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

Mayor
Nancy Berry
Mayor Pro Tem
Dave Ruesink
City Manager
David Neeley

Council members
Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie M. Schultz

Agenda
College Station City Council
Regular Meeting
Thursday, September 27, 2012 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

Consent Agenda
At the discretion of the Mayor, individuals may be allowed to speak on a Consent Agenda Item. Individuals who wish to address the City Council on a consent agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Presentation, possible action, and discussion of minutes for:
   - September 13, 2012 Workshop
   - September 13, 2012 Regular Council Meeting

b. Presentation, possible action and discussion to authorize expenditure of funds for FY'13, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than $50,000.

c. Presentation, possible action and discussion on a resolution amending the authorized representatives at TexPool.

d. Presentation, possible action and discussion regarding award of the services contract, for RFP 12-091 Outsourcing the Printing and Mailing of Utility Bills, final notices and inserts for an estimated annual expenditure of $230,000 to Xpedient Mail.

e. Presentation, possible action and discussion to approve an increase in expenditure authorization for City solid waste disposal fees to the Brazos Valley Solid Waste Management Agency, Inc in the amount of $300,000.00 for a total of $1,622,185.00.

f. Presentation, possible action, and discussion regarding approval of a construction contract 12-306, Bid No. 12-096 to Bayer Construction for the installation of 10-inch bore under Hwy 6, south of Barron Rd. for a new electric distribution feeder from the Spring Creek Substation in the amount of $60,711.20.

g. Presentation, possible action and discussion regarding approval of the purchase of various major equipment for the proposed Northgate Electric Substation totaling $482,330.00 and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

h. Presentation, possible action, and discussion regarding contract renewal for Third-Party Claims Administration with A S & G Claims Administration Inc., for an annual expenditure of $52,000. Anticipated FY13 workers compensation claims are $175,000 and anticipated FY13 liability claims are $250,000.

i. Presentation, possible action, and discussion approving a resolution authorizing expenditures for the Aggieland Humane Society in the amount of $169,512.90 for Fiscal Year 2013.

j. Presentation, possible action, and discussion regarding City of College Station Excess Liability and Workers' Compensation Insurance, Property/Boiler & Machinery, Commercial Crime, EMT Liability, and Auto Property Damage policies for Fiscal Year 2013. FY13 premiums have increased 2.16 percent from FY12 premiums.

k. Presentation, possible action and discussion regarding the approval of a resolution adopting the Mitigation Action Plan titled "Mitigating Risk: Protecting Brazos County from All Hazards 2012-2017. ***(This item is also on workshop agenda item #6)***

l. Presentation, possible action and discussion regarding the approval of a resolution to update the Interlocal Agreement for Emergency Medical Ambulance Service to respond to emergencies in Brazos County and to establish the annual fee for FY 2012 at $161,648.

m. Presentation, possible action, and discussion regarding an annual price agreement with Acetylene Oxygen Company (AOC) for the purchase of liquid chlorine. The estimated annual expenditure is $57,270.

n. Presentation, possible action, and discussion Semi-Annual Report on Impact Fees 92-01, 97-01, 97-02B, 99-01, 03-02.

o. Presentation, possible action, and discussion regarding a construction contract with Bryan Construction Company, in the amount of $1,573,719.50 for the Carters Creek Wastewater Treatment Plant Headworks Project, the approval of a contingency transfer in the amount of $150,000, and authorizing the City Manager to execute the contract on behalf of the City Council. ***(This item is also on workshop agenda item #5)***

p. Presentation, possible action, and discussion regarding a change order to the design contract (Contract 09-070) with Weston Solutions, Inc. in the amount of $104,780 to add construction materials testing to the scope of work for South Knoll-The Glade Utility Rehabilitation Project (WF1044480, WF1044485), and authorizing the City Manager to execute the contract on behalf of the City Council.

Regular Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Regular Agenda Item. Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of $1,191,771.

2. Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinance of the City of College Station, Texas by rezoning approximately 147 acres from A-O Agricultural Open to PDD Planned Development District for the Joint Research Valley BioCorridor Development Project generally located between State Highway 47, Raymond Stotzer Parkway, Turkey Creek Road, and the City limit.

3. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," Article 8, "Subdivision Design And Improvements," Article 9, "Nonconformities," and Article 10, "Enforcement," of the Code Of Ordinances of the City of College Station, Texas, regarding the establishment of a BioCorridor Planned Development District.

4. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 4, "Zoning Districts," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," and Article 11, "Definitions," of the Code Of Ordinances of the City of College Station, Texas, by amending certain sections to establish new non-residential zoning districts, rename existing non-residential zoning districts, and retire specified zoning districts.

5. Presentation, possible action, and discussion as it relates to the appointment of a member, representing the City of College Station, to the Aggieland Humane Society Board, formerly named the Brazos Animal Shelter.

6. Adjourn.

If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, September 27, 2012 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 21st day of September, 2012 at 5:00 p.m.

City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on September 21, 2012 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

Dated this _____day of _____, 2012 By_____

Subscribed and sworn to before me on this the _____day of _____, 2012.

_____

Notary Public – Brazos County, Texas My commission expires: _____

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov . Council meetings are broadcast live on Cable Access Channel 19.

September 27, 2012
City Council Consent Agenda Item No. 2a
City Council Minutes

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

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

- September 13, 2012 Workshop
- September 13, 2012 Regular Council Meeting

Attachments:

- September 13, 2012 Workshop
- September 13, 2012 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
SEPTEMBER 13, 2012

STATE OF TEXAS §
§
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, arrived after roll call
Karl Mooney
Katy-Marie Lyles
Julie Schultz, arrived after roll call
Dave Ruesink, absent

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 3:05 p.m. on Thursday, September 13, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Presentation, possible action, and discussion on options for the future of the Conference Center facility and operations.

David Schmitz, Director of Parks and Recreation, reported that the original 8,305 square foot structure was built in 1949 as a school. It was expanded in 1983 to add 3,909 square feet. Recognizing the need for building renovations, in 2012, $25,000 was included in the budget for a building assessment. At the no-fee level, the building is currently used internal City and CSISD meetings, and for Parks and Recreation events. In FY2011, the facility was rented out 409 times at the full commercial rate. There were also 1,195 non-commercial events held at a reduced rate. Due to the closing of MSC, these numbers were a little higher than usual. There are three full

time employees, as well as several part-time employees. Revenue was $151,046 with expenses in the amount of $312,576 for a 48% cost recovery. Since the closing of the Conference Center, staff has been relocated to the Main Office in Central Park, and rentals were relocated to other facilities.

Options for the future of the Conference Center include:

- No longer continue Conference Center operations (This means the loss of community and City meeting and rental space; however, there would be a yearly budget savings of approximately $304,966 annually, based on the FY13 budget.)
- Continue with operations by renovating the existing facility (This would retain the historic value and have the ability to continue with current operations. There are issues with building maintenance, inadequate parking, and on-site traffic circulation. The estimated cost to renovate is $1.6 - $2.1 million. If the decision is made to stay in the building, a more in-depth engineering study is required.)
- Continue with operations by selling the facility (CSISD has the first right of refusal, or it could be sold to an historic organization for preservation/museum. It could also be sold to the general public. The City could then build a new facility or modify an unoccupied building. The City can also look at including additional meeting, programming and rental space at both the Lincoln Center and Library expansion projects, which are currently funded as part of bond projects.

Staff recommends taking advantage of the two CIP projects to add meeting, programming and rental space. There are no current funds for renovations, and most current rental needs are being met. Expansion for the Lincoln Center is not expected until mid-FY15, and the expansion of the Library is expected in FY17.

Carrol Claycamp, 300 Lee Avenue, stated it is difficult to speak in terms of dollars and cents, but they are important. He is not critical of the report, but rather he sees it as a "jump the gun" because of communication problems. There is a difference in a roof rafter and a roof truss. He looked at the building with the engineer this morning, and it is obvious there are problems. One of the items in the report stated there are 2x6 rafters and 2x4 ceiling joists with periodic ceiling components. He believes it is not periodic. The diagonals used to carry the tension were common in the 40's and 50's for support. These were not pre-fabricated; they were built on-site. They were loaded in tension, and that is what holds it up. They used a span-to-depth ratio of $1/10^{th}$. There are many ways to arrive at a solution. The report stated there were things that should have been done immediately, such as take care of the openings where the air conditioning was installed, and frame out in headers with two to three joists, instead of just one. He agrees that should be addressed now. He reiterated there is a difference between a joist and a truss, and there is a difference between something being okay and ready to pull it down.

Council consensus was to discuss this further at the Council's Strategic Plan Retreat, requesting an inventory of our facilities and assessing our space needs.

3. <u>Presentation, possible action, and discussion regarding the development of the Lick Creek Park Nature Center and the Advisory Committee's recommendation.</u>

Chuck Gilman, Director of Capital Projects, reported that the Nature Center was included in the 2008 Bond Authorization. It was to be an Environmental Education Center of approximately 10,000 square feet, for classrooms, exhibit space and office space. In 2010, Council directed staff to begin planning and programming for the facility. Staff selected a design team through the RFQ process, and in October 2010, the Council approved a design contract with Ray+Hollington Architects. In June 2011, the Lick Creek Park Nature Center Advisory Committee was established by Council. In June 2012, staff provided the Council with a summary of the programming alternatives with three scenarios. Two public meeting were held in October and November 2011 to gather input. Education and Sustainability were identified by the meeting attendees as the most critical elements to be included in the nature center.

The anticipated operations and maintenance costs for the three scenarios were:

- Scenario A: $231,650
    - Staff: 2 FTE + seasonal employee
- Scenario B: $116,400
    - Staff: Seasonal employee
- Scenario C: $160,425
    - Staff: 1 FTE + seasonal employee

At an Advisory Committee meeting on May 30, 2012, the committee members in attendance voted unanimously to endorse Scenario C to take forward as their recommendation to the City Council. Staff supports this recommendation.

Council directed staff to bring back more detailed conceptual drawings.

4. <u>Presentation, possible action, and discussion regarding the possible placement of a nature trail through property located within Springbrook Estates.</u>

Bob Cowell, Executive Director of Development Services, provided some background on this item. It was proposed in the Bikeway and Pedestrian Master Plan in 2002, and in 2004, it was prioritized by the Hike and Bike Task Force and adopted by City Council as a High Priority. Route alternatives were presented to Council in May 2012. In August of 2012, Council directed staff to proceed with the final design of the entire project (using the on-street option for Segment A). Later in August 2012, the Council directed staff to discuss with the neighborhood the concept of a natural or "green" trail on HOA property. Some homeowners in the neighborhood strongly opposed the land dedication and the trail in the common area. After staff received direction from Council to discuss with the neighborhood the concept of a natural or "green" trail on HOA property, the HOA Board provided a letter of opposition to a nature trail concept. Staff requested direction regarding the nature trail based on the HOA Board preference.

Gary Ives, 3943 Blue Jay Court, President of the Springbrook HOA, reported he had heard from Marcy Halterman-Cox, who stated she and her group might be in favor of some form of City maintained natural trail and asked the Council to not close out this option so he can take the question to the newly elected board. He wanted to know what levels and types of maintenance of the drainage area the City would agree to as part of any agreement.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Brick, the City Council voted two (2) for and four (4) opposed, with Mayor Berry and Councilmembers Fields, Lyles and Schultz voting against, to give the HOA Board until Friday, September 21, to decide if they are interested in giving a proposal to the City. The motion failed.

Mayor Berry recessed the workshop at 4:41 p.m.

The workshop reconvened at 5:03 p.m.

5. <u>Executive Session</u>

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, and §551.087-Economic Inventive Negotiations, the College Station City Council convened into Executive Session at 5:03 p.m. on Thursday, September 13, 2012 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan.
- Chavers et a1 v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922.
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023.
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-0025 16-CV-272, in the 272nd District Court of Brazos County, Texas.
- Patricia Kahlden, individ. and as rep. of the Estate of Lillie May Williams Bayless v. Laura Sue Streigler, City of College Station and James Steven Elkins, No. 11-003172-CV-272, in the 272ndDistrict Court of Brazos County, Tx.
- Claim and potential litigation related to a June 24, 2011 collision with a city vehicle.

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

- City Manager
- City Attorney
- City Secretary
- Municipal Court Judge
- Internal Auditor

C. Deliberation on economic development negotiations regarding an offer of financial or other incentives for a business prospect; to wit:

- Economic development incentives to prospect in the area between Texas Avenue and 2818
- Economic development incentives to prospect in West College Station

The Executive Session adjourned at 6:02 p.m. on Thursday, September 13, 2012.

