

The City Council may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City Council shall consider the following criteria in its review:

1. Purpose and Intent of UDO

The proposed use shall meet the purpose and intent of this UDO and the use shall meet all the minimum standards established in this UDO for this type of use.



2. Consistency with Comprehensive Plan

The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development of the City.

3. Compatibility with Surrounding Area

The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

4. Harmonious with Character of Surrounding Area

The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.

5. Infrastructure Impacts Minimized

The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.

6. Effect on Environment

The proposed use shall not negatively impact existing uses in the area or in the City.

F. Additional Conditions

The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this UDO and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, utilities, drainage facilities, sidewalks, and screening.

3.16 Written Interpretation

A. Applicability

The Administrator shall have authority to make all written interpretations concerning the provisions of this UDO.

B. Request for Interpretation

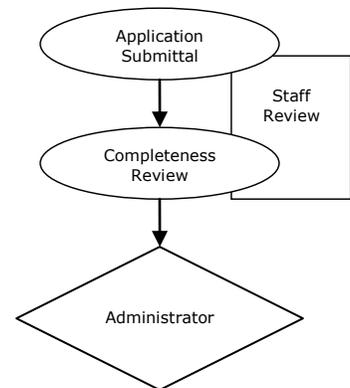
A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public. Such request shall only be made during development review or when a code enforcement requirement is in question.

C. Interpretation by Administrator

1. The Administrator shall:

- a. Review and evaluate the request in light of the text of this UDO, the Official Zoning Map, the Comprehensive Plan, the Subdivision Regulations, and any other relevant information;
- b. Consult with other staff, as necessary; and
- c. Render an opinion.

2. The interpretation shall be provided to the applicant in writing.



Article 3. Development Review Procedures

Section 3.16 Written Interpretation

D. Official Record

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

E. Appeal

Appeals of written interpretations made by the Administrator shall be filed only by a party affected by the written interpretation with the Zoning Board of Adjustment or for appeals of written interpretations of the Subdivision Regulations, the Planning and Zoning Commission, within thirty (30) days of the decision in accordance with the procedures found in the Administrative Appeals Section in Article 3 of this UDO. If no appeal is filed within thirty (30) days, the written interpretation shall be final.

3.17 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 UDO.

B. Applicability

The Administrator shall have the authority to authorize adjustments of up to ten percent (10%) from any dimensional standards set forth in the Residential Dimensional Standards, Non-Residential Dimensional Standards, and Design District Dimensional Standards Sections in Article 5 of this UDO, and the Off-Street Parking Standards Section in Article 7 of this UDO. Any adjustment request greater than ten percent (10%) shall be treated as a variance handled by the Zoning Board of Adjustment subject to the requirements of the Variances Section in Article 3 of this UDO.

C. Application

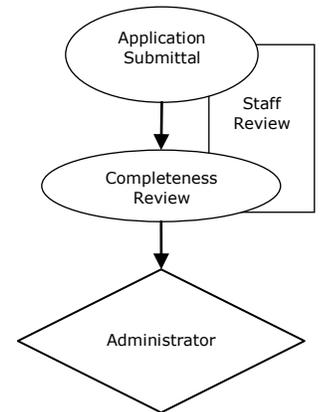
A complete application for an administrative adjustment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

D. Review and Action by Administrator

The Administrator shall review the application and approve, approve with conditions, or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be sent to the applicant.

E. Administrative Adjustment Criteria

- 1. To approve an application for an administrative adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
 - a. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b. That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development; and
 - c. That granting the adjustment will be generally consistent with the purposes and intent of this UDO.

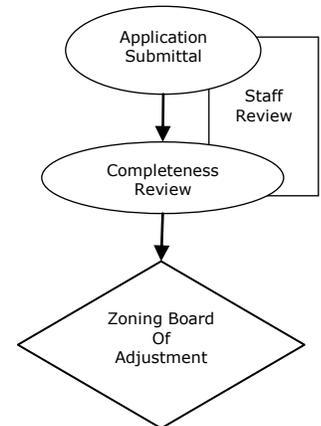


2. In the event that the Administrator finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the Zoning Board of Adjustment as a variance request subject to the requirements of the Variances Section in Article 3 of this UDO.

3.18 Variance

A. Purpose

The Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this UDO. The Zoning Board of Adjustment shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this UDO would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the City, and that the granting of the variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured and substantial justice done.



B. Applicability

The Zoning Board of Adjustment shall have the authority to grant variances from the standards in this UDO except for waivers of the standards in Article 8, Subdivision Design and Improvements, which may be made by the Planning and Zoning Commission during the subdivision process and requests for relief from a site plan requirement imposed by the Administrator when the requirement was necessary to gain compliance with the criteria for approval of a site plan in the Site Plan Review Section in Article 3 of this UDO, which may be made by the Design Review 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 in Article 3 of this UDO.

C. Application

A complete application for a variance shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

D. Action by the Zoning Board of Adjustment

1. Public Hearing

Following notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, the Zoning Board of Adjustment shall hold a public hearing.

2. Variance Review

Upon completion of the public hearing and after review of the variance application subject to the criteria listed in Section E below, the Zoning Board of Adjustment shall make a written finding and give its approval, approval with limitations, or disapproval of the variance.

E. Criteria for Approval of Variance

1. Required Findings

The Zoning Board of Adjustment may authorize a variance from the requirements of this UDO when an unnecessary hardship would result from the strict enforcement of this UDO. In granting a variance, the Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the Zoning Board of Adjustment shall take into account the nature of the

Article 3. Development Review Procedures

Section 3.18 Variance

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 UDO will deprive the applicant of the reasonable use of his land. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

b. 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 UDO.

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 UDO.

e. Flood Hazard Protection

That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.

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 Comprehensive Plan and the purposes of this UDO.

i. Utilization

That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

2. Limitations

The Zoning Board of Adjustment may not grant a variance where the effect would be any of the following:

- a.** To allow the establishment of a use not otherwise permitted in the applicable zoning district;
- b.** To increase the density of a use, above that permitted by the applicable district;
- c.** To extend physically a nonconforming use of land; or
- d.** To change the zoning district boundaries shown on the Official Zoning Map.

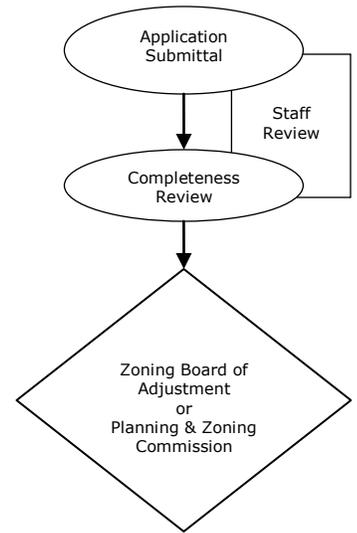
3. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

3.19 Administrative Appeal

A. Applicability

1. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by, or any officer or department affected by, specific points found in any of the following final decisions of the Administrator:
 - a. Written interpretations of the text of this UDO; or
 - b. Denial of Building Permit or site plan based on interpretation of Article 7, General Development Standards.
2. Appeals to the Planning and Zoning Commission may be taken by any person aggrieved by, or any officer or department affected by specific points found in the Administrator's written interpretations of the text of the Subdivision Regulations.



B. Effect of Appeal

An appeal to the ZBA stays all legal proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

C. Deadline for Submission of Application

An appeal from any final decision of the Administrator or Director of Planning and Development Services shall be filed with the Administrator within thirty (30) days of receipt of the decision. If no appeal is filed within thirty (30) days, the decision shall be final.

D. Application

A complete application for an administrative appeal shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

E. Record of Administrative Decision

The Administrator shall forthwith transmit to the Zoning Board of Adjustment or the Planning and Zoning Commission, as appropriate, all the papers constituting the record of the action appealed.

F. Hearing

The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, shall hear the appeal within sixty (60) days of the date of the appeal application or such extension as requested by the applicant or Administrator, give public notice as set forth in the General Approval Procedures Section in Article 3 of this UDO, as well as due notice to the parties in interest, and decide the same within a reasonable time.

G. Final Action by Zoning Board of Adjustment or Planning and Zoning Commission

The Zoning Board of Adjustment or Planning and Zoning Commission, as appropriate, may only consider the specific interpretive language of the Administrator and may reverse or affirm wholly or partly, or may modify the interpretation appealed from. In any case, the Board or Commission shall only present findings regarding specific errors made in the Administrator's interpretation.

3.20 Text Amendment

A. Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the text of this UDO may be altered from time-to-time.

B. Initiation of Amendments

An amendment to the text of this UDO may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission; or
3. The Administrator.

C. Approval Process

1. Review and Report by Administrator

The Administrator shall review the proposed text amendment in light of the Comprehensive Plan and give a report to the Planning and Zoning Commission.

2. Referral To Planning and Zoning Commission

The Administrator shall refer the same to the Planning and Zoning Commission for study, hearing, and report. The Planning and Zoning Commission may direct staff to proceed with drafting the amendment and scheduling the necessary public hearings, forward the proposed text amendment to City Council for direction, or determine not to pursue the proposed amendment. The City Council may not enact the proposed text amendment until the Planning and Zoning Commission makes its report to the City Council.

3. Recommendation by Planning and Zoning Commission

a. Notice

The Administrator shall publish and post public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing

A public hearing shall be held by the Planning and Zoning Commission before making a recommendation to the City Council.

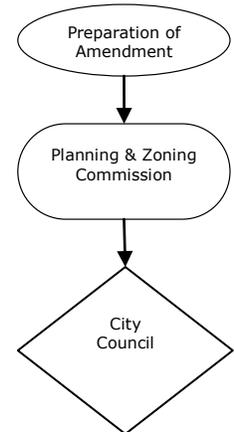
4. City Council Action

a. Notice

The Administrator shall publish and post notices in accordance with the General Approval Procedures Section in Article 3 of this UDO, before taking final action on the amendment.

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the text amendment.



3.21 Comprehensive Plan Amendment

A. Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Thoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

B. Initiation of Amendment

An amendment may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

D. Approval Process

1. Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report to the Commission and Council.

2. Recommendation by Planning and Zoning Commission

a. Notice

The Planning and Zoning Commission shall publish and post public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

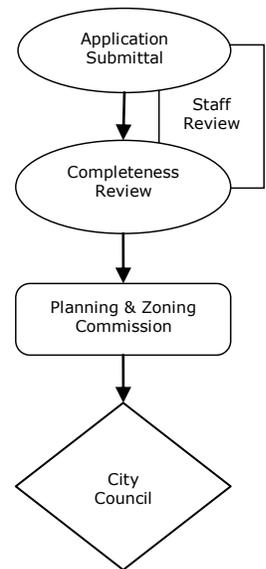
c. Review and Action by Planning and Zoning Commission

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.

3. City Council Action

a. Notice

The City Council shall publish and post public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, before taking final action on a petition to amend the Comprehensive Plan.



Article 3. Development Review Procedures

Section 3.21 Comprehensive Plan Amendment

b. Public Hearing

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. Review and Final Action by City Council

The City Council shall review the amendment and approve, approve with conditions, or deny the application.

E. Limitation on Reapplication

If a petition for a plan amendment is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of one-hundred and eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one of the following factors are applicable:

- 1.** There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
- 2.** New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
- 3.** A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities or intensities); or
- 4.** The final decision on the application was based on a material mistake of fact.

Article 4. Zoning Districts

Section 4.1 Establishment of Districts

Article 4. Zoning Districts

4.1 Establishment of Districts

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

Residential 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	
Non-Residential Zoning Districts		
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 & Development	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
KO	Krenek Tap Overlay	
NPO	Neighborhood Prevailing Overlay	
NCO	Neighborhood Conservation Overlay	
HP	Historic Preservation Overlay	

Article 4. Zoning Districts

Section 4.2 Official Zoning Map

4.2 Official Zoning Map

- A.** The City is hereby divided into the above zoning districts, as shown on the Official Zoning Map, together with all explanatory matter thereon, and adopted by reference and declared to be a part of this UDO. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of College Station under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 4.2 of the Unified Development Ordinance (UDO) of the City of College Station, Texas."

- B.** If, in accordance with the provisions of this UDO and §211.006 of the TEXAS LOCAL GOVERNMENT CODE, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council and signed by the Mayor.
- C.** Approved zoning changes shall be entered on the Official Zoning Map by the Administrator and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- D.** No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this UDO. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this UDO and punishable as provided under Section 10.2, Penalties for Violation.
- E.** Regardless of the existence of purported copies of the Official Zoning Map which may from time-to-time be made or published, the Official Zoning Map, which shall be located in the office of the Development Services Department, shall be the final authority as to the current zoning status of land and water areas in the City. The Official Zoning Map shall be available to the public at all hours when the City Hall is open to the public.
- F.** An electronic version of the Official Zoning Map, kept as a map layer in the City's Geographic Information System (GIS) in the Office of the Development Services Department, may be used and maintained as the Official Zoning Map.
- G.** A zoning atlas, or zoning book, may be prepared and maintained as necessary for the use of City employees and has no official status.

4.3 Replacement of Official Zoning Map

- A.** This UDO hereby incorporates the Official Zoning Map.
- B.** Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

4.4 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A.** Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D.** Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.
- E.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Article 4. Zoning Districts

Section 4.4 Rules for Interpretation of District Boundaries

- F.** Boundaries indicated above as parallel to, or extensions of features, shall be so construed. The scale of the map shall determine distances not specifically indicated in a classification amendment.
- G.** Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Zoning Board of Adjustment (ZBA) shall interpret the district boundaries as provided in Section 2.3, Zoning Board of Adjustment.

4.5 Application of District Regulations

A. Uniformity

The zoning regulations as set forth by this UDO within each district shall be applied uniformly for each class or kind of building; however, the regulations vary from district to district in accordance with their respective purposes for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

B. Newly Annexed Territory

The administration of this UDO to newly annexed territory shall consider the following provisions:

- 1.** Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the A-O, Agricultural Open district.
- 2.** Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair or demolition within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.
- 3.** No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:
 - a.** Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
 - b.** Beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:
 - 1)** One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - 2)** A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.
- 4.** In accordance with §43.002. Continuation of Land Use, of the TEXAS LOCAL GOVERNMENT CODE, the City may apply the following regulations within newly annexed territory:
 - a.** A regulation relating to the location of sexually-oriented businesses;
 - b.** A regulation relating to preventing imminent destruction of property or injury to persons;
 - c.** A regulation relating to public nuisances;
 - d.** A regulation relating to flood control;
 - e.** A regulation relating to the storage and use of hazardous substances;
 - f.** A regulation relating to the sale and use of fireworks; or
 - g.** A regulation relating to the discharge of firearms.

Article 4. Zoning Districts

Section 4.5 Application of District Regulations

5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and upon the relevant decisions of State and Federal courts. The applicant may submit any written evidence to the Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

Article 5. District Purpose Statements and Supplemental Standards

5.1 Residential Zoning Districts

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

A. Agricultural-Open (A-O)

This district includes lands within the corporate limits of the City, which are not subdivided and are relatively undeveloped. This district is intended to be applied to land which is used for agricultural, very low-intensity residential, or open space uses, but which is projected in the Comprehensive Plan for conversion to more intensive urban uses at such time as community services are available and community needs for such uses are present. As such, it is a reserved area in which the future growth of the City can occur.

B. Rural Residential Subdivision (A-OR)

This district allows different infrastructure standards from the more urbanized developments within the City, and is intended for developments of a minimum of 50 acres that are to be subdivided into single-family tracts no smaller than one acre each. Generally, locations are intended to be at the periphery of the City where infrastructure may not yet be available and not within the urbanized core. In the developed area of the City, where infrastructure is available for extension, there may be locations where a rural subdivision would be appropriate depending on surrounding land uses and the existing road system.

C. Single-Family Residential (R-1)

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

D. Single-Family Residential (R-1B)

This district is designed to provide land for detached single-family residential suburban development. This district contains lots that are larger than the minimum R-1 lot, but smaller than the minimum A-OR.

E. Duplex Residential (R-2)

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

The following supplemental standards shall apply to this district:

- 1.** Single-family dwellings shall conform to R-1, Single-Family Residential Standards.
- 2.** Where parking is provided in the front yard of a duplex, an eight-foot setback shall be required between the property line and the nearest side of the parking pad. This eight-foot setback area must contain a three-foot screen consisting of a continuous berm, hedge, or wall. In addition, an eight-foot setback shall be required between the dwelling unit and the nearest side of the parking pad.

F. Townhouse (R-3)

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

The following supplemental standard shall apply to this district:

Single-family dwellings shall conform to R-1, Single-Family Residential standards.

G. Multi-Family (R-4)

This district provides land for development of apartment and condominium units at low to medium densities. This district may serve as a transitional zone between lower density residential areas and other residential or non-residential areas.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to R-2, Duplex Residential standards.
2. Townhouse dwelling units shall conform to R-3, Townhouse standards.

H. High Density Multi-Family (R-6)

This district contains land used for a variety of housing types, but primarily multiple family dwellings. This district is designed to provide the highest density in the community for developments in close proximity to the University.

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to R-2, Duplex Residential standards.
2. Townhouse dwelling units shall conform to R-3, Townhouse standards.

I. Manufactured Home Park (R-7)

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

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

Article 5. District Purpose Statements and Supplemental Standards

Section 5.3 Non-Residential Zoning Districts

5.2 Residential Dimensional Standards

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

	Residential Zoning Districts									Accessory Structures
	A-0	A-OR	R-1 (J)	R-1B	R-2	R-3	R-4	R-6	R-7	
Min. Lot Area per Dwelling Unit (DU)	5 Acres	1 Acre	5,000 SF	8,000 SF	3,500 SF	2,000 SF	None	None		
Min. Lot Width	None	None	50'	None	35'/DU(E)	None	None	None		
Min. Lot Depth	None	None	100'	None	100'	None	None	None		
Min. Front Setback (H)	50'	50'	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)		
Min. Side Setback	20'	20'	7.5'	7.5'(C)	7.5'(C)	(A)	(A)(B)	(A)(B)		
Min. Street Side Setback	15'	15'	15'	15'	15'	15'	15'	15'		
Min. Side Setback between Structures (B)			15'	15'	15'	7.5'	7.5'	7.5'		
Min. Rear Setback (I)	50'	50'	20'	20'	20'(F)	20'	20'	20'		
Max. Height	35' (G) (K)	35' (G) (K)	2.5 Stories/ 35' (G) (K)	2.5 Stories/ 35' (G) (K)	2.5 Stories/ 35' (G) (K)	35' (G) (K)	G	G		
Max. Dwelling Units/Acre	0.2	1.0	8.0	6.0	12.0	14.0	20.0	30.0	10.0	N/A

Notes:

- (A) A minimum side setback of 7.5 feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within 15 feet of another primary structure. See Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to 15 feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to 30 feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to 15 feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 7.1.H, Height.
- (H) Reference Section 7.1.D.1.e for lots created by plat prior to July 15, 1970.
- (I) Reference Section 7.1.D.1.b for lots with approved rear access.
- (J) Reference Section 5.9 for areas in Neighborhood Prevailing Standards Overlay Districts and reference Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.
- (K) Public, civic, and institutional structures shall have a maximum building height of 50 feet in these districts.

5.3 Non-Residential Zoning Districts

A. Administrative-Professional (A-P)

This district will accommodate selected commercial businesses that provide a service rather than sell products, either retail or wholesale. The uses allowed have relatively low traffic generation and require limited location identification.

B. General Commercial (C-1)

This district is designed to provide locations for general commercial purposes, that is, retail sales and service uses that function to serve the entire community and its visitors.

C. Commercial-Industrial (C-2)

This district is designed to provide a location for outlets offering goods and services to a limited segment of the general public. The uses included primarily serve other commercial and industrial enterprises.

D. Light Commercial (C-3)

This district is designed to provide locations for commercial sites that are too small for many permitted uses in the C-1, General Commercial District. These are moderately low traffic generators that have little impact on adjacent areas or on adjacent thoroughfares.

The following supplemental standard shall apply to this district:

No C-3 zoning district, including adjacent C-3 zoning districts, shall exceed a combined total of five acres in area.

E. Light Industrial (M-1)

This district is provided for offices, research and development activities and high technological, light manufacturing, non-polluting industries that are self-contained. It is further intended that the Light Industrial District may be compatible with adjacent uses in any other district, depending upon the character of the operation and the conditions imposed.

F. Heavy Industrial (M-2)

This district is designed to provide land for manufacturing and industrial activities with generation of nuisance characteristics greater than activities permitted in the C-2 and M-1 zoning districts. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses.

G. College and University (C-U)

This district is applied to land which is located within the boundaries of the Texas A&M University campus or is owned by the University.

H. Research & Development (R&D)

This district is designed for administrative and professional offices, and research and development oriented light industrial uses meeting the standards and performance criteria established in this section. These uses could be compatible with low intensity uses and all residential uses, thereby maintaining the character and integrity of neighborhoods. This district should be carefully located in areas where there is sufficient access to arterial level thoroughfares. The following supplemental standards shall apply to this district:

1. Performance Criteria for All Uses

- a. **Impervious Surface:** Impervious surface is limited to 70 percent.
- b. **Floor Area Ratio (FAR):** The maximum FAR in this district shall not exceed 50 percent.
- c. **Building Materials:** All main buildings shall have not less than 90 percent of the total exterior walls, excluding doors, windows and window walls, constructed or faced with brick, stone, masonry, stucco or precast concrete panels.
- d. **Signs:** Any detached or freestanding signage shall meet the criteria for low-profile signs established in Section 7.4, Signs. Materials shall match building facade materials.
- e. **Other District Regulations:** Uses should be designed to provide adequate access and internal circulation such that travel through residentially-zoned or

Article 5. District Purpose Statements and Supplemental Standards

Section 5.3 Non-Residential Zoning Districts

developed areas is precluded. All processes are to be conducted inside buildings and there shall be no outside storage or business activity. Any business operations occurring during the hours between 7 p.m. and 6 a.m. must meet all the performance criteria established in this section, as well as limit vehicular access into the site through a designated access point that mitigates any adverse impacts of the traffic on surrounding residential areas.

2. Additional Standards

- a. This section may be applied to any conditional use proposed in this district when either the Administrator or Development Engineer believes that the existing performance standards contained in this UDO are insufficient to address the proposed use because of its technology or processes and thus, will not effectively protect adjacent existing or future land uses. One or both shall so advise the Planning and Zoning Commission in writing.
- b. In such cases, the Planning and Zoning Commission shall hold a hearing to determine whether a professional investigation or analysis should be performed to identify and establish additional reasonable standards. If so determined, based on the information presented at the hearing, the Planning and Zoning Commission will identify the areas to be investigated and analyzed and will direct the staff to conduct the appropriate research necessary to develop standards for successful management of the new project. Any and all costs incurred by the City to develop additional standards shall be charged to the applicant and included as an addition to the cost of either the building permit fee or zoning application fee.

5.4 Non-Residential Dimensional Standards

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

	Non-Residential Zoning Districts						
	A-P	C-1	C-2	C-3	M-1	M-2	R&D
Min. Lot Area	None	None	None	None	None	None	20,000 SF
Min. Lot Width	24'	24'	24'	24'	100'	None	100'
Min. Lot Depth	100'	100'	100'	100'	200'	None	200'
Min. Front Setback	25'	25'	25'	25'	25'	25'	30'
Min. Side Setback	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	30' (B)
Min. St. Side Setback	15'	15'	15'	15'	15'	25'	30'
Min. Rear Setback	15'	15'	15'	15'	15'	15'	30'(D)
Max. Height	(C)	(C)	(C)	(C)	(C)	(C)	(C)

Notes:

- (A) A minimum side setback of 7.5 feet shall be required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or separated by a dedicated public right-of-way or easement of at least 15 feet in width.
- (C) See Section 7.1.H, Height.
- (D) When abutting non-residentially zoned or used land, the rear setback may be reduced to 20 feet.

5.5 Planned Districts (P-MUD and PDD)

- A.** The Planned Mixed-Use District (P-MUD) and the Planned Development District (PDD) are intended to provide such flexibility and performance criteria which produce:
- 1.** A maximum choice in the type of environment for working and living available to the public;
 - 2.** Open space and recreation areas;
 - 3.** A pattern of development which preserves trees, outstanding natural topography and geologic features, and prevents soil erosion;
 - 4.** A creative approach to the use of land and related physical development;
 - 5.** An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs;
 - 6.** An environment of stable character in harmony with surrounding development; and
 - 7.** A more desirable environment than would be possible through strict application of other sections or districts in this UDO.

B. Planned Mixed-Use District (P-MUD)

The purpose of this district is to permit areas which encourage mixing of land uses such as retail/commercial, office, parks, multi-family, and attached single-family. These uses are developed together in a manner that allows interaction between the uses and that allows each use to support the other uses. Within any P-MUD, residential and non-residential land uses shall each constitute at least twenty percent (20%) of the overall land uses within the mixed-use development. The remaining sixty percent (60%) may be any combination of residential or non-residential land uses. The residential uses provide the patrons for the office and commercial uses. The success of these mixed-use areas is directly related to the sensitive master planning of the site layout.

The P-MUD is appropriate in areas where the land use plan reflects Planned Development or Redevelopment as a land use category. A P-MUD may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility.

C. Planned Development District (PDD)

The purpose of the Planned Development District is to promote and encourage innovative development that is sensitive to surrounding land uses and to the natural environment. If this necessitates varying from certain standards, the proposed development should demonstrate community benefits.

The PDD is appropriate in areas where the land use plan reflects the specific commercial, residential, or mix of uses proposed in the PDD. A PDD may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility.

5.6 Design Districts

A. Wolf Pen Creek (WPC)

This district is designed to promote development that is appropriate along Wolf Pen Creek, which, upon creation was a predominantly open and undeveloped area challenged by drainage, erosion, and flooding issues. Development proposals are designed to encourage the public and private use of Wolf Pen Creek and the development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan.

The following supplemental standards shall apply to this district:

1. Development Criteria

- a. This Section is intended to ensure that development occurs in compliance with the Master Plan for the Wolf Pen Creek Corridor. Pertinent to appearance is the design of the site, building and structures, plantings, signs, street hardware, and miscellaneous other objects that are observed by the public.
- b. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve taxable values, and promote the public health, safety, and welfare.
- c. In order to create and then preserve a distinctive atmosphere and character in the Wolf Pen Creek development corridor, elements listed in 3.6.F, Additional Review Criteria, shall be considered in the review of all projects and proposals for development.

2. Dedication/Development of Drainage and Pedestrian Accessways

Except for minimum reservation areas dedicated or developed in accordance with the Wolf Pen Creek Master Plan, the flood fringe area may be reclaimed upon approval of reclamation plans by the City Engineer.

- a. The Upstream Phase of the development corridor along Wolf Pen Creek means the area between Texas Avenue and Dartmouth Drive. The area to be dedicated or developed consists of the properties described in Ordinance #2640 and the floodway and the minimum reservation line as defined in the Wolf Pen Creek Master Plan for all other properties within the Upstream Phase of the Development Corridor.
- b. The Downstream Phase of the development corridor along Wolf Pen Creek means the area between Dartmouth Drive and the Earl Rudder Freeway. The area to be dedicated or developed consists of property described in Ordinance #2534 and shall be referred to as the minimum reservation area.
- c. Where applicable, the floodway and the minimum reservation line for the Upstream Phase of the development corridor, and/or the minimum reservation area for the Downstream Development Phase, shall be indicated on the site plan.
- d. Upon development of the property within the Wolf Pen Creek development corridor, the minimum reservation area may be:
 - 1) Dedicated in fee simple or as a drainage and access easement, or
 - 2) Improved by the developer to conform with the standards of the development corridor.
- e. **Property within the minimum reservation area will:**
 - 1) Provide drainage capacity necessary to convey the floodwaters of Wolf Pen Creek while accommodating the increased runoff from development of properties along the creek;
 - 2) Provide an area to accommodate pedestrian access from, to, and between developments along the banks of Wolf Pen Creek in order to lessen congestion along adjacent roadways for patrons of businesses along the corridor;
 - 3) Provide an area as necessary to address and prevent erosion of creek banks resulting from development both along the Creek in the development corridor and from floodwaters received from upstream of the development corridor;
 - 4) Provide an area necessary for public improvements to the development corridor including, but not limited to, trails, lighting, irrigation, benches,

kiosks, foot bridges with hand rails, trash receptacles, culverts, signage, landscaping, emergency call boxes, public art, and bicycle racks; and

- 5)** Provide access for drainage and facilities maintenance as necessary to support private development within the development corridor.
- f.** All development shall be in accordance with the Wolf Pen Creek Corridor Study and Master Plan (1988), the Revised Wolf Pen Creek Master Plan (1998) and the "Conceptual Plan, Trail System" prepared by Robert B. Ruth, dated February 25, 2001.
- g.** Permitted private development within the minimum reservation area where dedication is not made may include, but is not limited to:
 - 1)** Cleaning and removal of brush and bank stabilization;
 - 2)** Erosion control;
 - 3)** Pedestrian walkways, lighting, and access easements; and
 - 4)** Preservation of the natural setting of the creek.
- h.** Cross sections as shown in the original Wolf Pen Creek Master Plan shall be used in designing improvements unless otherwise approved by the Design Review Board.
- i.** The developer or property owner may submit any improvements to the City for dedication. Upon acceptance, the City will maintain those facilities to the same standards as other public development along the creek.

3. Fill Materials

Fill materials must be placed or stored in accordance with a site plan approved by the Development Engineer.

- a.** Fill must not be placed over existing utility lines without permission of the City of College Station.
- b.** Fill must not be stored or placed under the driplines of any tree three inches or greater in caliper.
- c.** Stored fill materials must be maintained in an aesthetically pleasing manner.
- d.** Materials may be hauled in or excavated for lake construction.

4. Lighting

Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Light fixtures shall be compatible with fixtures used elsewhere in the district.

5. Solid Waste

- a.** Owners shall be encouraged in the joint use of solid waste collection agreements. Collection points may also act as vehicular access points for park maintenance vehicles.
- b.** Building service areas and solid waste collection points shall be screened from the creek corridor, trail system, parking and vehicular use areas, and dedicated streets and shall not be within 20 feet of the minimum reservation line. Screening shall consist of living plant materials, fences and/or walls.

6. Relationship of Buildings to Site

- a.** The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- b.** All developments adjacent to the creek shall orient a focal point to the floodplain of the creek and have pedestrian access to the trail system.

7. Relationship of Buildings and Site to Adjoining Area

Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

- a. Attractive landscape transition to adjoining properties shall be provided.
- b. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
- c. Joint vehicular access agreements from dedicated streets are encouraged and may be required by the Design Review Board.
- d. Park access easements for vehicular and pedestrian traffic shall be indicated on the site plan.
- e. Elevation drawings showing all sides of a building shall be provided.

8. Building Design

- a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- c. Materials shall be selected for harmony of the building with adjoining buildings.
- d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall use the same materials, or those that are architecturally harmonious, for all building walls and other exterior building components wholly or partly visible from public ways.
- e. Materials shall be of durable quality.
- f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- g. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- h. Colors shall be harmonious and shall use only compatible accents.
- i. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

9. Miscellaneous Structures and Street Hardware

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings, and signs.

10. Landscaping

Landscape elements included in these criteria consist of all forms of plantings and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. In addition to the requirements of Section 7.5, Landscaping and Tree Protection, all landscaping shall meet the following:

- a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking, and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, and color, and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
- i. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

11. Signs

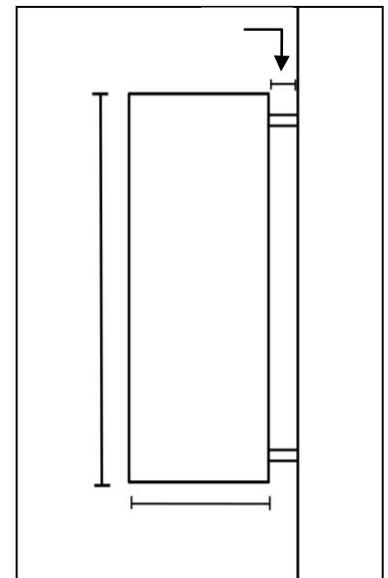
a. Sign Standards

- 1) Multi-family projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
- 2) Non-residential projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
- 3) Mixed-use projects shall follow the requirements of allowed signage for C-1 General Commercial in addition to meeting the standards listed below in this Section.

b. Projection Signs

Projection signs will be allowed in the Wolf Pen Creek District with the following restrictions:

- 1) One projection sign per frontage along a public right-of-way will be allowed except where otherwise stated in this Section.
- 2) The total square footage of all projection signs used will be applied toward the total allowable area for attached signage.
- 3) The division and placement of allowable building signage amongst building tenants



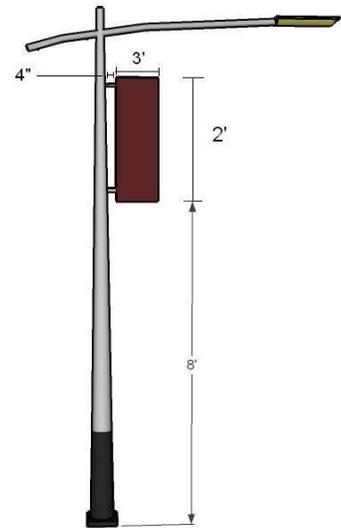
Article 5. District Purpose Statements and Supplemental Standards

Section 5.6 Design Districts

shall be the sole responsibility of the owner or property manager, and not the City of College Station.

- 4) Projection signs shall be mounted perpendicular to buildings.
- 5) Internally lit plastic signs will not be permitted.
- 6) Projection signs may utilize fabric or other flexible material provided that they remain in good condition at all times.
- 7) Projection signs shall have a minimum of eight feet (8') of clearance from the walkway grade and four inches (4") of clearance from the building face. Excluding the four-inch minimum clearance requirement, no part of a projection sign shall project more than three feet (3') from the building face.
- 8) Projection signs shall not extend above the façade of the building to which it is attached.
- 9) Buildings with one story may have a sign that shall not exceed eighteen square feet (18 sq. ft.) in size. For each additional building story, an additional eight square feet (8 sq. ft.) of signage is allowed, up to a maximum of fifty square feet (50 sq. ft) per sign.
- 10) Signs may be attached to site lighting located on private property with the following restrictions:

- a) Developments will be allowed one light pole sign for every 150 feet of building plot frontage in lieu of a permitted freestanding sign.
- b) No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way.
- c) Light pole signs shall not exceed six square feet (6 sq. ft.) in size and shall have a minimum of eight (8') of clearance from the walkway grade.
- d) Light pole signs shall have a minimum clearance of four inches (4") from the edge of the light pole, and excluding the four-inch clearance, shall not project more than three feet (3') from the edge of the light pole.



c. Design Criteria

The Design Review Board shall evaluate all proposed signage according to the following criteria:

- 1) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- 2) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- 3) The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- 4) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- 5) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

- 6) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

12. Maintenance

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.
- d. Major maintenance activities that occur after a project is complete shall be reviewed by the Design Review Board. These activities include any replacement of light fixtures or standards, and major fence or landscape work or replacement. The intent is to insure that the development standards of this UDO are maintained throughout the life of a project.

B. Northgate Districts (NG)

Adjacent to Texas A&M University’s north side, the Northgate area encompasses one of the oldest urban areas in College Station and, therefore, Northgate plays a prominent role in development and service of both the City of College Station and Texas A&M University. It is characterized as a unique “campus neighborhood” containing local businesses, churches, and off-campus housing in close proximity to the University.

Concepts related to Traditional Neighborhood Development (TND), which promotes a mixture of non-residential and residential uses in a pedestrian-oriented setting, have been incorporated within the standards for the Northgate District. Other TND concepts incorporated into the Northgate District include increased density, compatible high quality building design, and specialized signage. The end result is intended to be a unique, pedestrian-friendly, dense urban environment that allows citizens of College Station and students of Texas A&M to eat, work, live, and recreate in an area within close proximity to the University.

1. Districts

The Northgate area consists of three districts: (1) NG-1 Core Northgate, (2) NG-2 Transitional Northgate, and (3) NG-3 Residential Northgate. Any reference and/or requirement made in this Section shall apply to all Northgate districts unless otherwise specified. These zoning districts incorporate regulations in accordance with the Northgate Redevelopment Implementation Plan.

a. NG-1 Core Northgate

This mixed-use district applies to areas containing a diversity of pedestrian-oriented retail, dining/restaurant, housing, and entertainment businesses that are in close proximity to on- and off-campus dormitories. Regulations are designed to aid structural rehabilitation and redevelopment while promoting new high density, mixed use, pedestrian-oriented infill development with an urban character.

b. NG-2 Transitional Northgate

This district is intended for areas in Northgate containing larger retail commercial uses and undeveloped land. This district also serves to transition from suburban-style commercial development to high density, mixed-use redevelopment. This zoning district shall incorporate regulations designed to aid mixed-use development, pedestrian circulation, and redevelopment with an

urban character. Any development in NG-2 may develop under the standards herein of NG-1.

c. NG-3 Residential Northgate

This district is intended for areas in Northgate containing a variety of residential uses and structures. This district applies to areas determined to be suitable for higher density residential developments due to its close proximity to Texas A&M University. NG-3 incorporates regulations designed to aid pedestrian-oriented redevelopment for high density residential and limited commercial uses.

2. Additional Use Standards

The permitted and conditional uses outlined in Section 6.2 Types of Uses shall meet the following additional requirements related to the district in which the proposed project is located.

a. NG-1 Core Northgate

- 1) Buildings with frontage on Church Avenue, University Drive, College Main, Boyett Street from University Drive to Church Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this ordinance.
- 2) Parking lots that are an ancillary use must be abutting the primary use.
- 3) Residential uses are only allowed in buildings that also contain commercial uses.
- 4) The maximum allowable gross floor area on the ground floor per single retail establishment is 10,000 square feet.
- 5) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

b. NG-2 Transitional Northgate

- 1) Buildings with frontage on Church Avenue, University Drive, South College Avenue, and Nagle Street from University Drive to Church Avenue shall not have parking, fraternal lodge, or residential uses on the ground floor. These uses shall be allowed on the ground floor if they are completely located behind a commercial use that meets all other requirements of this ordinance.
- 2) The maximum allowable gross floor area on the ground floor per single retail establishment is 40,000 square feet.
- 3) Freestanding, single-tenant buildings are prohibited except:
 - a) For structures existing on or before April 2, 2006; or
 - b) For the following uses: casual and fine dining restaurants (not "fast food"), hotels, and theaters.

c. NG-3 Residential Northgate

Non-residential uses permitted within NG-3 shall meet each of the following requirements:

- 1) Non-residential uses may occupy no more than fifty percent (50%) of the total square footage of any building(s) or group of buildings developed in a building plot.
- 2) Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred percent (100%) of the floor area is occupied

by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.

- 3) The maximum allowable gross floor area per single retail establishment is 5,000 square feet.

3. Building Design Considerations for Historic Properties

a. Applicability

The following structures are reflected as medium or high priority in the Northgate Historic Resources Survey. Possible address discrepancies may be resolved by referencing the Northgate Historic Resources Survey.

NG-1

101 Church	417 University	106 College Main
113 College Main	501 University	108 College Main
217 University	505 University	109 College Main
303 University	303 Boyett	110 College Main
335 University	400 Boyett	111 College Main
401-405 University	105-107 College Main	318 First Street

NG-3

416-418 College Main	500 College Main	415 Tauber
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b. Standards

Rehabilitation of these structures shall follow the following standards:

- 1) The historic character of a property will be retained and preserved. Distinctive materials or features and spatial relationships that characterize a property shall not be removed or altered.
- 2) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 3) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

c. Process

All proposals affecting the materials, construction, or colors of a historic structure must be approved by the Administrator. The Administrator shall first consider the proposal in light of the standards listed above, then according to the standards set forth below in Section 5.B.4 Building Design Standards.

4. Building Design Standards

The following standards shall apply to all structures in the Northgate districts, including residential.

a. Building Orientation and Access

- 1) All buildings that have right-of-way frontage on Church Avenue shall orient their primary entrance façades toward Church Avenue.
- 2) All buildings that have right-of-way frontage on University Drive shall orient their primary entrance façades toward University Drive.
- 3) The primary entrance façades of all buildings not on Church Avenue or University Drive shall front a public right-of-way.
- 4) If a building has frontage on University Drive and South College Avenue, the primary entrance façade shall be oriented to one of the rights-of-way

at the developer's discretion. A public entrance façade shall be oriented toward the other right-of-way(s).

- 5) In the event a building has frontage on more than one right-of-way (not including Church Avenue, University Drive, or South College Avenue), the Administrator shall determine to which right-of-way the primary entrance façade shall be oriented. A public entrance façade shall be oriented toward the other right-of-way(s).
- 6) In the event that more than two façades require a public entrance, the Administrator may determine which two façades require entrances. The Administrator may also forward the question to the Design Review Board for any reason.
- 7) All residential dwelling units in a building with less than 12 residential dwelling units shall have access from the primary entrance façade. This access may not be through an area with a fence or wall taller than four feet (4'), garage, or parking area.

b. Building Transparency

Exemption: Sanctuaries in places of worship are exempted from this requirement.

- 1) For maximum pedestrian visibility of the non-residential use(s), non-residential structures and the commercial portions of mixed-use structures shall be at least fifty percent (50%) transparent between zero and eight feet (0-8') above ground level of the primary entrance façade and at least thirty percent (30%) transparent between zero and eight feet on the façade fronting other rights-of-way. In the event that more than two façades require transparency, the Administrator may determine which two façades require minimum transparency. The Administrator may also forward the question to the Design Review Board for any reason.
- 2) Glass shall be clear or tinted, not reflective. Glass block and other materials that are semi-transparent shall not be used to meet this requirement.
- 3) Roll-up doors must be at least seventy-five percent (75%) transparent between zero and eight feet (0-8') above ground level for all façades facing a right-of-way.

c. Architectural Relief

- 1) For all façades facing a right-of-way, the first two stories or first twenty-eight feet (28') above ground level shall use architectural detail to provide visual interest by incorporating a minimum of two (2) design elements every twenty-five feet (25') from the following options: canopies, permanent decorative awnings, hood/drip molding over windows, cornices, corbelling, quoining, stringcourses, pilasters, columns, pillars, arcades, bay/oriel windows, balconies that extend from the building, recessed entries, stoops, and porches.
- 2) Along all other façades not facing a right-of-way and not screened by another building located within fifteen feet (15') of the façade, there shall be at least two (2) design elements as listed above for every forty feet (40'). These façades shall be similar and complementary to the primary entrance façade.
- 3) In lieu of the above requirements, buildings with fewer than 12 residential units shall provide individual architectural relief such as a front porch, balcony, or bay window for each unit on each façade. Architectural relief is not required on façades that are within fifteen feet (15') of another building that screens the façade.

- 4) Alternative architectural features may be considered for approval by the Design Review Board.

d. Roof Type

- 1) Shed, mansard, and gambrel roofs are prohibited.
- 2) Hip and gable roofs may only be used when the vertical plane(s) of any roof facing a right-of-way is interrupted by an architectural detail.

e. Exterior Building Materials

All structures within a building plot shall have materials that are similar and complement each other. When determining area herein, windows and doors are included.

- 1) The following applies only to the first two (2) stories or first twenty-eight feet (28') above ground level of all structures, excluding parking garages.

All façades, except those within fifteen feet (15') of another building that screens the façade, shall consist of a minimum of twenty-five percent (25%) of one or more of the following building materials. Parking garages are excluded from this requirement. All other materials except as authorized herein or by the Design Review Board, are prohibited.

- a) fired brick;
 - b) natural stone;
 - c) marble;
 - d) granite
 - e) tile; and/or
 - f) any concrete product so long as it has an integrated color and is textured or patterned (not aggregate material or split-face CMU) to look like brick, stone, marble, granite or tile; or is covered with brick, stone, marble, granite, or tile or a material fabricated to simulate brick, stone, marble, granite, or tile.
- 2) In addition, all façades may utilize the following materials subject to the stated limitations. Parking garages are excluded from these limitations. All other materials are prohibited.
 - a) Stucco, hard board, split-face CMU with integrated color, or any material equivalent in appearance and quality as determined by the Design Review Board shall not cover more than seventy-five percent (75%) of each façade.
 - b) Wood or cedar siding, stainless steel, chrome, standing seam metal, and premium grade architectural metal may be used as architectural accents and shall not cover greater than twenty percent (20%) of any façade.
 - c) Glass block and other materials that are semi-transparent shall not cover more than fifteen percent (15%) of any façade. Places of worship are exempted from this limitation.
 - d) Continuous ribbon window systems and glazed curtain walls are prohibited.
 - e) Smooth face, tinted concrete blocks shall only be used as an accent and shall not cover more than five percent (5%) of any façade.
 - f) Galvanized steel and painted steel are allowed on doors, including roll-up doors.
 - g) Steel, standing seam metal, and/or architectural metal, may be used as a roof and/or canopy/awning with no limitation of percentage.

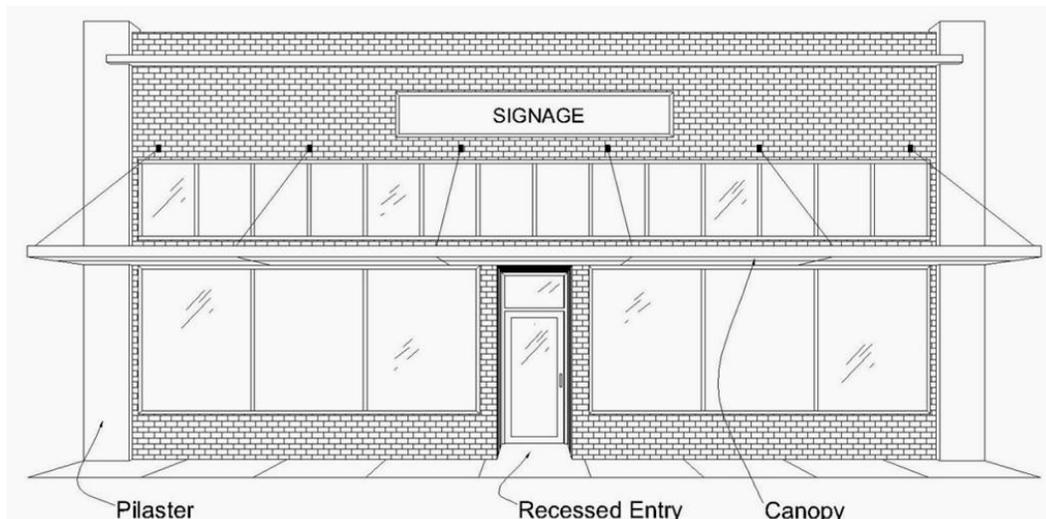
- 3) The facades of parking garages may utilize any material, but may only use steel, standing seam metal, and/or architectural metal as an architectural accent (limited to 20% of any façade) and as a roof and/or canopy/awning (with no limitation).

f. Exterior Building Colors

- 1) Building and roof color requirements apply to all new buildings, redeveloped buildings, and façade work.
- 2) All building facades shall consist of only colors from the color palette maintained in the Office of the Administrator. All other colors shall be considered accent colors and may be used on no more than ten percent (10%) of each façade. No more than two (2) accent colors may be used on each façade.
- 3) Except for flat roofs, all roofs shall consist of only colors from the color palette for Northgate roof color approved by the City Council and as amended and maintained in the Office of the Administrator. No more than one color may be used on a roof when visible. Color shall not be regulated when the roof is flat.
- 4) Existing buildings may continue to utilize colors that are not from the approved color palette provided that repainting is done for maintenance purposes only and the existing color is continued. Any color change on existing buildings shall be brought into compliance with this ordinance and color samples shall be submitted as provided herein.
- 5) Metallic (except copper and silver metallic-colored roofs) and fluorescent colors are prohibited on any façade or roof.
- 6) When applying brick, colors normally found in manufactured fired brick are permitted. All colors of natural stone are permitted.
- 7) Color samples shall be submitted for approval to the Office of the Administrator.

g. Canopies/Awnings

- 1) Canopies/awnings shall not completely obstruct any window. Transom windows may be located under canopies/awnings.
- 2) Canopies/awnings are considered part of the building façade and are subject to the color requirements as specified above. A maximum of one (1) color shall be used for all canopies/awnings on a single building façade (excluding business logo).