6. Take action, if any, on Executive Session.

No action was required from Executive Session.

Presentation proclaiming September 21, 2012 as Alzheimer's Action Day in the City of College Station.

Mayor Berry presented a proclamation proclaiming September 21, 2012 as Alzheimer's Action Day in the City of College Station to Amy Brower, with the Alzheimer's Association.

7. Presentation, possible action, and discussion on items listed on the consent agenda.

Mayor Berry reported that item 2n has been pulled from the Consent Agenda and will not be considered.

Item 2q was pulled for clarification.

2q: Frank Simpson, Deputy City Manager, noted representatives from the CVB were present to answer questions. He also reported on the grant application process and policy and noted that the City of Bryan has already approved this.

8. Presentation, possible action, and discussion on the FY 2012-2013 Proposed Budget.

Jeff Kersten, Executive Director of Financial Services, reported the total proposed FY2012-2013 budget is $253,133,611. $212,643,409 is operations and maintenance, and $40,490,202 is total capital. Council received a budget revision memo, reflecting a net increase of $274,205 in operations and maintenance for new net budget of $253,407,816. The four items on the memo were to reduce Mayor/Council budget, an item to re-allocate monies for the Conference Center, an item to increase the TMRS allocation, and to increase the Electric Fund budget in the salary and benefits area.

Councilmember Schultz asked if we could move the $25,000 Chamber line item to the CVB and have the Chamber go through the grant application process. Consensus was to leave things as they are for now.

9. Council Calendar

- **Sept. 17 Intergovernmental Committee Meetings at 5:00 p.m.**
- **Sept. 18 Celebrating the Arts at CS Hilton, 6:00 p.m.**
- **Sept. 19 BVSWMA Board Meeting at Twins Oaks Facility - 2690 SH30, 11:00 a.m.**
- **Sept. 19 RVP Board Meeting at RVP, 3:00 p.m.**
- **Sept. 20 P&Z Workshop/Regular Meeting in Council Chambers at 6:00 p.m. (Karl Mooney, liaison)**

- **Sept. 27 City Council Executive Session/Workshop/Regular Meeting, at 5:00, 6:00, and 7:00 p.m.**

Council reviewed the Council calendar.

10. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items requested.

11. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Blinn College Brazos Valley Advisory Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Bryan/College Station Chamber of Commerce, BVSWMA, BVWACS, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Neighborhood Parking Taskforce, Joint Relief Funding Review Committee, Landmark Commission. Library Board, Metropolitan Planning Organization, National League of Cities, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Sister City Association, TAMU Student Senate, Texas Municipal League, Youth Advisory Council, Zoning Board of Adjustments.

Mayor Berry reported on the MPO and they have hired a new Executive Director.

Councilmember Lyles reported on the next meeting of the Health Department

12. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 7:06 p.m. on Thursday, September 13, 2012.

_____
Nancy Berry, Mayor

ATTEST:

_____
Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 13, 2012

STATE OF TEXAS §
§
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink, absent

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:07 p.m. on Thursday, September 13, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to approve the absence request from Dave Ruesink. The motion carried unanimously.

Citizen Comments

Rita O'Connor, 203 Francis, announced the BCS 100. She started a company this past summer called Foot Traffic Texas. The program is for people who are trying to improve the activity and health level of their lives in an encouraging and supportive group setting.

John Bounds, 9411 Twelve Oaks, spoke about the landfill proposed on Highway 60. He is among the 1,000 residents that live within two miles of this trash mountain. There are churches, and a school within walking distance. A letter was sent to TCEQ recommending denial of the application. TCEQ appears to be ignoring their letter. We have the bio-corridor, and there are other locales wanting to attract those types of businesses. It is a good possibility that none of the other locales have a trash dump in such close proximity. Is this what we want? He asked Council to oppose the project. That mountain of trash will be here forever.

Linda Harvell, 504 Guernsey, said she is in the third week of the Citizen's Police Academy and praised the Police Chief and the amazing program. She has been concerned about the lack of police presence in her neighborhood, and she has learned how the City is zoned for patrol. She has also learned that the officers have to buy their own flashlights. In her years of business, her employees never had to purchase the tools to do their job. She also gave kudos to the sanitation crew and the good job they do.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- **August 20, 2012 Budget Workshop**
- **August 21, 2012 Budget Workshop**
- **August 22, 2012 Budget Workshop**
- **August 23, 2012 Workshop**
- **August 23, 2012 Regular Council Meeting**

2b. Presentation, possible action and discussion on Ordinance 2012-3440, amending Section 4 of Ordinance No. 2012-3433 ordering a Special Election to be held on November 6, 2012 for the purpose of submitting proposed amendments to the City Charter to the voters by correcting the polling location for Precincts 24, 53 and 58. (Presentación, posible acción y discusión de una Ordenanza 2012-3440, que enmienda la Sección 4 de la Ordenanza No. 2012-3433 para ordenar Elecciones Especiales a celebrarse el 6 de noviembre de 2012 con el propósito de presentarle a los votantes las enmiendas propuestas a los Estatutos de la Ciudad, al corregir el sitio de votaciones para los Departamentos numeros 24, 53 y 58.)

2c. Presentation, possible action and discussion on Resolution 9-13-12-2c, amending the Notice of Special Election that will be held November 6, 2012. (Presentación, posible acción y discusión de una Resolución 9-13-12-2c, para enmendar la Notificación de Elecciones Especiales que se realizaran el 6 de noviembre de 2012.)

2d. Presentation, possible action and discussion on the Certification of Unopposed Candidates and Ordinance 2012-3441, ordering the cancellation of the General Election on

November 6, 2012. (Presentación, posible acción y discusión acerca de la Certificación de Candidatos Sin Oposición y una Ordenanza 2012-3441, que ordene la cancelación de las Elecciones Generales del 6 de noviembre de 2012.)

2e. Presentation, possible action and discussion on a letter agreement for year 4 of the Professional Auditing Services engagement with Ingram, Wallis & Co., P.c. for the fiscal year ending September 30, 2012 with expenditures totaling $91,000 from the City of College Station.

2f. Presentation, possible action, and discussion regarding the approval of contract No. 12-280 in the amount of $87,329.67 between the City of College Station and Siemens Industry, Inc. for the installation of security cameras in the Northgate Parking Garage and authorizing the City Manager to execute the contract on behalf of the City Council.

2g. Presentation, possible action, and discussion regarding the approval of contract No. 12-302 in the amount of $59,627.00 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. for cleaning services in Northgate and the Chimney Hill Shopping Center and authorizing the City Manager to execute the contract on behalf of the City Council.

2h. Presentation, possible action, and discussion regarding approval of a service contract between the City of College Station and Shelby Building Maintenance & Janitorial Services in the amount of $141,334.00 for Annual Janitorial Maintenance Services in city buildings and authorizing the City Manager to execute the contract on behalf of the City Council.

2i. Presentation, possible action, and discussion authorizing the City Manager to sign professional services contract 12-334 with Interra Hydro Incorporated in the amount of $47,870 for a Bee Creek sewer trunk line study.

2j. Presentation, possible action, and discussion on a Memorandum of Understanding (MOU) with the TAMU Department of Psychology to provide psychological evaluations on potential employees of the Police Department in accordance with the requirements set for by the Texas Commission on Law Enforcement Standards and Education.

2k. Presentation, possible action, and discussion on the FY 2012-2013 BVSWMA, Inc Proposed Budget.

21. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and JNA Painting & Contracting Company Inc. in the amount of $57,931.00 for the purpose of Various Interior/Exterior Painting of City Buildings under ITB (Invitation To Bid) #12-084, the rejection of bids received for ITB (Invitation To Bid) #12-057, and authorizing the City Manager to execute the contract on behalf of the City Council.

2m. Presentation, possible action, and discussion regarding a construction contract 12-299 with Palomares Construction Company, in the amount of $152,361.00 for the Lincoln

Avenue Sidewalk Project, and authorizing the City Manager to execute the contract on behalf of the City Council.

2n. Presentation, possible action, and discussion of an ordinance amending Chapter 10 "Traffic Code", to create a loading zone on University Drive east of College Main in accordance with the desires of the area merchants and as identified in the Memorandum of Understanding between the City of College Station and the Northgate District Association.

2o. Presentation, possible action, and discussion regarding the renewal of an annual price agreement with Ergon Asphalt & Emulsions to provide emulsified asphalt products for the maintenance of streets in an amount not to exceed $428,697.14.

2p. Presentation, possible action, and discussion on Ordinance 2012-3442, amending the College Station Comprehensive Plan by adopting the Southside Area Neighborhood Plan for the area generally bounded by George Bush Drive, Texas Avenue South, Holleman Drive, Welsh Avenue, Southwest Parkway, and Wellborn Road.

2q. Presentation, possible action, and discussion regarding approval of a resolution creating a Hotel Occupancy Tax Fund Event Grant Application Policy.

Item 2n was pulled from the Consent Agenda by staff and was not considered.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less item 2n. The motion carried unanimously.

REGULAR AGENDA

1. Presentation, possible action, and discussion on Ordinance 2012-3443, adopting the City of College Station 2012-2013 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3443, adopting the City of College Station 2012-2013 Budget, as amended by the budget revision memo. The motion carried.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Mooney, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against. to ratify the property tax revenue increase reflected in the budget. The motion carried.

2. Presentation, possible action, and discussion on approval of Ordinance 2012-3444, adopting the City of College Station 2012-2013 ad valorem tax rate of $0.430687 per $100 assessed valuation, the debt service portion being $0.195635 per $100 assessed valuation and the operations and maintenance portion being $0.235052 per $100 assessed valuation.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2012-3444, adopting the City of College Station 2012-2013 ad valorem tax rate of $0.430687 per $100 assessed valuation, the debt service portion being $0.195635 per $100 assessed valuation and the operations and maintenance portion being $0.235052 per $100 assessed valuation. The motion carried unanimously.

3. Presentation, possible action, and discussion regarding Ordinance 2012-3445, amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for wastewater service.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3445, amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for wastewater service. The motion carried.

4. Presentation, possible action, and discussion on the Texas Municipal Retirement System Ordinance 2012-3446 to reduce the Updated Service Credit for current employees calculation from 100% to 75%; and reduce the Cost of Living Adjustment, or annuity increase, calculation for retirees from 70% to 50% of the Consumer Price Index.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to adopt the Texas Municipal Retirement System Ordinance 2012-3446 to reduce the Updated Service Credit for current employees calculation from 100% to 75%; and reduce the Cost of Living Adjustment, or annuity increase, calculation for retirees from 70% to 50% of the Consumer Price Index. The motion carried unanimously.

5. Presentation, possible action and discussion regarding the appointment to the Executive Committee of the Board of Directors for the Bryan-College Station Convention and Visitors Bureau.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to appoint Steve Aldrich to the Board of Directors for the Bryan-College Station Convention and Visitors Bureau. The motion carried unanimously.

DRAFT

6. <u>Adjournment.</u>

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:00 p.m. on Thursday, September 13, 2012.

_____
Nancy Berry, Mayor

ATTEST:

_____
Sherry Mashburn, City Secretary

DRAFT

September 27, 2012
Consent Agenda Item No. 2b
Annual Exemptions

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion to authorize expenditure of funds for FY'13, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than $50,000.

Relationship to Strategic Goals: Goal I.1. Spending taxpayer money efficiently

Recommendation(s): Staff recommends approval of the purchase requests as listed on the attached spreadsheet.

Summary: Every fiscal year there are a number of expenditures incorporated in the approved budget that are not subject to competitive bidding or proposals. These expenditures are for sole source purchases; expenditures for personal, professional or planning services; captive replacement parts for equipment, and other exemptions more fully described in LGC 252.022 or other expenditures for interlocal contracts or fees mandated by state law that are greater than $50,000. The intent of this item is for Council to authorize the expenditure(s) which will provide the ability to conduct daily affairs of the City which involve numerous decisions of a routine nature.

Budget & Financial Summary: Funds are either available and budgeted for each of the listed purchase requests in the fiscal year 2012-2013 budget in various funds of the City or if necessary will be made available by proposing an appropriate budget amendment or contingency transfer.