Graphic represents an example of requirements for architectural features, transparency, and signage.

- 3) Canopies/awnings shall consist of cloth, canvas, steel, standing seam metal, architectural metal, and/or perforated metal (not corrugated) and shall be maintained in good repair. Canopies/awnings that are used to meet the required building setback shall not be cloth or canvas, but shall be a permanent structure integrated into the building's architecture, consisting of materials similar to that of the rest of the building.
- 4) Canopies/awnings located over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

5. On-Street Parking Standards

- a. Existing head-in parking that requires backing maneuvers into a right-of-way shall be removed with all proposed development, redevelopment, rehabilitation, and façade projects within any Northgate district.
- b. All proposed development, redevelopment, rehabilitation, and façade projects with frontage on a right-of-way(s) designated for on-street parking in the Northgate On-Street Parking Plan, shall install such parking in accordance with the plan. For residential uses, non-metered, parallel spaces may be counted toward off-street parking space requirements.

6. Off-Street Parking Standards

All off-street parking shall meet the requirements specified in Section 7.2 except as specifically provided herein:

- a. Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than 200 feet to the right(s)-of-way or is not completely located behind a habitable structure. Lots with frontage on University Drive and Church shall not have surface parking that is closer than 200 feet to Church Avenue or is not completely located behind a habitable structure.
- b. There shall be no minimum number of parking spaces required for non-residential uses.
- c. Off-street parking facilities for residential uses shall meet 75% of the number of specified parking space requirements of Section 7.2.H Number of Off-Street Parking Spaces Required.
- d. No interior islands are required.
- e. Where off-street surface parking is to be installed adjacent to a right-of-way, there shall be a six-foot (6') setback from the required sidewalk to the parking pavement. The parking area shall be screened along 100 percent of the street frontage (minus driveways and visibility triangles) with shrubs or a brick, stone, tinted CMU, or concrete product textured or patterned to look like brick or stone wall a minimum of three feet (3') in height, and within three feet (3') of the sidewalk. Walls shall be complementary to the primary building and shall be constructed as sitwalls.
- f. No off-street surface parking or circulation aisle shall be located between the primary entrance façade of a building and a right-of-way. Parking shall be located to the rear or side of a building. Two exceptions are:
 - 1) Sites on the South College Avenue right-of-way may have up to one circulation aisle against the right-of-way with parking on each side of the aisle.
 - 2) Hotel and residential uses may have porte cocheres and temporary, loading/unloading parking, not to exceed ten (10) spaces, against the right-of-way.

- g.** Ramps shall not be built on the exterior of parking garages.
- h.** Steel guard cables on garage façades are prohibited.
- i.** In order to break up the parking lot area, minimize the visual impact on pedestrians, and encourage pedestrian movement through the districts, one or a combination of the following parking concepts is required for parking that provides more than sixty (60) parking spaces with more than one parking row:
 - 1)** Parking is located in a garage.
 - 2)** The parking structure is located on the interior of the block, screened from public view by habitable structures, and is not located adjacent to a right-of-way.
 - 3)** For every sixty (60) parking spaces, there shall be a separate and distinct parking area connected by driving lanes but separated by a landscaping strip a minimum of ten feet (10') wide the full length of the parking row. At a minimum, landscaping shall be one canopy tree (1.5-inch caliper or greater) for every twenty-five (25) linear feet of the landscaping strip.

In addition, at least seventy-five percent (75%) of all end islands in the parking lot must be irrigated and landscaped with a minimum 1.5-inch caliper canopy tree, 1.25-inch caliper noncanopy tree, or enough shrubs three feet (3') in height at time of planting to cover 75% of the island. Islands not landscaped shall be treated with brick pavers, groundcover, and/or perennial grass.

7. Bicycle Parking Standards

Specific bicycle racks utilized shall be as identified in the City of College Station Design Standards: Northgate.

- a.** For non-residential uses, a minimum of four (4) bicycle parking spaces plus one (1) additional space for each one thousand (1,000) square feet of floor area above 2,000 square feet shall be required.
- b.** For residential uses, a minimum of one (1) bicycle space per dwelling unit shall be required.
- c.** In no case shall more than 20 bicycle parking spaces per business or residential building be required.
- d.** Facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be separated at least three feet (3') from building or other walls, landscaping, or other features to allow for ease and encouragement of use. Bicycle parking facilities may be permitted on sidewalks or other paved surfaces with a PIP (when necessary) and provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- e.** Required bicycle parking may be consolidated with the bicycle parking of adjacent properties and provided off-site if the bicycle rack location is within 100 feet of the main entry façade of the building and with written agreement from the property owners.

8. Sidewalk Standards

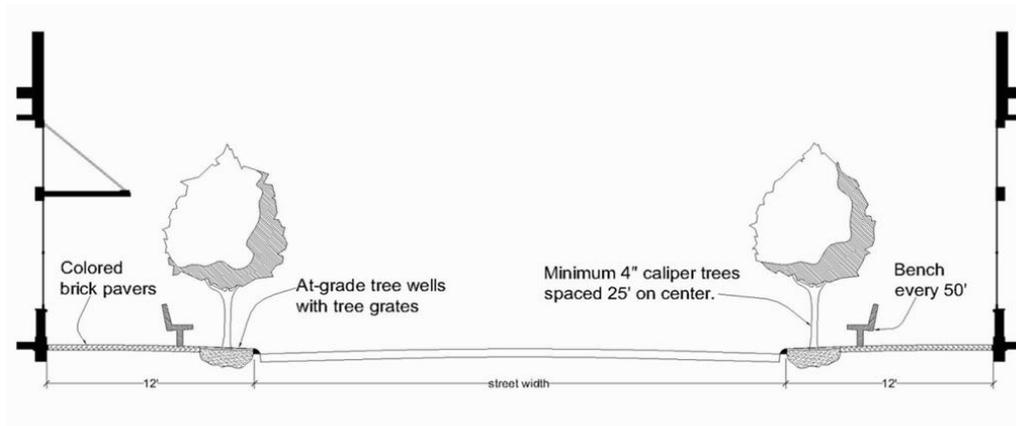
Sidewalks shall be incorporated into all proposed development and redevelopment projects within any Northgate district. In the event that a sidewalk exists on a site prior to development or redevelopment and does not meet all sidewalk and streetscape standards outlined herein, the sidewalk must be upgraded to meet current standards (including American National Standards and Texas Accessibility Standards).

- a.** Sidewalks shall be required along both sides of all rights-of-way.
- b.** Sidewalks widths shall be as follows:
 - 1)** Sidewalks shall be a minimum of twelve feet (12') in width on University Drive and South College Avenue.

Article 5. District Purpose Statements and Supplemental Standards

Section 5.6 Design Districts

- 2) Sidewalks shall be a minimum of ten feet (10') in width on Church Street and College Main.
- 3) Sidewalks shall be a minimum of eight feet (8') in width on all other streets in Northgate.
- c. Sidewalks shall be located directly adjacent to the back of curb. The Administrator may approve alternate locations to eliminate encroachments of streetscaping materials that would reduce the clear space of the sidewalk to less than six feet (6').
- d. Sidewalks or parts of sidewalks that lie outside, but are located next to, the right-of-way shall be covered by a dedicated public access easement initiated by the property owner so that they will be dedicated for public use and maintenance.
- e. Sidewalks shall be constructed of colored brick pavers on the exterior (visible) layer as specified in the City of College Station Design Standards: Northgate.



Graphic represents sidewalks and street tree requirements for University Drive or South College

9. Landscape and Streetscape Standards

For NG-1 and NG-3, the standards set forth herein are in lieu of Section 7.5.C Landscaping Requirements and Section 7.5.D Streetscape Requirements of the UDO.

For NG-2, the standards set forth herein are in addition to the requirements of Section 7.5.C Landscaping Requirements and Section 7.5.D Streetscape Requirements.

Any landscape/streetscape improvements may be located within the public right-of-way pursuant to a Private Improvement in the Public Right-of-Way agreement (PIP).

Specific landscaping elements and streetscape hardware (benches, street lights, etc.) utilized shall be as identified in the City of College Station Site Design Standards.

a. Street Trees

- 1) On University Drive, Church Avenue, Wellborn Road, South College Avenue, First Street, Boyett Street, College Main Avenue, and Nagle Street, installation of minimum four-inch (4") caliper street trees shall be located in at-grade tree wells with tree grates (or raised tree wells or planters on University Drive and College Main Avenue only) and shall be spaced at a maximum of twenty five feet (25') on center and located adjacent to the back of curb. On all other streets not listed above, installation of minimum three-inch (3") caliper street trees shall be located in at-grade tree wells with tree grates [raised tree wells or planters may be used when eight feet (8') of clear space can be maintained on the sidewalk] and spaced at a maximum of 25 feet (25') on center and located adjacent to the back of curb.

Alignment of such street trees shall commence twenty feet (20') from the face of curb of street intersections. Spacing may be varied upon approval by the Administrator for the purpose of minimizing conflicts with other streetscape elements and utilities. In areas of concentrated retail activity, street trees may be placed at different intervals upon approval by the Administrator for the purpose of minimizing the obstruction of views of non-residential uses.

- 2) In locations where a healthy and mature canopy tree equal to four inches (4") in caliper or greater currently exists, the requirements for a new tree may be waived or modified by the Administrator. Such trees must be maintained, barricaded, and otherwise fully protected during the project's construction phase and shall be replaced with trees meeting the specifications herein if they are damaged or die.
- 3) All in-ground vegetated areas, trees, and above ground planters shall include an automated irrigation system. Irrigation will not be required for existing trees that are properly barricaded (see Section 7.5.C.2.c) during construction.

b. Landscaping

Any area between the inside or interior of the sidewalk edge and the building façade and/or parking area not utilized as outdoor cafe seating is required to be one hundred percent (100%) landscaped/streetscaped and irrigated. Eligible landscape/streetscape improvements shall include raised masonry planter boxes or planter pots, at-grade planting beds, seating benches, light features, decorative railings, masonry walls not exceeding three feet (3') in height, decorative wrought iron fencing, additional pedestrian areas finished with brick pavers, or other elements featured in the College Station Streetscape Plan. Live plant material must be included where feasible in each proposal.

c. Sidewalk Benches

A minimum of one (1) sidewalk bench shall be provided for every fifty linear feet (50') of building frontage along a right-of-way. In no case shall more than four (4) sidewalk benches per building façade be required.

d. Building and Site Lighting

- 1) Building illumination and architectural lighting shall be indirect (no light source visible). Exposed neon tube may be used.
- 2) Light standards for parking lots shall reflect the style of the building plot's architecture or be complementary to that style. Standards shall not be greater than twenty feet (20') in height.

e. Street Lights

- 1) Street light location and type shall be as determined by College Station Utilities Electric and the Administrator.
- 2) The installation and cost of lighting shall be performed by the developer or his authorized construction representative subject to compliance with the utility street light installation standards of the College Station Utilities Department.
- 3) Once satisfactorily installed, approved, and accepted by College Station Utilities, the maintenance of the street lights and the furnishing of electric energy to the street lights shall be provided by the City.

f. Trash Receptacles

If installed, trash receptacle locations shall be shown on the landscape plan. One trash receptacle may be located within an intersection's sight distance triangle described in Section 7.1.C Visibility at Intersections in All Districts.

g. Newspaper Racks

If installed, newspaper racks shall be placed so that a four-foot (4') minimum clear space is maintained on the sidewalk.

10. Dumpster and Mechanical Equipment Standards

The following standards are in addition to the requirements of Section 7.7 Solid Waste.

- a.** Any dumpster and other waste storage area or container other than streetscape trash receptacles shall be located to the rear of the building served by the dumpster, area, and/or container. The Administrator may adjust this standard where a required entrance façade is located at the rear of the building or when parking is provided on the side of a building.
- b.** Where feasible, consolidation of dumpsters may be required by the City.
- c.** Solid waste storage areas, mechanical equipment, air conditioning, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view from rights-of-way. Exterior screening materials shall be opaque and the same as predominantly used on the exterior of the principal building. Such screening shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance. Acceptable methods of screening various equipment include encasements, parapet walls, partition screens, or brick walls.
- d.** Mechanical equipment shall be located to minimize noise intrusion off site.

11. Detention Pond Screening Standard

Detention ponds shall be screened from view along one hundred percent (100%) of rights-of-way using berms, shrubs, walls, or a combination of these to achieve a three foot (3') high screen measured from the ground level. Walls shall be coordinated with the building architecture, colors, and scale to maintain a unified appearance.

12. Sign Standards

- a.** Signage shall not obscure other building elements such as windows, cornices, or architectural details.
- b.** Illuminated plastic signs are prohibited.
- c.** The following types of signage may be used. All others are prohibited.
 - 1) Attached Signs**
 - a)** Refer to Section 7.4 Signs.
 - b)** Exposed neon may be used in attached signage.
 - 2) Window Signs**
 - a)** Window signs shall allow for the majority of the display area to be open for pedestrian window shopping and shall not cover more than thirty-three percent (33%) of the window area.
 - b)** Exposed neon may be used in window signage.
 - 3) Hanging Signs**
 - a)** Hanging signs shall be suspended from canopies/awnings and located in front of building entrances, perpendicular to the façade.
 - b)** A maximum of one sign per building entrance is allowed.
 - c)** The sign shall not exceed four square feet (4 sq.ft.) in size and shall have a minimum of eight feet (8') of clearance from the walkway grade, four inches (4") of clearance from the building face, and eight inches (8") of clearance from the edge of the canopy/awning.

- d) Hanging signs located in/over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

4) Projection Signs

- a) Projection signs are allowed in NG-1 and NG-2 only.
- b) Projection signs shall be mounted perpendicular to buildings. They shall have a minimum of eight feet (8') of clearance from the walkway grade and four inches (4") of clearance from the building face (barber poles are exempted from these clearance requirements). All extremities of projection signs, including supports, frames, and the like, shall not project more than three feet (3') from the building face.
- c) A maximum of one sign per building is allowed.
- d) Buildings with one story may have a sign that shall not exceed six square feet (6 sq.ft.) in size. For each additional building story, an additional four square feet (4 sq.ft.) of signage is allowed, up to a maximum of eighteen square feet (18 sq.ft.).
- e) Projection signs located in/over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.
- f) Exposed neon may be used in projection signage.

5) Low Profile Signs

- a) In NG-2 only, one low profile sign per 150 linear feet of a building plot along South College Avenue may be permitted.
 - b) Refer to Section 7.4.F. Sign Standards.
 - c) Exposed neon may be used in low profile signage.
- d. If more than twenty-five percent (25%) of the square footage of a building is demolished, any nonconforming signage associated with the building must also be demolished. The signage will not be considered "grandfathered", and no other permits will be issued for the site by the City of College Station until the signage has been removed.

13. Outside Storage and Display Standards

The following standards are in lieu of Section 7.11 Outdoor Storage and Display.

- a. Outdoor storage of materials or commodities is prohibited.
- b. Temporary or portable buildings of any kind are prohibited except during construction of site-planned facilities.
- c. Outside sales/outside display areas shall be located within five feet (5') 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') minimum clear space on sidewalks shall be maintained.
- d. All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

14. Waivers

The Design Review Board (DRB) shall review requests for deviations from the standards of Section 5.6.B Northgate Districts as listed below. The DRB shall approve waivers found to meet the intent of the standards of Section 5.6.B Northgate Districts 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:

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- a.** Relief from the building design standards for historic properties if the proposed building improvements or additions generally conform to 5.3.B.3 Standards and they preserve the historical appearance and architectural character of the building.
- b.** Relief from specific requirements related to building orientation and access for the improvement of existing buildings if it can be proven by the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.
- c.** Alternatives to the requirements related to building orientation and access when physical characteristics limit the site or provide for unique orientation and access opportunities.
- d.** A reduction in the percentage of required building transparency for the rehabilitation of existing buildings if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
- e.** Alternatives to the requirements related to building transparency for new construction if the alternatives substantially provide the same visual interest for the pedestrian.
- f.** Alternate architectural features to meet the requirements related to architectural relief when the proposed architectural details substantially provide a level of uniqueness to the building at the pedestrian scale.
- g.** Along non-primary entrance facades that do not abut a right-of-way and that require design elements, murals may be considered by the Design Review Board to meet the two-design element requirement. Mural topics may include architecture and/or Texas A&M University. Murals may not contain copy or logo advertising any business.
- h.** Substitutions of building materials for buildings if the applicant shows that:
 - 1)** The building material is a new or innovative material manufactured that has not been previously available to the market or the material is not listed as an allowed or prohibited material herein and the material is similar and comparable in quality and appearance to the materials allowed in Section 5.6.B.5.d Exterior Building Materials or
 - 2)** The material is an integral part of a themed building (example 50's diner in chrome).
 - 3)** No variance shall be granted to minimum building material requirements specified for buildings ten thousand square feet (10,000 sq.ft.) or greater in area or for building plots with a cumulative structure square footage of ten thousand square feet (10,000 sq.ft.) or greater.
- i.** Alternative materials on façade work that does not involve an expansion of an existing building as defined in Section 9 of the UDO or constitute redevelopment if the applicant shows that:
 - 1)** The materials allowed in Section 5.6.B.5.d Exterior Building Materials cannot be utilized without a structural alteration(s) to the existing building and
 - 2)** A licensed professional engineer or architect verifies in writing that a structural alteration is required to apply the permitted façade materials to the building.
- j.** An increase in the percentage of accent colors that may be used on a façade, not to exceed a total of twenty percent (20%) of the façade.

Article 5. District Purpose Statements and Supplemental Standards

Section 5.6 Design Districts

- k. An increase in the number of accent colors used on a façade when the additional colors are analogous to the two original accent colors (adjacent to the original accent colors on the color wheel).
- l. Alternatives to the requirements related to surface area parking lots. Alternatives must separate the parking areas so that no more than sixty (60) parking spaces are located in the same vicinity without substantial visual separation from additional parking spaces.
- 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 Section 7.2.I Alternative Parking Plans, in no case shall the DRB permit a reduction in the number of required spaces:
 - 1) To less than the number recommended within the parking study, or
 - 2) To more than a fifty percent (50%) reduction in the amount of parking required for residential uses by Section 7.2.H Number of Off-Street Parking Spaces Required
- n. An increase in the distance requirement for shared and/or off-site parking when the shared or off-site parking is provided in a parking garage.
- o. Relief from the sidewalk width standard when bringing an existing sidewalk up to current standard where existing physical conditions prohibit the sidewalk expansion.
- p. Alternatives to the Landscape & Streetscape Standards for projects utilizing an existing structure(s) if it can be proven by the applicant that inherent site characteristics constrain the proposed project from meeting the requirements herein.
- q. Relief from the two-story requirement for casual and fine dining restaurants (not “fast food”) and theaters in NG-2 if all facades are a minimum of twenty-five feet (25’) in height and all façades give the appearance of a two-story structure as determined by the Design Review Board.
- r. Relief from the minimum height requirement in NG-1 and NG-2 for an existing structure undergoing only façade rehabilitation if the applicant shows that inherent site characteristics constrain the proposed project from meeting the requirement(s) herein. Relief shall not be considered for building expansions or additions.

5.7 Design District Dimensional Standards

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

	NG-1	NG-2	NG-3	WPC
Minimum Lot Area	None	None	None	2,400 SF
Minimum Lot Width	None	None	None	24’
Minimum Lot Depth	None	None	None	100’
Minimum Front Setback	None	None	None	25’ (H)
Minimum Side Setback	None	None	None	None (A)
Minimum Side Street Setback	None	None	None	15’
Minimum Rear Setback	None	None	None	15’
Minimum Setback from Back of Curb (B)	10’	10’	10’	None
Maximum Setback from Back of Curb (B)	20’ (C) (D) (E)	25’ (C) (D) (E)	20’ (C) (D) (E)	None
Maximum Height	None	None	None	None
Minimum Number of Stories	2 Stories (G)	2 Stories (G)	2 Stores (G)	None
Minimum Floor to Area Ratio (FAR)	1 : 1 (F)	0.75 : 1 (F)	1 : 1 (F)	None

See Notes on following page.

Notes:

- (A) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (B) Minimum/maximum setback from the back of any curb, including lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (C) If the width of any public easement or right-of-way is in excess of the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (D) Maximum setback from back of curb for University Drive is 25 feet, Wellborn is 35 feet and 100 feet for South College.
- (E) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of 35 feet.
- (F) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.
- (G) The 2-story requirement shall not apply to structures existing on or before April 2, 2006.
- (H) Minimum front setback may be reduced to fifteen feet (15') when approved rear access is provided or when side yard or rear yard parking is provided.

5.8 Overlay Districts

In the event that an area is rezoned to apply overlay district provisions, this district shall apply to all multi-family, commercial and industrial property, and where applicable, to single-family, duplex or townhouse development. The underlying district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

A. Corridor Overlay (OV) District

This district is established to enhance the image of gateways and key entry points, major corridors, and other areas of concern, as determined by the City Council, by maintaining a sense of openness and continuity. The following supplemental standards shall apply to this district:

1. Setbacks

All buildings will be set back 40 feet from the right-of-way. Where parking is located in the front of the building, there shall be a front setback of 20 feet from the right-of-way to the parking area and all drive aisles.

2. Signs

a. Signs shall utilize only colors not expressly prohibited by the City of College Station Unified Development Ordinance.

Per Ordinance No. 2011-3340 (April 28, 2011)

b. Freestanding signs shall be limited to the restrictions of Section 7.4 Signs, but shall not exceed the height of the building.

3. Building Colors

Building colors shall be neutral and harmonious with the existing man-made or natural environment, and only compatible accent colors shall be used. All colors shall be approved by the Administrator. The applicant must provide elevation drawings and color samples.

4. Special Restrictions for Retail Fuel Sales

In cases where the underlying zoning district permits gasoline service stations and a station is proposed, the following restrictions shall apply:

a. Activities Restricted

- 1) No major emergency auto repair; and
- 2) No body, fender, or paint work.

b. Signs

- 1) Sign height shall be restricted by the provisions of Section 7.4 Signs, but shall not exceed the height of the building.
- 2) No freestanding fuel price signage shall be permitted.
- 3) Signs for air, water, and other similar services or products must meet the criteria for exempt signs as provided in Section 7.4 Signs.

B. Redevelopment District (RDD)

The purpose of this district is to facilitate the redevelopment of existing nonconforming commercial centers through flexible or relaxed standards, which can accommodate existing physical limitations and take extraordinary circumstances into account. The Redevelopment District (RDD) is an overlay district. The permissible uses on any site shall be governed by the underlying zoning.

The following supplemental standards shall apply to this district:

1. Location

A Redevelopment District (RDD) may be established upon any commercially-zoned property where the initial development was established a minimum of 20 years prior to the rezoning request and the proposed redevelopment meets the intent of this section. Special consideration should be given to those areas considered "gateways" and/or historic, and those with close proximity to Texas A&M University.

2. Standards

Although every effort should be made to meet all requirements of this UDO, designated Redevelopment Districts may be allowed to waive up to fifty percent (50%) of required parking standards and landscaping where physical limitations and the site's location and relationship to the goals of the Comprehensive Plan warrant consideration. A lesser percentage may be established as part of the approval process.

3. Criteria for Evaluation

Evaluation of all sites and site plans for rezoning to RDD shall consider the following:

- a. Conformance with the Comprehensive Plan;
- b. Aesthetic contribution of the proposed redevelopment;
- c. Economic viability of the existing site;
- d. Physical limitations and the demonstrated inability to meet current requirements;
- e. Public health and safety standards; and
- f. Effort made to meet all standards of this UDO.
- g. Full engineering of sites may not be required for the establishment of a Redevelopment District; however, a preliminary engineering study will be required which assesses parking, vehicular access and circulation, drainage and utility requirements.

4. Procedure for Establishment

The procedure for rezoning to RDD shall be the same as any other rezoning application except that a site plan of the proposed redevelopment of the site shall be carefully evaluated to ascertain the site plan's benefit to achieving the goals of the Comprehensive Plan. Elevations of proposed structures may be required as part of the review process, or to determine eligibility for rezoning.

Full engineering may not be required for evaluating a property for rezoning. Varying levels of information may be required by the Administrator depending upon the peculiarities of any given site.

The site plan components shall govern the redevelopment of the site following the approval of an RDD.

C. Krenek Tap Corridor Overlay District (KO)

The purpose of this overlay is to provide for consistent development of office, retail, and residential uses in the area of the new City Centre Complex. The City Centre Complex is located on the south side of Krenek Tap Road, and will contain several municipal and public facilities having high quality urban design characteristics. This overlay, along with all other applicable requirements of the Unified Development Ordinance (UDO), shall apply to all properties on the north and south sides of Krenek Tap Road.

1. Uses

Permitted uses shall be those as established in the underlying zoning districts with the exception that duplex dwelling units are not allowed anywhere in the overlay district.

2. Design Standards

The following standards apply to all development, except single-family residential development, along the Krenek Tap Corridor in addition to other design standards contained within the UDO.

a. Parking

No parking or circulation aisle shall be located between a building and the adjoining right-of-way of Krenek Tap Road. Where no building exists and parking is to be installed adjacent to a right-of-way, there shall be a thirty-foot (30') setback from the right-of-way line to the parking pavement, within which a three-foot (3') high screen of shrubs, fencing wall, or earthen berm shall be installed.

b. Architectural Design

All building facades facing Krenek Tap Road shall have architectural treatments similar and complimentary to the front façade of the building. All exterior walls visible from the public right-of-way shall be finished with one or more of the following materials: brick, native stone, cast stone, textured concrete masonry units, fiber/cement board, solid wood planking, stucco, or synthetic stucco. Metal siding is prohibited on all exterior walls. There shall be no flat roofs.

Use of alternative materials may be approved by the Design Review Board, if such materials meet or exceed the standards herein.

When an existing structure is enlarged or modified, the DRB may approve materials other than the standard materials above, if this allows the new construction to be more compatible with existing materials, with the exception that metal siding is not allowed.

c. Reflective Glass

For non-residential buildings, no more than fifty percent (50%) of any façade facing Krenek Tap Roadway may include reflective glass. For the purposes of this ordinance, reflective glass shall be defined as glass having a reflectance of greater than ten percent (10%).

d. Fencing

Any fencing visible from the public designated roadway or public area shall be decorative wrought iron or tubular steel, a picket fence or alternative similar products approved by the Design Review Board. Fences along the right-of-way shall not be solid and shall allow visual access to the development. The materials and height limitation referenced above do not apply to fences required for screening as specified in this UDO.

e. Sign Regulations

Only attached building signs and low profile signs meeting the requirements of the UDO shall be permitted. Building signs shall not obscure other building elements such as windows, cornices, decorative details, etc.

3. Design Standards

The following standards apply specifically to single-family and townhome residential development along the Krenek Tap Corridor in addition to other design standards contained within the UDO applicable to single family development.

a. Front Setback

Residential lots adjacent to Krenek Tap right-of-way shall be oriented so that the front facades of individual units or dwellings face Krenek Tap Road, if there is sufficient property frontage to do so. The front setback of these units shall not exceed fifteen feet (15'). This does not preclude residential street access to Krenek or pedestrian access.

b. Front Porches

Every front façade visible from Krenek Tap Road shall contain a front porch extending along at least one half of the front façade. These porches shall be large enough and useable for outdoor seating and not solely decorative.

c. Parking

No driveways or locations for parking shall be allowed in the yard areas facing Krenek Tap Road or along Krenek Tap Road itself. Rear parking and access shall be required.

d. Architectural Design

All exterior walls visible from the public right-of-way shall be finished in the following materials: brick, native stone, cast stone, textured concrete masonry units, fiber/cement board, solid wood planking, stucco, or synthetic stucco. Metal siding is prohibited on all exterior walls. Alternative materials may be approved by the Design Review Board, if the alternative materials meet or exceed the standards of the materials listed above. The primary material shall not exceed seventy-five percent (75%) of the façade. The façade calculation excludes windows and doors. There shall be no flat roofs.

5.9 Single-Family Overlay Districts

A. Purpose

Single-Family Overlay Districts are intended to provide additional standards for new construction and redevelopment in established neighborhoods. College Station's older, established neighborhoods provide a unique living environment that contributes to the stability and livability of the City as a whole. These standards are intended to promote development that is compatible with the existing character of the neighborhood and preserve the unique characteristics of College Station's older neighborhoods while balancing the need for the redevelopment of vacant or underutilized property.

The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

B. Applicability

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

C. General Provisions

1. The yard, lot, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, and open space regulations in Section 5.2, Residential Dimensional Standards and Section 7.1.D, Required Yards. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The City Council may approve a Single-Family Overlay District for an area that contains fewer than thirty (30) single-family structures if the Council determines that:

Article 5. District Purpose Statements and Supplemental Standards

Section 5.9 Single-Family Overlay Districts

- a. The boundary lines are drawn to include blockfaces on both sides of a street, and to the logical edges of the area, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided approving the Single-Family Overlay District will not negatively affect adjacent neighborhoods;
 - b. Approving the Single-Family Overlay District will not be detrimental to the public health, safety and welfare of other property in the area; and
 - c. The creation of a Single-Family Overlay District will meet the purpose of this section.
3. Petition for a Single-Family Overlay District must be signed by at least fifty percent plus one (50% + 1) of the total number of property owners in the proposed district area.
4. Single-Family Overlay Districts may not apply to neighborhoods originally platted in the last ten (10) years.

D. Districts

1. Neighborhood Prevailing Overlay District (NPO)

a. Purpose

This district is intended to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the existing character of the neighborhood. The Neighborhood Prevailing Overlay does not prevent construction of new single-family structures or the renovation, remodeling, repair or expansion of existing single-family structures, but, rather, ensures that new single-family structures are compatible with existing single-family structures.

b. Applicability

The regulations of the Neighborhood Prevailing Overlay apply to all single-family and accessory structures within the district.

c. Standards

Development shall be subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

1) Minimum Front Setback

Front setback is calculated as the median existing front setback of all residential structures on the subject and opposing blockface.

2) Maximum Front Setback

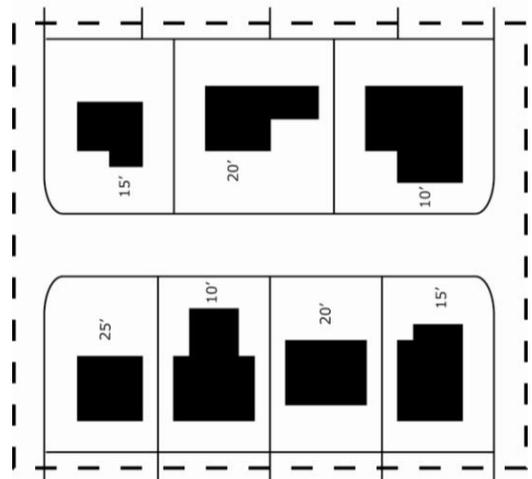
The maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3) Minimum Side Street Setback

Minimum side street setback is calculated as the median side street setback of all existing residential structures in the district.

4) Minimum Lot Size

Minimum lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.



Example: Median Minimum Setback for the subject and opposing blockface is 15 feet

5) Building Height

Building height is calculated as the median building height of all existing residential structures on the subject and opposing blockface.

Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

- a) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- b) The highest point of a mansard roof; or
- c) The highest point of the coping of a flat roof.

6) Maximum Lot Coverage

Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios, driveways – gravel or paved, accessory structures, and sidewalks

7) Garage Location and Orientation

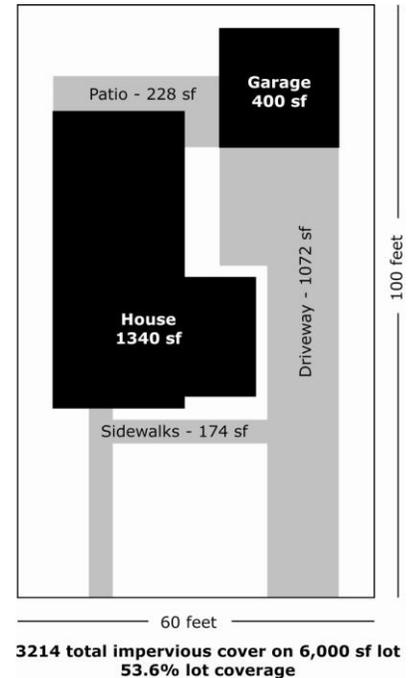
New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface. See graphics in 5.9.D.2 for Garage Location and Orientation.

8) Tree Preservation

Any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside of the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

9) Landscape Maintenance

Any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.



2. Neighborhood Conservation Overlay Districts (NCO)

a. Purpose

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. Conservation districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect. It differs from the Neighborhood Prevailing Overlay in that it allows neighborhoods to choose from a variety of standards to address neighborhood specific issues.

b. Applicability

The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

A neighborhood may not have both a Neighborhood Prevailing Overlay and a Neighborhood Conservation Overlay.

c. General Provisions

The standards set forward in a Neighborhood Conservation Overlay must be based on findings of a Conservation Study conducted by the City of College Station in conjunction with a neighborhood stakeholder committee. The committee must be made up of at least six (6) property owners in the neighborhood and the Administrator. The Conservation Study must include a survey of existing conditions and unique characteristics of the neighborhood and outline the issues that threaten the preservation of those characteristics. The Conservation Study will also set forth the items that may be included in the rezoning ordinance.

d. Options for Inclusion

In applying for a Neighborhood Conservation District Overlay, the following items may be included for study in the Conservation Study and included as standards in the overlay. All development within the district shall be subject to the standards set forth in the rezoning ordinance.

1) Minimum Front Setback

If minimum front setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum front setback based on the findings of the Conservation Study of the subject neighborhood:

- a)** Contextual front setbacks as provided for in Section 7.1.D.1.e; or
- b)** Contextual front setbacks as provided for in Section 5.9.C.1; or
- c)** Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.

2) Minimum Side Street Setback

If minimum side street setback is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum side street setback based on the findings of the Conservation Study of the subject neighborhood:

- a)** Contextual side street setbacks as provided for in Section 5.9.C.2; or
- b)** Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) Minimum Lot Size

If minimum lot size is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining minimum lot size based on the findings of the Conservation Study of the subject neighborhood:

- a) Lot size as provided for in the Platting and Replatting in Older Residential Neighborhoods subsection in Article 8, Subdivision Design and Improvements; or
- b) Contextual lot size as provided for in Section 5.9.C.3; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) Maximum Building Height

If maximum building height is selected for inclusion, the neighborhood stakeholder committee may select one of the following methods of determining maximum building height based on the findings of the Conservation Study of the subject neighborhood:

- a) Contextual building height as provided for in Section 5.9.C.4; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) Tree Preservation

If tree preservation is selected for inclusion, any existing tree of 8-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside the buildable area are required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one foot per caliper inch. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

6) Landscape Maintenance

If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

7) Maximum Lot Coverage

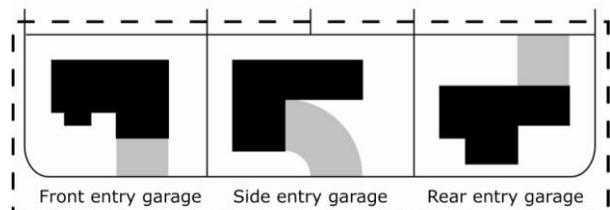
If maximum lot coverage is selected for inclusion, maximum lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface.

Lot coverage includes all structures and impervious cover on a site, including but not limited to, patios, driveways, accessory structures, and sidewalks

8) Garage Access

If garage access is selected for inclusion, the neighborhood stakeholder committee may chose one of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

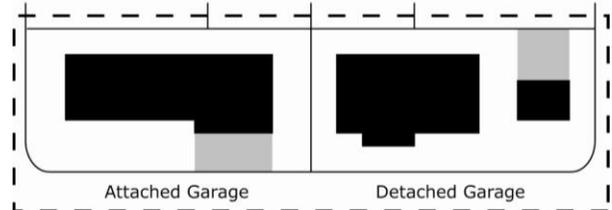
- a) Front entry; or
- b) Side entry; or
- c) Rear entry.



9) Garage Connection

If garage connection is selected for inclusion, the neighborhood stakeholder committee may select one of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.



10) Garage Location

If garage location is selected for inclusion, the neighborhood stakeholder committee may select one of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.



11) Off-Street Parking

If off-street parking is selected for inclusion, the neighborhood stakeholder committee may set a minimum off-street parking standard of 3 spaces per residential unit, however, it may not be included without also including maximum lot coverage, garage access, connection, and location in the Conservation Study.

12) Building Materials

If Building Materials is selected for inclusion, the neighborhood stakeholder committee may select required building materials and set a minimum percentage for the use of those materials for facades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The Conservation Study should include a listing of all types of materials used in the district as well as the median percentage on building facades facing a right-of-way. The percentage of use of a required material may only be placed on facades facing a right-of-way and may not exceed the median existing percentage of the materials on building facades facing a right-of-way.

13) Fencing

If Fencing is selected for inclusion, the neighborhood stakeholder committee may select required materials and maximum height.

5.10 Historic Preservation Overlay District

A. Purpose

The Historic Preservation Overlay District is intended to provide for the protection and preservation of places and areas of historical, cultural, and architectural importance and significance. Such action is necessary to promote the economic, cultural, educational, and general welfare of the public. Specifically, this district has the following expressed purposes:

- 1.** To protect and enhance the landmarks and districts which represent distinctive elements of College Station's historic, architectural, and cultural heritage;
- 2.** To foster civic pride in the accomplishments of the past;
- 3.** To protect and enhance College Station's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- 4.** To insure the harmonious, orderly, and efficient growth and development of the City;
- 5.** To promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City; and
- 6.** To encourage stabilization, restoration, and improvements of such properties and their values.

B. Applicability

The Historic Preservation Overlay District may be applied to districts, areas, or individual property, regardless of the base zoning district or current use of the property(ies), that:

- 1.** Are at least forty (40) years old;
- 2.** Meet at least two (2) of the criteria listed below; and
- 3.** Possess integrity that is evident through historic qualities including Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

C. Criteria for Designation of Historic Preservation Overlay Districts

A property or district may be designated if it:

- 1.** Possesses significance in history, architecture, archeology, and culture;
- 2.** Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- 3.** Is associated with events that have made a significant impact in our past;
- 4.** Embodies the distinctive characteristics of a type, period, or method of construction;
- 5.** Represents the work of a master designer, builder, or craftsman;
- 6.** Represents an established and familiar visual feature of the neighborhood or city; or
- 7.** Is eligible for listing on the National Register of Historic Places, Recorded Texas Historic Landmark, or a State Archaeological Landmark, as determined by the Texas Historical Commission.

D. Removal of a Historic Preservation Overlay District

Upon recommendation of the Landmark Commission to the Planning and Zoning Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth in this UDO for designation, the Planning and Zoning Commission may recommend to the City Council and the City Council may remove an Historic Preservation Overlay District made under this section.

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Article 6. Use Regulations

6.1 Purpose

The intent of this Article is to provide for patterns of land use consistent with the Comprehensive Plan, and to encourage the arrangement of land uses so as to minimize conflicts among various types of land use activities while recognizing the City's need for such activities.

6.2 Types of Use

A. Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.

B. The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:

- 1.** The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;
- 2.** The relative amount of site area, floor space, and equipment;
- 3.** Relative volumes of sales from each activity;
- 4.** The customer type for each activity;
- 5.** The relative number of employees in each activity;
- 6.** Hours of operation;
- 7.** Building and site arrangement;
- 8.** Vehicles used with the activity and the relative number of vehicle trips generated by the use; and
- 9.** How the use advertises itself.

C. Use Table

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

1. Permitted Uses

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

2. Permitted Uses Subject to Specific Standards

A "P*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.2, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

Article 6. Use Regulations

Section 6.2 Types of Use

USE TABLE	Residential Districts											Non-Residential Districts						Design Districts					
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
<p>KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards; C = Conditional Use; ** = District with Supplemental Standards (refer to Article 5)</p>																							
RESIDENTIAL																							
Boarding & Rooming House								P	P		P												P
Extended Care Facility / Convalescent / Nursing Home								P	P		P		P	P						P			
Dormitory								P	P		P										P	P	P
Duplex					P			P	P		P												
Fraternity / Sorority								P	P												P	P	P
Manufactured Home	P*	P*								P*													
Multi-Family								P	P		P									C ¹	P	P	P
Multi-Family built prior to January 2002								P	P											P	P	P	P
Single-Family Detached	P	P	P	P	P	P					P												
Townhouse						P	P	P		P													P
PUBLIC, CIVIC AND INSTITUTIONAL																							
Educational Facility, College & University																			P				
Educational Facility, Indoor Instruction										P		P	P	P	P					P	P	P	P
Educational Facility, Outdoor Instruction	P	C								P		P	P	P									
Educational Facility, Primary & Secondary	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P
Educational Facility, Tutoring										P		P	P	P						P	P	P	P
Educational Facility, Vocational / Trade										P		P	P	P		P	P						
Governmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P*
Health Care, Hospitals													P	P									
Health Care, Medical Clinics												P	P	P	P						P	P	
Parks	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		P	P	P	P
Places of Worship	P*	P*	P*	P*	P*	P*	P*	P*	P*	P		P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL, OFFICE AND RETAIL																							
Agricultural Use, Barn or Stable for Private Stock	P	P																					
Agricultural Use, Farm or Pasturage	P	P																					
Agricultural Use, Farm Product Processing	P																						
Animal Care Facility, Indoor										P		P	P	P	P					P	P	P	
Animal Care Facility, Outdoor	P*													P									

Article 6. Use Regulations

Section 6.2 Types of Use

USE TABLE	Residential Districts											Non-Residential Districts							Design Districts			
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**
KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards; C = Conditional Use; ** = District with Supplemental Standards (refer to Article 5)																						
COMMERCIAL, OFFICE AND RETAIL (continued)																						
Art Studio / Gallery										P	P	P		P					P	P	P	P
Car Wash												P*										
Commercial Garden / Greenhouse / Landscape Maint.	P*											P*	P*				P*					
Commercial Amusements										P		P*	P*	C					P	P	P	
Conference / Convention Center										P		P	P						P	P	P	
Country Club	P	P	P	P						P		P	P									
Day Care, Commercial							C	C	C	P	P	P		P						P	P	P
Drive-in / thru window												P							C		P*	
Dry Cleaners & Laundry										P*	P*	P	P	P*					P*	P*	P*	P*
Fraternal Lodge										P		P	P							P	P	P
Fuel Sales										P*		P*		P*			P					
Funeral Homes												P	P				P					
Golf Course or Driving Range	P*									P*		P*	P*									
Health Club / Sports Facility, Indoor										P		P		P					P	P	P	P
Health Club / Sports Facility, Outdoor										P		P							P	P*	P	
Hotels	C ²	C ²								P		P							P	P	P	
Night Club, Bar or Tavern										C		C							C	P	P	
Offices										P	P	P	P	P	P	P	P		P	P	P	P
Parking as a Primary Use										P	C	P	P						P		P*	
Personal Service Shop										P	P	P		P					P	P	P	P
Printing / Copy Shop										P	P	P	P	P					P	P	P	
Radio / TV Station / Studios										P	P	P	P	P		P	P				P*	
Recreational Vehicle (RV) Park	C ³											C ³										
Restaurants										P		P		P*					P	P	P	P*
Retail Sales - Single Tenant over 50,000 SF												P									P	
Retail Sales and Service										P		P*	P*	P					P	P	P	P
Retail Sales and Service – Alcohol										P		P*	P*	P					C	P	P	
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor										P		P	P						P			

Article 6. Use Regulations

Section 6.2 Types of Use

USE TABLE	Residential Districts										Non-Residential Districts							Design Districts				
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**
KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards; C = Conditional Use; ** = District with Supplemental Standards (refer to Article 5)																						
COMMERCIAL, OFFICE AND RETAIL (continued)																						
Theater										P		P							P	P	P	P
Retail Sales, Manufactured Homes																	P*					
Storage, Self Service											P	P	P*			P						
Vehicular Sales, Rental, Repair and Service											P*	P*				P*						
Wholesales / Services											P*	P*			P	P						
INDUSTRIAL AND MANUFACTURING																						
Bulk Storage Tanks / Cold Storage Plant												P				P						
Micro-Industrial											P*	P*										
Industrial, Light												P		P	P	P						
Industrial, Heavy																P						
Recycling Facility – Large													P*			P						
Salvage Yard																P*						
Scientific Testing / Research Laboratory												P		P	P							
Storage, Outdoor - Equipment or Materials												P			P	P						
Truck Stop / Freight or Trucking Terminal																P						
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing / Distribution													P			P	P					
Waste Services																P						
Wireless Telecommunication Facilities – Intermediate	P*									P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Wireless Telecommunication Facilities – Major	C										C	C	C	C	C	C	P*					
Wireless Telecommunication Facilities – Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	

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

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

² Hotels only allowed when accessory to a Country Club development and are limited to a maximum of 15 rooms.

³ Refer to Section 6.3.Z for Specific Use Standards

Per Ordinance No. 3243 (April 22, 2010)

Per Ordinance No. 3271 (August 26, 2010)

Per Ordinance No. 3280 (September 9, 2010)

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

6.3 Specific Use Standards

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.2, Types of Use, with a "P*." A site plan review, as required by Section 3.5, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.6, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

A. Animal Care Facilities

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of 500 feet from existing or developing residential areas; and facilities with outdoor facilities for large animals shall be permitted in A-O, Agricultural Open, only.