Attachments:
1. List of FY13 Annual Exemptions

2013 Exemptions

LGC 252.022(a)(7)(A) - Single source due to patents, copywrights, secret processes or other natural monopolies			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
US Postmaster	$ 70,000.00	$ 70,000.00	$ 70,000.00

LGC 252.022 (a)(7)(D) - Captive replacement parts or components for equipmement; computer software/hardware maintenance; equipment lease/maintenance			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
EnRoute Emergency System (application software upgrade/maintenance	$ 149,490.00	$ 139,402.00	$ 152,000.00
Reynolds & Company (WW SCADA maintenance)	$ 100,000.00	$ 100,000.00	$ 100,000.00
Sungard Public Sector (H T E application maintenance)	$ 163,830.00	$ 157,492.00	$ 170,000.00

LGC 252.022(a)(4) - Personal, professional or planning services			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
CME (geotechnical & construction testing services)	$ 30,000.00	$ 25,000.00	$ 65,000.00
Terracon (geotechnical & construction testing services)	$ 30,000.00	$ 40,000.00	$ 65,000.00
Joe Orr Surveying (land surveying)	$ 100,000.00	$ 50,000.00	$ 125,000.00
Bickerstaff, Heath, Delgado, Acosta (electrical legal services related interim TCOS filing and power supply contracts)	$ 100,000.00	$ 10,000.00	$ 60,000.00
Lloyd Gosselink (W/WW legal issues)	$ 100,000.00	$ -	$ -

LGC 252.022(a)(7)(c) - Gas, water and other utility services			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
City of Bryan (utilities for wells and pump station)	$ 1,125,000.00	$ 675,000.00	$ 1,300,000.00
Verizon (local phone service)	$ 105,000.00	$ 100,000.00	$ 100,000.00
Entergy (Well 8 electrical power)	$ 100,000.00	$ 30,000.00	$ 100,000.00

Expenditures pursuant to established interlocal agreements with various agencies			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
ILA with BVSWMA (disposal fees)	$ 1,477,497.00	$ 1,622,185.00	$ 1,322,185.00
ILA with Brazos County Appraisal District	$ 251,857.00	$ 240,272.00	$ 240,272.00
ILA with City of Bryan (library services)	$ 945,820.00	$ 1,014,480.00	$ 1,014,480.00
ILA with Brazos Valley Wide Area Communications System	$ 211,904.00	$ 196,876.00	$ 196,876.00
ILA with Brazos County, City of Bryan & TAMU for Community Emergency Operation Center (CEOC) Lease	$ 59,854.00	$ 58,394.00	$ 59,115.00
ILA with Texas Comptroller (ATT wireless phone/data services)	$ 50,000.00	$ 78,000.00	$ 100,000.00
ILA with Texas Comptroller for Grainger (maintenance, repair and operational supplies)	$ 75,000.00	$ 65,000.00	$ 75,000.00
ILA with National Intergovernmental Purchasing Alliance (NIPA) for Office Depot (office supplies)	$ 87,800.00	$ 100,500.00	$ 75,000.00

Expenditures for mandated state fees			
	FY 2013 Estimate	FY 2012 Projection	FY 2012 Approved
TCEQ (inspections/assessments, permitting fees - W/WW)	$ 150,000.00	$ 130,000.00	$ 135,000.00
BV Groundwater Conservation District	$ 215,000.00	$ 215,000.00	$ 225,000.00
Texas Workforce Commission (unemployment claims	$ 70,000.00	$ 60,000.00	$ 60,000.00
ERCOT (Electric Reliability Fees)	$ 72,000.00		

September 27, 2012
Consent Agenda Item No. 2c
TexPool Resolution Amending Authorized Representatives

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action and discussion on a resolution amending the authorized representatives at TexPool.

Recommendation(s): Staff recommends approval of the resolution.

Summary: Organized in 1989, TexPool is the largest and oldest local government investment pool in the State of Texas. TexPool currently provides investment services to over 1,700 communities throughout Texas. The State Comptroller oversees TexPool, and Federated Investors manage the daily operations of the pool under a contract with the Comptroller. TexPool is managed conservatively to provide a safe, efficient, and liquid investment alternative to Texas governments. The pool seeks to maintain a $1.00 value per share as required by the Texas Public Funds Investment Act. TexPool investments consist exclusively of U. S. Government securities, repurchase agreements collateralized by U. S. Government securities, and AAA-rated no-load money market mutual funds. TexPool is rated AAAm by Standard & Poor's, the highest rating a local government investment pool can achieve. The weighted average maturity of the pool cannot exceed 60 days, with the maximum maturity of any investment limited to 13 months. TexPool, like the City, is governed by the Texas Public Funds Investment Act.

The resolution amendment is to remove Staff Assistant, Marisia Dominguez from the account and add Staff Assistant, Princess Ephriam. This resolution designates those employees that are able to act as authorized representatives for the City's TexPool accounts.

Budget & Financial Summary: None

Attachments:

1. Resolution Amending Authorized Representatives

TEXPOOL
An Investment Service for Public Funds

RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, City of College Station - 77181
(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool *Prime* account or (2) is no longer employed by the Participant; and

C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: David Neeley Title: City Manager
Phone/Fax/Email: 979-764-3510/979-764-6377/dneeley@cstx.gov
Signature:

2. Name: Jeffrey N. Kersten Title: Executive Director Business Services
Phone/Fax/Email: 979-764-3745
Signature:

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED TEX – REP

3. Name: Cheryl A. Wright Title: Accounting & Treasury Ops. Mgr.
Phone/Fax/Email: 979-764-3554/979-764-3571/cwright@cstx.gov
Signature: Cheryl Wright

4. Name: Princess Ephriam Title: Staff Assistant
Phone/Fax/Email: 979-764-3555/979-764-3899/pephriam@cstx.gov
Signature: Princess Ephriam

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Cheryl A. Wright

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: _____ Title: _____
Phone/Fax/Email: _____

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____day _____, 20 ___.

NAME OF PARTICIPANT: City of College Station

BY: _____
Signature

Nancy Berry
Printed Name

Mayor
Title

ATTEST: _____
Signature

Sherry Mashburn
Printed Name

City Secretary
Title

This document supersedes all prior Authorized Representative designations.

APPROVED:

Carla A Robinson

City Attorney

Date: 09/13/12

September 27, 2012
Consent Agenda Item No. 2d
Contract for Printing and Mailing of Utility Bills and Inserts

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action and discussion regarding award of the services contract, for RFP 12-091 Outsourcing the Printing and Mailing of Utility Bills, final notices and inserts for an estimated annual expenditure of $230,000 to Xpedient Mail.

Recommendation(s): Staff recommends approval of the contract with Xpedient Mail for Outsourcing the Printing and Mailing of Utility bills, late notices and inserts for an estimated annual expenditure of $230,000.

Summary: The current contract with Xpedient Mail expires on September 30, 2012. RFP's were sent to vendors that specialize in the printing and mailing of utility bills, notices and inserts. Seventeen responses were received and evaluated with Xpedient Mail chosen as the vendor that best meets the needs of the City of College Station. Xpedient Mail is located in Bryan, Texas and are our current vendor. Xpedient Mail will continue to use the base bill product from Sungard Public Sector software to produce and send the bills and notices. They may also print the utility bill insert. In addition, Xpedient Mail will continue to make images of an exact duplicate of the bill available to city staff.

Budget & Financial Summary: We are sending out approximately 360,000 utility bills and 7,200 final notices annually. Currently we spend approximately $20,000 annually on supplies (paper, envelopes, etc), $25,000 on professional services, $30,000 for printing of the insert and $150,000 on postage.

Funds are budgeted and available in the Utility Customer Service and the Public Communications budget.

Attachments:

1. Services Contract with Xpedient Mail

City of College Station

SERVICE CONTRACT

This contract is by and between the **City of College Station**, a Texas home-rule municipal corporation (the "City"), and **Xpedient Mail** (the "Contractor"), for the following work: **Printing, Inserting, Mailing Utility Bills including direct postage costs (with the option of printing the monthly inserted newsletter)**, a service provided by the Contractor as an independent contractor.

1. In consideration of the compensation stated in paragraph 2, the Contractor shall provide all the services described in the Scope of Services attached hereto as Exhibit "A" and incorporated by reference. The express terms of this Contract shall take precedence and control over any term or provision of the Scope of Services that in any way conflicts with, differs from, or attempts to alter the terms of this Contract.

2. Except in the event of a duly authorized change order approved by the City as provided in this Contract, and in consideration of the Contractor's final completion of all work in conformity with this Contract, the City shall pay the Contractor an amount not to exceed **TWO HUNDRED THIRTY THOUSAND** and **NO/100 Dollars** (**$230,000**). Within **seven (7)** calendar days of completion of the work, the Contractor shall submit his application for payment to the City, and the City shall pay Contractor for the work performed no later than **thirty (30)** calendar days from the date of the City's receipt and the City's approval of the work and the application for payment.

3. No changes shall be made, nor will invoices for changes, alterations, modifications, deviations, or extra work or services be recognized or paid except upon the prior written order from authorized personnel of the City. The Contractor shall not execute change orders on behalf of the City or otherwise alter the financial scope of the Project.

4. a. When the original Contract amount plus all change orders is $50,000 or less, the City Manager or his designee may approve the written change order provided the change order does not increase the total amount set forth in the Contract to more than $50,000. For such contracts, when a change order results in a total contract amount that exceeds $50,000, the City Council of the City must approve such change order prior to commencement of the services or work; and

   b. When the original contract amount plus all change orders is equal to or greater than $50,000, the City Manager or his designee may approve the written change order provided the change order does not exceed $50,000, and provided the sum of all change orders does not exceed 25% of the original contract amount. For such contracts, when a change order exceeds $50,000 or when the sum of all change orders exceeds 25% of the original contract amount, the City Council of the City must approve such change order prior to commencement of the services or work; and

   c. **Any request by the Contractor for an increase in the Scope of Services and an increase in the amount listed in paragraph two of this Contract shall be made and approved by the City prior to the Contractor providing such services or the right to**

payment for such additional services shall be waived. If there is a dispute between the Contractor and the City respecting any service provided or to be provided hereunder by the Contractor, including a dispute as to whether such service is additional to the Scope of Services included in this Contract, the Contractor agrees to continue providing on a timely basis all services to be provided by the Contractor hereunder, including any service as to which there is a dispute.

5. Except as provided in Paragraph 12 hereinbelow, the term of this Contract shall be for one (1) year from the effective date of this Contract. Thereafter, upon the mutual consent of both parties, including budget approval by the City, this Contract may be renewed on an annual basis, under the same terms and conditions, for up to two (2) additional years (three (3) years total). If, for any reason, funds are not appropriated to continue the contract, the contract shall become null and void and shall terminate.

6. No "Notice to Proceed" may be given nor any work commenced until this Contract is fully executed and all exhibits and other attachments are completely filled out and attached hereto.

7. It is understood and agreed by the parties that the Contractor is an independent contractor retained for the above-mentioned purpose. The City shall not control the manner nor the means of the Contractor's performance, but shall be entitled to a work product as described above. The term "subcontractor" shall mean and include only those hired by and having a direct contact with Contractor for performance of work on the Project. The City shall have no responsibility to any subcontractor employed by a Contractor for performance of work on the Project, and all subcontractors shall look exclusively to the Contractor for any payments due. The City will **not** be responsible for reporting or paying employment taxes or other similar levies that may be required by the United States Internal Revenue Service or other State or Federal agencies. Every subcontractor shall be bound by the terms and provisions of this Agreement and the Contract Documents as far as applicable to their work. The Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors. Nothing contained herein shall create any contractual or employment relations between any subcontractor and the City.

8. OPTION - SELECT A OR B (initial) ***(both A & B shall apply if contract amount is over $50,000.00)***

AH A. The Contractor shall procure and maintain, at its sole cost and expense for the duration of this Contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, volunteers, employees, or subcontractors. Said insurance shall list College Station, its employees, and officials as additional named insureds. See Exhibit B for required limits of insurance. Certificates of insurance evidencing the required insurance coverages shall be attached hereto as Exhibit C.

- OR -

AH **B. It is further agreed that the Contractor (separately and collectively the "Indemnitee") shall indemnify, hold harmless, and defend the City, its officers, agents, and employees from and**

against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person or for damage to any property arising out of or in connection with the work done by the Contractor under this Contract. Such indemnity shall apply regardless of whether the claims, losses, damages, causes of action, suits, or liability arise in whole or in part from the negligence of the City, any other party indemnified hereunder, the Contractor, or any third party.

9. **The Contractor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person and any loss of or damage to any property that is caused by, alleged to be caused by, arising out of, or in connection with the Contractor's work to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance and regardless of whether such injury, death, loss, or damage was caused in whole or in part by the negligence of the City, any other party released hereunder, the Contractor, or any third party.**

10. The City is exempt from payment of state and local sales and use of taxes on labor and materials incorporated into the project. If necessary, it is the Contractor's responsibility to obtain a sales tax permit, resale certificate, and exemption certificate that shall enable the Contractor to buy any materials to be incorporated into the project and then resale the aforementioned materials to the City without paying the tax on the materials at the time of purchase.