B. Car Wash

Vacuums shall be located a minimum of 100 feet from any adjacent residential use.

C. Commercial Amusements

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

D. Commercial Garden / Greenhouse / Landscape Maintenance

Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least 50 feet from all property lines and not closer than 150 feet from an existing residential use.

E. Drive-in / Thru Window

In all Northgate Zoning Districts, all site designs and elevations for drive-in/thru windows shall be reviewed by the Design Review Board as part of the site plan review process. All outside activities and appurtenances related to drive-in/thru service shall be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.

F. Dry Cleaners / Laundry

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

G. Fuel Sales

1. Any vehicle repair uses must comply with Section 6.3.P, Vehicular Sales, Rental, Repair and Service.
2. All activities except those associated with fuel pumping must be conducted within an enclosed building.
3. Ice and vending machines must be enclosed in a building.
4. No signage, in addition to the signage allowed in Section 7.4, Signs, may be allowed within view of the right-of-way.
5. No outside storage or display of vehicles for any purpose.
6. A drive-thru car wash designed to accommodate one vehicle shall be permitted as an accessory use.
7. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four (4) vehicles obtaining fuel simultaneously.

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Section 6.3 Specific Use Standards

8. Minimum setback requirements shall be as follows:

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

9. Storage tanks must be located below grade.

H. Golf Course or Driving Range

1. All driving ranges shall be a minimum of ten (10) acres and have a minimum field size of 275 yards.
2. Driving ranges are classified as commercial enterprises and must comply with Section 7.6, Buffer Requirements.
3. For driving ranges, all balls must remain on the property through proper orientation of the tee boxes, adequate buffering or screening, and barrier nets.
4. No building, structure, or outdoor activity of a driving range shall be located within 100 feet of residentially-zoned property.
5. All ground-level lighting of a driving range’s landing area shall be directed away from adjacent properties and screening shall be provided with plantings, berms, or other means to limit nuisances associated with lighting and resulting glare.

I. Government Facilities and Utilities

Activities not wholly contained within a building shall not be located within 100 feet of a single-family residential use unless buffered by a 25 foot buffer yard and a six-foot privacy fence, in accordance with Section 7.6, Buffer Requirements.

J. Health Club / Sports Facility (Outdoor)

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

K. Manufactured Homes

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

L. Mobile Home

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

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Section 6.3 Specific Use Standards

M. Parking as a Primary Use

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

N. Radio / TV Station / Studios

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

O. Recycling Facilities

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

P. Retail Sales / Manufactured Homes

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

Q. Restaurant

1. The maximum size shall be 2,500 square feet.
2. Drive-ins and drive-thrus are prohibited.

R. Sales and Service (Retail and Wholesale)

Sales Matrix

Retail.....SALES.....Wholesale	C-1 General Commercial	C-2 Commercial/Industrial
	C-1 General Commercial	C-2 Commercial/Industrial
	Minor.....	STORAGE.....Major

Article 6. Use Regulations

Section 6.3 Specific Use Standards

1. Storage is allowed in C-1 if the square feet of storage is less than 50% of the total physical space, exclusive of office areas.
2. Sales are allowed in C-2 if the square feet of sales is less than 50% of the total physical space, exclusive of office area.
3. Each sales use in a shopping center must meet the storage square-foot criteria above to be permitted in that zoning district.

S. Salvage Yard

1. Salvage or junkyards shall be visually screened on front, rear, and all sides by means of a solid eight-foot (8') high wooden privacy fence.
2. Material that is not salvageable shall not be permitted to accumulate. In no case shall material that is not salvageable be buried or used as fill.
3. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half cubic feet or more, from which the door has not been removed.

T. Sexually-Oriented Business

1. General

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

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

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

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

2. Permitted Locations

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

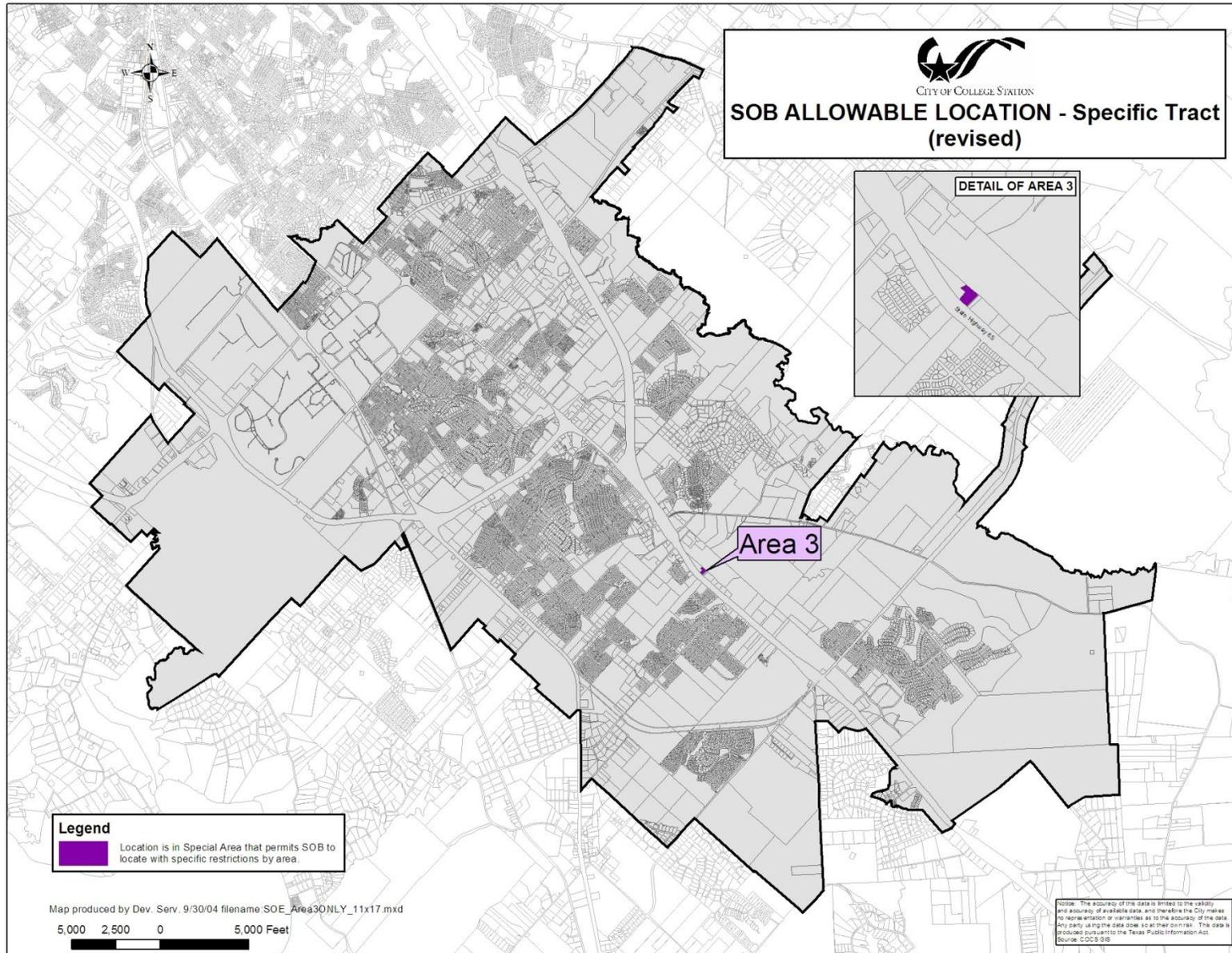
Area 3: State Highway 6 Commercial Tract

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

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Section 6.3 Specific Use Standards

Map of the Potential Location:



Article 6. Use Regulations

Section 6.3 Specific Use Standards

3. Single Adult Use Per Location

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

4. Measurement

a. Stock in Trade

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

b. Sales and Display Area

- 1) The sales and display area shall be the entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually-oriented materials shall be calculated as a percentage of total sales and display area.
- 2) Where sexually-oriented materials are physically separated from other materials by an eight-foot (8') wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
- 3) Where floor area includes a mixture of sexually-oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half (1/2) of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

5. Specific Standards

a. Adult Cabaret or Adult Retail Store

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

b. Adult Arcade, Adult Movie Theater

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

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Section 6.3 Specific Use Standards

c. Limited Adult Retail Store

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

6. Lighting

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

7. Amortization

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

a. Additional Time for Amortization

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

b. Application for Additional Time

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

c. Determination by the City Council

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

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

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

d. Exemption from Amortization Requirements

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

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

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

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

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

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

U. Storage (Self-Service)

Accessory uses are prohibited.

V. Utilities

Activities not wholly contained within a building that abuts single-family residential uses shall construct a 20-foot buffer yard with a six-foot (6') privacy fence, in accordance with Section 7.6, Buffer Requirements.

W. Vehicular Sales, Rental, Repair and Service

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

X. Wireless Telecommunication Facility (WTF)

1. Purpose

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

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

2. WTF Categories

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

a. Unregulated Facilities

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

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

b. Intermediate Facilities

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

c. Major Facilities

New transmission tower greater than 35 feet (10.5 meters) in height.

3. Permitted Locations

- a. All Intermediate WTFs are permitted by right in the following zoning districts:
A-O M-1 M-2 C-1 C-2 C-3 NG City-owned premises
A-P R&D WPC PDD (except PDD-H)
- b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit
A-O M-1 M-2 C-1 C-2 C-3
A-P R&D City-owned premises
- c. WTFs may locate on city-owned premises without a conditional use permit with approval of the City Council and subject to the requirements of this ordinance.

4. Requirements for Attached WTFs

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

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- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- d. **Application Procedures**

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

5. Requirements for Collocation

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

- d. **Application Procedures**

- 1) If not completely locating within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of the existing facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscape areas.
- 2) Plans for the antenna shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
- 3) All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal

Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

6. Requirements for New Transmission Towers

a. Setbacks

The standard setbacks for each zoning district will apply to WTFs with additional setbacks or separation being required in the sections below. To protect citizens in their homes, transmission towers shall be placed a distance equal to the height of the tower away from any residential structure. And, non-stealth towers shall be set back a distance equal to the height of the tower away from any R-1, R-1B, or R-2 zone boundary.

b. Proximity to Major Thoroughfares

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

- 1) Intermediate WTFs must be 150 feet from applicable thoroughfares.
- 2) Major WTFs must setback from applicable thoroughfares by the height of the tower x 3.

c. Separation Between Towers

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

- 1) New transmission towers 35 feet or less in height shall be separated from existing towers by a minimum distance of 1500 feet.
- 2) New transmission towers more than 35 feet and less than 75 feet in height shall be separated from existing towers by a minimum distance of 2500 feet.
- 3) New transmission towers 75 feet or more in height shall be separated from existing towers by a minimum distance of 3500 feet.

d. Height Limitations

- 1) Intermediate WTFs are subject to the normal height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a conditional use, the requested height may be reduced through the review of the visual impact analysis.
- 2) In no case shall a proposed transmission tower exceed 150 feet within the city limits, except where a height variance is granted by the Zoning Board of Adjustments to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating a tower or antenna exceeding such height on a proposed site within the city limits.

e. Stealth Towers

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

Article 6. Use Regulations

Section 6.3 Specific Use Standards

f. Landscaping, Screening, and Aesthetic Standards

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

- 1)** Landscaping: Refer to Section 7.5, Landscaping and Tree Protection. Plant materials and/or fencing that effectively screen the WTF site from view of the public right-of-way will be required.
- 2)** New transmission towers shall maintain a flat (not shiny, reflective, or glossy) finish or be painted in accordance with any applicable standards of the FAA (unfinished galvanized steel is not acceptable).
- 3)** WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.
- 4)** Towers may not be used to exhibit any signage or other advertising.

g. Application Procedures

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

- 1)** An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
- 2)** Site plan drawn to scale clearly indicating the location, height, and design of the proposed tower, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
- 3)** The linear separation distance from other transmission towers within a one-mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures and applicable thoroughfares as outlined in Section 6.3.X.6.b, Proximity to Major Thoroughfares, within 500 feet of the proposed tower.
- 4)** A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
- 5)** Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
- 6)** All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

Article 6 Use Regulations

Section 6.3 Specific Use Standards

- 7)** Grid plan (propagation map) of the service area for existing and future structures for a period of not less than two (2) years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.
- 8)** No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.
- 9)** No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The Administrator or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:
 - (a)** The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (1/2) mile radius of the proposed new tower site, including City-owned property.
 - (b)** A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within one-half (1/2) mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.
 - (c)** A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

7. Conditional Use Permits

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.3.X.3, Permit table Locations, under the procedures set forth in Section 3.15, Conditional Use Permit. In addition to the standard guidelines, the following additional factors shall be considered by the Planning & Zoning Commission when determining whether to grant a CUP for WTFs:

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

8. Abandonment

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

Y. Places of Worship

1. Where the parking lot abuts residential development, a 10-foot buffer yard with buffer plantings and a minimum six-foot (6') privacy fence is required pursuant to Section 7.6, Buffer Requirements.
2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen-foot (15') buffer yard with buffer plantings and a six-foot (6') privacy fence is required pursuant to Section 7.6, Buffer Requirements.

Z. Recreational Vehicle Park Standards (RV Parks)

1. RV Parks shall allow for the temporary occupancy of vehicles that are built on a single chassis that are designed to be self-propelled or permanently towable by a light duty truck and are primarily for use as temporary living quarters for recreational, travel, or seasonal use.
2. RV Parks shall be considered a non-residential use and shall meet the buffer requirements as found in Article 7 as a commercial use, regardless of zoning.
3. No person shall operate an RV Park unless they hold valid permits and licenses as required by the State of Texas and the Brazos County Health Department.
4. Development of any RV Park shall comply with the general site plan requirements of Article 3, Site Plan Review, and shall meet the following supplemental criteria:
 - a. The minimum area of an RV Park shall be ten (10) acres and shall consist of two or more recreational vehicle pad sites that are intended for temporary occupancy by recreational vehicles for the purposes of recreation or vacation.
 - b. All RV Parks shall have direct access to a public road and shall include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the site. Internal drives shall have a minimum paved width of 12 feet for one-way traffic and 24 feet for two-way traffic. All internal drives shall be built to City pavement standards and shall be privately maintained.
 - c. All RV Parks shall designate specific pad site locations for recreational vehicles.
 - 1) Each pad site location shall have a minimum area of 1,500 square feet with provisions for wastewater disposal, public water hook-up and electrical supply.
 - 2) All pad sites shall be sequentially numbered. Reflective site numbers shall be a minimum of four inches (4") in height and placed on a separate post on the site. A map of the site layout with site numbers shall be placed at the entrance to the park in such a manner as to be clearly visible to entrants.
 - d. Recreational vehicle pad sites shall be separated from each other by a minimum of ten feet (10').
 - e. Recreational vehicle pad sites shall be separated from the recreation area in the park by a minimum of fifteen feet (15').
 - f. All recreational vehicle pad sites shall be setback a minimum of fifty feet (50') from the right-of-way line of all adjacent public roads and any RV Park boundaries.
 - g. All recreational vehicle pad sites shall be setback a minimum of ten feet (10') from any internal drives in the park.

Article 6 Use Regulations

Section 6.3 Specific Use Standards

- h. A minimum of two (2) parking spaces shall be provided per recreational vehicle pad site. One space shall be located on the RV site, the remainder may be located in an approved parking area. Size and paving of all parking spaces shall conform to the requirements in Article 7 regarding Off-Street Parking Standards.
- i. In all RV Parks, a recreation area shall be provided that shall be centrally located, free of traffic hazards, and easily accessible to all park residents. Recreation areas shall constitute a minimum of fifteen percent (15%) of the gross RV Park site area and shall contain open space for recreational uses. Recreational areas shall also contain benches and landscaping. The area shall be adequately lighted to ensure safety of users.
- j. RV Parks shall permit only seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in an RV Park for more than 120 days in any 12-month period.

Per Ordinance No. 3271 (August 26, 2010)

AA. Micro-Industrial Uses

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

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

6.4 Accessory Uses

A. Accessory Uses

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

- 1. The use or structure is subordinate to and serves a primary use or principal structure;
- 2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
- 3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
- 4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
- 5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

B. Accessory Structures

- 1. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a Building Permit.
- 2. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots rear setbacks shall be measured from the rear property line. In no event shall more than 30 percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.

Article 6. Use Regulations

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- 3.** The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters for family or servants:
 - a.** A minimum rear setback of 15 feet; and,
 - b.** A maximum building eave height of eight feet (8').

- 4. Garage and Carports**

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of 20 feet. A minimum side yard setback of 20 feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a.** A minimum rear setback of 20 feet; and,
- b.** A minimum side street setback of 20 feet is required for garages or carports that face onto side streets.

- 5. Living Quarters**

Accessory apartments may not be rented to persons other than bona fide servants employed on the premises and members of the family of the occupant(s) of the principal structure.

- a.** Single meter service shall be provided to each buildable parcel.
- b.** The accessory use shall be subordinate to and serve a primary use or principal structure.
- c.** In combination, all accessory uses shall contain no more square footage than 25 percent of the habitable floor area of the principal structure (with the exception of garage or carport areas devoted to the storage of vehicles, which shall not be included in the calculation and may exceed the 25 percent restriction).
- d.** A minimum rear setback as stated in Section 5.2, Residential Dimensional Standards, for the district in which the accessory building or structure is located; and
- e.** A maximum size not to exceed 25 percent of the area of the principal structure.

C. Home Occupation

A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

- 1. In-home Day Care** (six or fewer people)

- 2. Bed and Breakfast**

A bed and breakfast facility shall be considered accessory to a single-family dwelling.

- a.** No more than four (4) unrelated individuals may occupy the property overnight.
- b.** The facility must maintain a residential appearance and be the permanent residence of the proprietor.
- c.** Limit number of rooms to four (4) where shared/common bathrooms may be provided.
- d.** No cooking facilities are permitted in individual rooms.

- 3. Taxicab Services**

Taxicab services may be permitted as a home occupation provided that no more than two (2) commercial vehicles associated with a taxicab service are parked or stored on- or off-street at any time.

Per Ordinance No. 3281 (September 9, 2010)

4. Exclusions to Home Occupations

No home occupation shall be permitted that results in any of the following:

- a. Changes the outside appearance of the dwelling;
- b. Is visible from the street;
- c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- d. Results in the off-street or on-street parking of more than two (2) vehicles at any one time not owned by members of the occupant family;
- e. Creates a hazard to persons or property;
- f. Results in electrical interference;
- g. Is a nuisance;
- h. Results in the any outside storage or display; or
- i. Includes employment within the home or on the premise of persons other than members of the occupant family.

5. Prohibited Home Occupations

The following are prohibited as home occupations:

- a. Barber, beauty, and other personal service shops;
- b. Animal hospitals, stables, or kennels;
- c. Dance studios, schools;
- d. Mortuaries;
- e. Private clubs;
- f. Repair shops;
- g. Restaurants;
- h. Automobile paint or repair shops;
- i. Doctor, dentist, veterinarian, or other medically related office; or
- j. Rooming/Boarding House.

D. Recycling Facilities – Small

1. Single Feed Reverse Vending Machines

Single feed reverse vending machines may be located with a permit either in the interior or immediate exterior of commercial, industrial, or public facilities.

2. Small Collection Facilities

Small collection facilities may be permitted when established on an improved surface in conjunction with an existing commercial or industrial use or public facility. The host facility must be in compliance with all City codes. No facility may occupy more than 500 square feet, nor occupy more than five parking spaces of the host site. All vehicular and pedestrian circulation aisles shall be unobstructed.

a. Setbacks

Each facility shall be set back at least ten feet (10') from any right-of-way line when located in front of the host use. Side, side street, and rear setbacks established for commercial uses shall be maintained.

Containers intended for 24-hour donation of materials shall be a minimum of 40 feet from property zoned or developed for residential use. Attended facilities within 100 feet of residentially-zoned or developed property shall operate between the hours of 9:00 A.M. and 7:00 P.M.

b. Landscaping

A small collection facility shall not be placed on the host site in such a manner as to impair the landscaping required for the subject site.

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c. Parking

One space will be required if an attendant is provided. Occupation of parking spaces by the collection facility and attendant shall not reduce available parking spaces below the minimum number required by ordinance for the host site.

d. Noise

Noise levels shall not exceed 60 dBA as measured at the property line of residentially-zoned or developed property, otherwise noise levels shall not exceed 70 dBA.

e. Signage

Each container must be clearly labeled with a sign, limited to one per container and no larger than 20 percent of the side upon which the sign is placed, to provide information pertaining to the type of material to be collected within the container, and the name and telephone number of a person responsible for maintenance who may be contacted at all times.

E. Portable Storage Structures

1. General Provisions

- a. A permit shall be obtained prior to placing a storage container on property unless otherwise exempted herein.
- b. Exemptions:
 - 1) Property with an active building or development permit.
 - 2) Property zoned M-2, Heavy Industrial, though M-2 districts that abut residential districts or uses shall comply with 1.c of this Section.
 - 3) Sites in which storage containers constitute a principal use, as determined by the Administrator, shall be subject to the regulations of the district in which they are located.
 - 4) Containers that receive site plan approval as per 3.b, Development of a Permanent Storage Container Area, of this Section.
- c. Placing material on top of, or the vertical stacking of, storage containers is prohibited.
- d. Permits shall be posted on the storage container. If a container is replaced by another during the permit period, the permit shall be removed and placed on the newly placed container. If the container is visible from a right-of-way, then the permit shall be posted in view of the right-of-way.
- e. Storage containers shall be placed outside of right-of-way and the sight triangle as established in Section 7.1.C, Visibility at Intersections in all Districts.
- f. Storage containers shall be placed on an improved surface as specified in Section 7.2.G, Off-Street Parking Standards, Surfacing.
- g. In the event of a natural disaster or extenuating circumstance, the Administrator may grant that a permit be extended up to thirty (30) additional days.
- h. An application for permit of a storage container shall be accompanied by a fee of \$40.00.

2. Additional Provision for Residential Property

- a. No more than one (1) storage container shall be allowed at a time per dwelling unit.
- b. A permit is not required for the first fourteen (14) days a storage container is located on residential property. An extension for up to an additional fourteen (14) days may be obtained through an approved permit. A storage container shall not be located on residential property for longer than twenty-eight (28) days.

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- c. No more than two (2) permits may be issued to a dwelling unit per calendar year and there shall be a minimum of thirty (30) days between issuance of permits.
- d. No storage container shall exceed a height of eight feet (8'), a width of eight feet (8'), or a floor area of 130 square feet.
- e. Storage containers may be screened from view of the right-of-way and adjacent properties instead of being placed on an improved surface.

3. Additional Provisions for Non-Residential Property

a. Temporary Placement

- 1) Each address shall be allowed one (1) storage container. Additional storage containers are permissible provided that all containers do not utilize the area of more than five percent (5%) of the existing parking spaces, or sixteen (16) spaces, whichever is smaller.
- 2) Storage container(s) shall not be allowed more than three (3) separate time periods per calendar year and there shall be a minimum of thirty (30) days between the issuance of permits.
- 3) A permit shall remain valid for a maximum of forty-five (45) days. If multiple permits are allowed, as per 3.a.1 above, all containers must be removed within forty-five (45) days of the date of the initial permit is issued.
- 4) Storage containers shall not be placed in the front yard of a site, adjacent to right-of-way, or interfere with on-site traffic flow. If rear or side yard placement is not possible, the alternate location shall be approved by the Administrator.
- 5) Storage containers shall meet front and side street setbacks as stated in Section 5.4, Non-Residential Dimensional Standards. Storage containers shall also meet side and/or rear setbacks when the property line abuts a residential use.

b. Development of a Permanent Storage Container Area

- 1) In lieu of a permit, site plan approval identifying the location of an area to be used for the placement of storage container(s) for an indefinite period shall be obtained prior to placing container(s) on property.
- 2) Storage container(s) shall be screened from view when visible from a right-of-way or adjacent property. If required, screening shall be accomplished by landscaping and an eight-foot (8') wooden fence or wall.
- 3) Additional parking shall be provided based on the square footage of the screened area for the container(s) according to Section 7.2, Off Street Parking Standards.

Per Ordinance No. 3253 (June 24, 2010)

6.5 Temporary Uses

Temporary Uses, as set forth below, are declared to have characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

A. Particular Temporary Uses Permitted

- 1. Garage Sales;
- 2. Indoor and outdoor art and craft shows, exhibits, and sales;
- 3. Sales of Christmas trees or other seasonal goods;
- 4. Religious revival tents;
- 5. Temporary buildings and equipment for uses incidental to construction work on

premises in any zone but shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction;

6. Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following completion of the associated project.

7. Farmers' Markets

- a. Temporary outdoor sales of products in an unrefined state, by a State Certified Farmers' Market may be operated for a maximum of two (2) days per week and are permitted on:
 - 1) Public properties, with locations approved by the Administrator, and
 - 2) Private property in zoning districts that allow for retail sales as a permitted use.
- b. The Market must be located within a paved parking lot, and shall not utilize more than ten percent (10%) of the required number of parking spaces on private property. The Market may not be located within drive aisles, fire lanes, or parking setbacks, and in no case shall the market be located within the public right-of-way.
- c. The Market must comply with Section 7.4 Signs. Attached signs advertising the Market, or any products for sale, must be securely attached to the sales area. Temporary Freestanding Signs and Commercial Banners, as described in Section 7.4 Signs, are not permitted.
- d. The Market shall have approval of the City of College Station prior to location or sales.

B. Temporary Residential Sales Offices and Model Homes

The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision;
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when Certificates of Occupancy have been issued to 95 percent of the associated residential units or when use as a sales office or model home has ceased; and
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home.

Article 7. General Development Standards

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

7.1 General Provisions

A. Health and Environmental Safeguards

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

1. Emission of smoke, dust, or noxious, toxic or lethal gases are detectable beyond the perimeter of the property;
2. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, contain oil or grease, wood, cellulose fibers, hair, feathers, or plastic, or have a pH factor greater than ten 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 zones in this UDO.
2. No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this UDO except as provided for in Article 9, Nonconformities.
3. In the absence of public water or public sewer, no building permit shall be issued until the lot meets all applicable requirements of this UDO and the Texas Department of Health and Environmental Control. A septic system that has been approved by the Brazos County Health Department may be permitted if an exception to sewer service has been granted under Chapter 11, Section 2 of the CITY OF COLLEGE STATION CODE OF ORDINANCES, as amended.
4. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

C. Visibility at Intersections in all Districts

Within a departure sight triangle as defined by the latest edition of the American Association of State Highway & Transportation Officials' (AASHTO) "A Policy on Geometric Design of Highways and Streets", nothing shall be erected, placed, planted, or allowed to grow in such a manner that would obstruct the drivers' view at intersections. Sight triangles shall apply to street intersections, commercial driveways, and multifamily driveways. Obstacles prohibited include but are not limited to: fences, walls, entry signage, structures, buildings, hedges, etc. However, fences, walls, and/or hedges that do not impair vision from three feet to nine feet above the curb may be permitted with the approval of the City Engineer. Required public use facilities such as fire hydrants, traffic signage, utility structures, etc. are exempted.

D. Required Yards (Setbacks)

1. Purpose and Intent

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

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

2. Reduction for Public Purpose

- a. When an existing setback is reduced because of a recent or pending conveyance to a federal, state, or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.
- b. For the purposes of this subsection, such conveyance shall have occurred within one 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'), including eaves, into any required front or side street setback;
- i. Openwork fire balconies and fire escapes may extend up to six feet into any required rear setback;
- j. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves, and other architectural features may extend up to 18 inches into any required yard;
- k. Balconies or decks located more than eight feet from the ground may project up to six feet into the required front yard;
- l. Accessory structures that do not require building permits;
- m. Bus stops that offer shelter from the elements. Such shelters may be located within a front or side street yard. Shelters may be located within a public right-of-way if a Private Improvement in Public right-of-way permit has been duly issued; and
- n. Swimming pools and hot tubs without shelter.

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

- 1. In any single-family or duplex residential district, no more than one structure housing a permitted principal use may be erected on a single lot or building plot.
- 2. In all other districts, 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

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

G. Building Plot

- 1. Building plot refers to all of the land within an area defined by the Administrator that consists of one 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 Administrator 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 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 Administrator need to be consolidated for ease of access, reduction of the proliferation of signage along the public right-of-way, or other public health, safety, or general welfare reasons.

H. Height

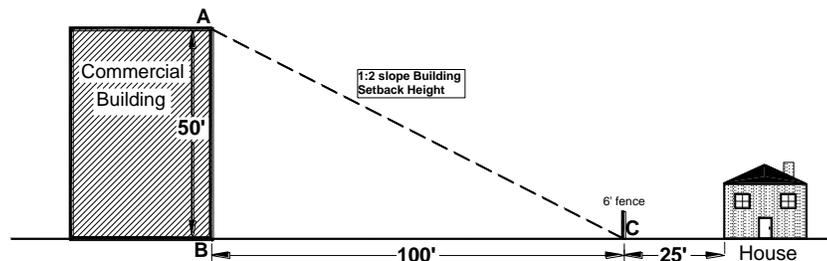
1. Building Height

Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

- a. The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- b. The highest point of a mansard roof; or
- c. The highest point of the coping of a flat roof.

2. Single Family Protection

- a. With the exception of NG, RDD, and P-MUD districts, no multi-family or non-residential structure shall be located nearer to any property line adjacent to a single-family use or townhouse development than a horizontal distance (B to C) of twice the vertical distance (height, A to B) of the structure as illustrated in the graphic below.



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- b. No additional multi-family or non-residential structures shall penetrate an imaginary line, illustrated by the inclined plane in the graphic above, connecting points A and C.
- c. 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.
- d. Unless otherwise stated in this UDO, the height limitations herein shall not apply to any of the following:
 - 1) Utility structures such as elevated water storage tanks and electrical transmission lines;
 - 2) Architectural elements such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators, or chimney flues; or any other similar structure extending above the roof of any building where such structure does not occupy more than 33 percent of the area of the roof; or
 - 3) Residential radio/television receiving antennas.

I. Public Address Systems

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

7.2 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 non-resident on-street parking in adjoining neighborhoods;
- 2. Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking areas; 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. Off-Street Parking Spaces Required

- 1. In all districts, for all uses, at the time any building or structure is erected, enlarged, or increased in capacity, or at any time any other use is established, there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein.
- 2. Where off-street parking facilities are provided in excess of the minimum amounts specified by this Section, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space as specified in this Section.
- 3. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

C. Dimensions and Access

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

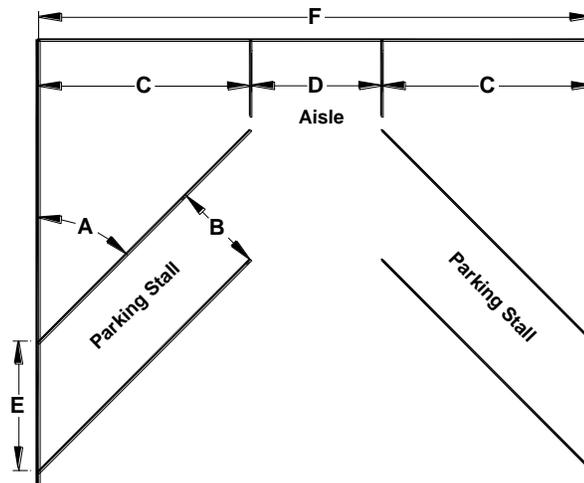
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1. Each off-street parking space for automobiles shall have an area of not less than nine by twenty feet (9' x 20') and each stall shall be striped. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses. Single-family residential and townhouses are not required to stripe parking spaces.
2. An 18-foot paved space (90 degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four feet (4'). An 18-foot space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six feet.
3. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
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 City.
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	12.0 feet	20.0 feet	22.0 feet	22.0 feet	40.0 feet
45	9 feet	21.1 feet	12.0 feet	20.0 feet	12.7 feet	54.2 feet	62.2 feet
60	9 feet	22.3 feet	15.0 feet	22.0 feet	10.4 feet	59.6 feet	66.3 feet
90	9 feet	20.0 feet	23.0 feet	23.0 feet	9.0 feet	63.0 feet	63.0 feet



6. The width of an alley may be assumed to be a portion of the maneuvering space requirement for off-street parking facilities located adjacent to a public alley. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses.
7. Parking lots located within fifteen feet (15') of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot

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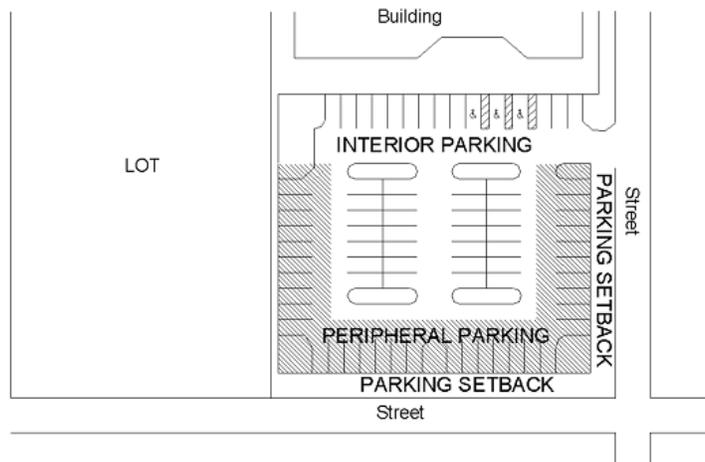
Section 7.2 Off-Street Parking Standards

(18' x 20') landscaped island. All parking lots and drive aisles shall be setback a minimum of six feet (6') from any public right-of-way.

- 8. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
- 9. The Design Review Board may waive parking lot dimension requirements in the Northgate and Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

D. End Islands

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



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

E. 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, 180 square feet of landscaping must be provided somewhere in the interior rows of the parking lot. Interior island areas may be grouped and configured as desired provided that circulation aisles remain clear and the minimum island area is not less than 180 square feet. 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 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.

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F. Requirements Apply to All Parking Areas

Every parcel of land hereafter used as a public parking area, excluding overflow parking for churches, including commercial parking lots, and parcels used for open-air sales lots shall be developed and maintained in accordance with the requirements in this Section and as described in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS.

G. Surfacing

1. General

All surfacing of off-street parking areas shall be constructed of either asphalt or concrete as described in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS. Alternatives to the standards may be approved by the Administrator if it is demonstrated that the materials and design are equal or superior to the requirements in the STANDARDS. All off-street parking areas shall be graded to drain and 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 Administrator for the specific conditions stated below:

a. Temporary All-Weather Surface (During Construction)

A structure under construction must be accessible by an all-weather drive surface as specified in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS. This temporary all-weather surface must be reworked or replaced to meet the permanent pavement standard as described in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS prior to issuance of a Certificate of Occupancy;

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

In cases during phasing of a large project, emergency access and turnarounds often must be added as a temporary measure until additional phases are constructed. These emergency access areas may consist of permanent pavement surface as specified in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS. When the additional phase is constructed, these areas must be removed or reworked to meet the permanent pavement standards as described in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS;

c. Permanent Surfaces

1) All-Weather Surface (Permanent)

In some development scenarios, an emergency access or turnaround must be constructed to meet emergency access purposes and is not required for public traffic, service vehicles or sanitation vehicles. In these cases, the area required for emergency access only may consist of permanent pavement surface as specified in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS.

2) Permeable Surface

(a) The use of porous materials (such as permeable concrete and pavers) to mitigate storm water sheeting and pooling of water may be used in off-street parking areas if the material meets vehicular loading standards and is approved by the Administrator.

(b) Fire lanes may 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 load and compaction ratings for its application as approved by the City of College Station Fire and Sanitation Departments.

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- (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 UDO for which penalty provisions may be involved.

H. Curbing Required

1. General

The perimeter of all paved surfaces shall be curbed as described in the CITY OF COLLEGE STATION SITE DESIGN STANDARDS. Alternatives to the standards may be approved by the Administrator if it is demonstrated that the materials and design are equal or superior to the requirements in the STANDARDS.

2. Temporary Curbing

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

I. 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 Administrator;
- 4. Whenever a building or use constructed or established after the effective date of this UDO is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this UDO is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;
- 5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. This includes the parking requirements for uses such as private schools, day care centers, soup kitchens, and computer centers located on property used for religious worship;
- 6. Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the Building Official;
- 7. Where a manufacturing/industrial use has more than one 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 Administrator 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

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transportation planner and submitted to the Administrator. 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;

- 9. The Design Review Board may waive parking space requirements in the Northgate and Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

MINIMUM OFF-STREET PARKING REQUIREMENTS

Use	Unit	Spaces / Unit	Plus Spaces For:
Airport	As determined by the Administrator		
Banks	250 s.f.	1.0	
Bowling Alley	As determined by the Administrator		
Bus Depot	As determined by the Administrator		
Car Wash (Self-Serve)	Wash Bay	1.0	1.0 space per vacuum bay
Church	Seat	0.33*	
Convalescent Home / Hospital	Bed	0.5	
Duplex Dwelling: 1 & 2 Bedroom	DU	2.0	
3 Bedroom	DU	3.0	
Dormitory	Bed	0.75	
Day Care Center	250 s.f.	1.0	
Fraternal Lodge	75 s.f.	1.0	
Fraternity / Sorority House	Person	1.0	1/30 s.f. meeting room
Freight Station	As determined by the Administrator		
Funeral Parlor	Seat	0.33	
Furniture Sales, Freestanding	350 s.f.	1.0	
Golf Driving Range	Tee Station	1.0	
Health Club / Sports Facility	As determined by the Administrator		
Gasoline and Fuel Service	300 s.f.	1.0	
Group Housing	BR	2.0	As determined by the Administrator
Health Studio	150 s.f.	1.0	
Hospital	As determined by the Administrator		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	1.0	
Motor Vehicle Sales / Service			
Office / Sales Area	250 s.f.	1.0	
Service Area	200 s.f.	1.0	
Medical or Dental Clinic < 20,000 s.f.	200 s.f.	1.0	
Multi-family Dwelling:			
1 Bedroom	BR	1.5	
2 Bedroom	BR	1.5	
(ea. BR<130 s.f.) 2 Bedroom	BR	1.25	
3 Bedroom	BR	1.0	
Night Club	50 s.f.	1.0	
Office Building	250 s.f.	1.0	
Personal Service Shop	250 s.f.	1.0	
Priv. School or Comm. Studio	100 s.f.	1.0	

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Use	Unit	Spaces / Unit	Plus Spaces For:
Retail Sales & Service: C-1	250 s.f.	1.0	
C-2	350 s.f.	1.0	
C-3	250 s.f.	1.0	
Restaurant (w/o drive-through)	65 s.f.	1.0	
(w/drive-through)	100 s.f.	1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	1.0	
Single-family Dwelling	DU	2.0	
Shopping Center**: C-1	250 s.f.	1.0	
C-2	350 s.f.	1.0	
C-3	250 s.f.	1.0	
Townhouse	DU	2.0	
Theater	Seat	0.25	
Truck Terminal	As determined by the Administrator		
Veterinary Clinic	300 s.f.	1.0	
Warehouse	1000 s.f.	1.0	

"s.f." = square footage.

"DU" = Dwelling Unit.

"BR" = Bedroom.

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

** No more than 25% of any shopping center square footage shall be utilized for intense uses (uses that, individually, have a parking requirement greater than 1:250 in C-1 or C-3 and 1:350 in C-2) unless additional parking is provided in accordance with the above requirements for that square footage of such uses in excess of 25%.

J. 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
Car Wash Stall, Automatic	4	Service Position
Car Wash Stall, Self-Service	3	Service Position
Dry cleaning or Laundry	2	Window
Oil-Change Station	3	Service Position
Photo Lab	4	Pick-Up Window
Restaurant Drive-Through	4	Order Box
Restaurant Drive-Through	3	Order Box to Pick-Up Window
Other	As determined by the Administrator	

2. Design and Layout

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

- a. Queue spaces or queuing areas may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway access.

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- b. Each queue space shall consist of a rectangular area not less than ten feet (10') wide and eighteen and one half feet (18.5') long with a vertical clearance as specified in the building code.
- c. Queue spaces are not interchangeable with parking spaces except for the following uses where the space providing services may count toward the parking requirement: bank teller, car wash, and oil-change station.
- d. A twelve foot (12') by-pass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.
- e. Queue areas and drive-through facilities shall be clearly identified with the appropriate signing and marking.
- f. Spaces within a car-wash facility or drive-through oil-change station may be counted toward the queuing requirement.

K. Alternative Parking Plans

1. Scope

An Alternative Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Section 7.2.H, Number of Off-Street Parking Spaces Required.

2. Applicability

Applicants who wish to provide fewer or more off-street parking spaces than allowed above shall be required to secure approval of an Alternative Parking Plan, in accordance with the standards of this Section. The Administrator may require that an Alternative Parking Plan be submitted in cases where the Administrator deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

3. Contents

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

4. Review and Approval Procedure

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

5. Recording

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

6. Eligible Alternatives

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

a. Shared Parking

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

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1) Location

Shared off-street parking spaces shall be located no farther than 250 feet from the building site. The Administrator 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) Zoning Classification

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

3) Required Study and Analysis

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

4) Shared Parking Agreement

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the County Clerk's office for recordation on forms made available in the Department of Development Services. Proof of recordation of the agreement shall be presented to the Administrator prior to issuance of a Building Permit. 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 Administrator;

5) Revocation

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

b. Off-Site Parking

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

1) Location

No off-site parking space shall be located more than 250 feet from the building site. The Administrator 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) Zoning Classification

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

3) Off-Site Parking Agreement

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to the County Clerk's Office for recordation on forms made available in the office of the Administrator. Proof of recordation of the agreement shall be presented to the Administrator prior

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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 Section 7.2, Off-Street Parking Standards or if an Alternative Access and Parking Plan is approved by the Administrator.

c. Bicycle Parking

The Administrator 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.

7.3 Access Management and Circulation

A. Location of Existing and Planned Multi-Modal Routes

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

B. Easements

1. Street Access

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

a. Local Streets

All residential uses may take direct access to local streets. Nonresidential uses shall not take direct access to local streets, provided that any lot located within a nonresidential subdivision or any parcel adjacent to a street within a nonresidential subdivision may take direct access to the local street internal to the subdivision, and provided that any corner lot abutting a local street and an arterial or collector street or freeway may take access to the local street if such access is required by the highway governmental authority having jurisdiction.

b. Minor Collector Streets

No single-family dwelling, townhouse, or duplex shall take direct access to minor collector streets except when permitted by the Subdivision Regulations.

c. Major Collector Streets

No single-family dwelling, townhouse, or duplex shall take direct access to major collector streets.

d. Arterial Streets

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

e. Shared Driveways

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

2. Cross-Access Easements

a. If a parcel is to be developed for any nonresidential land use, a cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and that are, or may be, developed as nonresidential land uses.

b. Cross-access easements shall be situated parallel to the street right-of-way line abutting both parcels. The property owner shall maintain access easements.

c. The property owner shall provide appropriate documentation of a good faith effort to extend the access easement through all immediately abutting properties. If

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

C. Driveway Access Location and Design

1. General

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

2. Location of Driveway Access

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

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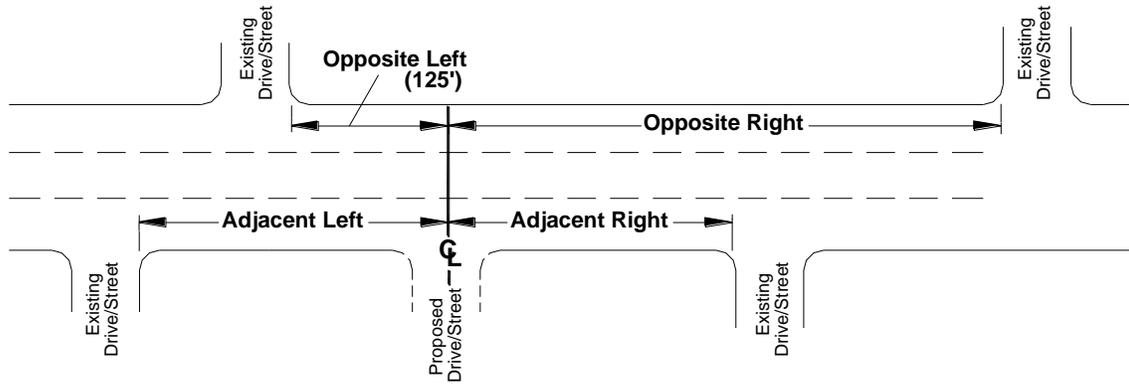
- 11)** The internal circulation between driveways; and
 - 12)** The speed of the adjacent roadway.
- b.** Driveway access to arterials shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to collector streets for commercial or multi-family developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.
- c.** One curb cut shall be allowed for access to single-family and duplex residential tracts. Alternative access configurations, including circle driveways, may be allowed upon approval by the Development Engineer.
- d.** For corner residential lots, side access driveways shall be subject to rear building setback requirements.
- e.** No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.
- f.** Driveways in right-turn lane transition areas shall not be permitted. The right-turn lane transition area is defined as the taper and deceleration/acceleration length.
- g.** When a commercial or multi-family development abuts more than one public street, access to each abutting street may be allowed only if the following criteria are met:
 - 1)** It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Development Engineer may require the submittal of a traffic study that demonstrates that such access is required.
 - 2)** The minimum requirements for corner clearance for commercial or multi-family driveways are met.

3. Spacing of Driveway Access

- a.** Application of the driveway access location and design standards requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The City of College Station streets are classified as follows and defined in Article 11, Definitions:
 - 1)** Major Arterial;
 - 2)** Minor Arterial;
 - 3)** Collector; and
 - 4)** Local Street.
- b.** Major arterial, minor arterial, and collector streets in the City of College Station are indicated on the Thoroughfare and Transportation Improvement Plan. The functional classification of any street in the City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the most recent edition of the AASHTO, *A Policy on Geometric Design of Highways and Streets*.
- c.** Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in the illustration below.

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

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

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

- g. **Spacing of Opposite Right Driveways**
 - 1) Opposite right driveways shall be located no closer than the standard requirements of the table below. The Development Engineer may allow opposite right spacing below the standard spacing requirement if it is determined that favorable conditions exist under peak traffic conditions.
 - 2) Additional opposite right spacing over and above that set forth in the table below may be required if it is determined by the Development Engineer that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.

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- 3) On roadways that include raised or depressed medians prohibiting left-turning movements, this standard shall not apply.
- 4) Residential alleys may be allowed on major collectors, minor collectors, and local streets at spacings less than those shown in the table below with the approval of the Development Engineer.

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

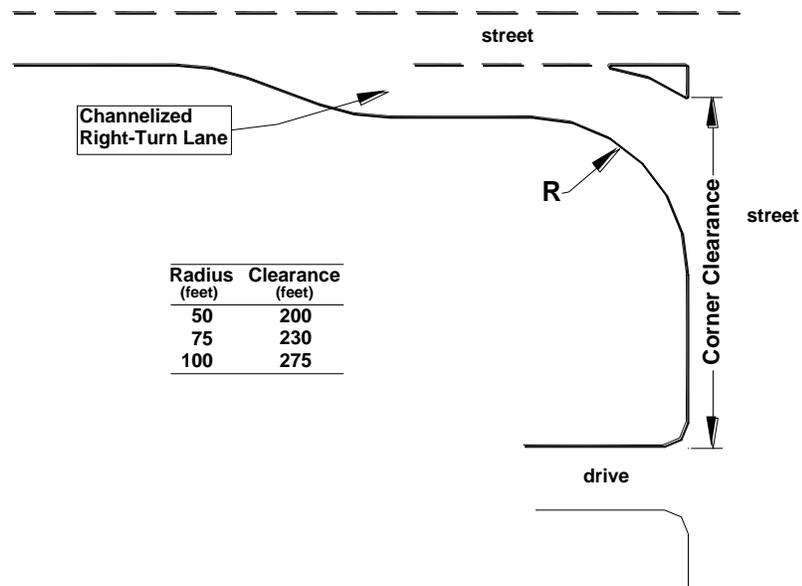
* This standard does not apply to single-family residential, duplexes, or townhomes.

4. Freeway Frontage Road Access and Location Requirements

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

5. Corner Clearance

- a. No residential driveway approach shall be constructed within the site distance triangle detailed in Section 7.1.C, Visibility at Intersections in all zoning districts.
- b. At intersections of arterials with channelized right turn lanes with yield control, a corner clearance distance in accordance with those set forth in the illustration below shall be required for the first downstream driveway when adjacent spacing requirements cannot be met due to lack of frontage and all means to acquire shared-access drives or cross-access easements have been exhausted. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in the illustration.



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- c. 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 75 feet on collector streets, 100 feet on minor arterials, and 120 feet for major arterials. This measurement shall be taken from the intersection of property lines at the corner. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

6. Shared Access

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

7. Geometric Design of Driveway Access

- a. All driveways shall meet the City of College Station's Standard Specifications for Street Construction.
- b. Curb cuts for driveways shall not be permitted in the curb return of an intersection.
- c. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:
 - 1) Curb return radii for residential (single-family, townhouse, and duplex) driveways shall be between three feet and ten feet (3'-10'). Flare type residential driveways must also adhere to these dimensional criteria.
 - 2) Curb return radii for commercial and multi-family driveways shall vary between twenty-five feet and thirty feet (25'-30'). When special traffic conditions exist, the Administrator may require larger curb return radii up to 50 feet (50').
 - 3) Curb return radii for driveway types not included in 1) or 2) above shall be determined by the Administrator.
- d. The maximum width of residential driveway approach, measured at the property line, shall not exceed twenty-five feet (25') in width, while the minimum width shall not be less than twelve feet (12').
- e. The maximum width of commercial and multi-family driveway approaches for two-way operation shall not exceed thirty-six feet (36'), except that the Administrator may issue permits for driveway approaches greater than thirty-six feet (36') in width on major streets to handle special traffic conditions. The minimum width of commercial and multi-family driveway approaches for two-way operation shall be not less than twenty-four feet (24').
- f. The combination of two driveways for residential circular drives shall not exceed twenty-five feet (25').
- g. The angle of driveway approach shall be approximately 90 degrees for two-way drives and between 45 degrees and 90 degrees for one-way drives.
- h. A minimum driveway throat length shall be required to allow traffic entering the site to be stored on site, avoiding a queue of traffic onto the adjacent roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway. Minimum driveway throat depths are provided in the figure below. For more

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- p.** The spacing requirements for driveways not meeting the specifications in Section 7.3.C.3, Spacing of Driveways, may be lessened or waived if auxiliary lanes are used.
- q.** Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way dedication, design, hardware, or construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria set forth in the City's Traffic Signal Policy.Signs.

7.4 Signs

A. Purpose

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

B. Applicability

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

- 1.** The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The City Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.
- 2.** The City Council finds that instances may occur in the application of this Section where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this UDO for good cause. The City Council finds that it is imperative that enforcement officials apply this Section as it is written, in the interest of equality and fair and impartial application to all persons, and that the procedures to appeal a denial of a sign permit to the ZBA shall remain the sole administrative means to obtain any exception to the terms hereof.
- 3.** The regulations of this Section shall apply for developments within the zoning districts listed in Section 7.4.C Summary of Permitted Signs. These regulations only apply to special districts within the City of College Station so far as is stated in the following Sections of this UDO:
 - a.** Wolf Pen Creek District (WPC), Section 5.6.A;
 - b.** Northgate Districts (NG-1, NG-2, NG-3), Section 5.6.B;
 - c.** Corridor Overlay District (OV), Section 5.8.A; and
 - d.** Krenek Overlay District (KO), Section 5.8.B.

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C. Summary of Permitted Signs

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

	A-O	A-OR	R-1B	R-1	R-2	R-3	R-4	R-6	R-7	A-P	C-1	C-2	C-3	R&D	M-1	M-2
Apartment/Condominium/ Manufactured Home Park Identification Signs							X	X	X							
Area Identification/ Subdivision Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Attached Signs							X	X	X	X	X	X	X	X	X	X
Campus Wayfinding Signs										X	X	X		X		
Commercial Banners							X	X		X	X	X	X	X	X	X
Development Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Directional Traffic Control Signs										X	X	X	X	X	X	X
Freestanding Signs											X	X			X	X
Home Occupation Signs	X	X	X	X	X	X	X	X	X							
Low Profile Signs										X	X	X	X	X	X	X
Non-Commercial Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Real Estate, Finance, and Construction Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Roof Signs											X	X			X	X

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

D. Prohibited Signs

The following signs shall be prohibited in the City of College Station:

1. Portable and trailer signs, and temporary freestanding signs.
2. Signs painted on rooftops.
3. Inflated signs, pennants, wind driven devices (excluding flags), tethered balloons, and/or any gas filled objects for advertisement, decoration, or otherwise, except as permitted in Section 7.4.P, Grand Opening Signs and Section 7.4.U, Special Event Signs.
4. Vehicle signs except as permitted in Section 7.4.V, Vehicle Signs.
5. Flags containing copy or logo, excluding the flags of any country, state, city, or school, are prohibited in residential zones and on any residentially-developed property (except when flags are used as subdivision signs).
6. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards that change more than once per 24-hour period, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this Section are met and if the commercial information or content of such signs is restricted to no more than eight square feet.
7. Signs containing manual changeable copy or electronic reader boards which are greater than 30 percent of the allowable sign area.
8. Any signs that are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words, and that are erected for purposes other than actual traffic control or warning to the public.
9. Any sign located within the site triangle in any district as stated in Article 7.1.C, Visibility at Intersections in all Districts. This does not include traffic control or directional signs.

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10. Any sign that emits sound, odor, or visible matter.
11. Off-premise signs, including commercial and non-commercial billboards.

E. Exempt Signs

The following signs are exempt from the requirements of this UDO:

1. Signs that are not easily identified from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way, as determined by the Administrator. Such signs are not exempt from the safety regulations contained herein and in City Building and Electrical Codes;
2. Official notices posted by government officials in the performance of their duties: government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger. Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this UDO;
3. Signs related to a Primary & Secondary Educational Facility, except that such signs shall adhere to the limitations of Section 7.4.D Prohibited Signs;
4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;
5. Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety, except as stated in Section 7.4.R, Non-Commercial and Political Signs;
6. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, or religious celebration;
7. Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way;
8. Non-Commercial Signs carried by a person and not set or affixed to the ground, that in no way identify or advertise a product or business, or by their location and placement impede traffic safety;
9. Commercial Signs carried by a person and not set on or affixed to the ground, provided that the sign is temporary, on-premise, and not used by the person on the premises for more than three (3) consecutive days, more than four (4) times per calendar year;
10. Outdoor advertising display signs for sponsors of charitable events held on public properties. These signs may be displayed for the duration of the event or not more than three days with approval of the City Manager;
11. Flags used as political symbols; and
12. Special District Identification Signs, as defined by Article 11.2 Terms, that in no way advertise a product or a business, or by their location and placement impede traffic safety. Special District Identification Signs must be approved by the appropriate Board or Committee.
13. On-premise and/or off-premise signs where there has been a resolution adopted by the City of College Station or an executed contract with the City of College Station and the display of the signs are for designated locations, a specified time period, and;
 - a. Promotes a positive image of the City of College Station for the attraction of business or tourism;
 - b. Depict an accomplishment of an individual or group; or
 - c. Creates a positive community spirit.
14. Temporary signs erected for a neighborhood event sponsored by a neighborhood group that is registered with the City of College Station, provided that the signage is:
 - a. Located within the perimeter of the neighborhood;
 - b. Provides the name of the association sponsoring the event on the sign;
 - c. In good repair;

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- d. Allowed up to fourteen (14) days prior to the event; and
 - e. Removed within twenty-four (24) hours of the event.
- 15.** Home Tour Event signs, as defined by Section 11.2 Defined Terms, with a limit of two (2) events per calendar year. Such signage shall:
- a. Be in good repair;
 - b. Display the name of the group sponsoring the event (if applicable);
 - c. Be allowed up to ten (10) consecutive days per event;
 - d. Be removed within twenty-four (24) hours of the end of the event;
 - e. Comply with the following if located within a right-of-way:
 - 1) Located outside the visibility triangle of intersections as defined in Section 7.1.C Visibility at Intersections in all Districts.
 - 2) Permitted by the State Department of Highways and Public Transportation if located on any state highway or roadway.
 - 3) Be constructed of durable material and no sign shall be greater in size than three feet (3') by three feet (3').

Per Ordinance No. 3280 (September 9, 2010)

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F. Sign Standards

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

Sign Type	Maximum Area (s.f.)**	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Apartment / Condominium / Manufactured Home Park Identification Signs	100	10	10	1/frontage
Area Identification Signs	16	4	10	1/10-50 acre subdivision or phase
Attached Signs	Varies, see 7.4.I below	Not to exceed 1 foot from top of wall, marquee, or parapet to which it is attached	---	Any number allowed if within the total allowed square footage of attached signs
Campus Wayfinding signs	30	6	---	See 7.4 AA below
Commercial Banners	36	No to exceed the top of structure to which it is attached	10	1/premises
Development Signs Residential / Collector Street	35	15	10	1/premises
Arterial Street	65			
Freeway (As designated on Thoroughfare Plan)	200			
Directional Traffic Control Signs	3	4	4	1/curb cut
Freestanding Signs	Varies, see 7.4.N below			1/building plot where lot exceeds 75 feet of frontage
Home Occupation Signs	2	Not to exceed top of wall to which it is attached	---	1/dwelling unit
Low Profile Signs (In lieu of permitted Freestanding Sign)	60	4	10	1/150 feet of frontage *
Real Estate, Finance, and Construction Signs Up to 150-foot frontage	16	8	10	1/frontage (Real Estate)
Greater than 150-foot frontage	32	8	10	1/property (Finance) 3/property (Construction)
Roof Signs	Determined by frontage. Same as freestanding Max. 100 s.f.	10 feet above structural roof	---	1/building plot in place of a freestanding sign
Subdivision Signs	150	15	10	1/primary subdivision entrance. Not to exceed 2 signs.

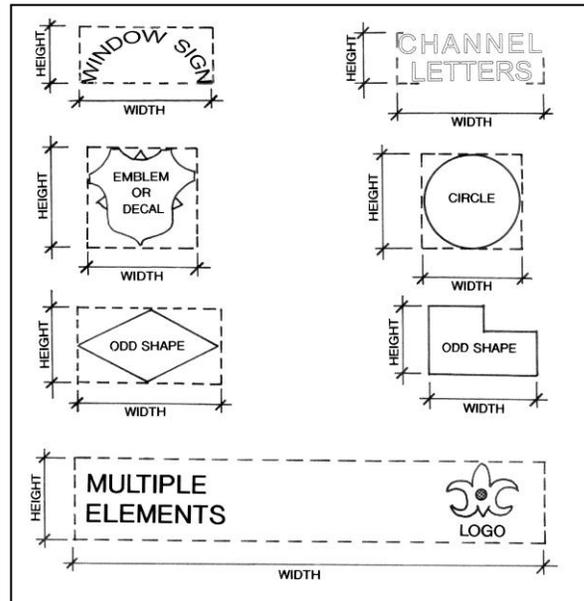
* Except as provided for in Section 7.4.N.10, Freestanding Commercial Signs.

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

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

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G. Area Identification and Subdivision Signs

1. Area Identification Signs shall be permitted upon private property in any zone to identify multiple-lot subdivisions of 10 to 50 acres in size and subject to the requirements set forth in Section 7.4.F, Sign Standards above. Area Identification Signs may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in Section 7.4.F, Sign Standards above.
2. Subdivision Signs shall be permitted upon private property in any zone to identify subdivisions of greater than 50 acres, subject to the requirements set forth in Section 7.4.F, Sign Standards above.
3. Both Area Identification and Subdivision Signs must be located on the premises as identified by a preliminary or master preliminary plat of the subdivision. Subdivision Signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two collector or larger streets). At each intersection either one or two Subdivision Signs may be permitted so long as the total area of the signs does not exceed 150 square feet. Flags may be utilized in place of a Subdivision Identification Sign, but the overall height shall not exceed 20 feet and 25 square feet in area in a residential zone and 35 feet in height and 100 square feet in area in industrial or commercial districts.
4. Subdivision markers of no more than one square foot in area and used in conjunction with a subdivision or area identification sign are permitted attached to architectural elements within the subdivision.
5. Indirect lighting is permissible but no optical effects, moving parts, or alternating, erratic, or flashing lights shall be permitted. Landscaping valued at 250 points shall be installed around each Subdivision Sign. Adequate arrangements for permanent maintenance of all signs and any landscaping in conjunction with such signs shall be made, which may be through an owners association if one exists or is created for this purpose.
6. All signs shall be setback as shown in Section 7.4.F, Sign Standards above except in areas where a Private Improvement in Public Right-of-way permit has been issued.

H. Apartment/Condominium/Manufactured Home Park Identification Signs

1. One Apartment/Condominium/Manufactured Home Park Identification Sign may be located at a primary entrance on each frontage to a public road.
2. The maximum area allowed for each frontage may be divided among two signs if those signs are single sided and mounted at a single entrance.
3. An Apartment/Condominium/Manufactured Home Park Identification Sign may be either an attached sign or a freestanding monument sign. It shall be placed upon the private property of a particular multi-family project in the appropriate zone as established in Section 7.4.C, Summary of Permitted Signs subject to the requirements set forth in Section 7.4.E.15.e.3), Sign Standards above.
4. The Apartment/Condominium/Manufactured Home Park Identification Sign shall list the name and may list the facilities available and have leasing or sales information incorporated as a part of the sign.
5. An apartment or condominium project must have a minimum of 24 dwelling units to qualify for an identification sign.
6. Indirect lighting is permissible, but no optical effects, moving parts, or alternating, erratic, or flashing lights or devices shall be permitted.
7. Any manufactured home parks existing at the time of this UDO that are non-conforming may still utilize an identification sign meeting the provisions of this Section and Section 7.4.F, Sign Standards above.

I. Attached Signs

1. Attached Signs are commercial signs under this Section.
2. Attached Signs on any commercial building or tenant lease space shall not exceed a total of two and a half (2.5) square feet per linear foot of all public entry façades, with a maximum of 500 square feet of attached signage allowed for any one tenant. Multi-story businesses will be allowed 100 square feet of additional attached signage.
3. The division of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
4. Signs attached to features such as gasoline pumps, automatic teller machines, mail/package drop boxes, or similar on-site features, if identifiable from the right-of-way, as determined by the Administrator, shall count as part of the allowable sign area of the attached signs for the site. Information contained on such features pertaining to federal and state requirements, and operation/safety instructions are not counted. All other signage on such features shall count towards the allowable attached sign area.
5. Architectural elements, which are not part of the sign or logo and in no way identify the specific business tenant, shall not be considered attached signage.
6. An attached sign:
 - a. Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
 - b. Shall be parallel to the face of the building;
 - c. Shall not be cantilevered away from the structure;
 - d. Shall not extend more than one foot from any exterior building face, mansard, awning, or canopy;
 - e. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - f. Shall not be attached to any tree or public utility pole.

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- 7.** Attached Signs may be mounted to site lighting poles located on private property and may be constructed of cloth, canvas, or other flexible material provided such signage is maintained in good condition and complies with the following restrictions:
 - a.** No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way
 - b.** Light pole signs shall not exceed twelve (12) square feet in area and shall have a minimum of eight (8) feet of clearance from the grade below;
 - c.** Light pole signs shall only be attached to one side of a light pole;
 - d.** Light pole signs shall not project more than three (3) feet from the edge of the light pole; and
 - e.** Light pole signs constructed of cloth, canvas, or other flexible material shall be secured on a minimum of two opposing sides to prevent wind-driven movement.

J. Commercial Banners

- 1. A Commercial Banner:**
 - a.** Shall be in good repair;
 - b.** Shall have the permit number conspicuously posted in the lower right hand corner of the banner;
 - c.** Shall be allowed in addition to the signage provided for in Section 7.5.I, Attached Signage;
 - d.** Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
 - e.** Shall be mounted parallel to the face of a building or permanent structure;
 - f.** Shall not be located within public road right-of-way of the State of Texas or the City of College Station;
 - g.** Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - h.** Except for J.2. below, shall be allowed for a maximum 14-day period per permit.
- 2.** An annual banner permit may be allowed for places of worship meeting in public spaces on a temporary basis. Banners allowed by this Section shall only be displayed on the day of the worship service.
- 3.** The applicant shall pay an application fee of \$200.00 upon submission of a banner permit application to the City. The application fee is waived for a non-profit association or organization. This fee shall not apply to banners associated with special events as provided for in Section 7.4.U, Special Event Signs.

K. Development Sign

- 1.** A Development Sign may be placed only on private property subject to the requirements in Section 7.4.F, Sign Standards above.
- 2.** A Development Sign for a building project shall be removed if the project has not received a Building Permit at the end of twelve months. The Administrator may renew the sign permit for one additional twelve-month period upon request. Once a Building Permit for the project is received, the sign may stay in place until 75 percent of the project is leased or a permanent sign is installed, whichever comes first.
- 3.** A Development Sign for a proposed subdivision shall be removed if a Preliminary or Final Plat has not been approved by the end of twelve months. The Administrator may renew the Sign Permit for one additional twelve-month period upon request. Once a plat has been approved, the Sign Permit is valid as long as a Preliminary Plat is in effect, or in the absence of a valid Preliminary Plat, for 24 months from the date of approval of a Final Plat.

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L. Directional Traffic Control Sign

1. Directional Traffic Control Signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Section 7.4.F, Sign Standards above.
2. For multiple lots sharing an access easement to public right-of-way, there shall be only one directional sign located at the curb cut.
3. Logo or copy shall be less than 50% of the sign area.
4. No Directional Traffic Control Sign shall be permitted within or upon the right-of-way of any public street unless its construction, design, and location have been approved by the City Traffic Engineer.

M. Flags

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

N. Freestanding Commercial Signs

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

a. Allowable Area

Allowable Area For Freestanding Signs	
Frontage (Feet)	Maximum Area (s.f.)
0-75	Low Profile only
76-100	50
101-150	75
151-200	100
201-250	125
251-300	150
301-350	175
351-400	200
401-450	225
451-500	250
501-550	275
551-600+	300

b. Area

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

c. Frontage

- 1) For the purposes of this Section, frontage shall be considered the number of feet fronting on a public street to which a sign is oriented; and

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- 2) On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where the two streets are classified the same, the applicant may choose the frontage street.

d. Allowable Height

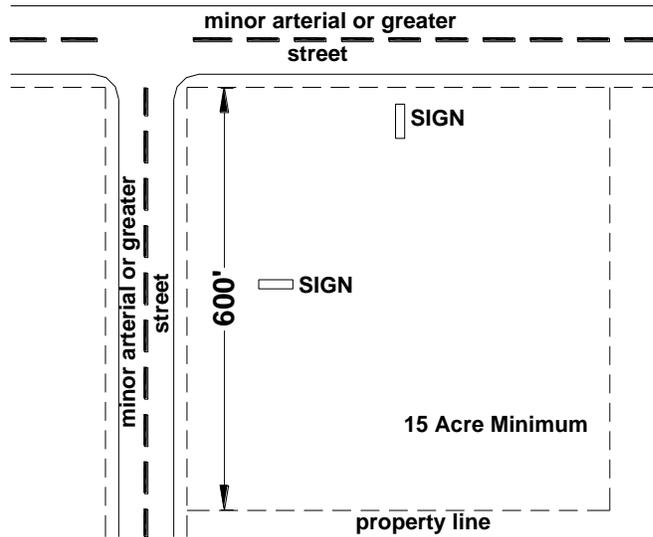
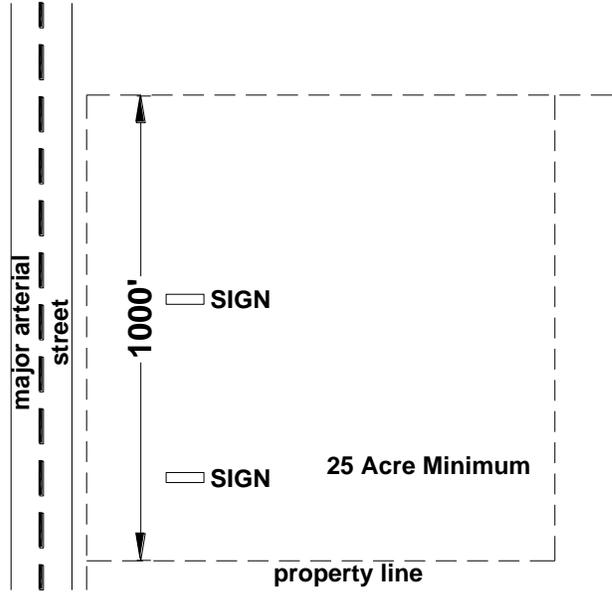
- 1) The allowable height of a Freestanding Commercial Sign is determined by measuring the distance from the closest point of the sign to the curb or pavement edge and dividing this distance by two. No Freestanding Commercial Sign shall exceed 35 feet in height.
 - 2) For the purposes of this Section, height of a sign shall be measured from the elevation of the curb or pavement edge.
 - 3) For the purposes of this Section, the distance from curb shall be measured in feet from the back of curb or pavement edge to the nearest part of the sign.
2. Freestanding Commercial Signs are allowed only on developed commercial property established in the appropriate zones as set forth in Section 7.4.C, Summary of Permitted Signs. One freestanding sign shall be allowed in the A-P zone only when the premise has a minimum of two acres, subject to the requirements set forth in Section 7.4.F, Sign Standards. One Low Profile Sign shall be allowed in the A-P zone when the premise has less than two acres subject to the requirements set forth in Section 7.4.F, Sign Standards, above.
 3. A premise with less than 75 feet of frontage shall be allowed to use one Low Profile Sign.
 4. A premise with more than 75 feet of frontage shall be allowed to use standards for one Freestanding Commercial Sign located in Section 7.4.F, Sign Standards, rather than one Low Profile Sign.
 5. A premise with more than 150 feet of frontage shall be allowed to use one Freestanding Commercial Sign or any number of Low Profile Signs as long as there is a minimum separation between signs of 150 feet.

In lieu of one Low Profile Sign every 150 feet, hospital uses may have one low profile sign located at each driveway.
 6. Premises with less than 75 feet of frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two paragraphs.
 7. No more than one Freestanding Commercial Sign shall be allowed on any premises except when the site meets one of the following sets of criteria:

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- a. The building plot, as recognized on an approved Plat or Site Plan, must be 25 acres or more in area with at least 1,000 feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) toward which one additional Freestanding Commercial Sign may be displayed (see diagram below); or The Building plot, as recognized on an approved Plat or Site Plan, must be 15 acres or more in area with at least 600 feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) and the site must have additional frontage on a street classified as a minor arterial or greater on the Thoroughfare Plan, toward which the additional Freestanding Commercial Sign may be displayed.



- 8. Any sign where two or more panels have separate supports extending to them shall be considered to be more than one Freestanding Commercial Sign, even where only one main support extends to the ground.
- 9. Sites with limited or no street frontage, due to a proliferation of pad sites, that are not contained within the building plot, as defined by the Administrator, and are fronting along a street classified as a collector or greater on the Thoroughfare Plan, will be allowed the area of the sign to be less than or equal to the square of one-sixth of the distance from the closest portion of the sign to the curb or pavement edge, with the maximum area not to exceed 200 square feet.

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- 10.** Any site defined as a single building plot, and containing one or more pad sites, shall be permitted to erect a Freestanding Commercial Sign in accordance with Section 7.4.N, Freestanding Commercial Signs, and to the standards of Section 7.4.N.1.a, Allowable Area, with the maximum area not to exceed 200 square feet. In addition, each pad site will be permitted to erect one Low Profile Sign per pad site according to the restrictions of 7.4.F, Sign Standards.

O. Fuel Price Signs

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

- 1.** The area of the fuel price sign shall not exceed 16 square feet.
- 2.** Fuel pricing may be incorporated into the allowable square footage of a Freestanding Commercial Sign or Attached Sign.
- 3.** This sign shall follow the setback requirements for a Freestanding Commercial Sign and shall not be located within the right-of-way.

P. Grand Opening Signs

- 1.** Flags, commercial banners, and balloons, which advertise a business's grand opening, may be displayed for one consecutive 14-day period, selected by the business owner, within 60 days of the granting of the initial Certificate of Occupancy, a change in the use, or of a change in the name of the business. A permit is required.
- 2. A Commercial Banner:**
 - a.** Shall advertise only the name of, uses of, or goods or services available within the building, or tenant lease space, to which the sign is attached;
 - b.** Shall be parallel to the face of the building;
 - c.** Shall not be cantilevered away from the structure;
 - d.** Shall not extend more than one foot from any exterior building face, mansard, awning, or canopy;
 - e.** Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - f.** Shall not be attached to any tree, fence, or public utility pole.

Q. Home Occupation Signs

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

R. Non-Commercial and Political Signs

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

1. No commercial message shall be shown on any non-commercial sign.
2. No non-commercial sign:
 - a. May be greater than fifty square feet (50 sq. ft.) in size;
 - b. May be located within public road right-of-way of the State of Texas or the City of College Station;
 - c. May be located off the premises of the property owner who is displaying the sign; and
 - d. May be located within any sight distance triangle as defined in Section 7.1.C, Visibility at Intersections in All Districts, or where determined by the Administrator as a location that would hinder intersection visibility. This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs. No regulatory alternative exists to accomplish this police power obligation.
3. In the event that any non-commercial sign is located in a public right-of-way of the State or City, the City shall remove it.
4. All non-commercial signs addressing a particular event are allowed up to ninety (90) days prior to the event and shall be removed within ten (10) days after.

S. Real Estate/Finance/Construction Signs

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

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T. Roof Signs

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

U. Special Event Signs

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

V. Vehicle Signs

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

W. Signs for Conditional Uses

1. Signs for Conditional Uses shall comply with the regulations for the zoning district in which the Conditional Use is permitted.
2. Signs for Conditional Uses in residential or agricultural zoning districts shall comply with Section 7.4.F, Sign Standards, "Low Profile Signs."

X. Signs for Permitted Non-residential Uses in Residential or Agricultural Districts

Signs for non-residential permitted uses in residential or agricultural zoning districts shall comply with Section 7.4.F, Sign Standards, "Low Profile Signs." Signs for government facilities in residential or agricultural zoning districts shall comply with Section 7.4.I, Sign Standards, "Attached Signs."

Y. Abandoned, Damaged, or Unsafe Signs

1. The provisions of this Section shall apply when in conflict with the provisions of the Building Code; but where the provisions of both ordinances are consistent, the enforcement of either shall be permissible and remedies or penalties cumulative.
2. 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 50 percent of its replacement value exclusive of foundations, will be required to be removed or brought into full compliance with the current sign regulations.
3. All abandoned signs and their supports shall be removed within 60 days from the date of abandonment. All damaged signs shall be repaired or removed within 60 days. The Administrator shall have authority to grant a 30-day time extension where he 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 60 days shall be presumed to be abandoned.
5. When a building is demolished, the associated signs and sign structures shall also be removed.

Z. Signs in the Extraterritorial Jurisdiction

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

AA. Campus Wayfinding Signs

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

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

7.5 Landscaping and Tree Protection

A. Purpose and Intent

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

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

B. Application of Section

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

1. The requirements of this Section have limited application to properties developed for duplexes, as follows:
 - a. A minimum of 200 points of landscaping as calculated in this Section shall be provided for each new duplex unit;
 - b. Where parking is provided in the front yard, an eight-foot landscaped setback shall be required between the property line and the nearest side of the parking pad.

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This eight-foot setback area must be landscaped and contain a three-foot high screen consisting of a continuous berm, hedge, or wall. In addition, an eight-foot landscaped setback shall be required between the dwelling unit and the nearest side of the parking pad; and

- c. The maintenance and completion requirements of this Section also apply to duplex uses. Every development must employ an irrigation system. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the Administrator deems appropriate.
- 2. The requirements of this Section have limited application to properties developed for single-family and townhouse uses, as follows:
 - a. A minimum of two (2) trees of at least two inches (2") in caliper or one (1) tree of four inch (4") caliper shall be planted on each new single-family and townhouse lot.
 - b. The landscaping requirements of this Section shall apply to manufactured home parks, but not to individual manufactured homes on separate lots.
- 3. 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.
- 4. The landscaping requirements of this Section apply to all unsubdivided property, improved subdivided lots and to other improved lands where buildings or structures are being added or replaced within the City.
- 5. Each phase of a multi-phase project shall comply with this Section.
- 6. All plantings must be in accordance with the College Station Plant List, or as deemed appropriate by the USDA for Zone 8 in their Hardiness Zone Map. The plant list is approved and amended as needed by the Administrator.

C. Landscaping Requirements

- 1. The landscaping requirements shall be determined on a point basis as follows:
 - a. Minimum Landscape Points required: 30 points per 1,000 square feet of site area;
 - b. The minimum total number of points for any development is 800 points;
 - c. Undeveloped floodplains may be removed from site size calculations; in such case, existing trees within that floodplain shall not be claimed for points; and
 - d. Projects may be phased with the phase lines being drawn 20 feet beyond any new site amenity. The portion left for subsequent phases shall be of developable size and quality.
- 2. Point values will be awarded for any type of canopy tree, non-canopy tree, or shrub, except for those listed on the Non-Point Tree List as prepared by the Administrator. All caliper measurements shall be twelve inches (12") 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 Tree	40	1.25 and larger
Shrubs	10	Min. 5 gallon
Shrubs, not for screening	1	Min. 1 gallon
Existing Trees with no Barricade Protection Area		

D. Streetscape Requirements

1. The streetscaping requirements shall be determined along all major arterials, freeways, and expressways as follows:
 - a. Within 50 feet of the property line along the street, one canopy tree for every 25 linear feet of frontage shall be installed. Two non-canopy trees may be substituted for each one canopy tree;
 - b. Canopy and non-canopy trees must be selected from the College Station Streetscape Plant List and may be grouped as desired; and
 - c. One existing tree (minimum four-inch caliper) may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the Administrator.
2. The streetscaping requirements shall be determined along all other roadways by the following:
 - a. Within 50 feet of the property line along the street, one canopy tree for every 32 feet of frontage shall be installed. Two non-canopy trees may be substituted for one canopy tree;
 - b. Canopy and non-canopy trees must be selected from the Administrator's Streetscape Plant List and may be grouped as desired; and
 - c. One existing tree (minimum four-inch caliper) may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the Administrator.
3. Three hundred additional landscape points shall be required for every 50 linear feet of frontage on a right-of-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 shall be screened from the right-of-way. Screening is required along 100 percent of the street frontage (such as 10 shrubs for every 30 linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty percent of all shrubs used for screening shall be evergreen.
6. Dumpsters, concrete retaining walls where more than six 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:

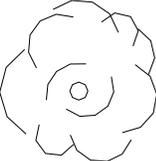
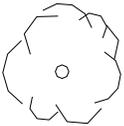
1. The location of existing property lines and dimensions of the tract;
2. A north arrow and scale;
3. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
4. Location and dimensions of existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, and other features as determined necessary by the Administrator;
5. Location, size, spread, type, and quantity of all proposed landscaping and screening materials, along with common and botanical names;
6. The location of existing and proposed utilities and all easements on or adjacent to the

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lot;

- 7. An indication of adjacent land uses, existing development and roadways;
- 8. An irrigation system plan or a general note indicating that an irrigation system to service all new plantings will be installed by a certified installer before a certificate of occupancy will be issued; and
- 9. **Landscape Information**
 - a. Landscape points required for site and calculations shown in the landscape legend.
 - b. A legend showing the size, type (canopy, non-canopy, shrub) and points claimed for proposed landscaping.
 - c. Location of landscape plants on plan identified by a symbol defined in a landscape legend (see sample legend below).

City of College Station SAMPLE LEGEND LANDSCAPING POINT CALCULATIONS					
<u>SYMBOL</u>	<u>SIZE</u>	<u>NAME & TYPE</u>	<u>QUANTITY</u>	<u>POINT VALUE</u>	<u>POINT</u>
	8" AND LARGER EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	2	300	600
	4" TO 8" EXISTING W/BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	13	200	2600
	2" TO 14.5" CALIPER EXISTING W/O BARRICADE	LIVE OAK TREE (Quercus Virginiana) Canopy tree	8	35	280
	1.25" CALIPER AND LARGER	TREE CREPE MYRTLE (Lagerstroemia indica) Non-canopy tree	6 (NEW)	40	240
	5 GAL	WAX LEAF LIGUSTRUM (Ligustrum texanum) Shrub	46 (NEW)	10	460
NOTE: Symbols are for reference. Any symbols used must be distinguishable at any scale					
BARRICADE FOR INDICATED TREES TO BE CONSTRUCTED WITH 48" HIGH ORANGE PLASTIC CONSTRUCTION NETTING AND SECURED TO STEEL T-POSTS. BARRICADE TO BE PLACED IN A CIRCLE AROUND INDICATED TREES A RADIAL DISTANCE OF 1' FOR EVERY 1" CALIPER OF TREE. BARRICADE MUST BE IN PLACE PRIOR TO ANY DEVELOPMENT ACTIVITY AS WELL AS THROUGHOUT THE CONSTRUCTION PROCESS.					
STREETSCAPE: $(136.57' / 50) \times 300 \text{ PTS} = 820 \text{ PTS}$ $(136.57' / 25) = 6 \text{ CANOPY TREES}$ POINTS PER PROJECT AREA: 26,416.3 SQUARE FEET OF SITE AREA $26,416.3 / 1,000 = 26.42$ $26.42 \times 30 = 792.6 = 793 \text{ POINTS}$ TOTAL POINTS REQUIRED: 1,613 TOTAL POINTS PROPOSED: 4,180					

10. Streetscape Information

- a. Streetscape points required for site and calculations shown.

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- b. A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping.
 - c. Location of streetscape plants on plan identified by a symbol defined in a landscape legend (see sample legend above).
- 11.** The location and diameter of protected existing trees claimed for either landscape or streetscape requirements, and an indication of how the applicant plans to barricade the existing trees from damage during construction. Barricading shall be subject to the following requirements:
- a. Prior to land development or redevelopment, or any construction thereof, the developer shall clearly mark all qualifying and significant trees to be preserved;
 - b. The developer shall erect a fence around each tree or group of trees to prohibit the placement of debris or fill, or the parking of vehicles within the drip line of any qualifying or significant tree;
 - c. During construction, the developer shall prohibit the cleaning of equipment or materials within the drip line of any tree or group of trees that are protected and required to remain. The developer shall not allow 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, a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half 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 may not be made without the prior approval of the Administrator; and,
 - f. All vegetation must be planted in accordance with the visibility triangle referenced in Section 7.1.C, Visibility at Intersections in all Districts.

F. Maintenance and Changes

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

G. Completion and Extension

The Administrator shall review all landscaping for completion in compliance with this Section and the approved Landscape/Streetscape Plan. Landscaping/ streetscaping shall be completed in compliance with the approved plan before a Certificate of Occupancy will be issued. However, the applicant may receive an extension of four months from the date of the

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Section 7.5 Landscaping and Tree Protection

Certificate of Occupancy upon the approval of an application for extension with a bond or letter of credit in the amount of 150 percent of the landscape/streetscape bid, as well as the irrigation required for the project. Failure to complete the landscaping/ streetscaping according to the approved Landscape/Streetscape Plan at the expiration of the bond or letter of credit shall constitute forfeiting the bond or cashing of the letter of credit. Also, failure to complete the approved landscaping/streetscaping shall constitute a violation of this UDO.

H. Review and Approval

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

I. Parking, Storage, or Display

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

J. Alternative Compliance Permitted

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

7.6 Buffer Requirements

A. Purpose

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

B. Applicability

1. Perimeter buffers shall be provided on building plots abutting developed (platted) or developing (in the process of platting) sites in accordance with the standards of this Section, as outlined in Section 7.6.F, Minimum Buffer Standards. The following shall provide buffers:

- a. Vacant sites that develop;
- b. Existing sites when additions, expansions, and/or redevelopments equal or are greater than 25% of the existing improvements;
- c. Existing sites when cumulative additions, expansions, and/or redevelopments total 25% or more of the existing improvements;
- d. Existing sites when a change of use intensifies the development in terms of elements such as traffic, processes, noise, water or air pollution, etc.;
- e. Existing sites with lawfully established non-conforming uses when the use is expanded; and
- f. Sexually-oriented businesses.

2. Exceptions to the terms of this Section will be made when:

- a. The adjacent developed use is non-conforming;
- b. The adjacent developed use is agricultural;
- c. The Land Use Plan designates the area as Redevelopment;
- d. The property is zoned P-MUD and the buffer requirement was determined through the rezoning process;
- e. The developing use is a Primary or Secondary Educational Facility containing a building with a Group "E" occupancy as defined in the International Building Code; or

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Section 7.6 Buffer Requirements

- f. Properties in NG and RDD districts.

Per Ordinance No. 3280 (September 9, 2010)

C. Relationship To Other Landscaping Standards

All buffer requirements shall be included on a development’s Landscaping Plan. Landscaping provided to meet the buffer landscaping standards of this Section may not be counted towards meeting a project’s landscape point requirements. The area of a site dedicated to a perimeter buffer shall not be included in calculating a site’s minimum landscaping point requirements.

D. Location

The buffer shall abut property boundaries shared with less intense uses or zoning districts as shown in Section 7.6.F, Minimum Buffer Standards. In the event that a property abuts a less intense use and a less intense zoning district, the more stringent buffer shall be required along the shared boundary.

E. Permitted Uses

1. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
 - a. No plant material is eliminated;
 - b. The total width of the buffer yard is maintained; and
 - c. All other regulations of this Section are met.
2. No active recreation area, storage of materials, parking, driveways, or structures, except for approved pedestrian, bike or equestrian trails and necessary utility boxes and equipment, shall be located within the buffer yard.
3. Pedestrian access through a perimeter fence or wall and buffer yard may be provided at the abutting resident’s, homeowners association’s, or the Administrator’s option to provide convenient pedestrian access to nonresidential uses such as commercial areas or schools.

F. Minimum Buffer Standards

The buffer requirements are designed to permit and encourage flexibility in the widths of buffer yards, the number of plants required in the buffer yard, and opaque screens. Standard buffer requirements are depicted in the table below.

DEVELOPING USE (Classification)	ABUTTING PARCEL* (Use more restrictive of the zoning or the developed use.)		
	Single-family Residential [Ⓜ]	Multi-Family Residential [Ⓜ]	Non-Residential
Single-family [Ⓜ]	N/A	N/A	N/A
Multi-Family [Ⓜ]	10 (1)	N/A	N/A
Office	10 (1)	N/A	N/A
Commercial	15 (2)	10 (1)	N/A
Industrial	25 (2)	15 (2)	5
SOB	50 (2)	50 (2)	50 (2)

[Ⓜ] Includes duplexes.

[Ⓜ] Includes manufactured homes, mobile homes, manufactured home parks, and townhouses.

* When an abutting parcel is vacant and zoned A-O, Agricultural Open, the Administrator shall use the future land use of the property as designated on the Comprehensive Land Use Plan in lieu of the zoning category in determining the

Article 7. General Development Standards

Section 7.6 Buffer Requirements

- buffer requirement.
- [number] Depth of buffer yard
- (1) Fence
 - (2) Wall

1. Buffer Yards

- a. Buffer yards shall be measured from the common property line and may be located within established building setbacks.
- b. Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional 5 feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The Administrator has the discretion to allow a required fence or wall within the easement.

2. Plantings

- a. If a fence or wall is not required per the table above, the following plantings shall be installed in the buffer yard:
 - 1) A minimum of one 5-gallon shrub at a minimum of three feet in height per three linear feet of landscaping buffer; and
 - 2) A minimum of one 2-inch caliper canopy tree per 25 linear feet of landscape buffer.
- b. If a fence or wall is required per the table above, the following plantings shall be installed in the buffer yard:
 - 1) A minimum of one 1.25-inch caliper non-canopy tree per 15 linear feet of landscaping buffer. The Administrator may allow the substitution of a minimum of one 5-gallon shrub at a minimum of three feet in height per three linear feet of landscaping buffer for the non-canopy tree requirement, or may require the substitution to mitigate potential negative impacts of a development; and
 - 2) A minimum of one 2-inch caliper canopy tree per 25 linear feet of landscape buffer.
- c. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 7.5.C.3, Landscaping and Tree Protection.
- d. Fifty percent of all required shrubs within the buffer yard shall be evergreen.
- e. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the College Station Plant List or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.
- f. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect.
- g. Irrigation is required for all new plantings.
- h. Existing vegetation may count toward the planting requirement if:
 - 1) The vegetation is in good health and the landscaping plan verifies that it will meet the plantings criteria listed above (non-point trees may count towards a natural buffer); and
 - 2) The vegetation is protected in accordance with Section 7.5.C.2.c, Landscaping and Tree Protection, of this UDO.

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Section 7.6 Buffer Requirements

- i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in Section 7.1.C, Visibility at all Intersections in All Districts.

3. Fences and Walls

- a. Fences may be solid wood or solid wood accented by masonry, stone, EFIS (Exterior Finish Insulation System), or concrete columns. Walls may be masonry, stone, EFIS, concrete, or a combination of these materials, and shall be finished on both sides (framing not visible). Walls and masonry columns for fences must meet the footing standards prescribed by the Building Code for such structures.
- b. Fences and walls shall be a minimum of six feet in height and a maximum of eight feet. Walls over six feet must obtain a building permit. When the adjacent property and the buffer yard are at different elevations, the Administrator may require a greater fence or wall height to ensure adequate buffering.
- c. Fences and walls shall be placed within one foot of the common boundary line when physically possible. In the event that there is a physical constraint that will not allow the construction of a fence on the common boundary line (including, but not limited to, the existence of a creek, access easement, or existing vegetation), the Administrator may authorize an alternative fence location.
- d. Fences or walls will not be allowed to encroach into a required visibility triangle for a public or private right-of-way.

4. Substitutions

- a. Existing natural vegetation may be used in lieu of plantings and a fence or wall under the following circumstances:
 - 1) The existing vegetation consists of canopy and non-canopy trees which are shown through a tree survey to meet the minimum buffer planting requirements (non-point trees may be considered) and is of sufficient density to provide 100 percent opacity to a height of six feet; and
 - 2) The vegetation is protected in accordance with Section 7.5.C.2.c, Landscaping and Tree Protection, of this UDO.
- b. Fences and walls may be substituted with a solid plant or hedge wall that is greater than six feet in height with approximately 100 percent opacity. All shrubs planted for a hedge wall must be a minimum of 15 gallons each. The solid plant or hedge wall must be evergreen and may not be counted towards meeting the buffer planting requirement.
- c. Fences and walls may be substituted with a landscaped earthen berm if the combination of berm and landscaping is not less than six feet in height from the elevation at the property line with approximately 100% opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement. Berms must be a minimum of four feet in height with a maximum slope of 3:1. Berms in excess of six feet in height shall have a maximum slope of 4:1 as measured from the exterior property line.
- d. The required height of fences or walls may be reduced if used in combination with an earthen berm or a landscaped earthen berm if the height of the screening is six feet from the elevation at the property line with approximately 100 percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement.
- e. Walls may be substituted with fences if the required buffer yard area and plantings are doubled.
- f. Walls and fences may be omitted if the required buffer yard area and plantings are tripled.

G. Maintenance and Replacement

1. Upon installation or protection of required landscape materials, appropriate measures

Article 7. General Development Standards

Section 7.6 Buffer Requirements

shall be taken to ensure their continued health and maintenance. Required landscape areas and buffers shall be free of garbage and trash, weeds, pests, and disease. Required plant materials that do not remain healthy shall be replaced consistently with these provisions.

2. All landscaping materials and/or fences, walls, or berms shall be maintained by the owner(s) of the property that was required to install such landscaping materials and/or fences, walls, or berms under this Section.
3. Any canopy tree removed or otherwise destroyed by the willful act or negligence of the property owner, tenant, or contractor shall be replaced by a tree of the same or larger caliper.

H. Appeals

1. Appeals of the terms of this Section, with the exception of Section G, Maintenance and Replacement, shall be to the Design Review Board (DRB).
2. An appeal shall be made within 30 days of the date of the notification of the decision by filing with the Administrator a notice of appeal specifying the grounds thereof.
3. The DRB may authorize on appeal alternative buffer standards for a specific property or a waiver to the Buffer Requirements of this Section when such standards or variance will not be contrary to the public interest where, owing to unique and special conditions not normally found in like areas, a strict enforcement of the provisions of the ordinance by the Administrator would result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done

7.7 Solid Waste

A. Purpose

It is the purpose of this Section to establish the guidelines for the provision of solid waste collection in all developments within the City of College Station where curb service will not take place, in order to:

1. Provide for the safe and efficient collection and removal of waste from commercial and residential developments; and
2. Reduce nuisances associated with waste collection containers.

B. Responsibility

The City shall make the final determination as to the appropriate collection system; however, it is the responsibility of the developer to ascertain the appropriateness of the proposed collection system. Staff will endeavor to accommodate applicants to the extent equipment, efficiency, and policy allow.

C. Guidelines

The following shall be considered minimum standards:

1. All dumpsters shall be screened. Screening shall be at least as tall as the dumpster(s) and may be achieved through the use of buildings, fences, or walls. Plant materials may be used to supplement required screening.