11. The Contractor shall comply with all applicable federal, state, and local statutes, regulations, ordinances, and other laws, including but not limited to the Immigration Reform and Control Act (IRCA). The Contractor may not knowingly obtain the labor or services of an unauthorized alien. The Contractor, not the City, must verify eligibility for employment as required by IRCA.

12. At any time, the City may terminate the Project for convenience, in writing. At such time, the City shall notify Contractor, in writing, who shall cease work immediately. Contractor shall be compensated for the services performed. In the event that the City terminates this Contract for convenience, the City shall pay Contractor for the services performed and expenses incurred prior to the date of termination.

13. No waiver or deferral by either party of any term or condition of this Contract shall be deemed or construed to be a waiver or deferral of any other term or condition or subsequent wavier or deferral of the same term or condition.

14. This Contract may only be amended by written instrument approved and executed by the parties.

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

16. The parties hereby state that they have read the terms of this Contract and hereby agree to the conditions contained herein.

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

18. Contractor, its employees, associates or subcontractors shall perform all the work hereunder. Contractor agrees that all of its associates, employees, or subcontractors who work on this Project shall be fully qualified and competent to do the work described hereunder. Contractor shall undertake the work and complete it in a timely manner.

19. If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

20. This Contract represents the entire and integrated agreement between the City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.

21. This Contract will be effective when signed by the last party whose signing makes the Contract fully executed.

XPEDIENT MAIL

By: Xpedient mail
Printed Name: Glenn Hudson
Title: Manager
Date: 9/10/12

CITY OF COLLEGE STATION

By:
City Manager
Date:

APPROVED:

City Attorney
Date: 9-11-12

Executive Director Business Services
Date:

Form Revised on 7-12-12
Contract No. 12-300

Exhibit A

SCOPE OF SERVICES

Division of Sunbelt Business Graphics, Inc.

Printing, Inserting and Mailing Utility Bills

RFP #12-091

AUGUST 24, 2012

(Revised Pricing on September 6, 2012)

Contact Info:
Brandon Warlick
bwarlick@xpedientmail.com
Glenn Hudson
ghudson@xpedientmail.com
(979) 821-2588
2115 W. Briargate Drive
Bryan, Tx 77802

CERTIFICATION

The undersigned affirms that they are duly authorized to execute this contract, that this RFP has not been prepared in collusion with any other firm, and that the contents of this RFP have not been communicated to any other firm prior to the official opening of this RFP. Additionally, the undersigned affirms that the firm is willing to sign the enclosed Standard Form of Agreement (if applicable).

Signed By: _____ Title: Managing Partner

Typed Name: Glenn Hudson Company Name: Xpedient Mail

Phone No.: 979-821-2588 Fax No.: _____

Email: ghudson@xpedientmail.com

Bid Address: 2115 W. Briargate Dr Bryan Tx 77802
P.O. Box or Street City State Zip

Order Address: "
P.O. Box or Street City State Zip

Remit Address: "
P.O. Box or Street City State Zip

Federal Tax ID No.: 1-75-1903813-1

Date: 8/23/12

END OF RFP #12-091

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

*1101 Texas Ave * College Station, TX 77840 * (979) 764-3555*
www.cstx.gov

ADDENDUM # 1
BID # 12-091

Date: August 2, 2012

To: All Interested Parties

From: Heather Pavelka, Buyer

Re: **Bid # 12-091 – Printing, Inserting, and Mailing Utility Bills**

The following additions, deletions or clarifications to Bid # 12-091 are hereby made a part of the Bid Documents for the above referenced project as fully and as completely as though the same were included therein.

1. **For clarification purposes, items IA3, IB4 and IB5 in the Scope of Work have been revised and/or removed. Please see the attached sections which reflect the changes, and are hereby made part of Bid 12-091.**

Please acknowledge receipt of this addendum with signature and date and return with completed bid. Failure to do so may cause your Bid to be considered non-responsive.

Receipt of this Addendum No. 1 is hereby acknowledged

Authorized Signature _____ *Date* 8/23/12

Xpedient Mail
Company Name

I. MINIMUM REQUIREMENTS

This RFP identifies the City's minimum requirements. The successful vendor will provide the following services.

A. Design:
   1. Provide all necessary services for the design of the City utility bill and final notice.
   2. Provide proof copies of documents.
   3. Vendor must be able to accommodate the use of graphics, bar graphs, text message(s)
   4. The City will approve all design work prior to creating the utility bill and delinquent notice.

B. Electronic file:
   1. Provide a means for secure data transmission and confirm receipt of the data.
   2. Include costs for on-line access and storage of utility bill images for a period of 12 months.
   3. Provide software to allow authorized city personnel to query and view document archives.
   4. Emergency back-up plan for production – ability to duplicate all machinery to avoid an out of service situation
   5. Accept, but not limited to, receiving data in the following methods:
      - Electronic
      - Modem transmission
      - Diskette
      - Asynchronous transmission
      - Data will be transmitted to Vendor via PC anywhere
      - A billing (cycle) schedule will be provided at least monthly
      - Must have capability to distinguish unique types of bills
      - Bank drafts
      - Unique classes of service
      - Final bills
      - Group billing

A. Qualifications and Experience

1. Introduction

Xpedient Mail is a full service document imaging and mailing company with a primary focus on both paper and electronic delivery of invoices and late notices. The home office for mail processing is located in Bryan, Texas. Xpedient is part of Sunbelt Business Graphics, Inc. who has provided document printing services to the City of College Station since the early 1980's. Sunbelt has operated a local sales office in College Station for the past 17 years. Sunbelt also has an office, warehouse and production facility located in Nacogdoches, Texas. Xpedient Mail has provided the printing, inserting and mailing of utility bills for the City of College Station from 2009 to present.

Xpedient was founded to service local clients who needed a local source to handle their outgoing mail. Over the past 10 years, Xpedient has experienced dramatic growth by servicing both local and regional customers. A new, state of the art processing and technology facility was completed in late 2011 to house the company's rapid growth and expansion. Xpedient is the only mail service located in the Brazos Valley with the capabilities to print and mail invoices and other documents from data files using intelligent inserting technology.

Brandon Warlick and Glenn Hudson are the managing partners of the Xpedient Mail division. If awarded the bid, they will personally continue to provide customer service to city personnel. They are available at any time to meet in person, by phone or via email. Brandon and Glenn have a "what ever it takes" attitude and will ensure that all mail is processed accurately.

Xpedient Mail has several unique advantages over competitors for this Request For Proposal:

(i) By utilizing Xpedient Mail, the city will always get the fastest delivery of bills to City utility customers. All mailings by Xpedient will be delivered directly to the Bryan US Postal Service. The Bryan US Postal Service is the Sectional Control Facility which "works" all of the mail that is delivered to the City of College Station residents and businesses. Vendors outside of this service area can not provide this benefit. Use of an out of town vendor will result in mailings being delayed to recipients and consequently have an affect on accounts receivable.

(ii) Being local, Xpedient representatives are available to meet with any city personnel on demand with no time lost or travel ever required. We feel this will prove to be beneficial over time. It will also be helpful should the city have special inserts or other physical materials which need to be picked up by the vendor. It's our belief that since the city will be dealing directly with local Xpedient Mail personnel, in-person all the time that our response time will be unmatched.

2. Key personnel

Brandon Warlick – Managing Partner / Information Technology Manager
Glenn Hudson – Managing Partner / Production Manager

Project Manager: Brandon Warlick

Brandon Warlick will be the primary point of contact for the City. If awarded the contract, Brandon will meet with City personnel to work through any potential changes to the current procedures and facilitate any new training which may be required.

Following are backgrounds for the key personnel:

<u>Brandon Warlick</u>

- Currently resides in College Station with 4 children attending school.
- Has been employed by Sunbelt / Xpedient Mail since 1989.
- 23 years experience in document management.
- Extensive training and background in document production and mailing services.
- Served as General Manager for the Nacogdoches facility from 1995 to 2001.
- City of College Station resident for 11 years.
- Co-founded Xpedient Mail.

<u>Glenn Hudson</u>

- City of College Station resident for 17 years.
- Graduate of Texas A & M University class of ’86.
- 10 years upper management experience in a Fortune 500 company
- Joined Sunbelt / Xpedient Mail in 1995.
- Extensive training and background in print and mail production.
- Co-founded Xpedient Mail.

3. Experience

Cherokee County Electric Cooperative - Rusk, Texas (2006 - present)

Xpedient was awarded a contract in 2006 to design a new invoice with a monthly usage graph and to handle all outgoing mail. This task is identical to the project described in this RFP. Xpedient was provided a data file with field descriptions just like the "Bill Data File(s) Layout and Definition" described in this RFP. The data file was utilized to build a new invoice layout for the customer complete with usage graph. The data file did not contain the fields necessary for the functionality that Cherokee required, so Xpedient built a complex "intermediate" software application that takes the customers data file, extracts pertinent fields, calculates additional fields and generates custom messages.

Targeted inserts: Cherokee, on occasion, has requested a special insert to go in the envelope for only specific subsets of the bills. Xpedient has the technology to use any field that exists on the invoice to trigger the insertion of a special insert. This could be used for targeting business or residential bills.

Targeted messages: Cherokee has requested (4) special messages to appear on bills.

1. A general message is printed on each bill. This message is emailed to Xpedient in a simple email message. Xpedient provides a proof back and the message is implemented the same day. From that day forward, all outgoing bills will display the general message. If the message needs to be changed, a simple email to Xpedient will initiate a change.
2. A specific "late notice" message is generated for customer's who have an unpaid balance. This message appears in a unique position in addition to any other message.
3. A special message is printed for a specific subset of bills. Cherokee has been installing AMR meters to specific sub-stations. At the beginning of each month they notify Xpedient via a simple email which sub-stations will be affected. Xpedient modifies the document layout on the fly and a special message appears for bills going to these specific substations notifying them about the meter change.
4. A. special message is printed on bills in which an AMR meter has already been installed. Cherokee found that some customers were still reading their meters even after the AMR meter was installed. Xpedient implemented a special message to print on these bills in addition to adding an indicator in the meter reading boxes which further signal to the customer that they do not have to send in their meter reading.

Bryan Texas Utilities (BTU) Bryan, Texas (2007 – present)

Xpedient began servicing BTU in 2007. Once again, the scope of work is almost identical to the project described in this RFP. BTU requires daily billing cycles. Xpedient sorts, prints and inserts all utility bills, delinquency notices and final notices and delivers to the local post office.

Xpedient handles all daily bill, termination and reminder notice printing and mailing. Additionally, Xpedient prints on-demand newsletters that are inserted into the bills. BTU is

currently taking advantage of Xpedient Preview capabilities allowing them to visually check images of bills before they are printed. Additionally, Xpedient identifies bills fitting a specific profile to limit the amount of bills that the CSR's need to view. Bills are grouped by recipient address to reduce the total number of envelopes mailed. The vast majority of the bills are less than 5 pages per envelope but there are some with as many as 100. Special messages are setup to appear on bills paid by bank draft and on bills that are setup for budget billing.

Targeted Inserts: BTU allows various city offices to insert flyers into bills that are going to residents of Bryan, Texas. These inserts are either printed on demand during the bill print process or are preprinted and selectively inserted into specific bills. Additionally, BTU inserts a generic folded newsletter into all bills.
Targeted message: There is an array of messages that appear on bills if the bill meets certain pre-determined conditions.

Vertafore Inc . – Bothell, Washington (2003 – present)

Xpedient was awarded a contract to print and mail all outgoing invoices for Agency Management Services. AMS provided a unique challenge since they requested Xpedient to accept their bills "Pre-formatted" in a PDF document, complete with graphics. Xpedient was able to modify their core system to accept PDF files in addition to data files and can now accept PDF files from any customer.

Xpedient now prints and mails outgoing invoices for all divisions of AMS.

These include Vertafore Benefits (Bothell, WA), SilverPlume Reference Systems (Denver, Co), InSTAR (Bothell, WA), and Rackley Systems (Beachwood, OH).

B. Rates and Expenses

Travel

Since Xpedient Mail is a local company, we will not incur any travel expenses and will have the luxury of meeting face to face with City officials.

Specifications

Xpedient agrees to perform all items listed in the RFP under the section "Scope of Work".

Initial Programming, Design and Layout

Since Xpedient is the current vendor for the City of College Station, much of this topic may not be applicable. Should a need arise to make any changes or re-design any of the existing documents, Xpedient will provide this service at no cost to the city.