Dumpster screens should be located outside of utility easements. Property owners with dumpster screens located within utility easements are hereby warned that they will be responsible for the replacement of the screens if it becomes necessary to remove them for utility construction and/or maintenance.
2. Multi-family developments shall provide the required pad and screening for one eight-yard dumpster per sixteen dwelling units;
3. Townhomes not served by approved, accessible alleys, shall provide the required pad and screening for one eight-yard dumpster per sixteen (16) dwelling units;

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Section 7.7 Solid Waste

- 4.** The interior clearance (inside the screen) dimensions for a single 300-gallon container enclosure shall be ten feet deep by ten feet wide (10' x 10');
- 5.** 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');
- 6.** 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') wide;
- 7.** Bollards and other such devices shall not be set within the minimum width dimensions noted above;
- 8.** All required containers and dumpsters pads shall be constructed of six inches (6") of steel-reinforced concrete;
- 9.** All required containers and dumpsters shall be screened by means of an approved six-foot (6') high opaque device on a minimum of three 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') when open, shall swing 180 degrees from the closed position, and shall utilize a positive-locking mechanism while in the open position. Three hundred-gallon side-loading automated container enclosures shall be open on the side, facing the collection point. The open side cannot be facing the public right-of-way. Materials may be dictated by the terms of a Conditional Use Permit (CUP) or the Design Review Board (DRB); and
- 10.** The ingress, egress, and approach to all dumpster pads shall conform to the fire lane requirements.

7.8 Drainage and Stormwater Management

- A.** Any reference to this Section shall also apply to Chapter 13 of the CODE OF ORDINANCES, FLOOD HAZARD PROTECTION.

- B. Detention Pond Aesthetic Design**

Detention ponds should be treated as aesthetic site amenities, adding quality and depth to the visual environment of the site. Therefore, the detention pond area shall be integrated into the overall landscaping design of the site by reasonably dispersing the required landscaping points.

- 1.** Unless the landscape plan is sealed by a landscape architect and approved by the Administrator, only plantings found in the College Station Plant List for Detention Pond Areas 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 Administrator. The treatment shall be complementary to the structures on the site.
- 3.** Variations to the requirements of this Section may be approved 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

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Section 7.9 Non-Residential Architectural Standards

7.9 Non-Residential Architectural Standards

A. Applicability

The design standards of this Section shall apply to development, redevelopment, and façade changes to all non-residential buildings including single tenant buildings, multiple tenant buildings, and any grouping of attached or stand alone buildings and associated pad sites.

Uses located within the following districts are exempt from this Section: M-1 Light Industrial, M-2 Heavy Industrial, R&D Research & Development, NG-1 Core Northgate, NG-2 Transitional Northgate, and NG-3 Residential Northgate.

The following uses are exempt from this Section: Churches; Primary & Secondary Educational Facilities; Municipal Industrial facilities; and private utility buildings that are screened from public or private rights-of-way and adjacent properties.

Per Ordinance No. 3236 (February 25, 2010)

Per Ordinance No. 3280 (September 9, 2010)

B. Standards for All Non-Residential Structures

The following table summarizes the Non-Residential Architectural Standards for the City of College Station:

NRA SUMMARY TABLE								
Gross Square Feet in Area of Building/Combination of Buildings								
Façade Standards	Under 20,000		20,000 to 49,000		50,000 to 149,999		150,000 +	
	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other
BUILDING MASS & DESIGN								
2 elements of architectural relief every 45 feet	R		R		R, no more than 33% on same plane		R, no more than 33% on same plane	
2 elements of architectural relief every 60 feet		R		R		R		R
No more than 66% of roofline at same elevation	R		R		R		R	
BUILDING MATERIALS								
Brick, stone, marble, granite, tile or specified concrete product	10% R	10% R if visible from ROW	25% R	10% R if visible from ROW	25% R	10% required if visible from ROW	50% R	10% R if visible from ROW
Stucco, EIFS, specified concrete product	75% max; 100% allowed w/ 2 colors, if under 5, 000 s.f.		75% max					
Wood or cedar siding	30% max							
Smooth face, tinted concrete blocks	10% max							
Reflective glass	80% max	100%	80% max	100%	80% max	100%	80% max	100%
Stainless steel, chrome, standing seam metal, premium grade architectural metal	20% max							
Painted steel panel siding and galvanized steel	Rear of building only if not visible from ROW, parkland, greenway, or residences							

Article 7. General Development Standards

Section 7.9 Non-Residential Architectural Standards

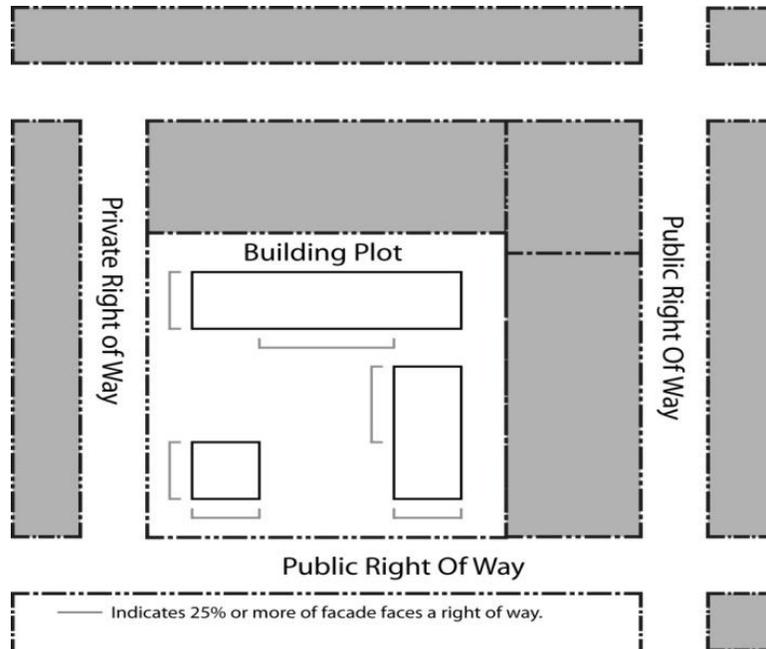
NRA SUMMARY TABLE (cont.)								
Gross Square Feet in Area of Building/Combination of Buildings								
Façade Standards	Under 20,000		20,000 to 49,000		50,000 to 149,999		150,000 +	
	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other
BUILDING COLORS								
Accent Colors per façade	15%		15%		10%		5%	
PEDESTRIAN / BIKE FACILITIES								
10' sidewalk along façade					R		R	
Pedestrian walkways					R		R	
Bicycle parking spaces	4 R		4 R		8 R		8 R	
PARKING LOTS								
Parking Concept for more than 120 spaces	R						R, Additional Standards Apply	
OTHER REQUIREMENTS								
Public space or plaza							R, 500 S.F. min.	
Landscape			Double pts ***		Double pts		Double pts	
Tree wells					R		R	
Minimum tree size					2" caliper		2" caliper	

R = Required

* = A façade is considered to be "facing public right-of-way" when an imaginary plane could be extended unobstructed by a wall or structure from at least 25% of the façade into the public right-of-way adjacent to the building plot. For the purposes of this section, public rights-of-way shall include all forms of passageways (such as streets, sidewalks, and bike paths) dedicated or deeded to the public for public use.

** = When a property does not have frontage on a public right-of-way, the primary entrance façade of the building(s) will meet the standards of a "façade facing a public right-of-way."

*** Required when berms are not used for parking lot screening.



Article 7. General Development Standards

Section 7.9 Non-Residential Architectural Standards

1. Required Screening

All mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150 feet of the perimeter boundary of the subject lot or tract, measured from a point five (5') feet above grade. Such screening shall be coordinated with the building architecture, materials, colors and scale to maintain a unified appearance. Acceptable methods of screening are: encasement, parapet walls, partition screens, brick/stone/masonry walls or fences.

Detention ponds shall be integrated into the overall landscaping theme and design of the site as described in Section 7.8.A. Detention Pond Aesthetic Design.

2. Building Mass and Design

In order to provide visual interest, the first two (2) stories of any façade facing a public right-of-way shall use architectural relief every forty-five horizontal feet (45') by incorporating a minimum of two (2) different design elements within each forty-five foot (45') section from the options below. All other façades shall incorporate a minimum of two (2) different design elements within each sixty-foot (60') section as described above. Wall sections less than forty-five feet (45') or sixty feet (60') respectively, shall also be required to provide the two (2) different design elements, except that freestanding structures that are accessory to a primary use, where each façade is equal to or less than twenty-five horizontal feet (25') in width, and where each facade incorporates the same building materials and colors as the primary structure, are not required to provide architectural relief elements.

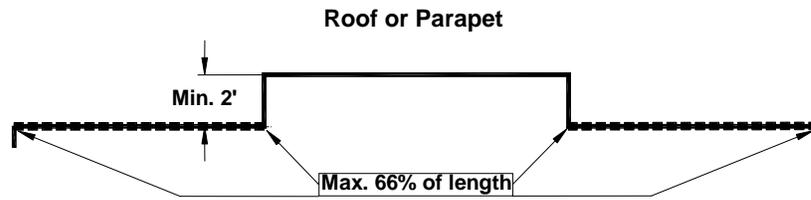
- a. Canopies, permanent decorative awnings, or windows accompanied by overhangs;
- b. Wall plane projections or recessions with a minimum of four foot (4') depth;
- c. Pilasters or columns;
- d. Recessed entries, stoops, porches, or arcades;
- e. Balconies that extend from the building; or
- f. Boxed or bay windows;
- g. Decorative stormwater management initiatives physically integrated with the building, as approved by the Administrator. An example is shown below.



Picture used with permission from the City of Portland, Environmental Services (2008)

Article 7. General Development Standards

Section 7.9 Non-Residential Architectural Standards



As represented above, on buildings three (3) stories or less, the horizontal line of a flat roof (or parapet) along any façade facing a public right-of-way shall vary by a minimum of two feet (2') feet up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

Per Ordinance No. 2011-3341 (April 28, 2011)

3. Building Materials

All buildings determined to be a single building plot by the Administrator shall have materials and colors that are similar and complement each other architecturally. This applies to all stand alone and pad site buildings, regardless of their use. All exterior façades of a pad site building must meet the requirements for a façade facing a public right-of-way. All buildings shall employ architectural, site, and landscaping design elements that are integrated with and common to those used on the main/primary buildings or structures on site. These common design elements shall include building materials associated with the main/primary structure. In the event that a pad site or non-primary building(s) is developed before the primary/main building(s), then all other buildings, with the exception of stand alone restaurants, shall have materials and colors that are similar and complement each other architecturally to the building constructed first.

Existing buildings may continue to utilize materials other than those listed below provided that any material replacement is for maintenance purposes only and the existing material is continued. Any material change or replacement of more than ten percent (10%) of the total area of all facades shall require that all building materials and color be brought into compliance. All other materials are prohibited unless authorized herein or by the Design Review Board (DRB). When determining area herein, windows and doors are included.

- a. The following applies only to the first two (2) stories of all buildings. All building façades that are visible from a public right-of-way shall have at least ten percent (10%) of the surface area of the façade consist of one or more of the following building materials:
 - 1) Fired brick;
 - 2) Natural stone;
 - 3) Marble;
 - 4) Granite;
 - 5) Tile;
 - 6) Any concrete product so long as it has an integrated color and is textured or patterned (not aggregate material) to simulate brick, stone, marble, or granite, or is covered with brick, stone, marble granite or tile.
- b. Stucco, EIFS (Exterior Insulation and Finish Systems), hardboard, concrete products as described in Section 7.9.B.3.a.6 above, reflective glass, certain metal products described in this section below, and cedar siding are allowed on all facades subject to the following limitations: Stucco, EIFS, high build textured paint on concrete to simulate the appearance of EIFS, hard board, or any material equivalent in appearance and quality as determined by the DRB, shall not cover more than seventy-five percent (75%) of any façade.

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Section 7.9 Non-Residential Architectural Standards

- 1) Wood or cedar siding shall not cover more than thirty percent (30%) of any façade.
 - 2) Smooth face, tinted concrete blocks shall only be used as an accent and shall not cover more than ten percent (10%) of any façade.
 - 3) Reflective glass shall not cover greater than eighty percent (80%) of any façade facing a public right-of-way and may cover one hundred percent (100%) of any other façade. Exemption: when calculations are provided by a licensed professional engineer or architect verifying that energy code compliance cannot be achieved without the use of reflective glass, there shall not be a limit on the use of such material. The calculations shall be approved by the Building Official and comply with the INTERNATIONAL ENERGY CODE, as adopted and amended by the City of College Station.
 - 4) Stainless steel, chrome, standing seam metal and premium grade architectural metal may be used as an architectural accent and shall not cover greater than twenty percent (20%) of any façade.
 - 5) Painted steel panel siding and galvanized steel is allowed on the rear façade of buildings when the façade is not visible from a right-of way, parkland, or greenway, or any residential area; provided however, that these materials may be used if the façade is screened from adjacent properties. This screening shall be installed regardless of adjacent property zoning or use and in no way shall this Section diminish the requirements for Buffering required in Section 7.6 Plantings, fences, or walls which meet the specifications established in Sections 7.6.F.2 or 7.6.F.3 with substitutions allowed as provided for in Section 7.6.F.4 are permitted screening materials and methods. Use of these alternative building materials shall count toward the required percentages of materials as described herein.
 - 6) Galvanized steel and painted steel are allowed on doors, including roll-up doors.
 - 7) Metal, standing seam metal, arcitectural metal or steel may be used as a roof and or canopy/awnings with no limitation on percentage.
- c. All architectural submittals shall provide elevation drawings for each façade and a material legend (see sample below) for each façade.

City of College Station SAMPLE LEGEND USE OF MATERIALS ON FAÇADE 'A'		
Total Square Footage of Façade 'A': 10,000 s.f.		
Material	Area in Square Feet	Percent of Overall Façade
Stucco	2,000 s.f.	20%
Brick	5,000 s.f.	50%
Doors and Windows	3,000 s.f.	30%

4. Building Colors

- a. All building façades and roofs shall consist of only colors from the color palette approved by the City Council as amended by the DRB and maintained in the Office of the Administrator. All other colors shall be considered accent colors and may be used on no more than fifteen percent (15%) of the façade on which the accent color is applied.
- b. Neon, metallic (except copper and silver metallic colored roofs) and fluorescent colors are prohibited on any façade or roof.
- c. When applying brick, colors normally found in manufactured fired brick are permitted. All colors of natural stone are permitted.

Article 7. General Development Standards

Section 7.9 Non-Residential Architectural Standards

- d. Building and roof color requirements apply to all new buildings, redeveloped buildings, and façade work. Color samples shall be submitted for approval to the Office of the Administrator.
- e. Existing buildings may continue to utilize colors that are not from the approved color palette provided that repainting is done for maintenance purposes only and the existing color is continued. Any color change on existing buildings shall be brought into compliance with this ordinance and color samples shall be submitted as provided herein.

5. Pedestrian / Bike Circulation and Facilities

- a. 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') or as approved by the Administrator.
- b. 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'). Bicycles may be permitted on sidewalks or other paved surfaces provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.
- c. 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.

6. Parking Lots

These requirements are in addition to and not in lieu of the requirements established in Section 7.2. Off Street Parking Standards.

- a. Where parking or drive aisles are located between the building and the public right-of-way, there shall be a minimum ten foot (10') setback from the public right-of-way line to the parking area or drive aisle.
- b. In order to break up the parking lot area and minimize visual impact, one of the following parking concepts is required on any parking lot with greater than one hundred twenty (120) parking spaces. Parking concepts shall be approved by the Administrator provided that it meets one of the following minimum criteria. Pedestrian ways are allowed within the below-described areas.

1) Concept 1

Every one hundred twenty (120) parking spaces shall be a separate and distinct parking area connected by driving lanes but separated by landscaping strips a minimum of eight (8') feet wide and the full length of the parking row. Where pedestrian facilities are located within landscape strips or where vehicles would overhang these strips, the strip shall be a minimum of ten feet (10') wide; or,

2) Concept 2

For every one hundred and twenty (120) parking spaces, an 1800 square foot landscaped island shall be installed (Landscape Pods). Such island(s) shall be located internal to the parking lot and shall be located so as to visually break up each one hundred twenty (120) parking spaces. The landscaping square footage calculation for parking lots greater than one hundred twenty (120) parking spaces shall be pro-rated at fifteen square feet (15 sq.ft.) of landscaping per parking space; or,

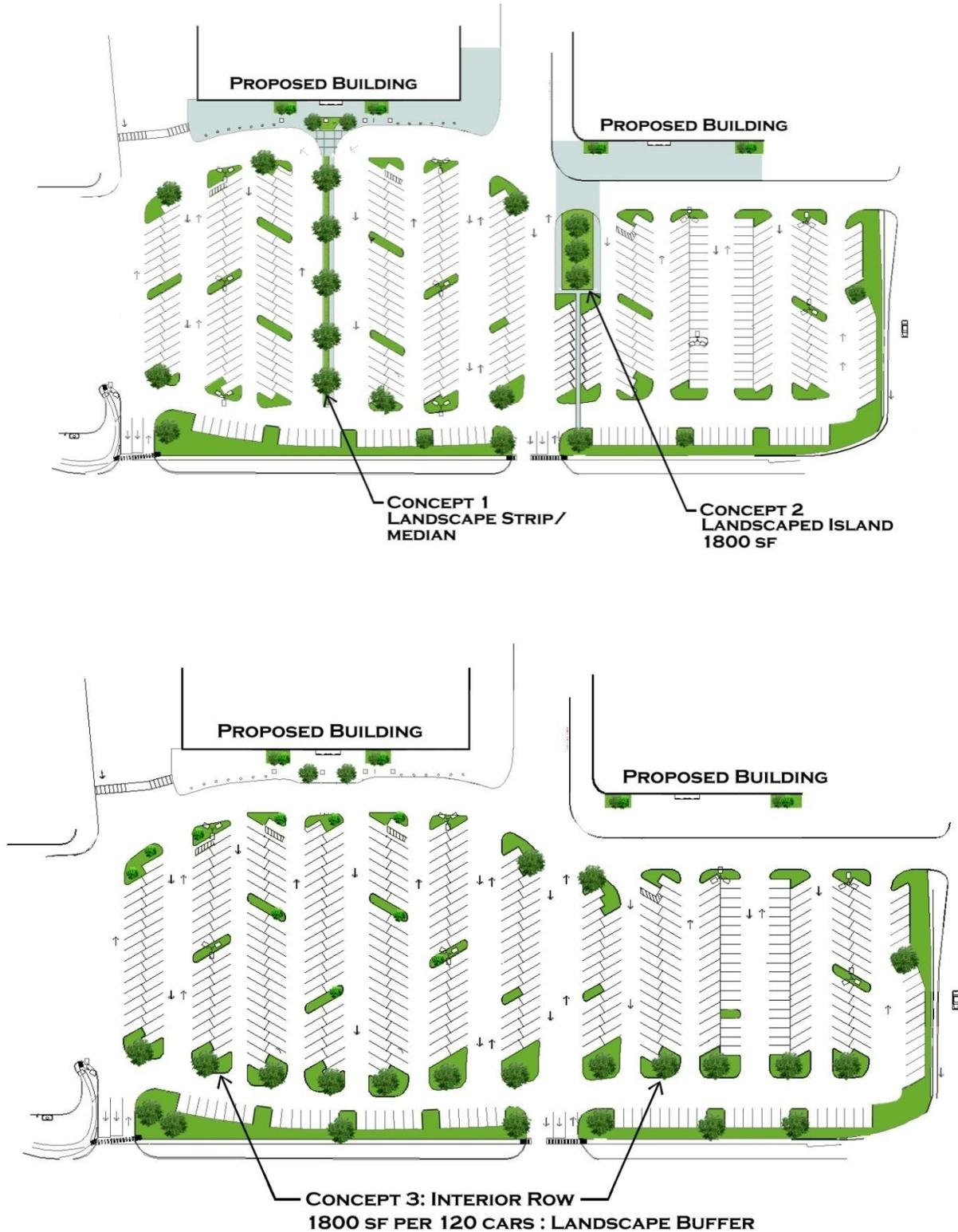
3) Concept 3

For every one hundred twenty (120) parking spaces, an additional 1,800 square feet of landscaped area shall be added/distributed to the interior row(s) end island(s) located closest to the right-of-way line (i.e. in conjunction with the minimum setback creating a double row of landscaping)

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but in no event shall the additional landscaped area be located farther than one hundred feet (100') from the right-of-way frontage. The landscaping square footage calculation for parking lots greater than one hundred twenty (120) parking spaces shall be pro-rated at fifteen square feet (15 sq.ft.) of landscaping per parking space.



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- c. Interior island area requirements, as required in Section 7.2, may be consolidated into end islands, landscape strips, and landscape pods.
- d. Shopping cart storage spaces shall be identified on the site plan. These spaces shall not be located in landscape islands or any areas designed for plantings or pedestrian or bike access.

C. Standards for Less Than 5,000 S.F.

A single building or combination of buildings less than 5,000 gross square feet in area, whether connected or not, but determined to be a single building plot, may use on hundred percent (100%) EIFS, Stucco, high build textured paint on concrete to simulate the appearance of EIFS, or hardboard, but only if it is painted or tinted with a minimum of two (2) colors to avoid monotony.

D. Additional Standards for 20,000 S.F. or Greater

In addition to the standards set out in Section 7.9.B, the following shall apply to any single building or combinations of buildings of 20,000 gross square feet in area, whether connected or not, but determined to be a single building plot.

1. Building Material

Any façade facing a public right-of-way shall have a minimum of twenty-five percent (25%) (calculation shall be based on the area of the first two (2) stories of any single building(s) façade) brick, stone, marble, granite or a material fabricated to simulate brick or stone (not split-face concrete masonry).

2. Parking Screening

The following options are allowed as parking lot screening methods:

- a. Screening methods allowed in 7.5, Landscaping, except berms, provided that
 - 1) The minimum landscape points for a site shall be double (2 x minimum landscape points), and
 - 2) The screening method utilized will create a solid hedgerow or completely screen the parking to a height of 3-feet. If vegetated, the screening must be a minimum of 24-inches at planting and reach 36-inches within one (1) calendar year of planting, and such method is certified to meet these requirements by a registered Landscape Architect, landscape designer, or landscape contractor.
- b. Berms with a minimum height of 3-feet as measured from the parking lot pavement, and a maximum slope of 1:3. Berms may be designed around trees that are barricaded for tree preservation in accordance with 7.5, Landscaping. Where there will be gaps in berm screening for the preservation of existing trees, alternative screening methods shall be used in accordance with Section 7.5, Landscaping to meet the minimum 3-foot screening requirement.
- c. Half-berms with a minimum height of 3-feet as measured from the parking lot pavement, and a maximum allowable slope of 1:3. Retaining walls shall be designed to face the parking lot and sidewalks located between the retaining wall and right-of-way may not be closer than 3-feet to the top of a retaining wall.
- d. For redeveloping sites maintaining existing parking lot perimeters, the Administrator may authorize the use of masonry walls, or lower the minimum berm height to a height that may be safely maintained in the existing parking setback when additional parking lot screening is provided in accordance with Section 7.5, Landscaping. The cumulative height of plant material and berm shall be a minimum of 3-feet.
- e. Variations to the requirements of this Section may be approved if the landscape/streetscape plan is sealed by a registered Landscape Architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements, as set forth in this Section and Section 7.5, Landscaping, were used as a guide.

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E. Additional Standards for 50,000 S.F. or Greater

In addition to the standards set out in this Section 7.9.B and 7.9.D, the following shall apply to any single building or combinations of buildings of 50,000 gross square feet in area or greater, whether connected or not, but determined to be a single building plot.

1. Building Mass and Design

Façade articulation (wall plane projections or recessions) is required on the first two (2) stories of any façade facing a public right-of-way. No more than thirty-three percent (33%) of any façade facing a public right-of-way shall be on the same continuous geometric plane. Restaurant pad sites are excluded from this articulation requirement but are required to provide architectural relief as provided in the previous section 7.9.B. Wall plane projections or recessions shall have a minimum depth of four feet (4').

2. Building Colors

Accent colors may be used on no greater than ten percent (10%) of the façade on which the accent color is applied.

3. Landscaping

These requirements are in addition to and not in lieu of the requirements established in Section 7.5 Landscaping and Tree Protection.

a. The minimum required landscape points for a site shall be double (2 x minimum landscape points) of that required for developments of less than 50,000 gross square feet in area. The minimum allowable tree size is two inch (2") caliper. Streetscape point requirements remain the same and shall count toward the landscape point requirement.

b. Tree wells are required along fifteen percent (15%) of the linear front of any façade facing a public right-of-way and shall include a minimum of one (1) canopy tree for every required six feet (6') in length. Non-canopy trees may be substituted in the tree wells provided that the number required shall be doubled. This landscaping shall count toward the overall landscape requirement.

Each tree well shall be a minimum of six feet (6') square. Tree wells may be at grade or may be raised a maximum of thirty inches (30") in height, so long as the soil is continuous with the soil at grade. If the tree wells are located within interior parking islands, then the islands shall not count toward the required interior parking islands as described in Section 7.2.E Interior Islands.

c. All landscaping strips, islands, pods, and areas used to segregate the one hundred twenty (120) space parking areas as provided for above under "Parking Lots" must include canopy trees or structural shading. This requirement shall not apply to auto sales lots.

4. Pedestrian / Bike Circulation and Facilities

a. There shall be designated connections among primary buildings and pad sites for pedestrian and bicycle traffic. Locations for sidewalks and bicycle parking facilities shall be provided and shown on the site plan. Pedestrian walkways may be incorporated into the landscape strips separating parking areas only if the strip is ten feet (10') in width.

b. In centers with multiple tenants, one or more facilities capable of storing eight (8) bicycles shall be placed in clearly designated, safe, and convenient locations, such that no tenant entrance is farther than one hundred fifty feet (150') from a bike facility.

c. Pedestrian walkways shall be a minimum of five feet (5') wide. Pedestrian walkways shall connect public street sidewalks, transit stops, parking areas and other buildings in a design that ensures safe pedestrian use. When the walkway is within a parking lot area, it shall be clearly designated using brick pavers or a stamped dyed concrete pattern.

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- d. There shall be a ten foot (10') sidewalk along the full frontage of any façade facing a public right-of-way. Tree wells and planter boxes shall be placed along this walkway and in a manner that does not obstruct pedestrian movement. Bike parking facilities are allowed in this area. Vehicular parking or cart storage is prohibited. Outside display is allowed but only if it does not occupy more than thirty percent (30%) of this area and meets the requirements of Section 7.11.B Outside Storage and Display. This requirement does not apply to development meeting the definition of a pad site.

5. Parking Screening

The following options are allowed as parking lot screening methods:

- a. Screening methods allowed in 7.5, Landscaping, except berms, provided that the screening method utilized will create a solid hedgerow or completely screen the parking to a height of 3-feet. If vegetated, the screening must be a minimum of 24-inches at planting and reach 36-inches within one (1) calendar year of planting, and such method is certified to meet these requirements by a registered Landscape Architect, landscape designer, or landscape contractor.
- b. Berms with a minimum height of 3-feet as measured from the parking lot pavement, and a maximum slope of 1:3. Berms may be designed around trees that are barricaded for tree preservation in accordance with 7.5, Landscaping. Where there will be gaps in berm screening for the preservation of existing trees, alternative screening methods shall be used in accordance with Section 7.5, Landscaping to meet the minimum 3-foot screening requirement.
- c. Half-berms with a minimum height of 3-feet as measured from the parking lot pavement, and a maximum allowable slope of 1:3. Retaining walls shall be designed to face the parking lot and sidewalks located between the retaining wall and right-of-way may not be closer than 3-feet to the top of a retaining wall.
- d. For redeveloping sites maintaining existing parking lot perimeters, the Administrator may authorize the use of masonry walls, or lower the minimum berm height to a height that may be safely maintained in the existing parking setback when additional parking lot screening is provided in accordance with Section 7.5, Landscaping. The cumulative height of plant material and berm shall be a minimum of 3-feet.
- e. Variations to the requirements of this Section may be approved if the landscape/streetscape plan is sealed by a registered Landscape Architect and approved by the Administrator. Such plans must show reasonable evidence that the requirements, as set forth in this Section and Section 7.5, Landscaping, were used as a guide.

F. Additional Standards for 150,000 S.F. or Greater

In addition to the standards set out in Sections 7.9.B, 7.9.D, and 7.9.E, the following shall apply to any single building or combinations of buildings of 150,000 gross square feet in area or greater, whether connected or not but determined to be a single building plot.

1. Each development shall contain a plaza developed as an integral part of the development and not less than five hundred square feet (500 sq.ft.) in area. This area shall not count toward required parking islands or area requirements of a parking concept as described in 7.9.B.6.b Parking Lots. This area shall incorporate a minimum of three (3) of the following:
 - a. Seating components*
 - b. Structural or vegetative shading*
 - c. Water features*
 - d. Decorative landscape planters*
 - e. Public Art*
 - f. Outdoor eating accommodations

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- g.** Hardscape elements at entrances and within the parking area such as decorative pavers, low masonry walls, clock towers, etc.

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

- 2.** All facades facing a public right-of-way shall have a minimum of fifty percent (50%) brick, stone, marble, granite, or a material fabricated to simulate brick, or stone (not split-face concrete masonry).
- 3.** The minimum allowable tree size is two and one half inches (2.5") caliper.
- 4.** All parking areas must be screened from the public right-of-way using berms without exception.
- 5.** Accent colors may be used on no more than five percent (5%) of the façade on which the accent color is applied.

G. Variances - Design Review Board (DRB)

The DRB may grant a variance from the standards contained in Section 7.9 of up to one hundred percent (100%) of the total percentage permitted for the following:

- 1.** Substitutions of building materials if the applicant shows that:
 - a.** The building material is a new or innovative material manufactured that has not been previously available to the market or the material is not listed as an allowed or prohibited material herein; or
 - b.** The material is similar and comparable in quality and appearance to the materials allowed in this Section 7.9; or
 - c.** The material is an integral part of a themed building (example 50's diner in chrome).

No variance shall be granted to requirements for brick or stone on buildings twenty thousand (20,000) gross square feet in area or greater. Financial hardship shall not constitute a basis for the variance.

- 2.** Alternate colors or materials on each façade if the applicant shows that:
 - a.** The applicant is a franchised and/or chain restaurant to be developed as a single detached building (not integrated into a multi-tenant building); and
 - b.** The proposed colors/materials are part of its corporate branding; and
 - c.** The applicant provides all of the alternative color/materials schemes the chain or franchise has used.

- 3.** Alternative materials on façade work that does not involve an expansion of an existing building as defined in Section 9 of the UDO or constitute redevelopment if the applicant shows that:

- a.** The materials allowed in Section 7.9 cannot be utilized without a structural alteration(s) to the existing building; and
- b.** A licensed professional engineer or architect verifies in writing that a structural alteration is required to apply the permitted façade materials to the building.
- c.** The DRB may grant a variance of up to 100% from the façade articulation or roofline standards herein if the applicant shows that it is not financially or structurally feasible.

- 4.** Alternatives to the options for screening listed in Section 7.9.B may be considered.



ALTERNATIVE PARKING LOT CONCEPT

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- 5.** Alternatives to the options listed in Section 7.9.B.2 may be considered for approval provided that the alternative incorporates a minimum of two (2) architectural relief elements with spacing as required under Section 7.9.B.2.
- 6.** The DRB may approve the following alternative parking lot concept as follows:
 - a.** The area of a landscaped plaza may be credited toward the area(s) required for parking lot landscape concepts in Section 7.9.B.6 Parking Lots, provided that each of the following conditions are met:
 - 1)** A minimum of three (3) buildings must be clustered around a plaza; and
 - 2)** The area of the plaza and associated landscaping/water features/fountains shall be no less than 1800 square feet for every one hundred twenty (120) parking spaces; and
 - 3)** The clustered buildings may not be physically separated by parking spaces.

The area of the landscaped plaza shall only count toward parking spaces located directly behind the clustered buildings and plaza. The point of orientation for determining what is "behind" the clustered buildings and plaza shall be from the adjacent street with the highest rating on the Thoroughfare Plan. All other parking spaces shall meet requirements established in 7.9.B.6 Parking Lots, for minimizing visual impact of parking spaces.

The landscaping square footage calculation for parking lots greater than one hundred twenty (120) parking spaces shall be pro-rated at fifteen (15) square feet of landscaping per parking space.

H. Submittal Requirements

- 1.** When non-residential architectural standards are applicable, submitted site plans shall include the following, in addition to other site plan application requirements:
 - a.** Accurate building footprint(s);
 - b.** Mechanical screening details;
 - c.** Detention pond screening details
 - d.** Location and number of bicycle parking facilities;
 - e.** Parking lot configuration in compliance with 7.9.B.6 Parking Lots, if applicable (120 parking spaces or more);
 - f.** Additional landscaping requirements, if applicable (50,000 square feet and greater);
 - g.** Location of pedestrian walkways, if applicable (50,000 square feet and greater);
 - h.** Location and details of public plaza and amenities, if applicable (150,000 square feet and greater).
- 2.** When non-residential architectural standards are applicable, submitted building plans shall include the following, in addition to other building permit application requirements:
 - a.** Scaled building elevations for each façade, depicting the following:
 - 1)** Required architectural relief; and
 - 2)** Location of building materials.
 - b.** Accurate building footprint(s);
 - c.** Sample building materials and color details; and
 - d.** Table of vertical square footage and percentage of building materials for each façade.

7.10 Outdoor Lighting Standards

It is recognized that no design can eliminate all ambient light from being reflected or otherwise being visible from any given development; however, the following requirements shall be followed to the fullest extent possible in order to limit nuisances associated with lighting and resulting glare.

A. Applicability

All lighting within developments shall meet the requirements of this Section, except that single-family residential, duplexes, Primary & Secondary Educational Facilities containing a building with a Group "E" occupancy as defined in the International Building Code, athletic fields, and lighting not visible from the perimeter of a development are exempted.

B. Site Lighting Design Requirements

1. Fixture (luminaire)

The light source shall not project below an opaque housing. No fixture shall directly project light horizontally.

2. Light Source (lamp)

Only incandescent, florescent, metal halide, mercury vapor, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one 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. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use.

2. All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures.

Per Ordinance No. 3280 (September 9, 2010)

7.11 Outdoor Storage and Display

A. General

Outdoor storage and display is allowed in nonresidential districts in accordance with this Section. Any merchandise, material, or equipment situated outdoors and visible from the public right-of-way or adjacent properties shall be subject to the requirements of this Section. No outdoor storage or display shall be allowed to occur in required parking areas. For the purpose of this Section, outdoor storage, display, and sales shall be broken down into four types, as follows.

B. Categories of Outdoor Storage and Display

1. Outdoor Display

Outdoor display is display of items actively for sale or rent. Outdoor display shall be allowed adjacent to a principle building wall and extending to a distance no greater than five feet from the wall. In lieu of this requirement, a business may obtain site plan approval for outdoor display areas adjacent to the principal building's public entry façade. Such areas shall not exceed ten percent (10%) of the total gross floor area of the principal structure or 2,500 square feet, whichever is less. Such storage shall not be permitted to block windows, entrances, or exits, and shall not restrict pedestrian or vehicular circulation, access, or parking.

2. Permanent Outdoor Sales Areas

Merchandise may be stored or displayed on site for sale to customers. Permanent outdoor sales areas shall be enclosed by a minimum six-foot screen or wall. Such areas shall not exceed 2,500 square feet or ten percent (10%) of the total site area, whichever is less. Permanent outdoor sales areas must comply with district setback requirements. Such areas may not interfere with parking or parking lot requirements. Permanent areas open to the public for the display and/or sale of merchandise shall be shown on a site plan and will be included in parking requirement calculations.

3. Temporary Outdoor Sales and Storage

Temporary Outdoor Sales Areas, including sales tents, may be displayed for a two-week period in a calendar year. Such areas shall be clearly defined and shall not interfere with parking lot requirements. Christmas trees may be displayed for sale from November 15 to December 31.

4. General Outdoor Storage

Outdoor storage consists of all remaining forms of outdoor storage not classified above. Outdoor storage visible to the public right-of-way or adjacent properties is allowed so long as it is completely screened from view outside the site by a solid wall or fence at least six feet in height. Except for developments in the M-2 district, outdoor storage shall not exceed the height of required screening. Outdoor storage shall not be allowed within a required front setback.

C. Exceptions

1. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the restrictions of this Section. Such vehicles shall be located and displayed on a paved area that meets parking lot pavement standards and shall be screened under the same requirements for a parking lot.
2. Waste generated on-site and deposited in ordinary refuse containers shall not be considered outdoor display or storage.

D. Location of Outdoor Storage and Display

Unless specifically authorized elsewhere in the City's Code of Ordinances, all outdoor storage, display, and sales shall be located outside the public right-of-way and must adhere to the required district setbacks.

7.12 Traffic Impact Analyses

This section establishes requirements and procedures pertaining to traffic impact analyses ("TIAs"). This Article is intended to inform the applicant of the City's expectations to ensure safe and adequate access to development properties; adequate traffic flow on existing and proposed/planned roadways; and sufficient connectivity of the existing and proposed/planned roadway system attributable to their proposal. In addition this Article is intended to expedite the City's review of TIA reports, provide standard criteria for evaluating proposals, and identify some potential mitigation measures.

The TIA is intended to form the basis for design of any proposed access/roadway system to ensure coordination of the proposed land use with the transportation needs resulting there from. The City of College Station and the developer share responsibility to identify and solve transportation issues arising from land development.

College Station requires that TIAs accompany certain zoning applications and certain site plan applications. It is intended that any TIA required for any type of land development proposal will complement the overall goal of ensuring that adequate transportation facilities are in place to serve land uses by the time those uses are occupied and generating traffic. These purposes are further amplified below.

A. Purpose

1. Zoning TIA

The goal of a TIA submitted in conjunction with a zoning request is to determine the effect that uses allowed within various proposed zones will have on existing and/or any proposed/planned roadway systems, and to ensure there is a balance between future land uses and future transportation systems. Zoning applications that are required to have a TIA are evaluated using both current and long-term traffic and roadway scenarios.

The TIA will determine whether acceptable levels of service will be maintained for traffic flow within the proposed project and in its study area. Where service levels fall below acceptable standards, mitigation solutions will be analyzed for their effectiveness. A TIA for a zoning request should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the Unified Development Ordinance or the City’s Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission and the City Council shall consider the findings of the TIA in approving or disapproving zoning changes to the extent allowed by law.

2. Site Plan TIA

The goal of a TIA submitted in conjunction with a site plan is twofold: to assess the adequacy and safety of proposed access to adjacent existing or planned roadways (or designs proposed for such access or roadways); and to determine effects the site project may have on current and future land development and roadway systems in its study area. Generally, the TIA uses current and anticipated near-term traffic volumes and roadway configurations for the analysis. The process should ensure that the roadway system is, or will be, adequate to accommodate the proposed use and that safe and adequate access will be provided for travel between the site and the public roadway system.

Where the TIA shows levels of service falling below acceptable minimums on roadway systems in its study area the TIA will recommend appropriate mitigation measures and demonstrate their effectiveness. Example mitigation techniques may include adding/lengthening deceleration/turn lanes, improving driveway access, providing connectivity, and modifying traffic control devices.. Combinations of these techniques and other techniques can be considered. A TIA for a site plan should not recommend mitigation measures that are inconsistent with any traffic or roadway provisions of the Unified Development Ordinance or the City’s Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission shall consider the findings of the TIA in approving or disapproving site plans to the extent allowed by law.

B. Definitions

1. Trip Generation Rates

Trip Generation Rates are used to estimate the amount of vehicular traffic generated by proposed rezoning or a proposed site plan. For Zoning TIAs, these rates are shown by zoning district in the table below. Site plan TIAs shall use rates set forth in the latest edition of the Trip Generation Report published by the Institute of Transportation Engineers (ITE), unless said Report does not adequately address the type or intensity of the proposed land use. In this event the applicant or his agent shall submit projected vehicle trips to the Administrator. For land uses adequately represented in said Report, alternate trip generation rates shall not be accepted.

Table 1 Trip Generation: Residential Land Uses				
Zoning Classification	Maximum Units / Acre	ITE Land Use Code	Trip Rate / Unit	Trip Rate / Acre
R-4	20.0	220	0.62	12.4
R-6	30.0	220	0.62	18.6
R-7	Determined by Administrator			
P-MUD	Determined by Administrator			

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Table 2 Trip Generation: Non-Residential Land Uses				
Zoning Classification	Maximum Units/Acre*	ITE Land Use Code	Trip Rate / KSF	Trip Rate / Acre
A-P	16,000 sf	710	1.55	25
C-1	13,500 sf	820	3.75	50
C-2	16,000 sf	710	1.55	25
C-3	11,000 sf	820	3.75	40
M-1	N/A	110	N/A	7.5
M-2	N/A	120	N/A	2.2
C-U	Determined by Administrator			
R&D	N/A	760	N/A	16.8
PDD	Determined by Administrator			

* Density maximum calculated based on existing (2007) developments in the City of College Station.

2. Design Year

The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy, and shall include consideration of nearby development that has been approved and will contribute traffic volume to the proposed project’s study area.

3. Peak Periods

Peak periods relate to times of day experiencing the greatest hourly traffic flow rates. Two “peaks” are to be addressed by a TIA: The morning and afternoon peak hours (or projected peak hours) of existing (or planned) roadways serving the proposed land development. Typically roadway peak periods are between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m.

4. Base Volumes

Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy plus volumes generated by nearby future development (all phases) that has been approved by the City. When available, base data will be supplied by the City Traffic Engineer. In all cases where traffic counts are needed and are not available, the developer or his agent shall be required to collect such data according to guidelines approved by the Administrator.

5. Level of Service (LOS)

Level of Service is a measure of the extent of congestion experienced on roadways. It is measured through analysis of traffic operating conditions on roadway links and at intersections, using techniques presented in the latest edition of the Transportation Research Board’s Highway Capacity Manual.

C. Applicability

1. Zoning TIA

Any zoning request, except for certain “redevelopment” areas, requests for A-O, A-OR, R-1, R-1B, R-2, or R-3 zoning classifications which is expected to generate at least 150 vehicle trips during any peak hour period requires a TIA. Where the Comprehensive Plan designates a property as “Redevelopment” a TIA is required if the zoning request is expected to generate at least 150 vehicle trips during any peak hour period more than those generated by the currently approved use(s) on the property. A zoning request involving multiple zoning districts is required to have a TIA based on the total traffic generated for all the proposed districts. A TIA may be required for a zoning request that generates less than 150 trips in the peak hour, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.

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A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed rezoning request. In cases where a TIA is required, the rezoning application will be considered incomplete until the TIA is submitted.

2. Site Plan TIA

Any proposed development requiring site plan approval, excluding developments located in the zoning classifications of NG-1, NG-2, or NG-3, which is expected to generate at least 150 trips in any peak hour period requires a TIA. A TIA may be required for site plans that generate less than 150 trips in any peak hour period where the peaking characteristics could have a detrimental impact on the area's vehicular transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed site project. In cases where a TIA is required, the site plan application must be accompanied by the TIA.

D. Methodology

1. Professional Engineer to perform TIA

All required TIAs shall be performed by a professional engineer licensed in the State of Texas qualified to perform such analyses. Qualifications may include, but are not limited to, certification as a Professional Traffic Operations Engineer or Professional Transportation Planner by the Institute of Transportation Engineers or certification by the Texas Department of Transportation to conduct traffic engineering studies.

2. Pre-submittal Meeting

A pre-submission consultation with the Administrator is required at the time of the Pre-Application Conference to discuss whether a TIA is required and, if so, the relevant aspects thereof. The study area will be defined to include nearby land developments (existing or approved), the street network to be examined (the "study network"), and the minimum extent of analysis. In addition, details of the procedures, assumptions, data collection, and analysis methodology(ies) will be determined at this meeting. Traffic from other nearby developments that have been approved but not yet constructed will be accounted for in the TIA as determined by the Administrator. The Administrator may require other specific assumptions such as the percent of trucks to match local conditions. The City may require analyses of peak 15 minute intervals for certain types of land uses that generate major traffic surges such as, but not limited to, stadiums, movie theaters, arenas, and schools.

3. Zoning TIA Content

a. Study Area

A map(s) will delineate the TIA study area, including land areas to be considered and all existing/planned streets therein, and the "study network" (those streets and intersections requiring specific analyses). The study area shall be determined based on the geographical area most affected by the proposed zoning request as determined by the Administrator after conferring with the applicant's traffic engineer

b. Existing Zoning

A description by zoning classification of the existing zoning in the area proposed for rezoning.

c. Proposed Zoning

A description of the proposed zoning including land area by zoning classification.

d. Roadway Network

A description of the existing and proposed/planned roadways of all classifications and traffic volumes on the study network within the study area.

e. Impact Determination

An assessment of projected traffic volumes is to be made for all study network roadways, comparing those with allowable volume limits on roadways classed as collector and local, and providing a description of the volume/capacity (V/C) ratio for all roadways in the study network. In addition delay projections for signalized and unsignalized intersections in the study network will be determined. Where V/C ratios and intersection delay are the measures of effectiveness Level of Service D or better must be maintained. The analysis shall contain the following minimum information:

1) Proposed Trip Generation

Show in tabular form trip generation rates (see Table 1 or 2, as applicable) and the total trips generated based on proposed zoning.

2) Existing Trip Generation

Show in tabular form trip generation rates (see Table 1 or 2, as applicable) and the total trips generated based on existing zoning.

3) Net Increased Trip Distribution and Assignment

Show proposed trip generation minus existing trips and the calculation of new trips generated. The net increase in trips generated by the zoning request is to be added to the base volumes projected by design year. Twenty-four hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided.

4) Level of Service Analysis

Show in tabular form peak hour Level of Service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate level of service and percentage change (when compared to base volumes) for each link and intersection.

5) Neighborhood Traffic Analysis

If a proposed rezoning is projected to increase the traffic on an existing or proposed/planned minor collector or local residential roadway (street) at least ten percent (10%), a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Where the projected traffic exceeds the limits indicated in the BCS Design Guidelines, street network layout must be adjusted to lower this traffic volume.

6) Conclusions

Summarize points of conflict and congestion, identify all thoroughfare links and intersections not achieving Level of Service D or better, and the percentage change resulting from the proposed zoning change. The results of examining collector and local residential roadways, including the findings of any neighborhood traffic analysis must also be summarized.

f. Mitigation

A description of the mitigation measures proposed for achieving acceptable service thresholds shall be shown. Analysis of the study network as adjusted by the proposed measures must be documented. Traffic produced by the proposed zoning request plus traffic levels projected by the time of project occupancy should result in Level of Service D or better. Locations not meeting Level of Service D where the proposed zoning contributes five percent (5%) or more of the peak hour traffic must be mitigated by the applicant. Acceptable methods of mitigating negative traffic impacts include any one, or a combination of, the measures listed below but is not limited to those listed.

1) Modifying the zoning request so that resulting traffic volumes yield Level of Service D or better throughout the study network.

2) Modify any street network proposed as part of the development project in terms of size, layout, connectivity, intersection layouts, or location of termini with thoroughfares, or any combination of such changes.

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- 3) Limit development densities/intensities within one or more zoning classifications or land parcels to result in acceptable traffic volumes.
- 4) Making minor thoroughfare or intersection improvements, such as adding/extending or relocating turn lanes, adding/extending acceleration and/or deceleration lanes, adding non-traversable medians, relocating median openings, using special directional median openings, or using special features to facilitate safe U-turn maneuvers.

Amendments to the City’s Thoroughfare Plan shall not be accepted as a means of mitigating negative impacts, unless the proposed amendment(s) can be shown to enhance capacity and safety and will be constructed as part of the proposed land development project.

g. Planning and Zoning Commission Report

The Planning and Zoning Commission shall make a report to the City Council on all TIAs it considers in conjunction with requests for rezoning. The Planning and Zoning Commission may make a recommendation for approval, modification, or denial of the zoning case based on other planning factors in addition to its review of the TIA.

Where the identified impacts of the proposed zoning cannot be adequately mitigated, the Planning and Zoning Commission may recommend to the City Council one or more of the following actions:

- 1) Denial of the zoning case in total or in part.
- 2) Other action(s) deemed appropriate by a study made, or endorsed by, a qualified traffic engineer to mitigate negative traffic impacts.

4. Site Plan TIA Content

Submittals of TIAs for site plan projects shall include the following:

a. Study Area

A map(s) delineating the TIA study area, including land areas to be considered and all existing/planned roadways therein, and the “study network” (those roadways and intersections requiring specific analyses). The study area will be determined by identifying the geographical area most affected by the proposed development as determined by the Administrator after conferring with the applicant. In general the study area will cover all intersections through which at least ten percent (10%) of the proposed development’s site traffic passes, and shall extend to and include at least the first traffic signal in all directions if within one mile of any portion of the site. Existing roadway and intersection capacities shall be shown.

b. Existing Zoning and Development

A description of existing zoning including land area (gross and net) by zoning classification, square footage, density of hotel rooms, dwelling units, etc. Also, a description of development currently within the proposed site plan, including showing how it will be affected by the new development proposal;

c. Thoroughfare Network

A description of existing thoroughfares, signals, signal phasing and traffic volumes within the study area;

d. Proposed Development

A description of the proposed development including land area (gross and net), square footage, density of hotel rooms, dwelling units, etc. Also a description of anticipated roadway conditions expected by the date of occupancy of the proposed development shall be included.

e. Proposed Access

Identification of the proposed access driveways for the site. This shall include the location and number of lanes, proposed traffic controls, and relationship to on-site circulation features for each proposed point of access. It must also include any proposed modifications to adjacent roadways. Once the TIA and an access plan has been approved, the final location and design of all access points shall meet or exceed the current access management and roadway design policies of the entity responsible for the condition of that portion of adjacent roadway.

f. Impact Determination

A determination of the Level of Service for all roadways and intersections in the study area shall be included, as shall an evaluation of pedestrian, bicycle, and motor vehicle safety conditions along all the roadway frontage of the site. The analysis shall contain the following minimum information:

1) Proposed Trip Generation

A calculation of the total trip generation by use within the study area assuming full development and occupancy, including both peak hour and 24-hour information. Show any reductions attributed to passers-by, mixed use, etc. Show trip generation by use in tabular form with land use trip generation rates and trips generated.

2) Trip Distribution and Assignment

A calculation of trips generated by the proposed development as added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions (and the bases therefore) and assignment calculations must be provided.

3) Level of Service Analysis

A depiction shown in tabular form, twenty-four hour and peak hour volume/capacity ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, existing traffic plus projected traffic. Capacity analyzes must be shown for all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

4) Neighborhood Traffic Analysis

If the TIA calculations show that a proposed site project increases traffic on a minor collector or local residential roadway (street) by at least ten percent (10%), a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic on the affected roadways. Where the projected traffic exceeds the limits indicated in the BCS Design Guidelines mitigation to lower this traffic may be required.

5) Conclusions

A summary of findings must be reported. It must show all adjacent roadways and intersections noting those that fail to provide Level of Service D or better, and the percent increase in total traffic produced by the proposed site project. In addition the report must demonstrate that the proposed access design will provide safe and adequate access to the project site. It also must identify any safety and operational problems (e.g., driveways, sight distances, median openings, and signalization).within the study.

g. Mitigation

A description of the mitigation measures proposed for meeting acceptable traffic service thresholds shall be shown. Where the development is contributing five percent (5%) or more of the traffic at locations failing to meet Level of Service D or better the total trips should be mitigated by the applicant to low enough levels to achieve the required standard (or to pre-development levels, whichever is greater). Acceptable measures for mitigating negative traffic impacts include any one, or a combination of, those listed below.

- 1)** Modifying the density or intensity of land use, such as a reduction in square footage or the percentage of commercial use to result in traffic levels meeting Level of Service D or better;

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- 2) Phasing approval and construction of a project until additional roadway capacity becomes available;
- 3) Improving the access plan by dealing with features such as overall site arrangement, the placement and design features of access points, provision of additional access points to roadways not immediately adjacent to the property, provision of alternate controls, or adjustments in the site circulation system;
- 4) Making off-site improvements including the construction of additional lanes, increases in storage lane capacities, or modification of signalization, to list some examples.

h. Costs of Mitigation

Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the Thoroughfare Plan may be repaid by the City in accordance with its cost sharing policies.

E. Criteria for Approval

The City shall consider the following standards in determining whether a proposed rezoning or submitted site plan project meets an acceptable Level of Service:

1. Design Requirement

The proposed rezoning or site plan project is consistent with the City's adopted access management and design requirements and is consistent with the design requirements of the Texas Department of Transportation on roadways maintained by such agency.

2. Level of Service D

The desirable minimum Level of Service for the City of College Station is a Level of Service D as that term is described in the Transportation Research Board's Highway Capacity Manual.

3. Determination of Adequate Mitigation

Notwithstanding anything to the contrary herein, the appropriate Administrator and the appropriate reviewing body, where required, shall, based on recommendations by a qualified traffic engineer, determine whether adequate mitigation has occurred to meet an acceptable level of service utilizing the requirements set forth herein.

Article 8. Subdivision Design and Improvements

8.1 Purpose

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that the streets and other infrastructure must be maintained and various public services customary to urban areas must be provided. These regulations seek to protect the interests of public and private parties by granting certain rights and privileges and requiring certain obligations in association with the subdivision and development of land. The welfare of the entire community is affected in many important respects. Therefore, it is in the interest of the public, the developer, and the future landowners that the subdivisions and developments be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These regulations encourage the growth of the City of College Station in an orderly manner.

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

8.2 General Requirements and Minimum Standards of Design for Subdivisions within the City Limits

A. Suitability of Lands

The Commission shall approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is suitable for platting and development purposes of the kind proposed.

B. Zoning and Other Regulations

No plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such zoning and other pertinent regulations.

C. Reserved Strips and Tracts Prohibited

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

D. Technical Standards

All public infrastructure shall be designed and constructed in accordance with the *Bryan/College Station Unified Design Guidelines*, *Bryan/College Station Unified Technical Specifications*, *Bryan/College Station Unified Construction Details* and all other applicable local, state, and federal requirements. Hereafter, these documents shall be referred to collectively as the "*B/CS Unified Design Guidelines*." Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only streets, alleys, water, waste water, drainage, and other public infrastructure that comply with these standards for construction.

E. Streets

1. Streets on the Thoroughfare Plan

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

2. Relation to Adjoining Street System

- a. Where there is an existing street adjacent to or through the area to be subdivided, the necessary street intersections to the existing street shall be constructed.
- b. Existing and planned streets and Public Ways in adjacent or adjoining areas shall be continued in alignment therewith.
- c. When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

3. Street Projections

- a. 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 multi-family 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 external paved public streets shall be required. The Commission may allow a Remote Emergency Access where development phasing or constraints of the land prevent the provision of a second street connection. Notwithstanding the foregoing, two (2) street connections to external paved public streets shall be required when one hundred (100) or more lots are served.
- c. Three (3) street connections to external paved public streets may be required by the Commission when two hundred (200) or more lots are served.
- d. Where more than one 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. Intersections

In addition to the *B/CS Unified Design Guidelines*, proposed street and alley intersections shall meet the minimum spacing and requirements of the Access Management and Circulation section in Article 7 General Development Standards of this UDO.

6. Dead-End Streets

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

7. Cul-de-Sacs

- a. The maximum length of a cul-de-sac is based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the cul-de-sac is located. The length of a cul-de-sac is measured along the centerline of the cul-de-sac street from the center of the bulb to the edge of the nearest intersecting through street right-of-way. Cul-de-sacs shall not exceed the following lengths:
 - 1) Four-hundred and fifty feet (450') in General Suburban, Suburban Commercial, and General Commercial designations;
 - 2) Six-hundred feet (600') in Restricted Suburban and Business Park designations; and
 - 3) Seven-hundred and fifty feet (750') in Estate and Rural designations.
- b. Cul-de-sacs are not permitted in the Urban and Urban Mixed Use designations unless the proposed subdivision is surrounded by platted property and where a through street is not possible.
- c. Regardless of length, cul-de-sacs shall have no more than thirty (30) lots.

8. Geometric Standards, Street Design Criteria

- a. Streets and alleys shall be designed and constructed in accordance with the *B/CS Unified Design Guidelines*.
- b. Rural Residential subdivision streets may be constructed to either rural street standards or urban curb and gutter standards except that thoroughfares that continue beyond the boundary of a Rural Residential subdivision to an urban one shall be constructed to urban curb and gutter standards.

9. Existing Substandard Street Right-of Way

- a. Whenever an existing right-of-way is within or adjacent to a proposed subdivision and such right-of-way width is substandard, the additional width for the street shall be dedicated. For development occurring on only one 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 Administrator may reduce, increase, or eliminate the amount of right-of-way dedication based on design considerations, existing land uses, existing development on adjacent properties, and dimensions of the proposed subdivision or plat.
- c. Notwithstanding the foregoing, additional right-of-way dedication is not required for Amending Plats.

10. Street Names and Addresses

- a. Proposed streets that are extensions of existing streets shall bear the name of the existing street, unless otherwise recommended by the Administrator.
- b. New streets shall be named to prevent conflict or confusion with identical or similar names in the City, Brazos County 911 district, or the City's Extraterritorial Jurisdiction (ETJ).
- c. Streets shall not be named after any living person.

Article 8. Subdivision Design and Improvements

Section 8.2 General Requirements and Minimum Standards of Design for Subdivisions within the City Limits

- d.** A proposed street name may be disapproved if it too closely approximates phonetically the name of an existing street, is too difficult to pronounce, or carries undesirable meanings or connotations.
- e.** Street addresses shall be assigned by the Administrator.

F. Alleys

- 1.** Alleys may be required at the rear of all lots intended to be used for business purposes and residential lots fronting a thoroughfare.
- 2.** Alleys shall generally be parallel to the street that the lot it serves fronts.
- 3.** Where two (2) alleys intersect, or where an alley turns, additional width may be required to allow turning of vehicles or guying of utility poles.
- 4.** Dead-end alleys shall not be permitted, except where the alley is one hundred feet (100') or less in length or the width of one lot, whichever is less.
- 5.** Residential lots served by an alley shall only have driveway access via the alley.
- 6.** Public alleys are prohibited in Rural Residential subdivisions.
- 7.** Private alleys shall be constructed to public alley standards except that it shall be located within a common area or private access easement. The City reserves the right to not provide sanitation and fire service along private alleys.

G. Blocks

- 1.** Blocks for single-family, duplex, and townhouse lots shall be platted to provide two (2) tiers of lots with a utility easement or alley between them. A single tier of lots may be used if the lots back up to a thoroughfare, railroad, or floodplain.
- 2.** In order to provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation to areas intended for similar land use contexts, block length shall not exceed the following dimensions based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the block is located:
 - a.** Six-hundred sixty feet (660') in Urban and Urban Mixed Use designations;
 - b.** Nine-hundred feet (900') in General Suburban, Suburban Commercial, and General Commercial designations;
 - c.** One-thousand and two-hundred feet (1,200') in Restricted Suburban and Business Park designations; and
 - d.** One-thousand and five-hundred feet (1,500') in Estate and Rural designations.
- 3.** If a plat is not bounded by a public through street or other qualifying break to block length then the block length measurement shall continue to extend each way beyond the plat along the public through street until the nearest intersecting through street or qualifying break to the block is reached.
- 4.** Block perimeter shall not exceed the following dimensions based on the land use designation provided in the adopted Comprehensive Plan:
 - a.** One-thousand and six-hundred feet (1,600') in Urban Mixed Use designations; and
 - b.** Two-thousand feet (2,000') in Urban designations.
- 5.** In lieu of a public street, non-residential and multi-family 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 the property. A Public Way shall not substitute for a thoroughfare identified on the City's Thoroughfare Plan.

6. 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 zoning requirements.
- c. Lots established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or other similar facilities shall be uniquely named and are not required to meet the minimum dimensional standards for the applicable zoning district.
- d. Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.
- e. Land located within the FEMA designated floodway shall not be included within a lot intended for residential occupancy.
- f. Lots shall be laid out so as not to cross municipal, county, school district, or utility service area boundaries.
- g. A subdivision shall not cause an existing structure to encroach into the setback of a proposed lot line.
- h. Single-family, duplex, and townhouse lots shall have frontage on a public street or a private street constructed to public standard. Lots intended for other uses that do not have frontage on a public street shall provide access via a Public Way or a private access easement containing a drive that meets City fire lane standards. The construction of the private drive may be delayed until the time of site development.
- i. No single-family dwelling, townhouse, or duplex lot shall have direct access to an arterial or collector thoroughfare; however, these lots may face toward a thoroughfare if driveway access is provided via a public alley. Notwithstanding the foregoing, single-family detached lots that are at least one-hundred feet (100') in width may have direct access with the recommendation of the Administrator and approval of the Commission. Access restrictions and determinations shall be noted on the plat.

2. Platting and Replatting within Older Residential Subdivisions

- a. This section applies to a subdivision in which any portion of the proposed subdivision meets all of the following criteria:
 - 1) Such portion of the subdivision is currently zoned or developed for single-family detached residential uses as of January 1, 2002 with the exception of NG-1, NG-2, NG-3, NPO, and NCO zoning districts; and,
 - 2) Such portion of the subdivision is part of a lot or building plot that was located within the City limits when it was created on or prior to July 15, 1970. This includes lots that may have been vacated or replatted after July 15, 1970 but the original plat predates July 15, 1970.

- b. In addition to the other provisions of this UDO, no plat or replat intended to provide for the resubdivision of an existing lot or lots in a residential subdivision which meets the above criteria may be approved unless:

- 1) The plat does not create an additional lot or building plot; or
- 2) A plat which does create an additional lot or building plot must meet or exceed the average width of the lots along the street frontage for all of the lots in the block including the subject lot(s) and contain at least eight-thousand and five-hundred (8,500) square feet of space for each dwelling unit.

For the purpose of this section, a lot shall be defined to include the lot, lots and/or portions of lots that have been combined and used as a residential plot or building plot, as of July 15, 1970.

- c. It is the applicant's responsibility to provide documentation during the application process regarding the original plat in which the lot was created and/or the configuration and ownership documentation of the properties since July 15, 1970.

3. Zero Lot Line Development

The following requirements apply to all proposed subdivisions with single-family residential lot line construction.

a. Description

Zero lot line developments require planning for all house locations to be done at the same time. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots.

b. Setbacks

The side building setback shall be zero on one side of the house. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line portion of the plat. The minimum distance between all buildings within the lot line development must be fifteen feet.

c. Eaves

Eaves may project a maximum of eighteen (18) inches, excluding non-combustible gutters, over the adjacent property line.

d. Maintenance Easement

A maintenance easement shall be dedicated between the two property owners to allow for maintenance or repair of the house built on the lot line. The easement shall be unobstructed, located on the adjacent property abutting the side wall and must be a minimum of seven and one-half (7.5) feet in width. Required maintenance easements shall be shown on the recorded plat.

e. Privacy

Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three feet of the property line shall be fire-rated to meet building code requirements.

4. Cluster Development

a. General Purpose

A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density of all the lots collectively

do not exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the zoning district, though the individual lots within the development can be smaller than required in a conventional subdivision. The average lot size in a cluster development must be less than the minimum lot size of the base zoning district. Smaller lot sizes within a cluster development are required to be offset by the provision of open space as set forth below.

b. Conflict with Other Regulations

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

1) Where Allowed

Cluster developments are allowed in all residential zoning districts.

2) Approval Procedure

Cluster Developments are subject to the subdivision procedures set forth in this UDO. A note shall be provided on the plat that states the subdivision is a cluster development with additional descriptions as necessary.

3) Lot Size

There is no set minimum lot width or depth requirement within a cluster development; however, the lot size may be reduced by up to twenty-five percent (25%) as long as individual lot sizes are adequate to meet all other required density, district, and development standards.

4) Setbacks and Building Separations

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

5) Open Space

(a) Amount of Open Space

Cluster developments shall be subject to the minimum lot coverage and on-site open space standards of the base zoning district, if applicable.

(b) Common Open Space Required for Cluster Developments

i. Minimum Requirement

Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district. Common open space must be provided in an amount of at least ten percent (10%) of the gross area of the development, massed together in areas to benefit the majority of property owners as well as protecting natural amenities. The minimum common open space area must be at least equal to the difference between:

- a. The actual, average lot area per dwelling unit within the cluster development; and

- b. The required lot area per dwelling unit for conventional development within the underlying base zoning district.

ii. Use of Common Open Space

Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty percent (50%) of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.

I. Easements

1. Drainage Easements and Rights-of-Way

- a. Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, a drainage easement or right-of-way may be required in accordance with the *B/CS Unified Design Guidelines*.
- b. No construction, including fences, shall impede, constrict, or block the flow of water.
- c. A drainage easement or right-of-way shall not be considered a part of the lot area for purposes of minimum lot size requirements of this UDO.
- d. When feasible, utilities may be located within drainage easements and rights-of-way. Likewise, enclosed storm drains may be contained in utility easements. In such instances, the utility easement width must be adequate to provide space for storm drains, utilities, and maintenance access.

2. Utility Easements

a. Minimum Utility Easements

1) General Subdivisions

Except as expressly provided for otherwise in this UDO, each block that does not contain an alley shall have a utility easement at the rear of all lots. The rear utility easements shall be twenty feet (20') in width, taken ten feet (10') from each lot where the rear of the lots abut each other, and shall be continuous for the entire length of a block. These easements shall be parallel as closely as possible to the street line frontage of the block.

2) Rural Residential Subdivisions

For Rural Residential subdivisions, utility easements not less than sixteen feet (16') in width shall be provided along the front of all lots on each side of a street. Where the front easement is impractical on one side of the street, a utility easement no less than twenty feet (20') in width shall be provided on the other side of the street as determined by the City. Additionally, utility easements ten feet (10') in width shall be required along the side and rear of all lots.

b. Additional Utility Easements

Additional utility easements or additional easement width other than as described above may be required by the City Engineer or *B/CS Unified Design Guidelines* based on the number, size, configuration or depth of existing, proposed or anticipated utilities. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, the City Engineer may require twenty foot (20') width of easement along the rear of lots adjoining the

unplatted area and/or an additional ten feet (10') in width along the boundary of the subdivision or subdivision phase.

c. Improvements in Easements

Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements. Landowners may place a fence in utility easements if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement.

3. Access Easements

- a.** A private access easement shall be required to provide access to property that does not have direct frontage to a public right-of-way or a Public Way. Private access easements may also be required when shared driveway access is necessary to meet driveway spacing requirements along a public street or Public Way. Driveways in required private access easements shall be constructed to City fire lane standards and their installation may be delayed until the time of site development. When private access easements are provided, construction and maintenance responsibilities shall be assigned and noted on the plat or the recorded volume and page of the access instrument shall be referenced on the plat.
- b.** A public access easement shall be provided for a Public Way, for public sidewalks on private property, and when serving as an Access Way. Fences, gates, parking, or other obstructions that restrict or block access are prohibited.

4. Off-Site Easements

All easements outside the boundaries of a plat that are necessary for the installation of public infrastructure to serve the subdivision or development plat shall be acquired by the applicant and conveyed by an instrument approved by the City Attorney.

5. Non-Public Easements

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

J. Access Ways

- 1.** Existing and planned Access Ways in adjacent or adjoining areas shall be continued in alignment therewith.
- 2.** In Blockfaces over nine hundred feet (900') 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') in length then an additional access point to the Access Way shall be provided.

K. Sidewalks

1. Policy

Sidewalks should be located and constructed so as to provide a safe and effective means of transportation for non-vehicular traffic.

2. Required Sidewalks

- a. Sidewalks shall be required on both sides of all streets, including cul-de-sacs, except as follows or as provided elsewhere in this UDO.
- b. Where a multi-use path is shown along a street on the Bicycle, Pedestrian, and Greenways Master Plan, the sidewalk may be incorporated as part of the multi-use path.

3. Sidewalk Exceptions

Sidewalks are not required:

- a. Along a street classified on the 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. Along streets identified on the Thoroughfare Plan with an Estate/Rural context;
- c. Along new or existing streets within a Rural Residential subdivision constructed to the rural section; or
- d. Along existing residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

4. Standards

Sidewalks shall be constructed in accordance with the following criteria:

- a. The *B/CS Unified Design Guidelines* and all applicable state and federal requirements;
- b. Consistent with the minimum standards necessary to meet the projected non-vehicular traffic demand in the area;
- c. Sidewalks shall maintain a minimum clear width as set forth in the *B/CS Unified Design Guidelines*; and
- d. All sidewalks shall terminate into streets or driveways with ambulatory ramps.

5. Timing of Construction

Except as set forth below, all required sidewalks must be constructed concurrently with the street, or if the street is already constructed prior to acceptance of all public improvements.

a. Residential Subdivisions

At the time of final plat application, the subdivider may opt to defer the construction of sidewalks on residential streets along single-family, duplex, or townhouse lots for up to one year from approval of the final plat when the subdivider provides a bond or surety in accordance with Section 8.6 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure. The subdivider shall provide a sidewalk plan with the final plat construction documents and installation of the sidewalks shall comply with this plan. Notwithstanding the foregoing, this provision does not allow the deferment of the construction of sidewalks along thoroughfares, sidewalk ramps at all street intersections, and sidewalks along residential streets that are not adjacent to a residential lot such as along a common area, creek

crossing, or park. Other pedestrian facilities such as Access Ways and multi-use paths shall be constructed at the same time as the public infrastructure of the plat.

b. Fee in Lieu of Construction

1) Fee in Lieu

Except for development located within the Northgate zoning districts, a developer may request to pay a fee in lieu of constructing the sidewalk(s) required in this Section upon approval by the Planning and Zoning Commission as set forth below.

2) Amount of Fee

The amount of fee in lieu of sidewalk construction shall be a unit cost determined by the City Engineer based upon current estimated costs. The unit cost fee shall be kept on file in the Office of Planning and Development Services and made available to the public upon request. The unit cost fee calculation shall be reviewed at least annually by the City Engineer and adjusted as necessary.

3) Criteria to Allow Fee in Lieu

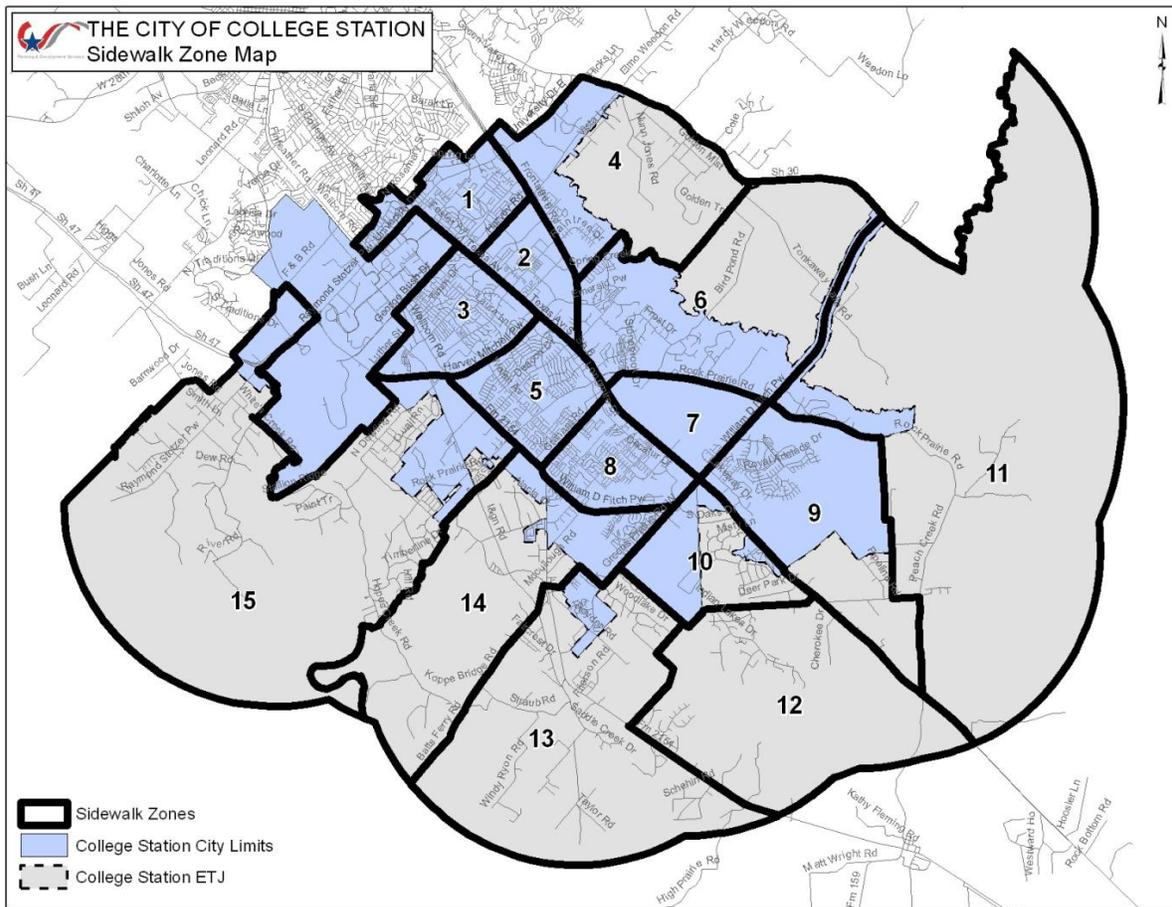
The Planning and Zoning Commission may authorize a fee in lieu of sidewalk construction when it determines that one or more of the following conditions exists:

- (a) An alternative pedestrian way or multi-use path has been or will be provided outside the right-of-way;
- (b) The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements contained herein is not physically feasible or is not in keeping with the purposes and goals of this UDO or the City's Comprehensive Plan;
- (c) A capital improvement project is imminent that will include construction of the required sidewalk. Imminent shall mean the project is funded or projected to commence within twelve (12) months;
- (d) Existing streets constructed to rural section that are not identified on the Thoroughfare Plan with an Estate/Rural context;
- (e) When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, Greenways Master Plan;
- (f) The proposed development is within an older residential subdivision meeting the criteria in Section 8.2.H.2 Platting and Replatting within Older Residential Subdivisions of this UDO; or
- (g) The proposed development contains frontage on a Freeway/ Expressway as designated by Map 6.6, Thoroughfare Plan-Functional Classification, in the City's Comprehensive Plan.

4) Use of Fee

The City Council hereby establishes sidewalk zones as show in the map attached as Figure 1 of this section and which map shall be kept in the Office of Planning and Development Services and made available to the public upon request. Fees collected in lieu of sidewalk construction shall be expended in the sidewalk zone within which the proposed development is located. Fees collected in lieu of sidewalk construction shall be used only for construction, reconstruction, or land acquisition costs associated with sidewalks, multi-use paths, and other non-vehicular ways.

Figure 1 – Sidewalk Zone Map



5) Reimbursement

The City may, from time-to-time, acquire land for sidewalks or make sidewalk improvements related to actual or potential development. If this occurs, the City may require subsequent sidewalk obligations to be a fee rather than construction in order to reimburse the City for the cost associated with acquisitions or construction.

6) Fee Due

Fees paid pursuant to this Section shall be remitted to the City when the guarantee of construction of public improvements for the proposed development is due or upon commencement of construction, whichever occurs first.

7) Special Fund; Right to Refund

All fees received by the City in lieu of sidewalk construction shall be deposited in a fund referenced to the sidewalk zone to which it relates. The City shall account for all fees in lieu of sidewalk construction paid under this Section with reference to the individual development involved. Any fee paid for such purposes must be expended by the City within seven (7) years from the date received by the City. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum. The owners of such property

must request a refund within one (1) year of entitlement, in writing, or such refund will be barred.

L. Bicycle Facilities

1. General

Bicycle facilities are planned and located to provide connectivity to the existing street network, parks, schools, greenways, neighborhoods, and other key destinations; increase safety; and promote health and wellness.

2. Timing

Bicycle facilities shall be required in accordance with the Bicycle, Pedestrian and Greenways Master Plan and the *B/CS Unified Design Guidelines* and constructed along with other public infrastructure required pursuant to this UDO.

3. Types of Bicycle Facilities

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

- a. Multi-use Path: a facility completely separated from auto traffic and within an independent right-of-way or within the right-of-way of another public facility;
- b. Bike Lane: a facility where part of the roadway or shoulder is striped, signed, and marked for exclusive or preferential bicycle use and where vehicular parking is not permitted, unless otherwise specified; and
- c. Bike Route: a facility designated by signing and sometimes pavement markings to help make motorists aware of the presence of bicycles which share the same area with motor vehicles.

4. Geometric Design Criteria

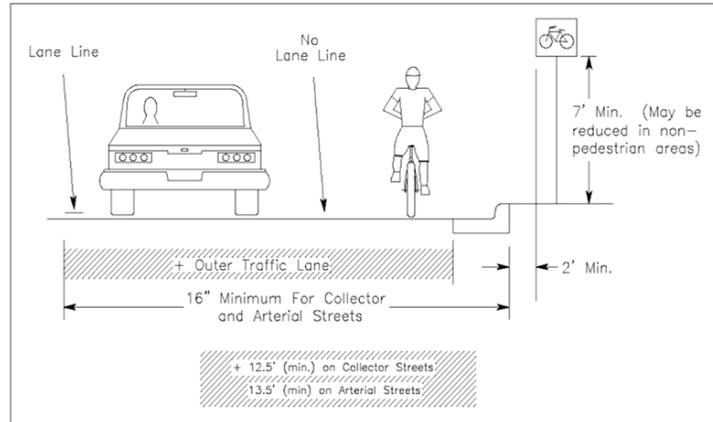
All facilities shall be designed to meet or exceed standards set forth in the "Guide for Development of Bicycle Facilities" published by the American Association of State Highway and Transportation Officials (AASHTO) and the *B/CS Unified Design Guidelines*. Signing and pavement markings for such facilities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

a. Bike Routes

Bike routes shall be indicated as follows:

- 1) The placement of bike route signing and shared lane pavement markings identifies bicycle-compatible streets that will serve as bike routes;
- 2) A minimum of sixteen-foot (16') of the outer lane of streets measured from the outer lane line to the back of curb shall be required for bike routes. A typical bicycle route street is shown in Figure 1; and
- 3) Bike route signing should not end at a barrier. Information directing the bicyclist around the barrier should be provided.

**FIGURE 1
BIKE ROUTE/BICYCLE COMPATIBLE STREET**



b. Bike Lanes

Bike lanes shall be as follows:

- 1) The bike lane is located within the vehicular roadway in the outside lane and is intended for the exclusive use of bicycles. Bike lanes in the City of College Station must be developed as one-way facilities and carry traffic in the same direction as adjacent motor vehicle traffic; and
- 2) In general, parking in bike lanes is prohibited. However, parking may be permitted in a bike lane in specific areas during specified times. Where parking in a bike lane is permitted, signs shall be installed to provide notice to bicyclists of when parking is allowed. Parking in a bike lane shall be limited primarily to spillover parking for public uses or events, but parking for non-public uses may also be considered.

c. Multi-Use Paths

The criteria for multi-use paths is as follows:

- 1) Multi-use paths should be located primarily in greenways, parks, or occasionally within street rights-of-way. If a multi-use path is to be located in the right-of-way of a street, there should be a minimum of five feet (5') separating the multi-use path from the roadway;
- 2) The standard width for a two-way multi-use path shall be ten feet (10'). In areas with projected high volumes of use, multi-use paths shall be twelve feet (12') wide;
- 3) The minimum width of a one-directional bicycle path is five feet (5'). It should be recognized, however, that one-way bicycle paths often will be used as two-way facilities unless effective measures are taken to assure one-way operation. Without such enforcement, it should be assumed that bicycle paths will be used as two-way facilities and designed accordingly;
- 4) A minimum of three-foot (3') 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') in width.

M. Water Facilities

1. All subdivisions shall have access to water supply and distribution systems for adequate fire protection and domestic use. All water mains, distribution and service lines shall be provided to each lot and constructed in accordance with the *B/CS Unified Design Guidelines* and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only water mains, distribution and service lines that comply with these standards for construction.
2. Water mains within the City of College Station Certificate of Convenience and Necessity (CCN) areas shall be extended in accordance with Chapter 11, Utilities, of the College Station Code of Ordinances.
3. Where a subdivision contains a water line as shown on the Comprehensive Plan of the City, such water line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
4. Water distribution lines shall be extended from the nearest City approved point of connection to the furthest boundary line of the platted subdivision.
5. For water systems that are not part of the City of College Station's water utility, the subdivider shall provide a letter with the construction documents from the non-City utility that the non-City utility is able to properly serve the proposed subdivision. Construction of all water facilities within a subdivision must comply with the *B/CS Unified Design Guidelines*. Plans for such systems will be subject to City review and inspection. City involvement with such water system ends at the sanitization of the line.

N. Waste Water Facilities

1. All subdivisions shall have access to waste water facilities. All collection mains and service lines shall be provided to each lot and constructed in accordance with *B/CS Unified Design Guidelines* and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall accept for public use only waste water facilities that comply with these standards for construction.
2. Waste water mains within the City of College Station Certificate of Convenience and Necessity (CCN) areas shall be extended in accordance with Chapter 11, Utilities, of the College Station Code of Ordinances.
3. Where a subdivision contains a waste water line as shown on the Comprehensive Plan of the City, such waste water line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
4. For waste water systems that are not part of the City of College Station's waste water utility, the subdivider shall provide a letter with the construction documents from the non-City utility that the non-City utility is able to properly serve the proposed subdivision. Construction of all waste water facilities within a subdivision must comply with the *B/CS Unified Design Guidelines*. Plans for such systems will be subject to City review and inspection. Waste water lines for these systems that are outside the subdivision are not required to meet City standards.
5. **Alternate Waste Water Facilities**
 - a. If waste water main extension is exempted as per Chapter 11, Utilities, of the College Station Code of Ordinances or if the subdivision is located outside of the City of College Station CCN or otherwise not served by the City, the subdivider may provide temporary alternative waste water disposal as follows and as may be conditioned by Chapter 11, Utilities, of the College Station Code of Ordinances or otherwise:

1) Organized Waste Water Collection and Treatment System

A subdivider may have a proposed subdivision served by a non-City organized waste water collection and treatment system. Such system must be permitted to dispose of wastes by the Texas Commission on Environmental Quality (TCEQ) in accordance with 30 TAC Chapter 305 and obtain approval of engineering, planning and materials for such systems under 30 TAC Chapter 317 from the TCEQ prior to approval of the final plat by the Planning & Zoning Commission.

2) On-Site Sewage Facilities

A subdivider may have a proposed subdivision served by on-site sewage facilities as set forth below:

- (a) On-site facilities which serve single family or multi-family residential dwellings with anticipated waste water generation of no greater than five-thousand (5,000) gallons per day must comply with 30 TAC Chapter 285 and other applicable law;
- (b) Proposals for sewerage facilities for the disposal of sewage in the amount of five-thousand (5,000) gallons per day or greater must comply with 30 TAC Chapter 317 and other applicable law;
- (c) The Brazos County Health Department shall review proposals for on-site sewage disposal systems and make inspection of such systems as necessary to assure that the system is in compliance with the *Texas Health and Safety Code*, Chapter 366 and rule in 30 TAC Chapter 285, and in particular §§285.4, 285.5, and 285.30 – 285.39 and any other applicable rules or regulations within the purview of such department; and
- (d) In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

b. Sanitary Sewer Master Plan

A gravity sanitary sewer master plan shall be designed for subdivisions that contain lots that are two (2) acres and smaller and that utilize alternative waste water disposal methods. This master plan is required to assure that all lots, at some future date, can be connected by gravity service line to the future sewer collection system. Adequately sized sewer lines shall be provided within the subdivision's sewer master plan such that they conform to the City's Utility Master Plan. All lines designed within this master plan shall meet the *B/CS Unified Design Guidelines* and all applicable state and federal regulations. This master plan shall consist of: verbiage explaining all design assumptions, plan and profile layouts of all future gravity lines to be constructed within the subdivision, and a minimum finished floor elevation established for each lot to assure a connection to the future gravity sewer collection system. All minimum finished floors established by this master plan shall be placed on the respective lots on the final plat.

O. Special Flood Hazard Areas

All development encroaching into a FEMA special flood hazard area shall be in accordance with the *B/CS Unified Design Guidelines*, Chapter 13 Flood Hazard Protection Ordinance, and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall only accept improvements for public use that comply with these standards for construction.

P. Drainage

1. All drainage shall be in accordance with the *B/CS Unified Design Guidelines*, Chapter 13 Flood Hazard Protection Ordinance, and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer. The City shall only accept improvements for public use that comply with these standards for construction.
2. Rapid conveyance, the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation, as provided in the *B/CS Unified Design Guidelines* and as may be required and approved by the City.
3. No construction shall impede, constrict, or block, the flow of water in any drainage pathway.
4. **Lot Grading**
 - a. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed so as to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot. Subsequent permits for each lot shall comply with the approved grading plan.
 - b. All single-family residential lots must be graded to meet the elevation of adjoining property with positive drainage. Multi-family and non-residential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls.

Q. Gas or Oil Lines

1. Identification

High pressure flammable gas or fuel lines are defined as those which are operated or may be expected in the future to operate at a pressure of over sixty (60) pounds per square inch. High pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of thirty inches (30"), and shall be marked by an all-weather typed sign, installed at each crossing and at intervals of not more than three hundred feet (300'). The signs shall be installed by the utility company, state that the line is high pressure, identify the utility company name, provide an emergency phone number, and state the type of product or products transported therein.

2. Notification to Utility Company

The subdivider shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification to the City Engineer.

R. Street Lights

1. General Standards

- a. Street lights shall be designed and installed according to the utility standards in effect at the time of subdivision construction or addition thereto.
- b. The quantity, size, and type of street light pole and fixture shall be selected by the subdivider from the approved City of College Station street light standards.

Article 8. Subdivision Design and Improvements

Section 8.2 General Requirements and Minimum Standards of Design for Subdivisions within the City Limits

- c.** The subdivider shall furnish public utility easements for the installation of street lights, with said easements to normally be five feet (5') in width.
- d.** Where underground electric service is provided, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed. Where overhead electric service is provided, street lighting and site lighting equipment may be placed overhead or underground.

2. Street Light Locations

- a.** Street lights shall normally be required at all street intersections and Access Ways, in cul-de-sacs, and at approximately three hundred feet (300') intervals along tangent streets.
- b.** In Rural Residential subdivisions, street lights are only required at street intersections and at the end of cul-de-sacs greater than three hundred feet (300') in length. The subdivider may request additional street lights at other locations within the subdivision, provided the frequency does not exceed the general subdivision location standards recited above.

3. Installation and Maintenance

- a.** The subdivider or his authorized construction representative shall be responsible for furnishing and installing all street light facilities in accordance with the electric utility's design and specifications and this UDO. All conduit installations shall be inspected prior to acceptance for conformance with the utility specifications.
- b.** Street lights shall be owned and maintained by electric utility provider with Certificate of Convenience and Necessity (CCN) for that area.
- c.** The electric utility provider shall not be responsible for the installation or maintenance of street lights on alleys, private streets or drives.

S. Electric Facilities

- 1.** All subdividers shall ascertain which electric utility is certificated to serve the proposed subdivision. The electric utility design and facilities must meet all applicable City ordinances.
- 2.** The electric utility will design the electrical system to all lots within a subdivision.
- 3.** All electric utility service shall be installed underground in all subdivisions. All lateral electric lines and service lines supplying electric utility service shall be placed underground except Rural Residential subdivisions may have lateral electric lines and service lines supplying electric utility service placed overhead.
- 4.** Overhead feeder lines may be placed in the following locations:
 - a.** Along the perimeter of a platted subdivision;
 - b.** Adjacent to or within the right-of-way of thoroughfares identified on the current Thoroughfare Plan of the City of College Station and approved for the location of overhead utilities; and
 - c.** Within alleys or dedicated easements identified for the location of aerial utility feeder lines on the approved subdivision plat.
- 5.** The subdivider shall dedicate public utility easements upon forms approved by City for the installation of electric utilities. All liens and other ownership interests shall be subordinated to the easement use.

Article 8. Subdivision Design and Improvements

Section 8.2 General Requirements and Minimum Standards of Design for Subdivisions within the City Limits

- 6.** Where electric service is placed underground, all auxiliary equipment for such service, including but not limited to transformers, junction enclosures and switching devices, shall be pad-mounted on grade or shall be placed underground.
- 7.** Where the electric service is placed underground, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed. The City or the electric utility shall not be responsible for the installation or maintenance of street lights on alleys, private streets or drives.
- 8.** The subdivider shall be responsible for the costs and installation of all conduit needed for underground feeder, lateral, and service lines utilized to provide electric utility service to the subdivision. The developer of a platted lot shall be responsible for the costs and installation for the service conduit for such platted lot. The specifications for the conduit shall be provided by the electric utility prior to installation. All conduit installations shall be inspected prior to acceptance for conformance to utility specifications.
- 9.** Temporary utility service may be provided via overhead line extension.
- 10.** The subdivider shall contact the appropriate electric utility provider to determine any additional requirements.

T. Monuments and Corner Markers

- 1.** All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch (1/2") steel rod, two feet (2') in length, set in the center of a concrete monument six inches (6") in diameter and thirty inches (30") 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") steel rod or three-fourths inch (3/4") pipe, two feet (2') in length, shall be driven flush with the ground surface to mark the corners of all lots.

U. Owners Associations for Common Areas and Facilities

- 1.** A Homeowners Association or Property Owners Association ("Owners Association") shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair and maintenance of all common areas, fences, walls, gate equipment, landscaping, and all other common facilities, including private streets and sidewalks, which are part of the subdivision (the "Common Facilities").
- 2.** The Owners Association shall prepare and file for record a legal instrument establishing a plan for the use and permanent repair and maintenance of the Common Facilities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purpose and shall provide that the Owners Association hereby unconditionally and irrevocably agrees to indemnify, defend and hold the City and the City's officials, agents, employees and contractors harmless, from and against any loss, liability, demand damage, judgment, suite, claim deficiency, interests, fee, charge, cost or expense (including, without limitation, interest, court cost and penalties, attorney's fees and disbursement and amounts paid in settlement, or liabilities resulting from any charge in federal, state or local law or regulation or interpretation hereof) of whatever nature, even when caused in whole or in part by the City's negligence or the joint or concurring negligence of the City and any other person or entity, which may result or to which the City and/or any of the City's officials, agents, employees and contractors may sustain, suffer, incur or become subject to in connection with or arising in any way whatsoever out of the maintenance, repair use or occupation of the Common Facilities, or any other activity of whatever nature in connection therewith, or

arising out of or by reason of any investigation, litigation or other proceedings brought or threatened, arising out of or based upon the operation, management, maintenance, repair and use of the Common Facilities, or any other activity in the subdivision.

3. The budget for the Owners Association shall include a fund reserved for the repair and maintenance of Common Facilities in the amount approved by the city staff.

V. Private Streets and Gating of Roadways

1. General Requirements

The following applies to platting of roadways:

- a. Gating of a public roadway is prohibited.
- b. Streets required to meet block length, block perimeter, or street projection requirements shall not be private or gated.
- c. Private driveways are considered public roadways for the purpose of gating requirements herein.
- d. Vehicular access shall be provided on all private and public roadways at all times for police, fire, city inspection, mail delivery, garbage pickup, dial-a-rides, utility, school buses, and other health and safety related vehicles. Access must not require drivers to exit their vehicle.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the City's Thoroughfare Plan. A private street may not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian and Greenways Master Plan.
- f. The gate design and implementation shall be such that it does not pose a threat to public health, safety and welfare as determined by the City.

2. Owners Association Requirements

- a. All property owners within an existing residential area that is proposed to be gated or have private streets shall agree to become members of an operative Owners Association.
- b. The legal instrument establishing the Owners Association must provide for a street maintenance agreement and reserve fund as well as written permission for the City's access to the subdivision all of which must be submitted for approval by the City Attorney prior to the submission of the final plat.
- c. The City must have access to private roadways at any time without liability when on official business. This includes permission to remove obstructions including any gate and guard (house) upon non-compliance by the Owners Association of any terms of this ordinance or as necessary for the emergency vehicle access. In the event the City must remove obstructions to access the development, the Owners Association will be assessed all costs substantially associated therewith.
- d. In the event the City deems that substantial repairs to private street(s) within a gated community are necessary in order to ensure safe access and passage for emergency service vehicles, the City will notify the Owners Association and a public hearing before the City Council will be set for input on the projected repairs. Should the Owners Association fail to provide the satisfactory repairs deemed necessary in a time frame set by the City at the public hearing, then the City will make the necessary repairs and assess the Owners Association all costs borne by the City in repair of the private street(s). Should the Owners Association fail to reimburse the City within 90 days, the Owners Association shall be subject to lien and possibly foreclosure of all assets including but not limited to the maintenance reserve fund.