Print & Mail Costs

Xpedient is providing a total package price for our service including everything except for the actual postage. This includes printing, envelopes, paper, on-line bill images, etc.

Red prices were revised on September 6, 2012.

.095 per mail piece (With Return Envelope)
.085 per mail piece (No Return Envelopes – Direct Deposit Accounts, etc.)
.039 per Additional page in the same envelope

Following are the costs broken out into the individual components:

Primary Bill

Outgoing Envelopes	.025 each	
Return Envelopes	.010 each	(subtract if no return envelope)
Bill Paper	.009 each	
Imaging (printing costs)	.030 each	
Folding/Inserting	.021 each	
Creating PDF's	No Charge	
	========	
	.095 each	

Each Additional Page in same envelope

Bill Paper	.009 each
Imaging (printing costs)	.030 each
Creating PDF's	No Charge
	========
	.039 each

- CASS Certified Validation, NCOA Link Processing
- Automation Presorting for maximum postal discounts
- Bills printed front and back
- Grouping bills going to same recipient
- Printing/Inserting of 1 or more bills per envelope
- Folding and Inserting
- Return envelope (selectively) inserted
- up to 2 additional items inserted
- Outgoing Envelopes, Return Envelopes, Bill Paper with Perforation
- Delivery to the Post Office
- On-line storage and viewing of 12 months of bill images

Optional Newsletter Printing

Xpedient Mail has the capability to print the monthly newsletter.

32,000 Newsletters, Printed 4/4 on 70# Gloss Paper = $69.50/m

C. Methodology and Technical Approach

Again, as the incumbent service provider for these services, much of this section may not be applicable should Xpedient Mail be awarded the bid. However, due to the importance of this topic, we have detailed below our standard implementation schedule and procedures for new customers.

Implementation Plan Example:

Note: The following schedule assumes that each week has 5 workdays.

Overview

Week 1 – Planning, training & ordering pre-printed stocks, if needed
Week 2 – Xpedient develops layouts
Week 3 – Finalize layouts – begin testing
Week 4 – Continue testing
Week 5 – Ready for production

WEEK 1 ----------
WORKDAY 1: Project manager Brandon Warlick will meet with the appropriate City personnel to discuss the following items:

Layout for Bills
Layout for Late Notices
Layout for Return #9 Envelopes
Layout for Outgoing #10 Window Envelopes
Test Data Files
Secure File Transfer Procedures
Date of First Mailing
Estimated City paper stock on hand

This meeting will last approximately 1-2 hours. City personnel will need to have test data files ready for this meeting. Xpedient will assist the City with any questions or concerns regarding the graphics and data placement on the document layouts and provide training for secure file transfer procedures. This training will take about 5-10 minutes. The test data file(s) that have been prepared by the City will be uploaded to Xpedient's secure server at this time and will serve as a test for the file transfer procedures. Additionally, both parties will discuss the potential use of existing left-over City envelope or paper stock.

WORKDAY 3: Approximately 2 working days after the initial meeting, Xpedient will provide proofs for the items that will need to be pre-printed prior to the date of the first mailing. These items are: #9 Return envelopes, #10 Outgoing Window Envelopes and Pre-Perfed Invoice Paper.

WORKDAY 5: Assuming the layouts have been approved, Xpedient will begin pre-printing the envelopes and pre-perfed paper. It will take about 2-3 weeks to have these items printed and ready for the first mailing.

WEEK 2 ----------
Xpedient continues working on layouts

WEEK 3 ----------
WORKDAY 11: Xpedient will meet with the City personnel again and bring hard copy proofs of the invoice and late notice layouts. The City will have the opportunity to make design changes or suggestions. It is fully anticipated that some type of design change will be requested by the City.

WORKDAY 13: Approximately 2 days after the revisions have been requested, Xpedient will deliver a revised set of proofs to the City. At this point, more than likely, the design phase will be completed. If, however, the City requests additional revisions to the layouts, Xpedient will provide layout revision proofs within 2-3 working days each time the city requests these changes. This process theoretically could go on for a few weeks but typically all revisions are completed within 1-2 follow-up meetings.

WORKDAY 14: TESTING BEGINS – Approximately 1-2 weeks of testing is recommended.
Once bill and late notice layouts are completed, the City will begin uploading live data files in parallel to daily production. Xpedient will begin processing the files in a testing capacity and will provide automated reports back to the city to verify page counts, invoice totals, and invoice details. Each time a file is submitted to Xpedient, an automated email will be sent back to the appropriate City personnel with a complete processing summary. Additionally, a PDF file of all documents generated from the data file will be provided to the city in order to review individual documents and customers.

WEEK 4 ----------
WORKDAY 20: Testing completed

WEEK 5 ----------
Live Production Begins

Responsibilities

<u>City of College Station</u>

1. Provide test data files.
2. Provide samples of documents.
3. Answer questions regarding data file fields.
4. Approve hard copy proofs provided by Xpedient Mail.

Xpedient Mail

1. Work with City data files in existing format without requiring any re-programming by City personnel.
2. Design Utility Bills and Late Notices.
3. Provide training for file transfer procedures.
4. Provide training and software for access to document archives.
5. Begin daily printing and mailing of documents for the City.

Daily Operating Procedures

Once Xpedient has finalized implementation, the City will begin a routine of uploading data files once the files are ready each day. Upon receipt of files, Xpedient's system will automatically process the files and email back a Job Processing Summary to the appropriate City personnel. One or more recipients can be added to the automated email list. It typically takes about 5-10 minutes to process a job.

The Job Processing Summary contains all statistics and page counts allowing City personnel to verify that the file was processed correctly. Additionally, the email will have a copy of the Postage Statement that will go with the job to the US Postal Service. This Postage Statement will indicate the exact amount of postage the job will require.

When a job is processed by Xpedient's system, the following are accomplished:

1. Any documents going to the same recipient will be grouped into the same envelope. This is programmed up front and can use a complex or simple method. For example, the system can be programmed to group all documents to the exact same address or can group all documents with the same account number and the same address.
2. All addressed are processed utilizing Cass Certified software and will be validated.
3. All addressed are processed through the NCOAlink service and if the recipient has filed a Change of Address within the past 18 months, the address will be updated to the new address on the fly. Additionally, as part of the automated email, the City will receive a report of these new addresses in order to update their customer files. (This can also be sent back as a data file if the City would like it that way for automated updating.)
4. All documents are presorted for maximum Automation Postage discounts.
5. Postal barcodes are generated.
6. Document archives are created.
7. Pages are counted in order to calculated job costs.

Once the job processing is completed, Xpedient will print all of the documents for the daily job. These can be bills, late notices or a combination. Next, Xpedient will insert the documents into the envelopes and deliver to the post office. The City should expect bills to be mailed the day after received. There will be days in which the bills are mailed the same day.

Other than uploading the daily files, there are no requirements for the City of College Station.

Postage

Xpedient Mail maintains internal postage accounts for all customers. The postage account must always have a positive balance. There is no minimum or maximum amount that must be in the account. The City may opt to send postage account funds at any time. Many customers send enough postage to last one month in order to reduce the number of checks written.

As a second option, Xpedient can setup a postage account at the Bryan Post Office specifically for the City of College Station. All postage, which is approximately $120,000 annually, can be paid directly to the USPS using this method. This would reduce the amount paid directly to Xpedient Mail to under $35k for year for print/mail costs.

On-Line Access

Xpedient Mail's website allows access to job information and postage balances for authorized customers. This will allow the customer to view postage balances at any given time and to view postage statements or any other report for jobs processed.

Emergency Backup Plan

Xpedient currently works with customers who have critical documents which must be mailed on a daily basis. Therefore, a Business Continuity Plan is in place that documents policies and procedures to follow in the event of a minor or major disruption to daily operations. The Sunbelt production facility in Nacogdoches serves as a regional backup facility in case of a widespread power outage or a natural disaster.

Security

Xpedient Mail prints and mails documents that may have confidential information. Customers provide Xpedient with data files on a regular basis. Protection of customer data is our highest priority.

Following is a sampling of Xpedient's Preventive Measures

The primary method used to eliminate computer crime is to erase all customer files as soon as the jobs are completed printing. Typically, customer files do not exist on our systems more than a few hours. Additionally, customer files that cannot be erased are encrypted. This reduces exposure to a maximum of a single days worth of data at any given time.

The computers systems utilized by Xpedient are connected to the internet utilizing a fire-wall preventing outside threats. All systems are protected by passwords. All users are required to change their passwords on a regular basis. All systems are backed up incrementally once per hour using an encrypted file format. Access to the Mail Processing Area, which houses the production systems, is restricted to authorized employees. There are times when service personnel must enter the restricted area. A log of entry into the room by non-authorized employees is maintained. All Xpedient employees must undergo a background check.

Custom Programming

Xpedient maintains expert programmers on staff who can accomplish any custom requirements that the City may need at this time or in the future.

Invoicing

Xpedient will invoice the City of College Station for services rendered at the end of each month. The invoice will contain details of every file processed indicating the number of documents mailed, postage amounts, etc.

D. References

Cherokee County Electric Cooperative Association
Contact: Nan Glaze
Ph. (936) 683-2248

Bryan Texas Utilities
Contact: Rexanna Latimer
Ph. (979) 821-5700

AMS Services (Vertafore)
Contact: Ben Butterfield
Ph. (425) 354-6406

E. Statement of Willingness

Xpedient Mail has read and is willing to comply with the terms set forth in the Standard Form of Agreement Service Contract (Exhibit A). Xpedient Mail has reviewed and will comply with the Insurance Requirements set forth in Exhibit B. Certificates of insurance are currently on file with the City of College Station.

Exhibit B

INSURANCE REQUIREMENTS

During the term of this Agreement Contractor's insurance policies shall meet the following requirements:

I. Standard Insurance Policies Required:

A. Commercial General Liability
B. Business Automobile Liability
C. Workers' Compensation

II. General Requirements Applicable to All Policies:

A. Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.

B. Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis for property damage only.

C. "Claims Made" policies are not accepted.

D. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City of College Station.

E Upon request, certified copies of all insurance policies shall be furnished to the City of College Station.

F. The City of College Station, its officials, employees and volunteers, are to be named as "Additional Insured" to the Commercial General and Business Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees or volunteers.

III. Commercial General Liability

A. General Liability insurance shall be written by a carrier with a "A:VIII" or better rating in accordance with the current Best Key Rating Guide.

B. Limit of $1,000,000.00 per occurrence for bodily injury and property damage with an annual aggregate limit of $2,000,000.00 which limits shall be endorsed to be per Project.

C. Coverage shall be at least as broad as ISO form GC 00 01.

D. No coverage shall be excluded from the standard policy without notification of individual exclusions being attached for review and acceptance.

E. The coverage shall include but not be limited to the following: premises/operations with separate aggregate; independent contracts; products/completed operations; contractual liability (insuring the indemnity provided herein) Host Liquor Liability, Personal & Advertising Liability; and Explosion, Collapse, and Underground coverage.

IV. Business Automobile Liability

A. Business Automobile Liability insurance shall be written by a carrier with a "A:VIII" or better rating in accordance with the current Best Key Rating Guide.

B. Minimum Combined Single Limit of $1,000,000.00 per occurrence for bodily injury and property damage.

C. Coverage shall be at least as broad as Insurance Service's Office Number CA 00 01.

D. The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section in Item 2 of the declarations page.

E. The coverage shall include owned autos, leased or rented autos, non-owned autos, any autos and hired autos.

F. Pollution Liability coverage shall be provided by endorsement MCS-90, with a limit of $1,000,000.00.

V. Those policies set forth in Paragraphs III and IV shall contain an endorsement naming the City as Additional Insured and further providing that the Contractor's policies are primary to any self-insurance or insurance policies procured by the City. The additional insured endorsement shall be in a form at least as broad as ISO form GC 2026. Waiver of subrogation in a form at least as broad as ISO form 2404 shall be provided in favor of the City on all policies obtained by the Contractor in compliance with the terms of this Agreement. Contractor shall be responsible for all deductibles which may exist on any policies obtained in compliance with the terms of this Agreement. All coverage for subcontractors shall be subject to the requirements stated herein. All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Agreement, attached hereto as Exhibit C, and approved by the City before work commences.