3. Geometric Design Guidelines

The following applies to the design of private roadways:

- a.** Private streets shall be constructed to public street standards but located within a common area, private right-of-way, or private access easement.
- b.** The gate(s) may not be placed on a public right-of-way or easement.
- c.** All gate mechanical or manual operating functions shall meet Fire Department requirements and provide passage with unobstructed vertical clearance.
- d.** The throat depth for a gated entry way shall meet the following requirements (Ref. Figures 1 & 2):
 - 1)** A minimum of twenty feet (20') for one (1) residential single-family lot.
 - 2)** A minimum of sixty feet (60') for up to twenty-five (25) single-family lots.
 - 3)** A minimum of one-hundred feet (100') for twenty-six (26) single-family lots or greater.
- e.** Gated entry ways shall provide adequate access for pedestrians and bicycles.
- f.** Gated entry ways to subdivisions shall provide adequate turnaround areas for vehicles that are denied access in order to prevent backing into a public street. (Ref. Figures 1 & 2)
- g.** The gated entry way driveway pavement widths to subdivisions, for both egress and ingress, shall be a minimum of twenty feet (20') per driveway and are required to provide a minimum four feet (4') center median. (Ref. Figures 1 & 2)
- h.** The gated area shall provide a minimum unobstructed vertical clearance of fourteen feet and six inches (14'-6") from finished roadway surface over the entire width of the entry roadway.
- i.** Public safety elements and signing shall be included in the gate entry way design.

4. Converting Private Streets to Public Streets

The following is required when converting private streets to public streets:

- a.** Upon a written request signed by duly authorized Owners Association officers and submitted to the City Council of the City of College Station, dedication of private streets to the public may be accomplished providing the private streets are brought up to City standards for public streets and the City Council has agreed to accept the streets.
- b.** The written request by the Owners Association officers will be accompanied by a petition containing the signatures of the owners of 100% of the existing lots in the subdivision, except when in the public interest.
- c.** All repairs or reconstruction of private streets to City standards must be accepted by the City prior to conversion. All conversion dedication costs will be paid by the Owners Association.

5. Existing Gates

Any gate as defined by this Section existing at the time of adoption of these provisions (Ordinance #2280) which has received an approval from either the City or the County is deemed exempt from the requirements of this Section except when the City must remove such gates in order to ensure the access for the immediate health, safety, and welfare of the public. The Owners Association responsible for such gate assumes all costs associated therewith.

Article 8. Subdivision Design and Improvements

Section 8.2 General Requirements and Minimum Standards of Design for Subdivisions within the City Limits

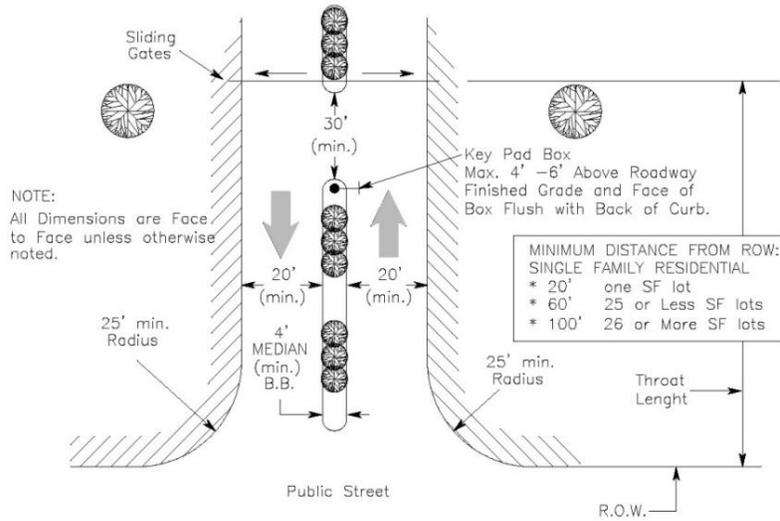


FIGURE 1

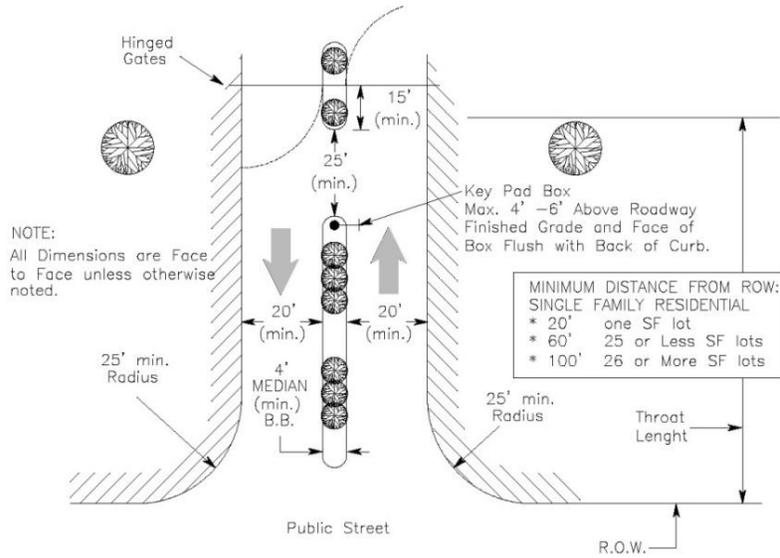


FIGURE 2

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

Article 8. Subdivision Design and Improvements

Section 8.3 General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction

8.3 General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction

The following sets forth standards of design for subdivisions situated within the City of College Station Extraterritorial Jurisdiction:

A. Reserved Strips and Tracts Prohibited

A plat shall not provide reserved strips or tracts of land. In addition, the effect of 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.

B. Technical Standards

All public infrastructure shall be designed and constructed in accordance with the *Bryan/College Station Unified Design Guidelines*, *Bryan/College Station Unified Technical Specifications*, *Bryan/College Station Unified Construction Details* and all other applicable local, state, and federal requirements. Hereafter, these documents shall be referred to collectively as the "*B/CS Unified Design Guidelines*." Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer.

C. Streets

1. Streets on the Thoroughfare Plan

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

2. Relation to Adjoining Street System

- a. Where there is an existing street adjacent to or through the area to be subdivided, the necessary street intersections to the existing street shall be constructed.
- b. Existing and planned streets in adjacent or adjoining areas shall be continued in alignment therewith.
- c. When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

3. Street Projections

- a. 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.

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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 external paved public streets shall be required. The Commission may allow a Remote Emergency Access where development phasing or constraints of the land prevent the provision of a second street connection. Notwithstanding the foregoing, two (2) street connections to external paved public streets shall be required when one hundred (100) or more lots are served.
- c. Three (3) street connections to external paved public streets may be required by the Commission when two hundred (200) or more lots are served.
- d. Where more than one 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. Intersections

In addition to the *B/CS Unified Design Guidelines*, proposed street intersections shall meet the minimum spacing and requirements of the Access Management and Circulation section in Article 7 General Development Standards of this UDO.

6. Dead-End Streets

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

7. Cul-de-Sacs

Cul-de-sacs shall not exceed seven-hundred and fifty feet (750') in length. The length of a cul-de-sac is measured along the centerline of the cul-de-sac street from the center of the bulb to the edge of the nearest intersecting through street right-of-way.

8. Geometric Standards, Street Design Criteria

Streets shall be designed and constructed in accordance with the *B/CS Unified Design Guidelines* with the following modifications:

- a. Local streets shall be constructed to the rural residential street standards with a minimum right-of-way width of seventy feet (70'); and
- b. All thoroughfares, regardless of classification, shall be constructed to the rural collector standard with a minimum right-of-way width of one-hundred feet (100') or larger if the thoroughfare classification requires additional right-of-way width.

9. Existing Substandard Street Right-of Way

- a. Whenever an existing right-of-way is within or adjacent to a proposed subdivision and such right-of-way width is substandard, the additional width for the street shall be dedicated. For development occurring on only one side of such a roadway, the amount dedicated shall generally equal one-half (½) of the deficiency in width based on the classification and type of street, as measured from the existing centerline of the right-of-way. If the parcel(s) on the opposite side of the right-of-way previously dedicated a portion, the proposed plat shall dedicate the remaining width. If the opposite side of the

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right-of-way has a permanent constraint such as a railroad right-of-way or conservation easement, the full width of the deficiency may be required.

- b.** The Administrator may reduce, increase, or eliminate the amount of right-of-way dedication based on design considerations, existing development on adjacent properties, and dimensions of the proposed subdivision or plat.
- c.** Notwithstanding the foregoing, additional right-of-way dedication is not required for Amending Plats.

10. Street Names and Addresses

- a.** Proposed streets that are extensions of existing streets shall bear the name of the existing street, unless otherwise recommended by the Administrator.
- b.** New streets shall be named to prevent conflict or confusion with identical or similar names in the City, Brazos County 911 district, or the City's Extraterritorial Jurisdiction (ETJ).
- c.** Streets shall not be named after any living person.
- d.** A proposed street name may be disapproved if it too closely approximates phonetically the name of an existing street, is too difficult to pronounce, or carries undesirable meanings or connotations.

D. Alleys

Public alleys are prohibited in the extraterritorial jurisdiction.

E. Blocks

- 1.** In order to provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation, block length shall not exceed one-thousand and five-hundred feet (1,500').
- 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.
- 3.** Block length shall not require a new street to enter the face of a block when the surrounding area of the block is subdivided so that a through movement is not possible or a new block cannot be created.

F. Lots

- 1.** Lots shall be identified in numerical order within a block.
- 2.** Lots shall be a minimum of one (1) acre in size.
- 3.** Lots shall be at least one-hundred feet (100') in width as measured at the street; except for lots around the bulb of a cul-de-sac shall be at least seventy-five feet (75') in width.
- 4.** Lots established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or other similar facilities shall be uniquely named and are not required to meet the minimum lot size or lot width.
- 5.** Side lot lines shall be substantially right angle to straight right-of-way or radial to the curved right-of-way.
- 6.** Lots shall be laid out so as not to cross municipal, county, school district, or utility service area boundaries.

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G. Easements

1. Utility Easements

a. Minimum Utility Easements

Utility easements not less than sixteen feet (16') in width shall be provided along the front of all lots on each side of a street. Where the front easement is impractical on one side of the street, a utility easement no less than twenty feet (20') in width shall be provided on the other side of the street. Utility easements ten feet (10') in width shall be required along the side and rear of all lots.

b. Additional Utility Easements

Additional utility easements or additional easement width other than as described above may be required by the City Engineer or *B/CS Unified Design Guidelines* based on the number, size, configuration or depth of existing, proposed or anticipated utilities. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, the City Engineer may require twenty foot (20') width of easement along the rear of lots adjoining the unplatted area or ten feet (10') in width along the boundary of the subdivision or subdivision phase.

2. Off-Site Easements

All easements outside the boundaries of a plat that are necessary for the installation of public infrastructure to serve the subdivision or development plat shall be acquired by the applicant and conveyed by an instrument approved by the City Attorney.

H. Access Ways

Public Access Ways are prohibited in the extraterritorial jurisdiction.

I. Sidewalks

Public sidewalks are prohibited in the extraterritorial jurisdiction.

J. Bicycle Facilities

Public bicycle facilities are prohibited in the extraterritorial jurisdiction.

K. Water Facilities

- 1.** All subdivisions shall have access to water supply and distribution systems for adequate fire protection and domestic use. All water mains, distribution and service lines shall be provided to each lot and constructed in accordance with the *B/CS Unified Design Guidelines* and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer.
- 2.** Water mains within the City of College Station Certificate of Convenience and Necessity (CCN) areas shall be extended in accordance with Chapter 11, Utilities, of the College Station Code of Ordinances.
- 3.** Where a subdivision contains a water line as shown on the Comprehensive Plan of the City, such water line shall be designed and installed to maintain continuity in the approximate location as shown, and of the size indicated.
- 4.** Water distribution lines shall be extended from the nearest City approved point of connection to the furthest boundary line of the platted subdivision.
- 5.** For water systems that are not part of the City of College Station's water utility, the subdivider shall provide a letter with the construction documents from the

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non-City utility that the non-City utility is able to properly serve the proposed subdivision. Construction of all water lines within a subdivision must comply with the *B/CS Unified Design Guidelines*. Water lines for these systems that are outside the subdivision are not required to meet City standards.

L. Waste Water Facilities

1. Private Septic Systems

On-site sewage disposal systems (private septic systems) shall be designed to and meet all requirements of the County Health Department. These systems shall be licensed through the same agency and the license shall be kept current. A note shall be provided on the plat indicated such as above.

2. Gravity Sanitary Sewer System

Gravity Sanitary Sewer Systems shall be in accordance with the *B/CS Unified Design Guidelines* and all applicable state and federal requirements.

M. Special Flood Hazard Areas

All FEMA special floodplain hazard areas shall be according to the requirements, jurisdiction, and enforcement of the applicable county regulations.

N. Drainage

1. All drainage shall be in accordance with the *B/CS Unified Design Guidelines* and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the City Engineer.

2. Rapid conveyance, the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation, as provided in the *B/CS Unified Design Guidelines* and as may be required and approved by the City.

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

4. Lot Grading

Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed so as to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot.

O. Gas or Oil Lines

1. Identification

High pressure flammable gas or fuel lines are defined as those which are operated or may be expected in the future to operate at a pressure of over sixty (60) pounds per square inch. High pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of thirty inches (30"), and shall be marked by an all-weather typed sign, installed at each crossing and at intervals of not more than three hundred feet (300'). 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.

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2. Notification to Utility Company

The subdivider shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification to the City Engineer.

P. Street Lights

Public street lights are prohibited in the extraterritorial jurisdiction.

Q. Electric Facilities

1. All subdividers shall ascertain which electric utility is certificated to serve the proposed subdivision.
2. Electric utility facilities may be installed underground or overhead.
3. The subdivider is responsible for contacting the appropriate electric utility provider to determine any additional requirements.

R. Monuments and Corner Markers

1. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch (1/2") steel rod, two feet (2') in length, set in the center of a concrete monument six inches (6") in diameter and thirty inches (30") 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") steel rod or three-fourths inch (3/4") pipe, two feet (2') in length, shall be driven flush with the ground surface to mark the corners of all lots.

S. Owners Associations for Common Areas and Facilities

1. A Homeowners Association or Property Owners Association ("Owners Association") shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair and maintenance of all common areas, fences, walls, gate equipment, landscaping, and all other common facilities, including private streets and sidewalks, which are part of the subdivision (the "Common Facilities").
2. The Owners Association shall prepare and file for record a legal instrument establishing a plan for the use and permanent repair and maintenance of the Common Facilities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purpose.

T. Private Streets and Gating of Roadways

1. Gating of a public roadway is prohibited.
2. Streets required to meet block length or street projection requirements shall not be private or gated.
3. A private street may not cross an existing or proposed public thoroughfare as shown on the City's Thoroughfare Plan. A private street subdivision will not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian and Greenways Master Plan.
4. Private streets shall be constructed to public street standards but located within a common area, private right-of-way, or private access easement.

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5. All other private or gated street requirements shall be according to applicable county regulations.

U. City Participation

The City will not participate in the cost of the subdivision or utilities outside the City limits, including garbage collection and street maintenance except for utilities dedicated to the City of College Station with a Development Agreement. Such utility service shall be in accordance with City Council Resolution #2-9-2006-13.04 (as amended) Regarding the Extension of Water and Sewer Utility Services to Properties within the Extraterritorial Jurisdiction (ETJ).

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

8.4 Waiver of Subdivision Standards

- A.** The Commission may authorize a waiver from the regulation when, in their opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Commission shall prescribe only conditions that it deems not prejudicial to the public interest. In making the findings hereinbefore required, the Commission shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No waiver shall be granted unless the Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land;
2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this chapter; and
4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDO

- B.** Such findings of the Commission shall be incorporated into the official minutes of the meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured and substantial justice done.

C. Waiver from Water Flow Requirements

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

D. Waiver from Lot Size

A waiver to lot size provisions set out in the Extraterritorial Jurisdiction Standards contained in this UDO is prohibited.

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

8.5 Responsibility for Payment for Installation Costs

A. Developer Responsibilities

The developer shall be responsible for the designing and installing of all public improvements which primarily serve the subdivision. This includes being responsible for the costs associated therewith that are shown on the plat or that may be off-site but needed to ensure adequacy of public facilities and services for the subdivision; and subject to participation by the City or other third parties as may be allowed or required by applicable law, such as participation by the City for costs associated with oversizing of public improvements beyond that which is necessary to serve the subdivision. Facilities required by this UDO and City Code of Ordinances shall be considered as primarily serving the subdivision unless otherwise determined by the City.

B. Street Lights

The developer shall pay the entire cost of the subdivision street light installation, including the cost of service lines to supply electricity to the street lights, and all engineering design costs. Once satisfactorily installed, approved, and accepted, the maintenance of the street lights and the furnishing of electric energy to the street lights shall be provided by the City.

C. Street Signs

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

D. Engineering Inspection and Testing

1. The City will charge for engineering inspection during construction and for final inspection as established by Council resolution from time to time; however, it is to be understood that the City will do no layout work or daily inspection.
2. The City requires testing by an independent laboratory acceptable to the City of College Station to ensure compliance with the *Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications* and approved plans and specifications of the construction of the infrastructure before final inspection and approval of that infrastructure. Charges for such testing shall be paid by the project owner / developer.

8.6 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. Development Permit

Upon approval of the construction documents by the City Engineer and upon issuance of a Development Permit, the subdivider may proceed with the construction of public infrastructure. Neither the developer nor the contractor nor the subcontractor shall make a connection to or tap into the City water distribution system, electric system, or sanitary sewer system until this requirement is met. The developer shall furnish all necessary materials to make the final tap or connection.

2. Letter of Completion and Acceptance

When the developer constructs the required public infrastructure, all such construction shall be inspected while in progress, by the City, and must be approved upon completion by the City Engineer. A Letter of Completion will be issued by the City Engineer when:

- a. The construction conforms to the approved plans and the *Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications* and all applicable city, state and federal regulations;
- b. The developer provides construction red-lined record drawings signed by the contractor acceptable to the City Engineer that contain the following attestation:

"I, _____, General Contractor for _____ development, certify that the improvements shown on this sheet were actually built, and that said improvements are shown substantially hereon. I hereby certify that to the best of my knowledge, that the materials of construction and sizes of manufactured items, if any are stated correctly hereon."

General Contractor

- c. The developer and his agent/contractor, if applicable, signs the Letter of Completion which furnishes the City a written guarantee that all workmanship and materials shall be free of defects for a period of one (1) year from the date of acceptance by the City Engineer; and
 - d. Off-site easements relating to the public infrastructure have been recorded, or are presented to the City and acceptable to be recorded.
3. Upon completion by the developer, and formal acceptance by the City of the public infrastructure required to be completed by the developer, they shall become the property of the City of College Station, Texas.

B. Guarantee of Performance

1. In lieu of the obligation to construct public infrastructure as set forth above, the developer may elect to file security guaranteeing construction of the same in order to obtain final plat approval and to commence construction of private improvements. This may be accomplished in one of the following two (2) ways:

a. Performance Bond

The developer may file with the City Engineer a bond executed by a surety company holding a license to do business in the State of Texas, in an amount acceptable to the City Engineer of the City of College Station, and in a form approved by the City Attorney. The developer shall state in writing a timeframe acceptable to the City by when such public improvements will be complete; or

b. Letter of Credit

The developer has filed with the City Engineer an irrevocable letter of credit, in a form approved by the City, signed by a principal officer of a local bank, local savings and loan association, or other financial institution, acceptable to the City, agreeing to pay to the City of College Station, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the developer is responsible under this Section. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the developer's engineer and approved by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements which the developer is required to provide.

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Section 8.6 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure

- 2.** If one (1) of the two (2) types of security is filed by the developer and accepted by the City as described above, the City Engineer shall inspect and approve the construction of public improvements in accordance with the requirements of this UDO when same occurs. If the developer fails to properly construct some or all required public improvements, the City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Section.
- 3.** The City Engineer may extend the period of time by when completion of public improvements is to occur regardless of time periods that may be iterated elsewhere in this UDO. Such extension of time shall be granted upon a showing of good cause and shall be reported to the Commission and recorded in the minutes. No such extension shall be granted unless security, as provided herein, has been provided by the developer covering the extended period of time and provided that such extension does not jeopardize the general public health, safety, and welfare.

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

8.7 Requirements for Park Land Dedication

A. Purpose

This Section is adopted to provide recreational areas in the form of neighborhood park facilities as well as community park facilities as a function of subdivision and site development in the City of College Station and its Extra-Territorial Jurisdiction (ETJ). This Section is enacted in accordance with the home rule powers of the City of College Station granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that recreational areas in the form of neighborhood parks and community parks are necessary and in the public welfare, and that the only adequate procedure to provide for neighborhood parks and community parks is by integrating such requirements into the procedure for planning and developing property or subdivisions in the City and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing residential property.

Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and located within convenient distances from a majority of the residences to be served thereby located within park zones established by the City. The park zones established by the College Station Parks and Recreation Department and shown on the official Parks and Recreation map for the City of College Station shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Typically, the landowner of a proposed residential development is the developer.

A typical community park in College Station is designed to serve the needs of residents from several neighborhoods located within one-half to three mile radius. Community parks provide amenities that should complement neighborhood parks. Together, neighborhood parks and community parks can meet more of the recreational needs of residents.

Community parks are generally 25 to 70 acres in size. However, larger and smaller community parks may be developed to meet specific requirements of a particular area of town.

Community parks, by their nature, serve both active and passive leisure needs of residents, and use by organizations and individuals from surrounding areas larger than

for neighborhood parks. The acquisition and development of the “basic” infrastructure and facilities for the usage of these community parks should be based upon the demand from the area residents it is intended to serve.

Therefore, the following requirements are adopted to affect the purposes stated above.

B. Applicability

This Section applies to a landowner who develops land for residential use located within the City or within its extraterritorial jurisdiction.

C. Requirements

1. General

The City Manager or his designee shall administer this Section with certain review, recommendation and approval authorities being assigned to the Planning and Zoning Commission, the Parks and Recreation Advisory Board and various City departments as specified herein.

Generally, the developer of residential property must address the following requirements pursuant to this Section: dedication of land for neighborhood park use or payment of a fee in lieu thereof, dedication of land for community parks or payment of a fee in lieu thereof, payment of a development fee for neighborhood parks or construction of the neighborhood park improvements to which such fee relates, and payment of a development fee for community parks or construction of the community parks improvements to which such fee relates. Requirements herein are based on actual dwelling units for an entire development. Increases or decreases in final unit count may require an adjustment in fees paid or land dedicated. If the actual number of dwelling units exceeds the original estimate, additional park land and additional park development fees may required in accordance with the requirements in this Section.

The schedule of fees and required land dedications is attached hereto as Appendix I and incorporated and made a part of this Section for all purposes. The identification of park zones for neighborhood parks is as shown on City’s Recreation, Park and Open Space Master Plan referenced herein and incorporated by reference.

2. Land Dedication

a. The amount of land to be dedicated for neighborhood park land purposes and for community park purposes shall be as set forth in Appendix I.

The total amount of land dedicated for the development shall be dedicated to the City in fee simple:

- 1)** Prior to the issuance of any building permits for multi-family development,
- 2)** Concurrently with the final plat for a single phase development,
- 3)** For a phased development the entire park shall be either platted concurrently with the plat of the first phase of the development or
- 4)** The developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres park land required and in a form acceptable to the City. The amount of the financial guarantee shall be the amount of fee in lieu of land dedication as set forth in Appendix I. The financial guarantee will be released to the developer, without interest, upon the filing of the final plat for the subsequent phase that dedicates the required park land.

- b. For development located within the extraterritorial jurisdiction of the City, the dedication requirements of this Section may be met through the creation of private parkland in the same amount required as set forth in Appendix I provided the developer enters into a written agreement that all such private parkland be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development, is inscribed with a notation regarding same.

3. Fee in Lieu of Land

In lieu of dedicating park land for neighborhood parks and for community parks, a developer may request to meet some or all of the neighborhood park land dedication requirements, and some or all of the community park land dedication requirements through payment of a fee in lieu thereof in the amounts set forth in Appendix I. Such fees shall be due at the same time as fees are due for final platting or for issuance of a building permit, whichever occurs first.

4. City Final Approval

The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The City may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I for either, both, some or all of neighborhood park land or community park land dedication. Likewise, the City may, from time to time, require that land be dedicated in amounts as set forth in Appendix I and that no fee in lieu of land will be accepted.

5. Approval Process for Park Land Dedication

- a. Land Dedications equal or exceeding five acres, and Dedications of Floodplains and Greenways:

For any proposed required neighborhood park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding payment of a fee in lieu thereof, for any proposed required community park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding the payment of a fee in lieu thereof, or for any proposed land dedication containing floodplain or greenway, the landowner must:

- 1) Obtain a recommendation from the Parks and Recreation Advisory Board, and
- 2) Obtain approval from the Planning & Zoning Commission pursuant to the Plat Review Section in Article 3 of this UDO.

The Planning and Zoning Commission shall consider the recommendation from the Parks and Recreation Advisory Board but may make a decision contrary to its recommendation by majority vote.

- b. Dedications of less than five acres not including floodplains or greenways:

For any proposed neighborhood park land dedication less than five (5) acre of land or the payment of a fee in lieu thereof, for any proposed required community park land dedication less than five (5) acres of land or the payment of a fee in lieu thereof, or for any proposed land dedication containing floodplain or greenway, the City Manager or his designee is authorized to accept and approve same if the following criteria are met:

- 1) The proposed dedication or fee provides a sufficient amount of neighborhood park land existing in the park zone of the proposed development for required neighborhood park land dedication, or the proposal provides a sufficient amount of community park land existing

for the proposed development for required community park land dedication requirements, whichever applies;

- 2) Where the proposed dedication is insufficient for a neighborhood park site or for a community park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Appendix I;
- 3) Determination of acceptability of a proposed neighborhood park land dedication and for a proposed community park land dedication is based upon the City of College Station's Recreation, Park & Open Space Master Plan, as may be amended from time to time; and
- 4) The proposed development of the neighborhood park or community park is consistent with College Station's Recreation, Park & Open Space Master Plan, as may be amended from time to time.

In making his decision, the City Manager or his designee may choose to submit such application to the Parks and Recreation Advisory Board for its recommendation. In such event, the City Manager shall consider such recommendation but may make a decision contrary in accordance with the criteria set forth herein.

6. Park Development Fee

In addition to the land dedication requirements for neighborhood parks and for community parks, there are also park development fees established herein sufficient to develop neighborhood parks and community parks in ways that meet the City of College Station's Manual of Park Improvements Standards. The amount of development fees assessed to a developer subject to this Section for neighborhood and community parks is as shown in Appendix I. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements to which the development relates, and shall be processed simultaneously with the park land dedication requirements.

7. Construction of Park Improvements in Lieu of Development Fee

A developer may elect to construct required neighborhood park improvements and/or community park improvements in lieu of paying the associated development fees as set forth herein. In such event:

- a. A park site plan, developed in cooperation with the Parks and Recreation Department staff, must be submitted and approved by the Director of Parks and Recreation Department or his designee and the Parks and Recreation Advisory Board upon submission of final plat or upon application for a building permit, whichever is applicable.
- b. Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permits issuance, whichever is applicable.
- c. All plans and specifications shall meet or exceed the City's Manual of Park Improvement Standards in effect at the time of the submission.
- d. If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, other applicable laws.
- e. The construction of all improvements must be completed in accordance with the requirements relating to the construction of public improvements for final plats and issuance of building permits, whichever is applicable. This includes

the guaranteeing performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two years from the date of the approval.

- f. Completion and Acceptance – Park development will be considered complete and a Certificate of Completion will be issued after the following requirements are met:
 - 1) Improvements have been constructed in accordance with the approved plans,
 - 2) All park land upon which the improvements have been constructed has been dedicated as required under this Section; and
 - 3) All manufacturers' warranties have been provided for any equipment installed in the park as part of these improvements.
- g. Upon issuance of a Certificate of Completion, the developer warrants the improvements for a period of one (1) year as set forth in the requirements in the City of College Station's Manual of Park Improvements Standards.
- h. The developer shall be liable for any costs required to complete park development if:
 - 1) Developer fails to complete the improvements in accordance with the approved plans; or
 - 2) Developer fails to complete any warranty work.

8. Submitting Fee

Any fees required to be paid pursuant to this Section shall be remitted:

- a. Prior to the issuance of any building permits for multi-family development; or
- b. Upon the submission of each final plat for single family, duplex or townhouse development

9. Use of Fees

Fees may be used only for the acquisition or development of park facilities to which they relate. For fees in lieu of neighborhood park land dedication, fees may only be used for purchase and/or development of neighborhood parks located within the same zone as the development. For fees in lieu of community park land dedication, fees may only be used for the purchase and/or development of community parks.

10. Reimbursement for City Acquired Park Land

The City may from time to time acquire land for parks in or near an area of actual or potential development. If the City does acquire park land in a park zone for a neighborhood park or acquires park land for a community park, the City may require subsequent dedications to be in fee-in lieu-of-land only. This will be to reimburse the City for the cost(s) of acquisition.

D. Prior Dedication or Absence of Prior Dedication

If a dedication requirement arose prior to enactment or amendment of this Section, subsequent development for the subject tract to which the dedication requirements applies may be subject to vesting as set forth in Chapter 245 Texas Local Government Code. Depending on the circumstances, additional dedication may be required for the increase in dwelling units from what was originally proposed.

E. Comprehensive Plan Considerations

The City's Recreation, Park and Open Space Master Plan is intended to provide the Parks and Recreation Advisory Board with a guide upon which to base its recommendations.

Because of the need to consider specific characteristics in the site selection process, the park locations indicated on the Plan are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations.

Park zones for neighborhood parks are established by the City's Recreation, Park and Open Space Master Plan as a component of the City's Comprehensive Plan, and indicate service areas for neighborhood parks. Zone boundaries typically follow key topographic features such as major thoroughfares, streams, city limit and ETJ boundary lines. New park zones may be created or existing zones amended pursuant to procedures for amending the City's Recreation, Park and Open Space Master Plan as land acquisitions or other circumstances dictate.

F. Special Fund; Right to Refund

1. All neighborhood park land dedication fees will be deposited in a fund referenced to the park zone to which it relates. Community park land dedication fees will be deposited in a fund referenced to community parks.
2. The City shall account for all fees in lieu of land and all development fees paid under this Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within five (5) years from the date received by the City for acquisition and/or development of a neighborhood park or a community park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

G. Park Land Guidelines and Requirements

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing parks and adjacent development.

1. Any land dedicated to the City under this Section must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Brazos County Tax Assessor shall be submitted with the dedication or plat.
2. Consideration will be given to land that is in the floodplain or may be considered "floodable" even though not in a federally regulated floodplain as long as, due to its elevation, it is suitable for park improvements. Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities.
3. Land in floodplains or designated greenways will be considered on a three for one basis. Three acres of floodplain or greenway will be equal to one acre of park land.
4. Where feasible, park sites should be located adjacent to greenways and/or schools in order to encourage shared facilities and joint development of new sites.

5. Neighborhood park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.
6. Where appropriate, sites with existing trees or other scenic elements are preferred.
7. Detention / retention areas may not be to meet dedication requirements, but may be accepted in addition to the required dedication. If accepted as part of the park, the detention / retention area design must meet specific parks specifications in the City's Manual of Park Improvements Standards.
8. Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks.
9. It is desirable that fifty percent (50%) of the perimeter of a park should abut a public street.
10. Community Parks should be accessible for major arterial streets so as to be accessible by large groups of people from large surrounding areas.

H. Warranty Required

1. All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his designee and that all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
2. All work by the developer or landowner not conforming to these requirements, including but not limited to unapproved substitutions, may be considered defective.
3. This warranty is in addition to any rights or warranties expressed or implied by law.
4. Where more than a one (1) year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
5. This warranty obligation may be covered by any performance or payment bonds tendered in compliance with this Ordinance.
6. If any of the work performed by the developer or landowner is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this ordinance, the designs, plans, drawings or specifications within one (1) year after the date of the issuance of a certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within one (1) year after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, developer shall promptly correct the defective work at no cost to the City.
7. During the applicable warranty period and after receipt of written notice from the City to begin corrective work, developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.

Article 8. Subdivision Design and Improvements

Section 8.7 Requirements of Park Land Dedication

- 8.** If within twenty (20) calendar days after the City has notified developer of a defect, failure, or abnormality in the work, developer has not started to make the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by developer.
- 9.** The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- 10.** The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be one (1) year after the installation or completion. The one (1) year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Section of the ordinance.

APPENDIX I

PARK LAND DEDICATION AND DEVELOPMENT FEES

I. Neighborhood and Community Parks

A. Dedication Requirements for Neighborhood Parks

1. Land dedication per Dwelling Unit (DU)
Single Family: One (1) Acre per 102 DUs
Multi-Family: One (1) Acre per 125 DUs
2. Fee in lieu of land dedication per Dwelling Unit (DU)
Single Family: \$314 per DU
Multi-Family: \$256 per DU
3. Park development fee per Dwelling Unit (DU)
Single Family: \$764 per DU
Multi-Family: \$622 per DU
4. Total neighborhood park fees per Dwelling Unit (DU)
Single Family: \$1,078 per DU
Multi-Family: \$878 per DU

B. Dedication Requirements for Community Parks

1. Land dedication per Dwelling Unit (DU)
Single Family: One (1) Acre per 105 DUs
Multi-Family: One (1) Acre per 129 DUs
2. Fee in lieu of land dedication per Dwelling Unit (DU)
Single Family: \$305 per DU
Multi-Family: \$248 per DU
3. Park development fee per Dwelling Unit (DU)
Single Family: \$638 per DU
Multi-Family: \$520 per DU
4. Total community park fees per Dwelling Unit (DU)
Single Family: \$943 per DU
Multi-Family: \$768 per DU

Article 8. Subdivision Design and Improvements

Section 8.8 Certifications

CERTIFICATE OF CITY ENGINEER

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

City Engineer
City of College Station

CERTIFICATE OF PLANNING AND ZONING COMMISSION

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

Chairman

CERTIFICATE OF 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.

(SEAL)

County Clerk
Brazos County, Texas

Article 8. Subdivision Design and Improvements

Section 8.8 Certifications

CERTIFICATE OF CITY PLANNER (for Amending or Minor Plats)

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

City Planner
City of College Station

CERTIFICATE OF APPROVAL (for ETJ Plats)

This subdivision plat was duly approved by the Commissioners Court of Brazos County, Texas as the Final Plat of such subdivision on _____ day of _____, 20____. Signed this the _____ day of _____, 20____.

County Judge, Brazos County, Texas

CERTIFICATE OF NO ACTION TAKEN

I, _____, 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

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

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Article 9. Nonconformities

9.1 General

Except as specified in this Article, any use, building, structure, or sign existing at the time of enactment of this UDO or classification amendment applicable to its use, may be continued even though such use, building, structure, or sign may not conform with the provisions of this UDO for the district in which it is located; provided, however, that this Article shall not apply to any use, building, structure, or sign established in violation of this UDO or ordinance previously in effect in College Station.

9.2 Nonconforming Uses

A. Continuance

An existing use that is not in compliance with this UDO or subsequent amendments applicable to the use shall not be enlarged, extended, reconstructed, substituted or structurally altered unless the use is brought into compliance with this UDO, except as follows:

1. Expansion

- a. When authorized by the Zoning Board of Adjustment in accordance with the provisions of this Article, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by such building, where such extension is necessary and incidental to the existing use of such building and does not exceed 25 percent of the original area of nonconformity.
- b. Buildings devoted to nonconforming uses located within the area annexed by Ordinance No. 3331, adopted by the City Council on April 14, 2011, may be enlarged provided such extension is incidental to the existing use of such building and the enlargement does not exceed 25 percent of the original area of nonconformity. Enlargements greater than 25 percent of the original area of nonconformity shall require approval of the Zoning Board of Adjustment.

Per Ordinance No. 2011-3355 (June 23, 2011)

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 Section 3.15, Conditional Use Permit. In the event of issuance of a conditional use permit, such use becomes a permitted and lawful use.

B. Termination

The City Council shall have the authority to initiate, on its motion, action to bring about the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the area and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment

Whenever a nonconforming use has been discontinued and changed to a conforming use, or whenever a nonconforming use has been discontinued or abandoned for more than three months, a presumption of intent to abandon said use shall have been established and the right to continue the former nonconforming use shall no longer exist. Subsequent operation as a nonconforming use shall be unlawful.

9.3 Nonconforming Structures

A. Enlargement, Alteration

1. A structure (including parking lots, parking structures, and parking areas), which is nonconforming by physical design may be enlarged or structurally altered as long as such enlargement or alteration otherwise complies with the terms of this UDO.
2. In NG-1, NG-2, and NG-3, the whole building plot must come into compliance with the requirements of this UDO when more than fifty percent (50%) of a building(s) on the site is enlarged or altered.

B. Termination

The City Council shall have the authority to initiate on its motion, or cause to be presented by interested property owner, action to bring about the discontinuance of a nonconforming structure under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this UDO.

C. Abandonment

Whenever a nonconforming structure has been discontinued or abandoned for more than three months, a presumption of intent to abandon said structure shall have been established and the right to continue the former nonconforming structure shall no longer exist. Subsequent operation as a nonconforming structure shall be unlawful.

9.4 Nonconforming Lots of Record

A. Authority to Utilize for Single-Family Residence

In any district in which single-family dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Section, a single-family detached dwelling that complies with the restrictions below may be erected on a nonconforming lot that is not less than 30 feet in width, consisting entirely of one tract of land of not less than 3,000 square feet, and that:

1. Has less than the prescribed minimum lot area, width, and/or depth;
2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance; and
3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or other ordinances.

B. Regulations for Single-Family Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to this Section may be used for a single-family dwelling and no other structure except for a garage or carport. Construction of such single-family dwelling shall comply with all the regulations (except lot area, width, and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
2. The sum of the widths of the two side yards on such lot shall be not less than the smaller of:
 - a. 25 percent of the width of the lot; or

Article 9. Nonconformities

Section 9.4 Nonconforming Lots of Record

b. The minimum total for both side yards prescribed by the bulk regulations for said zoning district; and

3. No side yard shall be less than three feet wide.

C. Regulations for Certain Nonconforming Lots Zoned A-O (Agricultural Open)

1. A single-family dwelling and accessory structure(s) in areas zoned A-O, Agricultural Open, may be erected or structurally altered on a nonconforming lot of record, that is not less than five thousand (5,000) square feet in area and not more than one (1) acre in area, so long as the structure or the addition to the structure complies with the setbacks established by the Single-Family Residential (R-1) zoning district.

2. A single-family dwelling or accessory structure located on property within the area annexed by Ordinance No. 3331, adopted by the City Council on April 14, 2011, may be erected or structurally altered on a nonconforming lot of record provided the proposed construction complies with the setback requirements established by the Single-Family (R-1) zoning district.

Per Ordinance No. 2011-3355 (June 23, 2011)

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 Section 3.5, Site Plan Review.

E. Lots Made Nonconforming by Right-Of-Way Acquisition

Any lot made nonconforming solely by means of area dedicated, condemned, sold or otherwise conveyed for public right-of-way shall be allowed to pursue any allowed use as if such area were a part of the remaining lot, except that all applicable setbacks shall be adhered to.

9.5 Nonconforming Tracts

Unplatted properties made nonconforming by the zoning applied at the time of annexation shall be allowed to plat, provided that the resulting lot contains the entire tract.

9.6 Nonconforming Signs

A. Continuation Allowed

A lawfully nonconforming sign may continue in use except as otherwise provided in or authorized by this Section. A change in the information on the face of an existing nonconforming sign is allowed if the change does not increase the area of the sign face and involves no structural alteration.

B. Alteration, Expansion, Moving

No nonconforming sign, by voluntary act of the owner, shall be:

1. Changed or altered in any manner which would increase the degree of its nonconformity;
2. Expanded (sign face); or
3. Moved in whole or in part to any other location where it would remain nonconforming.

C. Signs Required to be Moved by the City

Any nonconforming sign required to be moved or removed by the City shall be removed or relocated in accordance with the provisions of the Texas Local Government Code.

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Article 10. Enforcement

Section 10.1 Enforcement by Administrator

Article 10. Enforcement

10.1 Enforcement by Administrator

The Administrator, or his designee, shall have the authority to issue citations for the violation of the provisions of this UDO. In the event that an individual signs a copy of the citation given to him or her, he thereby acknowledges receipt of same and promises to contact the Municipal Court and arrange for the entry of a plea and a hearing where necessary, within ten days of the date of the citation. If the defendant shall not sign a citation, the Administrator shall proceed to prepare and file a formal complaint with the Municipal Court, and shall seek the issuance of a warrant, delivering same to the appropriate law enforcement officer for the resulting arrest of the defendant.

A person who knowingly violates a written promise to appear in court, as provided above, commits a misdemeanor regardless of the disposition of the charge on which the ticket is issued.

10.2 Penalties for Violation

Any person who violates or fails to comply with the requirements of this UDO, or who builds or alters any building or structure in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and be liable to a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances of the City of College Station.

10.3 Penal Provisions

A. Within Corporate Limits

Any person violating any provision of this UDO, within the corporate limits of the City of College Station, shall be guilty of a misdemeanor, and upon conviction, shall be fined pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances. Prosecution or conviction under this provision shall never be a bar to any other relief for violations of this UDO.

B. Outside Corporate Limits

Any person violating any provision of this UDO, outside the corporate limits of the City, but within the City's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in Section A above be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

10.4 Specific Enforcement and Penalties for Flood Hazard Protection

A. Notification of Noncompliance

If at any time development takes place for which an approved Development Permit has not been issued, or development occurs which does not conform to the plans and specifications upon which the issued Development Permit was based, the Administrator or his designee shall issue a written Notice of Noncompliance to the owner. The Notice shall give a specific time allowance to the owner during which he must take one of the following steps to bring the development into compliance with this UDO:

- 1.** An acceptable application for a Development Permit must be filed with the office of the Development Engineer for the entire scope of development taking place or proposed for the site;
- 2.** The item or items which are not in compliance with the terms, conditions, and provisions of this UDO shall be corrected, added, or improved until they are in

Article 10. Enforcement

Section 10.4 Specific Enforcement and Penalties for Flood Hazard Protection

compliance with this chapter, at which time the owner shall request, in writing, a re-inspection by the Development Engineer;

3. Modified construction plans shall be submitted to the Development Engineer which detail, in an acceptable manner, the remedial, additional, or corrective measures which must be taken to bring the development within the provisions and requirements of this UDO; or
4. An acceptable variance request, subject to the provisions of this UDO, shall be submitted to the Administrator which shall have the effect, if granted, of removing the requirements for which the development was determined to be in noncompliance.

The time allotment for these actions shall be reasonable, and shall be determined according to the number, nature, and severity of the non-complying items. In no case shall that time period exceed 30 calendar days from the date of notification. If, in the opinion of the Development Engineer, a condition exists which is hazardous to the immediate safety of the public, he may seek remedies outside the scope of this Section.

B. Revocation or Suspension of Development Permit

Upon expiration of the time allotment for remedial or corrective measures, the Development Engineer shall take one of the following courses of action:

1. If, in the opinion of the Development Engineer, the owner has made, or is making, a good faith effort to remedy the offending situation, the Development Engineer may extend the time allotment previously granted if such extension is requested by the owner; or
2. Where an approved Development Permit has been issued for the development, the Development Engineer shall suspend the development permit. Written notice of said suspension, along with the terms and requirements for reinstating the Development Permit, shall be delivered to the owner.
3. Upon suspension of a Development Permit, all portions of the work being done on the property that are regulated by this UDO shall cease. These activities include, but are not limited to, grading, excavation, fill, berming, stripping, clearing, paving, placement of any storm sewer, drainage structure, inlet or appurtenance thereto; any work within a defined Area of Special Flood Hazard, or placement of any structure, temporary or permanent, or any obstruction within the Area of Special Flood Hazard.
4. Upon finding that no approved Development Permit exists for the work or property in question or suspending an existing approved development permit, the Development Engineer shall issue a stop work order for all items of work on the subject property covered by this or other ordinances, any work permitted, licensed, or otherwise regulated by the City, or any work subject to inspection or approval by the City. The Development Engineer may enter property to inspect and verify that the requirements of this UDO are being met.
5. All notices required by this Section shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting parties or permit holder, at the address given on the permit application.

C. Penalty Imposed

Upon the finding of a violation of this UDO regarding Flood Hazard Protection, the Development Engineer may file a complaint in the Municipal Court of the City of College Station against any person, firm, corporation, or other legal entity. In the event that the judge finds any person, firm, corporation, or other legal entity to be in violation of the terms, conditions, or requirements of this UDO, or provisions or conditions pursuant thereto, he shall find said person firm, corporation, or other legal entity guilty of a misdemeanor; and upon conviction shall impose a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances. Prosecution under this provision shall not be a bar to any other relief for violation of this UDO.

Article 10. Enforcement

Section 10.4 Specific Enforcement and Penalties for Flood Hazard Protection

D. Fine Not Exclusive Penalty

In addition to a fine, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this UDO, or to correct violations thereof, and, if applicable, appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.

10.5 Specific Penalties for Certificates of Appropriateness and Certificates of Demolition

A. A person is criminally responsible for a violation of Sections 3.9 Certificate of Appropriateness and 3.10 Certificate of Demolition if:

- 1.** The person owns part or all of the property where the violation occurs,
- 2.** The person is the agent of the owner of the property and is in control of the property, or
- 3.** The person commits the violation or assists in the commission of the violation.

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Article 11. Definitions

11.1 General

- A.** For the purpose of this UDO certain words shall be interpreted as follows:
- 1.** Words in the present tense include the future tense.
 - 2.** Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
 - 3.** The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
 - 4.** The word "structure" shall include the word "building."
 - 5.** The word "lot" shall include the words, "plot," "parcel," or "tract."
 - 6.** The words "will" and "shall" are always mandatory and not merely directory.
- B.** Words not specifically defined in Section 11.2 shall take their common dictionary meaning, except as modified by use as terms of art in planning or engineering.

11.2 Defined Terms

For the purpose of this UDO, certain words as used herein are defined as follows:
Accessory Use or Structure, or Building:

- (1)** A building, structure, or use which is subordinate to and serves a primary use or principal structure;
- (2)** A building, structure, or use which is subordinate in area, extent, or purpose to the primary use served;
- (3)** A building, structure, or use which contributes to the comfort, convenience, or necessity of occupants of the primary use served;
- (4)** A building, structure, or use which is located within the same zoning district as the primary use; and
- (5)** A building, structure, or use which in residential districts is not used for commercial purposes other than legitimate home occupations, and is not rented to other than bona fide servants employed on the premises and members of the family of the occupant(s) of the principal structure.

Examples of accessory buildings, structures, or uses include, but are not limited to, private garages, greenhouses, living quarters for family or servants, tool sheds, radio or television antennae, or bathhouses. Persons are related within the meaning of this section if they are related within the second degree of consanguinity or affinity.

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.

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

Administrator: The Development Services Director, or his designee, shall serve as the Administrator.

Adult Arcade: Any business enterprise that offers or maintains one or more adult video viewing booths.