VI. Workers Compensation Insurance

A. Pursuant to the requirements set forth in Title 28, Section 110.110 of the Texas Administrative Code, all employees of the Contractor, all employees of any and all subcontractors, and all other persons providing services on the Project must be covered by a workers compensation insurance policy: either directly through their employer's policy (the Contractor's or subcontractor's policy) or through an executed coverage agreement on an approved Texas Department of Insurance Division of Workers Compensation (DWC) form. Accordingly, if a subcontractor does not have his or her own policy and a coverage agreement is used, contractors and subcontractors must use that portion of the form whereby the hiring contractor agrees to provide coverage to the employees of the subcontractor. The

portion of the form that would otherwise allow them not to provide coverage for the employees of an independent contractor may not be used.

B. Workers compensation insurance shall include the following terms:

1. Employer's Liability minimum limits of $1,000,000.00 for each accident/each disease/each employee are required.

2. "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.

3. Texas must appear in Item 3A of the Workers Compensation coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.

C. Pursuant to the explicit terms of Title 28, Section 110.110(c) (7) of the Texas Administrative Code, the bid specifications, this Agreement, and all subcontracts on this Project must include the following terms and conditions in the following language, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation:

"A. Definitions:

Certificate of coverage ("certificate") – An original certificate of insurance, a certificate of authority to self-insure issued by the Division of Workers Compensation, or a coverage agreement (DWC-81, DWC-83, or DWC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

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

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

B. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Contractor providing services on the project, for the duration of the project.

C. The Contractor must provide a certificate of coverage to the governmental entity prior to being awarded the contract.

D. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the governmental entity showing that coverage has been extended.

E. The Contractor shall obtain from each person providing services on a project, and provide to the governmental entity:

(1) a certificate of coverage, prior to that person beginning work on the project, so the governmental entity will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven calendar days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

F. The Contractor shall retain all required certificates of coverage for the duration of the project and for one year thereafter.

G. The Contractor shall notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the Contractor knew or should have known, or any change that materially affects the provision of coverage of any person providing services on the project.

H. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Division of Workers Compensation, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

I. The Contractor shall contractually require each person with whom it contracts to provide services on a project, to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, that meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;

(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Contractor:

(a) A certificate of coverage, prior to the other person beginning work on the project; and

(b) A new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one year thereafter;

(6) notify the governmental entity in writing by certified mail or personal delivery, within 10 calendar days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and

(7) Contractually require each person with whom it contracts to perform as required by paragraphs (a) - (g), with the certificates of coverage to be provided to the person for whom they are providing services.

J. By signing this contract, or providing, or causing to be provided a certificate of coverage, the Contractor is representing to the governmental entity that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project; that the coverage will be based on proper reporting of classification codes and payroll amounts; and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the Commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.

K. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor that entitles the governmental entity to declare the contract void if the Contractor does not remedy the breach within ten calendar days after receipt of notice of breach from the governmental entity."

VII. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain the following provisions and warranties:

A. The company is licensed and admitted to do business in the State of Texas.

B. The insurance policies provided by the insurance company are underwritten on forms that have been provided by the Texas State Board of Insurance or ISO.

C. All endorsements and insurance coverages according to requirements and instructions contained herein.

D. The form of the notice of cancellation, termination, or change in coverage provisions to the City of College Station.

E. Original endorsements affecting coverage required by this section shall be furnished with the certificates of insurance.

Exhibit C

CERTIFICATES OF INSURANCE

SUNBBUS-03 CAJI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 9/10/2012

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

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

PRODUCER (936) 564-0221
BancorpSouth Insurance Services, Inc.
P. O. Box 631202
Nacogdoches, TX 75963-1202

CONTACT NAME: Colleen Abernathy
PHONE (A/C, No, Ext): (936) 564-0221 FAX (A/C, No):
E-MAIL ADDRESS: colleen.abernathy@bxsi.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Sentinel Insurance Company Ltd	24759
INSURER B : Retailers Casualty Insurance Company	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Sunbelt Business Graphics, Inc
Attn: Ken Warlick
P.O. Box 632099
Nacogdoches, TX 75963-2099

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC			61SBAPD3063	1/1/2012	1/1/2013	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
A	AUTOMOBILE LIABILITY [X] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			61UECNX4041	1/1/2012	1/1/2013	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000.000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		999-08201	2/9/2012	2/9/2013	[X] WC STATU-TORY LIMITS [ ] OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
See attached page.

CERTIFICATE HOLDER

City of College Station
1101 Texas Avenue
College Station, TX 77840-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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DESCRIPTION OF OPERATIONS -

Sunbelt Business Graphics, Inc Attn: Ken Warlick P.O. Box 632099 Nacogdoches, TX 75963-2099	City of College Station 1101 Texas Avenue College Station, TX 77840-

The City of College Station, its officials, employees and volunteers, are named as Additional Insureds with a Waiver of Subrogation on the General Liability policy. General Liability policy is primary and non-contributory.

30 Day Notice of Cancellation is provided when required by Written Contract except in the event of cancellation for Non-Payment of Premium.

Workers Compensation includes waiver of subrogation in favor of certificate holder when required by written contract but in no event shall coverage exceed the limits, terms or conditions of the policy.

September 27, 2012
Consent Agenda Item No. 2e
Increase Expenditure Authorization for City Solid Waste Disposal

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion to approve an increase in expenditure authorization for City solid waste disposal fees to the Brazos Valley Solid Waste Management Agency, Inc in the amount of $300,000.00 for a total of $1,622,185.00.

Relationship to Strategic Goals: Goal I.1. Spending taxpayer money efficiently

Recommendation(s): Staff recommends approval of the increase in expenditure authorization. Approval by the Council of this request will provide sufficient expenditure authorization with BVSWMA, Inc for disposal of the City's solid waste.

Summary: On September 22, 2011 Council authorized expenditures in the amount not to exceed $1,322,185.00 for landfill disposal fees through our agreement with Brazos Valley Solid Waste Management Agency, Inc. Due to unforeseen disposal of sludge produced by the City's waste water treatment plants, an increase of dead tree and brush removal from the effects of recent drought, and providing solid waste removal services to recently annexed areas; the City has exceeded the authorized expenditure limit for solid waste disposal for FY 2012. These additional disposals have increased the City's solid waste tonnage by 2,800 tons compared to the 2011 year to date solid waste disposal tonnage. This increase of $300,000.00 will provide expenditure authorization for solid waste disposal fees to BVSWMA, Inc through the end of FY 2012.

The costs for these additional waste disposal costs have been accounted for in the FY 2013 budget.

Budget & Financial Summary: Funds are available through the Sanitation Fund and Wastewater Fund for these expenditures.

Attachments: None

September 27, 2012
Consent Agenda Item No. 2f
Spring Creek Feeder Addition Bore under Hwy 6, south of Barron Rd.

To: David Neeley, City Manager

From: Timothy Crabb, Interim Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding approval of a construction contract 12-306, Bid No. 12-096 to Bayer Construction for the installation of 10-inch bore under Hwy 6, south of Barron Rd. for a new electric distribution feeder from the Spring Creek Substation in the amount of $60,711.20.

Relationship to Strategic Goals: Core Services and Infrastructure – Meet or exceed all state/federal standards.

Recommendation(s): Staff recommends the award of Contract 12-306, Bid No. 12-096 to the lowest responsible bidder, Bayer Construction.

Summary: Construction Contract 12-306, Bid No. 12-096 is for the installation of a 10-inch bores under Hwy 6, south of Barron Rd for a new electric distribution feeder from the Spring Creek Substation. Installation will include a 10-inch casing with three (3) 3-inch and one (1) 1-inch conduits installed in the casing. This construction project is necessary to provide additional capacity and maintain reliability of the electric system.

Sealed competitive bids were received and open on August 28, 2012 from three (3) companies with Bayer Construction being lowest responsible bidder in the amount of $60,711.20

Budget & Financial Summary: Funds are budgeted and available in the City of College Station's Electric Utility Department Capital Improvement Project Budget.

Attachments:

1. Bid Tabulation

ITB 12-093 Spring Creek New Feeder Addition Bore

		Alcott, Inc. dba TCH				Bayer Construction Electrical Contractors, Inc.				Northeast Service Inc.			
Unit No.	**Quantity**	**Unit Labor Price Ea. ($)**	**Unit Material Price ($) ***	**Total Labor & Material Price ($)**	**Total Extended Price ($)**	**Unit Labor Price Ea. ($)**	**Unit Material Price ($) ***	**Total Labor & Material Price ($)**	**Total Extended Price ($)**	**Unit Labor Price Ea. ($)**	**Unit Material Price ($) ***	**Total Labor & Material Price ($)**	**Total Extended Price ($)**
Traffic Control	1	$2,500.00	$2,500.00	$5,000.00	$5,000.00	$4,000.00	$2,000.00	$6,000.00	$6,000.00	$1,250.00	$1,650.00	$2,900.00	$2,900.00
Traffic Control Plan	1	$1,500.00	N/A	N/A	$1,500.00	$3,500.00	N/A	N/A	$3,500.00	$1,200.00	N/A	N/A	$1,200.00
Trench Safety	152	$5.00	$5.00	$10.00	$1,520.00	$1.00	$1.00	$2.00	$304.00	$3.50	$7.20	$10.70	$1,626.40
Trench Safety Plan	1	$1,500.00	N/A	N/A	$1,500.00	$500.00	N/A	N/A	$500.00	$1,200.00	N/A	N/A	$1,200.00
UM50-H-1	472	$3.00	$0.00	$3.00	$1,416.00	$0.25	$0.10	$0.35	$165.20	$3.20	$0.00	$3.20	$1,510.40
UM50-H-3	1,416	$5.00	$0.00	$5.00	$7,080.00	$1.00	$0.25	$1.25	$1,770.00	$3.20	$1.25	$4.45	$6,301.20
UM-K1	2	$4,500.00	$0.00	$4,500.00	$9,000.00	$2,516.00	$200.00	$2,716.00	$5,432.00	$6,500.00	$1,240.00	$7,740.00	$15,480.00
UR2-S-60x18	152	$10.00	$0.00	$10.00	$1,520.00	$15.00	$5.00	$20.00	$3,040.00	$14.75	$7.75	$22.50	$3,420.00
URTB10S	320	$100.00	$8.00	$108.00	$34,560.00	$120.00	$5.00	$125.00	$40,000.00	$129.00	$19.00	$148.00	$47,360.00
TOTAL		$63,096.00				$60,711.20				$80,998.00			

September 27, 2012
Consent Agenda Item No. 2g
Northgate Electric Substation Long Lead Time Equipment Bid 12-100
& Resolution Declaring Intention to Reimburse Certain
Expenditures with Proceeds From Debt

To: David Neeley, City Manager

From: Timothy Crabb, Interim Director of Electric Utilities

Agenda Caption: Presentation, possible action and discussion regarding approval of the purchase of various major equipment for the proposed Northgate Electric Substation totaling $482,330.00 and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt**.**

Relationship to Strategic Goals: Core Services and Infrastructure – Meet or exceed all state/federal standards.

Recommendations: Staff recommends approval of the purchases of equipment and recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: The equipment purchased through this bid will be installed during the construction of the Northgate Electric Substation.

The equipment to be purchased includes six (6) 145 kV Potential transformers from JH Davidson in the amount of $59,592.00, six (6) 145 kV Current transformers from Alstom in the amount of $63,330.00, one (1) 145 kV Gas Circuit breakers from Pennsylvania Breaker in the amount of $50,500.00, two (2) 15 kV 1200 amp Distribution breakers and two (2) 15 kV 3000 amp Distribution breakers from ABB in the amount of $103,108.00, two (2) 145 kV motor operated Circuit Switcher from KBS Electric in the amount of $205,800.00.

Budget & Financial Summary: Funds for this purchase were budgeted for and approved in the FY12 Electric Capital Improvement Projects Fund. The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. The debt for the project is scheduled to be issued in the future.

Attachments:
1. Bid Tab
2. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

ITB 12-100 Northgate Substation Equipment Summary

CITY OF COLLEGE STATION

Item	Qty	Unit	Description	Pennsylvania Breaker Canonsburg, PA		Hitachie HVB, Inc. Suwanee, GA		Alstom Richmond, TX		Priester-Mell & Nicholson, Inc. Austin, TX		Mitsubishi Electric Power Products, Inc., Warrendale, PA		Alstom Grid, Inc. Charleroi, PA		ABB Inc. Lake Mary, FL		ABB c/o JH Davidson & Associates, Tulsa, OK		ABB / JH Davidson &Associates, Tulsa, OK		KBS Electrical Dist. Bryan, Tx		FAPCO New Braunfels, TX	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A-1	6	Ea	Potential Transformer (PT)					$10,995.00	$65,970.00									$9,932.00	$59,592.00						
B-1	6	Ea	Current Transformer (CT)					$10,555.00	$63,330.00									$11,105.00	$66,630.00						
C-1	1	Ea	Gas Circuit Breaker, SF6	$49,000.00	$49,000.00	$49,450.00	$49,450.00					$59,500.00	$59,500.00	$51,870.00	$51,870.00					$52,129.00	$52,129.00			$50,250.00	$50,250.00
	1	Ea	Assembly, testing, filling	Included in cost of Serv. Eng.		N/A						$0.00	$0.00	$4,500.00	$4,500.00					$1,740.00	$1,740.00			*See Attachment*	
	1	Ea	Factory Service Engr.	$1,500.00	$1,500.00	$4,550.00	$4,550.00					$2,310.00	$2,310.00	$5,000.00	$5,000.00					$5,220.00	$5,220.00			*See Attachment*	
			Total:		$50,500.00		$54,000.00						$61,810.00		$61,370.00						$59,089.00				$50,250.00
D-1	2	Ea	1200 Amp Distribution CB													$21,906.00	$43,812.00								
D-2	2	Ea	3000 Amp Distribution CB													$29,648.00	$59,296.00								
			Total:																						
E-1	2	Ea	Circuit Switcher, Break style							$115,461.00	$230,922.00											$98,900.00	$197,800.00		
	2	Ea	Assembly, testing, filling							$4,000.00	$8,000.00											$4,000.00	$8,000.00		
			Total:								$238,922.00												$205,800.00		
			Group "A" Materials Subtotal																						
			Manufacturer					Alstom Grid, Inc										ABB							
			Catalog No.					OTEF145										L741200T0-803							
			Delivery Time					23-35 weeks ARO										22 weeks							
			Group "B" Materials Subtotal																						
			Manufacturer					Alstom Grid, Inc.										ABB							
			Catalog No.					OSKF145.12										L950400DA-ISPA							
			Delivery Time					25-27 weeks ARO										29 weeks							
			Group "C" Materials Subtotal																						
			Manufacturer	Pennsylvania Breaker, LLC		Hitachi HVB, Inc.						Mitsubishi Electric		Alstom Grid, Inc						ABB Inc.				Siemens Energy Inc	
			Catalog No.	PB145-40		H5145KV/40KA						120SFMT40E		DT1-145 F1 FK						145PM40-30B				SPS2-145-40-3000	
			Delivery Time	16 weeks ARO		16 weeks ARO						25-30 Weeks ARO		14-18 weeks ARO						23-24 weeks				22-24 Weeks ARO	
			Group "D" Materials Subtotal																						
			Manufacturer - 1													ABB									
			Catalog No. - 1													MB11130CCMH5KMZ402									
			Delivery Time - 1													14-15 weeks									
			Manufacturer - 2													ABB									
			Catalog No. - 2													MB11440PPMH5KMZ401									
			Delivery Time - 2													14-15 weeks									
			Group "E" Materials Subtotal																						
			Manufacturer							S&C Electric Company												S&C Electric Company			
			Catalog No.							157329-T2												157329-T2			
			Delivery Time							15-17 week ARO, 4 Wks for DWGs												15-17 weeks			
			Certification	Y		Y		Y		Y		Y		Y		Y		Y		Y (no address)		Y		Y	
			Addendum	Y		Y		N		N		Y		N		N		N		N		Y		N	

NOTE:

Priester-Mell & Nicolson, Inc. will be adding additional airfare to their Field Testing Cost.
ABB Group C - Assembly and Field testing are bid per day. A Bid for Oasis was also written in.
FAPCO- Siemens will provide a techincal field rep only. Additional labor, equip, and material reqs are the purchaser's responsibility. Normal fee is $2500/day + $2000 roundtrip fee.

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH PROCEEDS FROM DEBT

WHEREAS, the City of College Station, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed $6,000,000, for the purpose of paying the aggregate costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 27th DAY OF SEPTEMBER, 2012.

_____
Nancy Berry, Mayor

ATTEST:

_____
Sherry Mashburn, City Secretary

(Seal)

APPROVED:

McCall, Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

The projects to be financed that are the subject of this Statement are:

Design, construction and related equipment purchases for the Northgate Electrical Substation.

September 27, 2012
Consent Agenda Item Number No. 2h
Third Party Administrator Services for Fiscal Year 2013

To: David Neeley, City Manager

From: Alison Pond, Human Resources Director

Agenda Caption: Presentation, possible action, and discussion regarding contract renewal for Third-Party Claims Administration with A S & G Claims Administration Inc., for an annual expenditure of $52,000. Anticipated FY13 workers compensation claims are $175,000 and anticipated FY13 liability claims are $250,000.

Relationship to Strategic Goals: Goal I.1 Spending taxpayer money efficiently

Recommendation(s): In September 2008, Abercrombie Simmons & Gillette, Inc. was selected from a group of ten proposals for Third-Party Claims Administration. The approved contract provided for four (4) one-year renewals. Staff recommends renewal of the contract with A S & G Claims Administration, Inc., for the City's Third-Party Claims Administration, and authorization to pay up to $425,000 for anticipated Workers' Compensation and Liability claims.

Summary: The City of College Station is self-insured, which requires claims adjustment services on all workers' compensation claims and significant liability claims. A S & G Claims Administration, Inc. has provided excellent customer service while continuing to assist the City in reducing claims administration costs. This is the fourth & final renewal option and is effective October 1, 2012 through September 30, 2013.

Budget & Financial Summary: Funds are available in the Property/Casualty Fund and the Workers' Compensation Fund of the FY13 budget to pay this premium and to pay anticipated claims.

Attachments:
Contract renewal for Third-Party Claims Administration is available in the City Secretary's Office.

September 27, 2012
Consent Agenda Item No. 2i
Authorize Aggieland Humane Society Funding Resolution

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion approving a resolution authorizing expenditures for the Aggieland Humane Society, formerly named the Brazos Animal Shelter, in the amount of $169,512.90 for Fiscal Year 2013.

Relationship to Strategic Goals: Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the resolution funding in the amount of $169,512.90 to the Aggieland Humane Society, formerly named the Brazos Animal Shelter.

Summary: On March 10, 2011, Council approved an Interlocal agreement between the Brazos Animal Shelter and the City of College Station that took effect on July 1, 2011. The ILA indicates that the annual payment shall be adjusted annually for each year the agreement is in effect for the services performed by the shelter.

The FY 13 funding level was negotiated with the City based on the Animal Shelter and the City's determination of what they believe the cost is to the City of College Station for the Shelter to provide the contracted services. The funding level agreed upon is the same as it has been the previous two years.

Budget & Financial Summary: Funds are available and budgeted in the General Fund in the Police Department Uniform Patrol division budget. Payments are made in equal installments on a monthly basis.

Attachments:

- Resolution

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS AUTHORIZING ANNUAL EXPENDITURE TO THE AGGIELAND HUMANE SOCIETY, (FORMERLY BRAZOS ANIMAL SHELTER), FOR ANIMAL SHELTER SERVICES PROVIDED TO THE CITY OF COLLEGE STATION BY THE AGGIELAND HUMANE SOCIETY.

WHEREAS the City of College Station entered into an Agreement for Animal Shelter Services with the Brazos Animal Shelter on March 10, 2011.

WHEREAS Section 5 of the Agreement says the City shall pay a fee for Animal Shelter Services to be established annually by separate resolution; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station, Texas:

Part 1: That the City Council of the City of College Station authorize the expenditure for Fiscal Year 2012-2013 in the amount of $169,512.90, to be payable in 12 equal installments of $14,126.07.

Part 2: That funds are budgeted and available in the Fiscal Year 2012-2013 Approved Budget in the General Fund Police Department Budget.

Part 3: That this resolution is to be effective for the 2012-2013 Fiscal Year from October 1, 2012 – September 30, 2013.

Part 4: The City and Aggieland Humane Society representatives agree to meet quarterly during Fiscal Year 2012-2013 to ensure the funding level agreed upon is appropriate.

Part 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2012.

ATTEST:

_____
City Secretary

APPROVED:

_____
Mayor

APPROVED:

_____
City Attorney

September 27, 2012
Consent Agenda Item No. 2j
Property Casualty Insurance Policies for Fiscal Year 2013

To: David Neeley, City Manager

From: Alison Pond, Human Resources Director

Agenda Caption: Presentation, possible action, and discussion regarding City of College Station Excess Liability and Workers' Compensation Insurance, Property/Boiler & Machinery, Commercial Crime, EMT Liability, and Auto Property Damage policies for Fiscal Year 2013. FY13 premiums have increased 2.16 percent from FY12 premiums.

Relationship to Strategic Goals: Goal I.1 Spending taxpayer money efficiently

Recommendation(s): The City of College Station Human Resources Department recommends approval of these insurance policies for the period October 1, 2012 to September 30, 2013.

Policy Type	FY 2012 Premium	FY2013 Premium	Increase
Excess Liability/Workers' Compensation with Star National Insurance Co.	$204,373.00	$204,373.00	0
Property/Boiler and Machinery with Affiliated FM	$93,518.00	$99,095.00	5.96%
Crime Coverage with Great American Insurance	$2,299.00	2,345.00	2.0%
EMT Liability with Western World Insurance Co.	$5,077.64	5,932.66	1.7%
Auto Property Damage Insurance with Great American Insurance	$24,530.00	$25,221.00	2.8%
Total Premiums	$329,797.64	$336,966.66	2.16%

Summary: Human Resources Risk Management completed applications to exercise the second renewal option for Excess Liability & Workers Compensation, Property/Boiler & Machinery, Commercial Crime, Auto Property Damage, and EMT Liability insurance policies. Sole Broker of Record McGriff, Seibels, and Williams of Texas, Inc., submitted the City's applications to the appropriate carriers. Property Casualty and Workers' Compensation Excess Liability policies locked in a three-year rate guarantee in FY11. All policies included two one-year renewals. Limits of liability and deductibles remain the same as in FY12. FY13 annual payroll estimates resulted in no change in the Workers Compensation premium. The Property Insurance market has seen large increases between 10 & 15 percent; however, the City's rate increased less than 5 percent with property values increasing slightly less than 2 percent. The result is a net increase in the City's property coverage premium of just under 6 percent. An increase in fleet values resulted in a 2.8 percent increase in Auto Property Damage premium. EMT liability coverage rate remained the same, but the addition of one ambulance resulted in a 1.7 percent increase in the EMT Liability premium. Commercial crime coverage increased 2 percent, as a result of a slight increase in revenues. Overall, total insurance premiums are increased by $7,169.02, or approximately 2.16 percent.

Budget & Financial Summary: Funds are available in the FY13 budget in the Property/Casualty Fund and the Workers Compensation Fund.

Attachments:
Broker's proposal for Excess Liability & Workers' Compensation, Property/Boiler & Machinery, Commercial Crime, Auto Property Damage for vehicles valued over $50,000, and EMT liability insurance.

MCGRIFF. SEIBELS & WILLIAMS OF TEXAS. INC.

5080 Spectrum Drive, Suite 900E, Addison, TX 75001 Tel (469) 232-2100 Fax (469) 232-2101

September 14, 2012

Ms. Retha Blakely
Risk Management Department
City of College Station
1101 Texas Ave.
College Station, TX 77840

Re: Property and Casualty Insurance Renewal Recommendation

Retha,

Thank you for the opportunity to work with the City again this year on your insurance program for Property and Casualty Insurance. Your insurance program consists of the following coverages:

Excess Liability
Excess Workers' Compensation
Commercial Crime
Auto Property Damage
EMT Liability
Property and Boiler & Machinery

The renewal premiums are as follows:

Excess Liability and Workers' Compensation

Star Insurance provides a package program that includes all Excess Liability lines and Excess Workers' Compensation. This package program is the lowest cost proposal that meets the City's insurance requirements. The carrier has agreed to renew the coverage flat with no changes in the limits or terms & conditions.

It is our recommendation that the City renew the Star Insurance policy for Excess Liability and Workers' Compensation Insurance for the premium of $204,373.

Commercial Crime

Great American provides the Commercial Crime Insurance and meets City requirements for this coverage. Due to a slight increase in revenues by the City, the premium increased $46.

It is our recommendation that the City renew the Great American Insurance policy for Commercial Crime Insurance for the premium of $2,345.

Auto Property Damage

Great American provides the Auto Property Damage Insurance and meets City requirements for this coverage. Great American quoted a 2% rate increase for renewal. The City's fleet values were flat for the renewal so the premium increased by $691.

It is our recommendation that the City renew the Great American Insurance policy for Auto Property Damage Insurance for the premium of $25,221.