Adult Cabaret: Any business enterprise which regularly features or offers to the public, customers, or members, performances by persons who appear nude or semi-nude, or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

Article 11. Definitions

Section 11.2 Defined Terms

Adult Motel: A hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas;" or
- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent room for a period of time that is less than 10 hours.

Adult Movie Theater: Any business enterprise which regularly features or offers to the public the presentation of motion picture films, movies, or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five persons in an enclosed common area or are presented in a common area of more than 150 square feet.

Adult Retail Store: A business enterprise which meets any of the following tests:

- (1) Offers for sale or rental items from any two of the following categories:
 - (a) sexually-oriented materials;
 - (b) lingerie; or
 - (c) leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
- (2) Offers for sale sexually-oriented toys and novelties, except a business enterprise which devotes less than ten percent of its stock in trade and sales and display area to sexually-oriented materials, with all sexually-oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;
- (3) Devotes more than ten percent of its stock in trade or sales and display area to sexually-oriented materials without having all sexually-oriented materials separated from other sales and display areas by an opaque wall at least eight feet (8') in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;
- (4) Devotes more than 40 percent of its stock in trade or sales and display area to sexually-oriented materials; or
- (5) Advertises or holds itself out in signage visible from the public right-of-way as "X...," "adult," "sex," or otherwise as a sexually-oriented business.

Adult Retail Store, Limited: Any business enterprise which offers for sale or rental sexually-oriented materials, and which devotes at least ten percent and not more than forty percent of its stock in trade or sales and display area to sexually-oriented materials, provided that:

- (1) The following items are not also offered for sale:
 - (a) lingerie; or
 - (b) leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
- (2) All sexually-oriented materials are separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area; and
- (3) The business enterprise does not advertise or hold itself out in signage visible from the public right-of-way as "X...," "adult," "sex" or otherwise as a sexually-oriented business.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

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Adult Video Viewing Booth: Coin or slug-operated, or electronically or mechanically controlled, still or motion-picture machines, projectors or other image-producing devices which present to five or fewer persons per machine at any one time visual or audio material of any kind which is characterized by its emphasis on the description or depiction of specified anatomical areas or specified sexual activities. No part of this definition shall be construed to permit more than one person to occupy an adult video viewing booth at any time.

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

Alternative Mounting Structure: Any building or structure, other than a tower, which can be used for the location of telecommunication antennas and facilities. Antennas located on these structures may include Attached WTFs or Stealth Antenna.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, stables and kennels.

Antenna: Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio frequency signals.

- (1) **Omni-Directional Antenna ("Whip" Antenna):** transmits and receives radio frequency signals in a 360 degree radial pattern.
- (2) **The Directional Antenna ("Panel" Antenna):** transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
- (3) **The Parabolic Antenna ("Dish" Antenna):** is a bowl-shaped device for the reception and/or transmission of radio frequency signals in a specific directional pattern.

Apartment Building: See "Multi-family Dwelling".

Appeal: An appeal is a request for a review of the Administrator, or other administrative official's interpretation, of any provisions of this UDO or a request for a variance.

Applicant: An individual seeking an action, a permit, or other approval under the provisions of this UDO.

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

Art Studio or Gallery: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, and other similar skills) as the primary use of the structure.

Arterial, Major/Minor: See "Street, Arterial."

Attached Wireless Telecommunication Facility: A wireless telecommunication facility that is affixed on an existing structure that is not primarily used for the support or attachment of a wireless telecommunication facility and is not a normal component of such a facility.

Automobile Repair and Service: See "Vehicle Repair and Service Shop."

Automobile Sales and Rental: See "Vehicle Sales and Rental."

Barricade Area For Existing Trees: An area extending in a radius of one foot per caliper inch of tree diameter from the protected tree that prevents intrusion by construction equipment, vehicles, and people, but allows only hand clearing of underbrush.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year ("The 100-Year Flood").

Bed and Breakfast Inn: A residential structure where two or fewer rooms are rented to transient paying guests on an overnight basis with no more than one meal served daily, where no cooking facilities are provided in the rooms and where the total number of permanent and transient occupants does not exceed four at any one time.

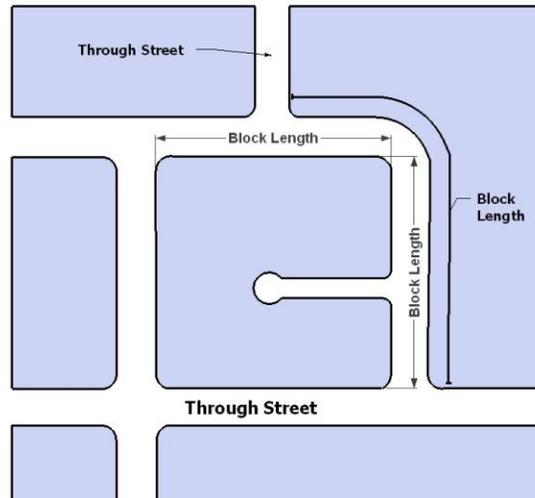
Block: A tract or parcel of designated as such on a duly recorded plat. Blocks are surrounded by streets or a combination of streets and other physical obstructions such as a railroad or 100-year floodplain.

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

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Block Length: A measurement of the linear distance of land along a Blockface that is bounded on both ends by public through streets or by a combination of a public through street, Public Way, railroad, or 100-year floodplain. As such, gated streets, private streets, cul-de-sacs, alleys, private driveways, or Access Ways do not divide land into separate Blockfaces.



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

Block Perimeter: A measurement of the linear distance of land around the outside edge of a block, which is a total of the Blockfaces for each block. For measurement, the point of origin and end point are the same location.

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

Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersection streets.

Board of Adjustment: The Zoning Board of Adjustment of the City of College Station.

Boarding House: See "Rooming/Boarding House."

Body Rub Parlor: Any business enterprise where body rub services are provided in order to induce relaxation or for other purposes.

Building: A "building" is any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, chattel or movable property of any kind and which is affixed to the land.

Building Coverage: Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies, and the first two feet of a roof overhang.

Building Official: The designated "Building Official" of the City of College Station, or his designated representative.

Building Plot or Premises: All of the land within a project, whether one or more lots, developed according to a common plan or design for similar or compatible uses, that may have shared access or parking, and that singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot shall be made as the first step in the site plan or project review, unless such determination has previously been made at the time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure sits astride two or more lots. In the event that two 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.

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- Bulk Storage Tank:** A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent resale to distributors or retail dealers or outlets.
- Business Development Corporation:** Shall mean the College Station Business Development Corporation, Inc. This corporation is the non-profit corporation created by the City to promote, assist, and enhance economic development in the City of College Station.
- Caliper:** This shall mean the width of the trunk of a tree and shall be measured at twelve inches above grade.
- Canopy Tree:** See "Tree, Canopy."
- Carport:** A structure which has enclosing walls for less than 50% of its perimeter covered with a roof and constructed specifically for the storage of one or more motor vehicles.
- Car Wash:** A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.
- Certificate of Compliance:** A letter signed by the Development Engineer indicating compliance with all plans and specifications applicable to the subject project and completion of all stormwater management and soil erosion protection measures.
- Chief of Police:** The Chief of Police of the City of College Station.
- Church or Place of Religious Worship:** A building in which persons regularly assemble to worship, intended primarily for purposes connected with faith or for propagating a particular form of religious belief.
- City:** The City of College Station, Texas.
- City Attorney:** The "City Attorney" of the City of College Station.
- City Council:** The duly and constitutionally-elected governing body of the City of College Station, Texas.
- City Engineer:** The person employed as City Engineer of the City of College Station, Texas, or his designee.
- City Manager:** The "City Manager" of the City of College Station.
- Classification Amendment:** An amending zoning ordinance which pertains to the rezoning of a particular parcel or parcels of land, as distinguished from a change in the provisions of the ordinance relevant and pertaining to the entire city.
- Clinic:** A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.
- Cold Storage Plant:** A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.
- Collocation:** When more than one wireless telecommunications provider shares a wireless telecommunications support structure.
- Commercial Greenhouse:** A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.
- Commercial Amusements:** Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows, bowling alleys, indoor shooting ranges, and similar enterprises. Sexually-oriented Businesses and Nightclubs are excluded from this definition.
- Commission:** The Planning and Zoning Commission of the City of College Station, Texas.
- Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of residents of a proposed project.
- Common Property:** A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are legally shared by the owners and occupants of the individual building sites in a Planned Unit.
- Community Services:** See "Public Uses."

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- Comprehensive Plan:** The City of College Station's Comprehensive Plan supplemented by any other land use, thoroughfare or master plans as approved by City Council as adopted or amended from time-to-time.
- Concept Plan:** A written and graphic plan submitted for consideration of a Planned Development District or a Planned Mixed-Use District that indicates in a conceptual form, the proposed land uses and their overall impact on the subject land and surrounding lands.
- Conditional Use:** A use which may be permitted or denied in a district, on a case-by-case basis, subject to meeting certain conditions or procedures set forth in, or imposed under, this UDO.
- Conservation Study:** Study of existing conditions used for a Neighborhood Conservation Overlay. The items evaluated in a Conservation Study are chosen by the Neighborhood Stakeholder Committee and reflect the individual concern of the neighborhood for additional regulation.
- Construction Plans:** The construction documents required to accompany the final plat according to this UDO of the City of College Station, or the building and site plans required for the issuance of a Building Permit by the City of College Station.
- Co-op Housing:** A building under joint occupancy that provides group sleeping accommodations for more than four persons per household, where each unit may be equipped for food preparation and where some common facilities (e.g., living areas, bathrooms, dining areas) serve all units within that building.
- Corner Lot:** A lot abutting upon two or more streets at their intersections.
- Country Club:** Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.
- 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 - Commercial:** Any facility or premises where a total of seven (7) or more children under sixteen (16) years of age, and/or elderly adults, regularly attend for purposes of custody, care, or instruction; and which children or elderly adults are not members of the immediate nuclear family of any natural person actually operating the facility or premises.
- Day Care - In-Home:** Any private residence where a total of six (6) or fewer persons regularly attend for purposes of custody, care, or instruction; and which persons are not members of the immediate nuclear family living in the residence. Nothing in this definition shall conflict with the provisions of Chapter 123 of the Texas Human Resources Code.
- Density:** The number of dwelling units per net acre.
- Detention:** The temporary storage and controlled release of stormwater flows.
- Development:** Any man-made change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, clearing, drilling operations, storage of materials, or the subdivision of property. Routine repair and maintenance activities are exempted.
- Development Engineer:** The Senior Assistant City Engineer assigned to the City's Planning & Development Services Department and designated as the Development Engineer.
- Direct-To-Home Services:** The distribution, broadcasting, or programming of services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite; examples are direct broadcast satellites (DBS), multi-channel multipoint distribution (MMDS), and television broadcast stations (TVBS).
- Dormitory:** Any structure specifically designed for the exclusive purpose of housing students of a university, college, or school, excepting resident staff.
- Drainage Area:** That area, measured in a horizontal plane, which contributes stormwater flows by gravity flow along natural or man-made pathways to a single designated point along a pathway.
- Drainage Easement:** An interest in land granted to others for maintenance of a drainage facility, on which certain uses are prohibited; and providing for the entry and operation of machinery and vehicles for maintenance.

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

Drainage System, Primary: The system of natural watercourses, improved or channelized watercourses; and all closed conduits, culverts, bridges, detention facilities, and retention facilities associated with the watercourses; all of which are shown or indicated in the Bryan/College Station Unified Design Guidelines, Technical Specifications and Standard Details.

Drainage System, Secondary: The system of conveyance of rainfall from the point that it becomes concentrated flow to the point where it reaches the primary drainage system. This system includes all swales, ditches, minor channels, streets, gutters, inlets, culverts, detention or retention facilities, or other means of conveyance of stormwater flows.

Drip Molding: A horizontal molding placed over an exterior door or window frame to divert rainwater.

Duplex Dwelling: A residential structure providing complete, independent living facilities for two separate families, including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit.

Dwelling Unit (DU): A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating, and sanitation.

Earth Change: A man-made change in the natural cover or topography of land, including cutting or filling activities, which may result in or contribute to soil erosion or sedimentation.

Easement: A grant of reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Easement, Maintenance: A private easement that is dedicated by plat specifically for zero lot line construction in a single-family residential development. Maintenance easements shall be a minimum of 7.5 feet in width.

Educational Facility, Instruction Indoor: Any facility or premises regularly attended by one or more persons for the purpose of instruction. All instruction and activity must be fully contained within the building. Such types of instruction include classes in acting, art, dance, music, photography, and martial arts.

Educational Facility, Instruction Outdoor: Any facility or premises regularly attended by one or more persons for the purpose of instruction. Activities are allowed outside of a building.

Educational Facility, Primary and Secondary: Any public or private school licensed by the State which is designed, constructed, or used for education or instruction of students below the age of 20. Auxiliary uses to these schools are included herein.

Per Ordinance No. 3280 (September 9, 2010)

Educational Facility, Tutoring: Any facility or premises regularly attended by one or more persons for the purpose of instruction. All instruction and activity must be fully contained within a building.

Educational Facility, Vocational/Trade: Any public or private secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. All instruction and activity must be fully contained within the building.

Educational Facility, College/University: A college or university authorized by the State to award degrees.

Elevation: The vertical distance from a datum, usually the NGVD, to a point or object. If the elevation of point A is 802.46 ft., the point is 802.46 ft., above some datum.

Encroachment: An intrusion, obstruction, or other infringement on an area reserved for a specific purpose such as an easement or floodway.



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Engineer: A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, to practice the profession of engineering.

Enhanced Paving: Earth toned (not gray) decorative pavers, stamped concrete, or dyed concrete.

Erosion: The process whereby the surface of the earth is broken up and carried away by the action of wind, water, gravity, ice, or a combination thereof.

Escort: A person who, for consideration as part of a business enterprise, agrees, offers to, or models lingerie, performs a striptease, or performs nude or semi-nude for another person at a location other than a sexually-oriented business.

Escort Agency: A person or business enterprise that furnishes, offers to furnish, or advertises to furnish, for consideration, escorts who perform any escort services in the City. An escort agency that advertises or holds itself out in signage visible from the public right-of-way as "X...", "adult", or "sex" shall be considered an "Adult Retail Store."

Excavation: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated purposely by man and shall be taken to include the conditions resulting therefrom.

Existing Construction: Structures for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures."

Existing Development: Any development as defined above which existed or was permitted prior to the date on which this UDO became effective.

Existing Tree: Any self supporting woody plant, with one or more well-defined trunks, two inches (2") in diameter or greater at one foot above the ground.

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

Exterior Side Yard: A yard that faces and is parallel to a side street.

Extraterritorial Jurisdiction: Within the terms of the Texas Municipal Annexation Act, the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of College Station, the outer boundaries of which are measured from the extremities of the corporate limits of the city, outward for such distances as may be stipulated in the Texas Municipal Annexation Act, in which area, within the terms of the act, the City may enjoin the violation of its subdivision control provisions.

Façade: The exterior face of a building.

Façade Work: The removal, or replacement, substitution or change of any material or architectural element on the exterior face of a building, which includes, but is not limited to, painting, material change, awning or canopy replacement, signage, or other permanent visible facade treatment.

Family: A family is one 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 persons.

Federal Emergency Management Agency (FEMA): An agency of the Federal Insurance Administration which administers the National Flood Insurance Program.

Feeder Line: Any line, wire, or cable and appurtenances which distributes, transmits, or delivers a utility service from a source to a general area or to multiple developments, and not to a specific end user.

Field Size: That portion of a driving range property measured from the tee boxes to the end of the driving range area of the site.

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

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Flood or Flooding: A temporary rise in the level of water that results in inundation of areas not ordinarily covered by water from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodplain or Flood-Prone Area: Any land susceptible to being inundated by water from any source (see definition of flooding).

Flood Protection System: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to "special flood hazard" and the extent of the depths of associated flooding. Such systems typically include hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway, Zero-rise: The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive area special study.

Floodway Fringe: That part of the base floodplain outside the floodway.

Floor Area Ratio: Floor Area Ratio (FAR) is a non-residential land use intensity measure analogous to density. It is the sum of the areas of several floors of a building compared to the total area of the site.

Fraternity or Sorority: An organization of university students formed chiefly to promote friendship and welfare among the members.

Fraternal Lodge: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

Garage, Commercial: Any premises or structure with enclosed work area for servicing and repair of four or more standard size automobiles or light (standard size) trucks, or for one or more vehicles of larger size, or where any number of vehicles are kept for remuneration, hire or sale, and where motor vehicle fuels and supplies may be sold as a secondary use.

Gated Community: A residential area requiring mandatory membership in a Homeowners Association (HOA) and having its primary means of access controlled by an electric or manual gate administered by the HOA.

Government Facilities: A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Grading: Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

Greenway: A linear open space that follows natural features like the floodplains of creeks and rivers or human-made features such as utility, road, or rail corridors.

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Greenway - Rural: The least developed Greenway typically located on the periphery of the developed community. This Greenway exists mostly in a natural state with the primary functions being flood control, wildlife protection, and aesthetic value. This Greenway is defined by the entire width of the floodplain.

Greenway - Suburban: These are the greenways located in the developing portions of the community. The primary functions served by this Greenway are flood control, recreation, transportation, and economic and aesthetic purposes.

Greenway - Urban: The most highly developed Greenway located in fully developed areas of the community. The primary functions served by this greenway are flood control, recreation, transportation, and economic and aesthetic purposes.

Greenways Manager: The "Greenways Manager" of the City of College Station.

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

Group Home: A home serving six or fewer mentally or physically handicapped persons provided the home provides care on a 24-hour basis and is approved or licensed by the State for that purpose. A group home shall be considered a single-family home and is defined pursuant to Chapter 123 of the Human Resources Code.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of disease, pain, injury, or deformity of physical conditions. This definition does not include a medical clinic or hospital as defined herein.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

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.

Historic Preservation Easement: An easement that protects a significant historic, archaeological, or cultural resource. It provides assurance that a property's intrinsic values will be preserved through future ownership. A building, portion of a building (such as the façade), or a bridge, dam, or any other kind of structure may qualify. A Historic Preservation Easement may also protect a historic landscape, battlefield, traditional cultural place, or archaeological site.

Historic Preservation Overlay District definitions (applicable only in reference to Historic Preservation Overlay district):

Association: Link of a property that contributes to a Historic Preservation Overlay District with a historic event, activity, or person. Also, the quality of integrity through which a property is linked to a particular past time and place.

Contributing Resource: A building, site, structure or object in a Historic Preservation Overlay District that supports the District's historical significance through Location, Design, Setting, Materials, Workmanship, Feeling, or Association.

Design: Quality of integrity applying to the elements that create the physical form, plan, space, structure, and style of a property.

Feeling: Quality of integrity through which a property that contributes to a Historic Preservation Overlay District evokes the aesthetic or historic sense of past time and place.

Integrity: Authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Location: Quality of integrity retained by a property that contributes to a Historic Preservation Overlay District historic property existing in the same place as it did during the period of significance.

Materials: Quality of integrity applying to the physical elements that were combined or deposited in a particular pattern or configuration to form a property that contributes to a Historic Preservation Overlay District.

Non-Contributing Resource: A building, site, structure, or object in a Historic Preservation Overlay District that does not support the District's historical significance through Location, Design, Setting, Materials, Workmanship, Feeling, or Association.

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Setting: Quality of integrity applying to the physical environment of a property that contributes to a Historic Preservation Overlay District.

Workmanship: Quality of integrity applying to the physical evidence of the crafts of a particular culture, people, or artisan.

Home Occupation: An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Home Tour Event: Real estate events such as open houses and Parade of Homes, as well as the touring of occupied residences for the entertainment of a targeted audience such as the Women's Club Home and Garden Tour.

Hospital or Sanitarium: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not 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 cafe, 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 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

Impervious Surface: Impervious surface is a measure of land use intensity and is the proportion of a site occupied by impervious surfaces including, but not limited to, buildings, sidewalks, drives, and parking.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial, Heavy: A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Municipal: A municipal use or structure that serves a public need and is primarily engaged in the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, electricity, information, and telecommunication, including structures associated with private utilities; research and laboratory activities; warehousing and distribution; bulk storage facilities operation; storage and maintenance of service vehicles; cleaning of equipment; solid waste management; municipal recycling; public works yards, container storage; or similar activity. Ordinarily these areas have low parking turn-over, few pedestrians, but a large amount of truck traffic.

Per Ordinance No. 3236 (February 25, 2010)

Irrigation System: A permanent, artificial watering system designed to transport and distribute water to plants.

Land Use: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices, oil and gas exploration, exploitation, extraction and mining.

Lateral Line: Any line, wire, or cable and appurtenances used to distribute, transmit, or deliver service from a feeder line to two or more sites or end users of the utility service within a specific development.

Levee: A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

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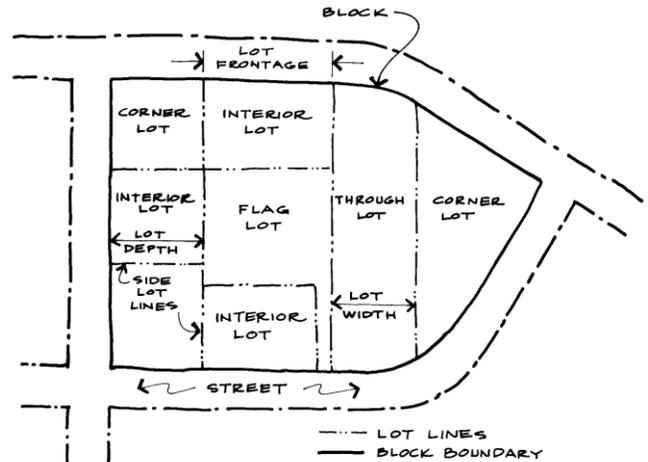
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Levee System: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practice.

Location: Quality of integrity retained by a property that contributes to a Historic Preservation Overlay District historic property existing in the same place as it did during the period of significance.

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

- (1) **Corner Lot:** A lot located at the intersection of and abutting upon two or more streets.
- (2) **Double Frontage or Through Lot:** A lot, other than a corner lot, which has frontage on more than one street.
- (3) **Flag Lot:** A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
- (4) **Interior Lot:** A lot other than a corner lot.



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

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

Lot Line Construction: A development where houses on a common street frontage are shifted to one side of their lot to maximize side yard area on the opposite side of the lot. Planning for all house locations are done at the same time to ensure proper building separations.

Lot of Record: A part of a recorded subdivision or a parcel of land that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width: Lot width is measured between side lot lines along a line that is parallel to the front lot line or its chord and that is located the minimum front setback distance from the front lot line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this UDO.

Major Recreational Equipment: For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, home occupation or household purposes when parked or stored on a residential lot or in any location not approved for such use.

Manufactured Home: A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 Code of Federal Regulations, Section 3282.8(g).

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Manufactured Home Lot: A parcel of land in a manufactured home park for the placement of a single HUD-code manufactured home and the exclusive use of its occupants.

Manufactured Home Park: A parcel of land under single ownership that has been planned and improved for the placement of HUD-code manufactured homes for non-transient use.

Manufacturing and Production: See "Industrial, Light and Heavy."

Massage Establishment: A business enterprise offering massage conducted by persons engaged in the practice of medicine, nursing, osteopathy, physiotherapy, chiropractic, podiatry, or massage therapy for which they are licensed by the State of Texas, or persons under the direct supervision and control of such licensed persons.

Maximum Density: This is a gross density calculation. It is the total number of dwelling units on a site or in a subdivision divided by the total land area (in acres) of the site or subdivision.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Median: The middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

Medical Clinic: See "Clinic."

Micro-Industrial: a use engaged, on a limited scale, in basic processing and/or manufacturing of materials or products or parts, predominantly from extracted raw materials, entirely contained within a building and not deemed to be a public nuisance, as determined by the administrator.

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

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

Mobile Food Vendor: Any business operating more than twenty-one (21) days per calendar year which sells edible goods from a non-stationary location within the City of College Station. The term shall include, but shall not be limited to, mobile food trucks, carts, or trailers.

Per Ordinance No. 2011-3322 (February 24, 2011)

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems.

Model Home: A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like.

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

National Flood Insurance Program: The National Flood Insurance Program (NFIP) is a federal program enabling property owners to purchase flood insurance. This program is based on an agreement between local communities and the federal government that if a community will implement programs to reduce future flood damages, the federal government will make flood insurance available within the community as a financial protection against flood losses. The United States Congress established the NFIP with the National Flood Insurance Act of 1968 and later modified and broadened the program. The NFIP is administered by the Federal Emergency Management Agency (FEMA).

National Geodetic Vertical Datum (NGVD): The nationwide reference surface for elevations throughout the United States made available to local surveyors by the National Geodetic Survey with the establishment of thousands of benchmarks throughout the continent. It was obtained through a least-squares adjustment in 1929 of all first-order leveling in the United States and Canada. The adjustment included the 26 tide stations, and thus referenced the NGVD to mean sea level.

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Natural: The cover and topography of land before any manmade changes, or in areas where there have already been manmade modifications, the state of the area and topography of land at the date of the adoption of this UDO.

Neighborhood: A subarea of the city in which the residents share a common identity focused around a school, park, community business center, or other feature. For the purposes of a Single-Family Overlay District, a neighborhood must contain at least thirty (30) single-family structures in a compact, contiguous area, or be an original subdivision or phase of a subdivision if the subdivision contains fewer than thirty (30) single-family structures. Boundary lines must be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.

Neighborhood Character: The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land-use types and intensity, traffic generation, and also by the location, size and design of structures as well as the interrelationship of all these features.

Neighborhood Stakeholder Committee: A committee of at least 6 property owners within a proposed Neighborhood Conservation Overlay District and the Administrator. The committee provides input from the neighborhood and assists City Staff in conducting a Conservation Study and evaluating the options for regulation as listed in Section 5.9.

New Construction: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

Night Club: A commercial establishment including, but not limited to, bars, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment is provided and where the serving of food is not the principal business. Specifically included in this classification are establishments that derive 75% or more of their gross revenue from the on-premise sale of alcoholic beverages. Sexually-oriented Businesses/Enterprises are not included in this definition.

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

Non-Combustible Material: As defined in Chapter Two of the International Residential Code as adopted and amended by the City of College Station City Council.

Northgate District definitions (applicable only to development in Northgate):

Redevelopment: The revision or replacement of an existing land use or existing site through the acquisition or consolidation, and the clearance and rebuilding of this area according to the Northgate Redevelopment Plan.

Site Development: Any excavation, landfill or land disturbance, including new construction, reconstruction, relocation, or change of use. For the purposes of the Northgate Districts only, site development includes installation of walls, accessory structures, and other similar additions.

Rehabilitation: The process of returning a structure to a state of utility, through repair or alteration, which make possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural value.

Façade Work: The removal, or replacement, substitution or change of any material or architectural element on the exterior face of a building, which includes, but is not limited to, painting, material change, awning or canopy replacement, signage, or other permanent visible facade treatment.

Minor Site/Building Projects: The addition, maintenance, and/or replacement of minor building or site elements, including such actions related to storage building(s), screening, fencing, and refuse containers. This also includes requests for changes in service for dumpster and other refuse receptacles.

Nude: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state.

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Nude Modeling Studio: Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

One Ownership: Property which although belonging to one or more owners, has not been partitioned or subdivided so as to be owned separately by more than one person, whether or not related or participating in a joint enterprise.

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

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

Overlay: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zone.

Pad Site: The portion of a building plot that is located on the periphery of the site and has at least 75 feet of frontage on a public street classified as a collector or greater on the Thoroughfare Plan. A pad site contains a stand alone, single or multiple tenant structure and meets all site plan requirements within the pad site area. The total area of all pad sites within a defined building plot may not be more than 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, Overflow: Parking in excess of the minimum required by this ordinance and in excess of what is utilized on a regular basis by the development.

Parking, Row, Single: A single row of spaces for the parking of motor vehicles.

Parking, Row, Double: Two parallel rows of spaces for the parking of motor vehicles arranged so that when parked, the front end of each motor vehicle faces the front end of another motor vehicle.

Parking, Side or Rear Yard: Required parking that is provided, in its entirety, behind a setback line of one-half of the applicable zoning district's minimum lot depth.

Parking Space: A space used for the parking of a motor vehicle not on the paved or regularly traveled portion of a public street or within private access easements and which meets the requirements of this UDO as to size, location, and configuration.

Pasturage: Land used primarily for the grazing of animal stock.

Pavement Width: The portion of the surface of the street available for vehicular traffic; where curbs are used, it is the portion between the back of curbs.

Permitted Use: A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.

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

Personal Service Shop: An establishment which provides services related to grooming, appearance, care, or repair of personal apparel; and which may sell products used or recommended for those same purposes incidental to the services provided.

Place of Worship: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Plan, Preliminary: A conceptual plan of a subdivision intended for planning purposes showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., generally drawn to scale and meeting the requirements of this UDO but not intended for final action in recordable form filed with the applicable county records.

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

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Planning and Zoning Commission: The duly appointed Planning and Zoning Commission of the City of College Station, Texas.

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

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

Plat, Minor: As defined by Section 212.0065 of the Texas Local Government Code. A subdivision involving four or fewer lots fronting on an existing street and that does not require the creation of any new street or the extension of municipal facilities.

Plot Plan: See "Site Plan."

Portable Storage: Any unit, including but not limited to a trailer, box, or other enclosed shipping container, which is used primarily as storage space whether the unit is located at a facility-owned establishment or operated by the owner at another location designated by the tenant.

Premises: An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the Development Services Department either at plat stage or site plan stage.

Project Plan: Drawings and related information illustrating a proposed project for which a use permit, site plan permit, or parking area/landscape approval is sought.

Public, Civic & Institutional structure: Structures used principally to serve a public need, such as places of worship, hospitals, public or private schools, libraries, museums, post offices, polices and fire stations, public utilities, governmental services, and other public services.

Public Uses/Facilities: A use or facility belonging to or used by the public for the transaction of public or quasi-public business including, but not limited to, uses such as and similar to libraries and public parks.

Public Way: A Public Way provides circulation and through movement similar to a public street but is a privately maintained drive, constructed to certain street standards, and granted unrestricted access via a public access easement. The drive shall be designed to the geometric design, construction standards, and driveway spacing of a Commercial Street according to the *Bryan/College Station Unified Design Guidelines* with the following modifications. A Public Way shall have a minimum pavement structure constructed to City's fire lane standards, a minimum drive width of twenty-four feet (24') back-to-back 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 of this UDO. Five-foot (5') 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 or wider to incorporate the entire width of the pavement section and sidewalks on each side.



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

Quoin: Units of stone or brick used to accentuate the corners of a building.

Recyclable Materials: Those materials specifically listed at a particular site as acceptable. Such materials may include, but are not limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines, periodicals, plastic containers, yard waste, paper and cardboard, phone books, and scrap metal.

Recycling: The separation, collection, processing, recovery and sale of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

Recycling Bin: A container used to collect recyclable materials, at which no fee is collected from the person depositing the materials.

Recycling Facility, Large: A recycling facility located on an independent site, or larger than 500 square feet, where limited mechanical processing may or may not occur, depending on the zoning district in which the facility is located.

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Recycling Facility, Small: A facility that occupies no more than 500 square feet, and provides containers for collection only of source separated recyclables, with no power-driven processing equipment on site. Small collection facilities are normally located on parking lots of the host use. These may include, but are not limited to, bulk reverse vending machines, a grouping of reverse vending machines that exceed 50 square feet, kiosk-type structures that may include permanent structures, and unattended recycling bins placed for the donation of recyclable materials.

Redevelopment: The revision or replacement of an existing land use or existing site through the acquisition or consolidation, and the clearance and rebuilding of this area according to a comprehensive plan.

Registered Professional Engineer: A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act, to practice the profession of engineering.

Rehabilitation: The process of returning a structure to a state of utility, through repair or alteration, which make possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural value.

Related: Persons are related when they are within the first or second degree of consanguinity or affinity. Persons are not related by affinity unless lawfully married, and any asserted common law marriage must be subject to an affidavit of record under the family code, or a judicial determination.

Religious Institution: See "Place of Worship."

Remote Emergency Access: An emergency access consists of a semi-permanent all-weather surface according to the City of College Station Site Design Standards. An access is remote when the two access points are placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the points.

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

Repair Shops: A shop exclusively for the repair of household goods and home equipment, within a building with no outdoor storage of items or equipment, and where no noise, dust, or vibration is discernible beyond the property line.

Replat: A replat is required in cases where new lots are formed within an existing subdivision. A replat follows the procedure for a final plat and must conform with applicable zoning.

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

Residential Sales Office: See "Model Home."

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

Restaurant, Casual Dining: A restaurant with a market segment between Fast Food and Fine Dining restaurants usually characterized by table service, a relatively fully-stocked and full-service bar, and a bill per dinner averaging \$10 - \$30 for an evening meal and slightly less for lunch and does not provide drive-thru service.

Restaurant, Fast Food: An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served in disposable wrapping or containers.

Restaurant, Fine Dining: A restaurant serving formal-style dinner, and services where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch. These restaurants usually have a dress code and do not provide drive-thru service.

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

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Retail Sales, Alcohol: Establishments, except nightclubs and restaurants as defined, engaged in selling beer, wine, or other alcoholic beverages for where more than 75% of sales is derived from the sale of such beverages for off-premise consumption. Exempt from this definition are temporary retail sales of alcohol associated with special events, or events held on City-owned property.

Retention: The storage of stormwater flows in a facility that has a permanent pool of water.

Retention Facility: A facility that provides for the storage of stormwater flows by means of a permanent pool of water or permanent pool in conjunction with a temporary storage component.

Reverse Vending Machine: An automated mechanical device which accepts at least one or more types of beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and which issues a cash refund or a redeemable credit slip. Sorting and processing occurs entirely within the machine.

Reverse Vending Machine, Bulk: A reverse vending machine that is larger than 50 square feet and is designed to accept more than one container at a time and to pay by weight. For the purpose of these restrictions, bulk reverse vending machines will be considered small collection facilities.

Reverse Vending Machine, Single Feed: A reverse vending machine that accepts materials one item at a time.

Rooming/Boarding House: A group of rooms provided for persons other than members of the occupant family (see definition of family) for compensation either in a converted single-family home or in a structure specifically designed for such purpose where there are no cooking facilities provided in individual living units and where meals may be provided daily.

Roof Types:



(1) **Flat Roof:** A roof with only enough pitch to allow drainage.



(2) **Gable Roof:** A ridged roof having one (1) or two (2) gabled ends (gable: the portion of the end of a building that extends from the eaves to the peak or ridge of the roof).



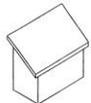
(3) **Gambrel Roof:** A roof whose slope on each side is interrupted by an obtuse angle that forms two pitches on each side, the lower slope being steeper than the upper.



(4) **Hip Roof:** A roof formed by several adjacent inclining planes, each rising from a different wall of building, and forming hips at their adjacent sloping sides.



(5) **Mansard Roof:** A roof with a double pitch on all four sides, the lower level having the steeper pitch.



(6) **Shed Roof:** A roof having a single-sloping plane.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, and appliances.

Satellite Dish: A broadcast receiver that receives signals directly from a satellite rather than another broadcast system, and amplifies the signal at a focal point in front of the receiving component.

School: A building where persons regularly assemble for the purpose of instruction or education, together with playgrounds, dormitories, stadia and other structures or grounds used in conjunction therewith and is limited to public and private schools used for primary, secondary or college education. This includes any facility where tutoring of more than 10 students at one time takes place on a regular basis.

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Sediment: Soils or other surficial materials transported or deposited by the action of wind, ice, or gravity as a product of erosion.

Service Line: Any line, wire, or cable and appurtenances used to distribute, transmit, or deliver a utility service from a source of supply, feeder line, or lateral line directly to an end user.

Service Provider: Any company, corporation, alliance, individual, or other legal entity that provides a wireless telecommunication service directly to the public for a fee or to such classes of users as to be effectively available directly to the public regardless of the facilities used; services include, but are not limited to, portable phones, car phones, pagers, digital data transmission, or radio or television communications.

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

Sexually-Oriented Books and Videos: Books, magazines, pamphlets, pictures, drawings, photographs, video tapes, digital video disks, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities.

Sexually-Oriented Business: Any business whether in public, semi-public, or private premises which offers the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the unclothed body or the unclothed portion of the body of another person, or to observe, view, or photograph any such activity. Except as provided herein, this definition is not intended to regulate:

- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held.
- (2) Any business operated by or employing licensed physicians, licensed practical nurses, or licensed chiropractors engaged in practicing the healing arts.
- (3) Any bookstore, movie theater, or video store, unless that business includes sexually-oriented materials.

Sexually-oriented businesses include, but are not limited to, adult retail stores, limited adult retail stores, adult arcade, adult cabarets, adult movie theaters, adult theaters, adult motels, body rub parlors, nude modeling studios, sexual encounter centers, and escort agencies.

Sexually-Oriented Materials: All sexually-oriented toys and novelties and sexually-oriented books and videos.

Sexually-Oriented Toys and Novelties: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs, except medical devices approved by the Food and Drug Administration.

Shopping Center: A building plot developed or ultimately to be developed with two or more stores, shops, or commercial enterprises, and which has shared parking facilities or access.

Shooting Range: A facility to be utilized for discharging firearms for purpose of testing the firearm or ammunition, developing or enhancing shooter skills for recreation or other need, which is organized and equipped for safety of persons utilizing the facility and the general public.

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

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

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

- (1) **Architectural Element:** an element, design, or motif, that is installed, attached, painted, or applied to the exterior of a building or structure for the purpose of

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ornamentation or artistic expression, and not relating to a specific sign, logo, or identity of any specific business tenant.

- (2) **Apartment/Condominium/Manufactured Home Park Identification Sign:** An attached sign or a freestanding monument sign with permanent foundation or moorings, designed for identification of a multi-family residential project or a manufactured home park project, and where adequate provision is made for permanent maintenance.
- (3) **Area Identification Sign:** A freestanding monument or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten to 50 acres, or identification of a distinct area within a subdivision, and where adequate provision is made for maintenance.
- (4) **Attached Sign:** A sign attached to, or applied on, and totally supported by a part of a building or mounted to site lighting poles located on private property

Per Ordinance No. 2011-3302 (January 11, 2011)

- (5) **Banner/Flag:** A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).
- (6) **Campus/Wayfinding:** A sign utilized as a traffic control device in off-street or access areas whose primary purpose is to direct traffic within planned development district (PDD) or unified development, that may include the names of tenants or businesses, but does not contain any commercial logo or graphics.

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

- (7) **Commercial Banner:** A sign made of cloth, canvas, or other flexible material which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.
- (8) **Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.
- (9) **Development Sign:** A sign announcing a proposed subdivision or a proposed building project.
- (10) **Directional Traffic Control Sign:** A sign utilized as a traffic control device in off-street parking or access areas whose primary purpose is not for advertisement.
- (11) **Freestanding Commercial Sign:** A sign supported by one or more columns, poles or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.
- (12) **Fuel Price Sign:** A sign used to advertise the current price of fuel at locations where fuel is sold.
- (13) **Home Occupation Sign:** A sign used to identify the name and occupation of a person with a legal home occupation.
- (14) **Low Profile Sign:** A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign and which does not exceed 60 S.F. in area and four feet in height.
- (15) **Non-Commercial Sign:** A work of art or message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.
- (16) **Off-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed.
- (17) **On-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is displayed.
- (18) **Political Sign:** Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be

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considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.

- (19) **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.
- (20) **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.
- (21) **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 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.
- (22) **Special District Identification Sign:** An official, permanent, on-premise sign authorized by the City of College Station, which is used to identify a pedestrian or vehicular entrance to a Design District or Overlay District, as out lined in Article 5.6 Design Districts and 5.8 Overlay Districts. The sign shall be used to display only the name, logo, or identifying information about the district, and no other commercial information.
- (23) **Subdivision Identification Sign:** A freestanding monument or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than 50 acres, and where adequate provision is made for permanent maintenance.
- (24) **Subdivision Marker:** A subdivision logo of no more than one square foot in area, that is attached to an architectural element such as a column, fence post, wall, mail kiosk, bus stop, or similar community structure, and whose purpose is to provide continuity and identity throughout the subdivision.

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

Site Plan: A site development plan showing the use of the land including locations of buildings, drives, sidewalks, parking areas, drainage facilities, and other structures to be constructed, and any other details required by the City in Section 3.6, Design District Site Plan Review, of this UDO. Also called a plot plan.

Sitwall: A combination or seating with perimeter protection and/or screening in a subtle, attractive, and functional way.

Specified Anatomical Area: Any showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the depiction of covered male genitals in a discernibly turgid state.

Specified Sexual Activities: Actual or simulated acts of masturbation, sexual intercourse, oral or anal copulation or sadomasochism; fondling or other erotic touching of or physical contact with one's own or another's genitals, pubic area, buttocks, or female breasts, whether clothed or unclothed; human male or female genitals when in a state of sexual stimulation or arousal; or excretory functions or acts with animals as part of or in conjunction with any of the activities set forth herein. Activities which are commonly referred to by the slang terms "lap dance," "straddle dance," "face dance," or "table dance" shall be included in this definition. For purposes of this definition, "sadomasochism" means infliction of pain, flagellation, or torture, or the condition of being bound, fettered, or otherwise physically restrained.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a HUD-code manufactured home on a foundation.

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Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a dwelling unit and not part of the main structure.

State: The State of Texas.

Stealth Antenna: A telecommunication antenna located on an alternative mounting structure that is effectively camouflaged or concealed from view and blends into the surrounding environment. Examples include architecturally screened roof-mounted antennas, building-mounted antennas painted and/or textured to match the existing structure, and antennas integrated into architectural elements.

Stealth Technology or Facility: Design technology that blends the wireless telecommunications facility into the surrounding environment; examples of stealth facilities include, but are not limited to, architecturally-screened roof-mounted antennas, building-mounted antennas painted and/or textured to match the existing structure, antennas integrated into architectural elements such as church spires or window wall, and antenna structures designed to resemble light poles or flag poles.

Stealth Tower: A man-made tree, clock tower, church steeple, bell tower, utility pole, light standard, identification pylon, flagpole, or similar structure, that is camouflaged to be unrecognizable as a telecommunications facility, designed to support or conceal the presence of telecommunication antennas and blends into the surrounding environment.

Storage Garage: A "storage garage" is any premises and structure used exclusively for the storage of more than five automobiles.

Storage, Outdoor: See "Outdoor Storage."

Storage, Self Service: A structure containing separate, individual, and private storage spaces of varying sizes.

Stormwater Management: All ordinances, standards, plans, and studies to insure the timely and effective construction of:

- (1) a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
- (2) a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Street: A way for vehicular traffic to move, whether designated as a highway, arterial street, collector street, or local street.

Street, Minor Arterial: A street that collects traffic from the collector system and connects with the major arterial system.

Street, Major Arterial: A street that collects traffic from the collector and minor arterial system and connects with the freeway system.

Street, Collector: A street that collects traffic from local streets and connects with minor and major arterials. This includes minor and major collectors.

Street, Local: A street that provides vehicular access to abutting property.

Stringcourse: A narrow, continuous ornamental band set in the face of a building as a design element; also known as a cordon.

Stripping: Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

Structure: Anything constructed, built, or erected.

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

Subdivider: Any person or persons, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for his own personal gain or use.

Subdivision: The division of a lot, tract, or parcel of land into two or more parts, lots, or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. This also includes the resubdivision of land or lots which are a part of a previously recorded subdivision. Divisions of land for agricultural purposes, where no building construction is involved, in parcels of five acres or more, shall not be included within this



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definition, unless such subdivision of five acres or more includes the planning or development of a new street or access easement. An addition is a subdivision as is defined herein.

Subdivisions, Minor: A division of land into four or fewer lots on an existing street which does not require the creation of any new street or the extension of municipal facilities.

Subdivision, Rural Residential: A subdivision that is predominately single-family lots and where one (1) acre is the minimum lot size of the base zoning district. Included are developments where lots are clustered to smaller than one (1) acre as permitted by the zoning district and/or the cluster development provision.

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

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any projects for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surveyor: A person duly authorized and licensed under the Texas Professional Land Surveying Practices Act to practice the profession of land surveying, either as a Registered Professional Land Surveyor or a Licensed State Land Surveyor.

Taxicab service: Any business associated with the storage or dispatch of vehicles for the transportation of passengers for hire.

Taxicab, Commercial Vehicle: Any motorized passenger vehicle permitted or should be permitted pursuant to the provisions of Chapter 4 of the City of College Station Code of Ordinances.

Per Ordinance No. 3281 (September 9, 2010)

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Townhouse: One of a group of no less than three, no more than twelve, attached dwelling units, each dwelling unit located on a separate lot and thereby distinguished from condominium units.

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 80'), its broad canopy, and the shade that it produces.

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

Transmission Tower: A wireless telecommunications support structure designed primarily of the support and attachment of a wireless telecommunications facility. Transmission towers include:

- (1) Monopole Tower - A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment;
- (2) Lattice Tower - A self-supporting three or four sided, open, steel frame structure used to support telecommunications antenna and/or related equipment; and
- (3) Guyed Tower - An open, steel frame structure that requires wires and anchor bolts for support.

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Truck Stop: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews. For the purposes of this definition, a use is classified as a truck stop when more than 10 fuel pumps are used.

Two-Family Home: Two dwelling units on a single platted lot, either side-by-side or upstairs and downstairs. Also known as a duplex.

Use: The actual use(s) of a parcel of ground, whether conducted within or without structures, buildings, or improvements. An unoccupied and unused structure is not a use, irrespective of its design, purpose, or utility.

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility company, for installation or maintenance of utilities across, over, or under private land, together with the right to enter thereon with machines and vehicles as necessary for maintenance of such utilities.

Utility Facility: Infrastructure services and structures necessary to deliver basic utilities essential to the public health, safety, and welfare. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility. This does not include facilities regulated by Section 6.3.P, Wireless Telecommunication Facilities.

Variance: The modification of a specific standard in this UDO.

Vehicle Repair and Service Shop: Any premises or structures when used for the servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived therefrom. Excepted from this definition are residential premises where not more than two motor vehicles belonging to the lawful residents thereof are involved in such activities at any one time, and not in operating condition, or where not more than one 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 week, and only one motor vehicle may be serviced and/or repaired each month.

Vehicle Sales and Rental: Any premises or structures used for the sale and or rental of motor vehicles.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

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

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

Wireless Telecommunication Facility (WTF): An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

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

Yard: Open spaces on the lot or building plot on which a building is situated and which are open and unobstructed to the sky by any structure except as herein provided.

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

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

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

Zoning: A method of land use control requiring the categorization of land use of every tract of land within a particular jurisdiction according to a zoning ordinance or code and usually in accordance with a land use plan which is intended to preserve the quality of life and orderly development of that jurisdiction.

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