EMT Liability

Western World provides the EMT Liability. The proposal is a renewal of the existing policy at the same terms, conditions and rate as expiring. The City has added one additional ambulance to the policy so the premium has increased $855.02 due to that addition.

It is our recommendation that the City renew the Western World Insurance policy for EMT Liability Insurance for the premium of $5,932.66.

Property and Boiler & Machinery

Affiliated FM provides the Property and Boiler & Machinery coverage. Affiliated FM quoted a 4.85% rate increase for renewal. The City increased their property values by 1 % over the expiring values. The combined increase is 5.6% or a $5,577 increase in premium.

It is our recommendation that the City renew the Affiliated FM insurance policy for Property and Boiler & Machinery insurance for the premium of $99,095.

Thank you for the opportunity to work with the City of College Station. With the changes in values and flat renewals, the insurance program has a total increase in premium of **$7,169.02** over the expiring program. Please let us know if you have any questions regarding these evaluations.

Sincerely,

Johnny Fontenot, CPCU, ARM, AIC
Executive Vice President

September 27, 2012
Consent Agenda Item No. 2k
Hazard Mitigation Action Plan 2012-2017

To: David Neeley, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a resolution adopting the Mitigation Action Plan titled "Mitigating Risk: Protecting Brazos County from All Hazards 2012-2017. ***(This item is also on workshop agenda item #6)***

Recommendation(s): Staff recommends approval of the resolution.

Summary: This plan is a five-year blueprint for the future, aimed at making communities in Brazos County disaster resistant by reducing or eliminating the long-term risk of loss of life and property from the full range of natural disasters. It meets the requirements of the Disaster Mitigation Act of 2000 (P.L. 106-390); Section 44 of the Code of Federal Regulations, Part 201.6 and Part 206; and State of Texas Division of Emergency Management standards.

An open public process was established to provide multiple opportunities for all sectors in Brazos County to become involved in the planning process and make input during its drafting stage.

Budget & Financial Summary: None

Attachments:
Resolution
Mitigation Action Plan titled "Mitigating Risk: Protecting Brazos County from All Hazards 2012-2017 – on file in the City Secretary's office

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE COLLEGE STATION PORTION OF "MITIGATING RISK: PROTECTING THE BRAZOS VALLEY FROM ALL HAZARDS, 2012-2017."

WHEREAS, certain areas of College Station are subject to periodic flooding and other natural hazards with the potential to cause damages to people and properties within the area, and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and

WHEREAS, This plan, a five-year blueprint for the future, aimed at making communities in Brazos County disaster resistant by reducing or eliminating the long-term risk of loss of life and property from the full range of natural disasters; and

WHEREAS, This plan meets the requirements of the Disaster Mitigation Act of 2000 (P.L. 106-390); Section 44 of the Code of Federal Regulations, Part 201.6 and Part 206; and State of Texas Division of Emergency Management standards.

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

PART 1: That the City Council hereby approves those portions of the Plan entitled, *Mitigating Risk: Protecting the Brazos Valley from All Hazards, 2012-2017,* that pertain to the City of College Station.

PART 2: That the City Council hereby approves Brian Hilton, Emergency Management Coordinator with the responsibility, authority, and the means to:

a. Inform all concerned parties of this action.
b. Develop an addendum to this Hazard Mitigation Plan if College Station's unique situation warrants such an addendum.

PART 3: That the City Council hereby agrees to appoint the Emergency Management Coordinator to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the City of College Station addendum to the Hazard Mitigation Plan be developed and presented to the City Council for consideration.

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of_____, 2012.

ATTEST:

_____
City Secretary

APPROVED:

_____
Mayor

APPROVED:

_____
City Attorney

September 27, 2012
Consent Agenda Item No. 2L
Interlocal Agreement for Emergency Medical Ambulance Service to Brazos County

To: David Neeley, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a resolution to update the Interlocal Agreement for Emergency Medical Ambulance Service to respond to emergencies in Brazos County and to establish the annual fee for FY 2012 at $161,648.

Recommendation(s): Staff recommends approval of the resolution.

Summary: The City of College Station currently provides Emergency Medical Ambulance Service to emergencies in Brazos County. The new established amount of $161,648 will be paid in quarterly installments of $40,412. The new established annual fee for 2012 will represent a collection rate of 100% cost recovery for the Emergency Medical calls that we respond to in Brazos County in accordance with our current fee schedule. This amount represents a decrease of $54,582 from the FY 2011 amount of $216,230. This decrease is a result of the fact that there were less emergency medical calls in Brazos County from the previous year and increased collections for Emergency Medical calls.

A meeting was recently conducted with newly appointed Bryan Fire Chief Randy McGregor, Fire Chief R.B. Alley of the City of College Station and the Brazos County Judge Duane Peters to establish the amount for the FY 2013 annual fee.

Budget & Financial Summary: Brazos County will pay the City of College Station $161,648 to provide Emergency Medical Services to the county for FY 2012.

Attachments:

Resolution
Interlocal Agreement
Response Map Exhibit A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, RENEWING THE INTERLOCAL AGREEMENT TO PROVIDE EMERGENCY MEDICAL AMBULANCE SERVICE TO UNICORPORATED PORTIONS OF BRAZOS COUNTY.

WHEREAS, the City Council of the City of College Station, Texas recognizes it's obligations and desires to protect the health, safety and welfare of its population, which is situated in Brazos County; and

WHEREAS, Brazos County currently utilizes personnel and equipment from the Cities of College Station and Bryan to provide emergency medical service and emergency medical transport for emergencies in the unincorporated areas of the County; and

WHEREAS, this agreement is required to be reviewed and updated as needed on an annual basis; and

WHEREAS, the City Council of the City of College Station, Texas wishes to partner and collaborate on emergency medical service and emergency ambulance transport with Brazos County and the City of Bryan, now, therefore,

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

PART 1: That the City Council hereby approves the Interlocal Emergency Medical Ambulance Service to Brazos County Agreement for the annual fee of $161,648 for FY 2012. Future fees will be established as outlined in the agreement.

PART 2: That the City Council hereby agrees to protect the health, safety and welfare of the general public by collaborating with its partners in the delivery of emergency medical and ambulance services as set forth in said agreement.

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

ADOPTED this _____ day of _____, 2012

ATTEST:

_____
City Secretary

APPROVED:

_____
Mayor

APPROVED:

_____
City Attorney

INTERLOCAL AGREEMENT
EMERGENCY MEDICAL AMBULANCE SERVICE

THIS INTERLOCAL AGREEMENT is hereby made and entered into by and among the CITY OF BRYAN, TEXAS, a home rule municipal corporation ("Bryan"), CITY OF COLLEGE STATION, TEXAS, a home rule municipal corporation ("College Station") and BRAZOS COUNTY, TEXAS ("County"), each acting by and through its duly authorized agents;

WHEREAS, the respective participating governments (the "Parties") are authorized by the Interlocal Cooperation Act, Texas Government Code, Chapter 791, to enter into a joint agreement for the performance of the governmental function of providing Emergency Medical Ambulance Services; and

WHEREAS, Bryan, College Station and the County are authorized under Chapter 774 of the Texas Health & Safety Code to contract with each other to provide Emergency Medical Ambulance services; and

WHEREAS, Bryan and College Station have already been providing Emergency Medical Ambulance services to the County according to the geographic areas as defined as "Automatic Mutual Aid Response Districts" referenced in the Automatic Mutual Aid Agreement dated July 25, 1997, between Bryan and College Station;

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions contained herein, agree as follows:

SCOPE

1. Bryan and College Station shall provide Emergency Medical Ambulance Services to any person who requests it within their respective Automatic Mutual Aid Response District for which Bryan and College Station are assigned responsibility referenced in the Automatic Mutual Aid Agreement dated July 25, 1997 between Bryan and College Station. (See Exhibit "A," a map of the Automatic Mutual Aid Response Districts indicating the corporation limits of each city as updated on or after 2005).

2. All requests for services under this Agreement shall be through the 9-1-1 Emergency Communications District and the College Station Communication Center, which dispatches police and fire units respectively for Bryan/County and College Station.

3. Bryan and College Station reserve the right to refuse to answer any call pursuant to this Agreement if their respective Fire Chief or his or her designee reasonably determines that the health, safety, or welfare of their city would be endangered by dispatching personnel or equipment outside of its corporate limits.

4. Bryan and College Station will maintain emergency medical equipment and licensed personnel in compliance with Subchapter C of Chapter 773 Health & Safety Code and will perform all activities related to this Agreement in accordance with the regulations promulgated

by the Texas Department of State Health Services. Bryan and College Station will provide to the County, notwithstanding any HIPAA restrictions, an electronic copy of each run taken outside the corporation limits of each city, respectively, on a quarterly basis upon request. A "run" is defined as a single medical incident regardless of the number of EMS or other apparatus that respond(s).

PAYMENTS

5. County shall pay Bryan and College Station the following amounts for such Emergency Medical Ambulance Services on a quarterly basis according to the following schedule, $161,648 College Station + $181,774 Bryan = $343,422 Annual Total:

FY 2012

Payment Due Date	Quarter for which Payment is made	Amount
October 1, 2011	October –December, 2011	$45, 443.50 (Bryan) $40,412.00 (College Station)
January 2, 2012	January – March, 2012	$45, 443.50 (Bryan) $40,412.00 (College Station)
April 1, 2012	April – June, 2012	$45, 443.50 (Bryan) $40,412.00 (College Station)
July 1, 2012	July – September, 2012	$45,443.50 (Bryan) $40,412.00 (College Station)

6. The County must make all payments to Bryan and College Station for these services from current revenues.

7. Bryan and College Station will bill the patients for Emergency Medical Ambulance Services for the services rendered in the County. The amounts billed or collected do not alter the amounts set forth in this Agreement. However, Bryan and College Station will provide copies to the County of all EMS billings sent to County residents for EMS services provided outside the corporation limits of Bryan or College Station on a quarterly basis upon request. Additionally, sixty days prior to any action taken by Bryan or College Station to write off uncollected bills, Bryan and College Station will provide to the County a list of all invoices and/or billings within the scope of this Agreement that are contemplated, determined or scheduled to be written off.

TERM AND TERMINATION

8. This Agreement term shall be from October 1, 2011, and terminate at midnight on September 30, 2012. Any party to this Agreement shall have the right to terminate this Agreement, without cause, upon thirty (30) days' written notice of such termination. Further,

should the Agreement be terminated the rights and obligations of the Parties hereunder shall terminate, except those rights and obligations that have accrued under this Agreement prior to the date of termination shall survive.

9. This Agreement may be renewed for two (2) one year terms on the anniversary date hereof. Such Renewal Terms shall be on the identical terms and conditions set forth herein, except the annual payment amount provided in Paragraph 5 of this Agreement may be modified as agreed to by the parties.

NOTICES

10. All notices issued between parties to this agreement shall be in writing. All notices shall be deemed given on the date personally delivered, faxed, or deposited in the U.S. mail to the following parties:

Bryan: City of Bryan
P.O. Box 1000
Bryan, Texas. 77805
Attn: Randy McGregor, Fire Chief

College Station: City of College Station
P.O. Box 9960
300 Krenek Tap Road
College Station, Texas. 77842
Attn: R.B. Alley III, Fire Chief

County: Brazos County
200 S. Texas Ave, Suite 332
Bryan, Texas 77803
Attn: County Judge Duane Peters

DEFENSE OF CLAIMS

11. Subject to the limitations as to damages and liability under the Texas Tort Claims Act, and without waiving its governmental immunity, each party to this Agreement agrees to hold harmless each other, its governing board, officers, agents and employees for any liability, loss, damages, claims or causes of action caused, or asserted to be caused, directly or indirectly by any party to this Agreement, or any of its officers, agents or employees as a result of its performance under this agreement. If any party to this contract is sued by a third party for any acts or omissions arising from the performance of this Agreement, the parties agree that the governmental unit that would have been responsible for furnishing the services in the absence of the Agreement is responsible for any civil liability that arises from the furnishings of those services except for personal injury, personnel and/or retirement benefits of the personnel of the responding city, and/or damage to or resulting from use of any equipment of the responding city.

MISCELLANEOUS

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

13. All parties to this Agreement agree that payment for the performance recited herein will be payable from current revenues available to such paying party.

14. This Agreement is the entire agreement among Bryan, College Station and the County relating to the provision of Emergency Medical Ambulance Services and supersedes any and all prior agreements, arrangements, or understandings, whether written or oral.

15. This Agreement is for the benefit of the parties to this Agreement, and does not confer any rights on any third parties.

16. No amendment to this Agreement shall be effective or binding unless and until it is reduced to writing and signed by the authorized representatives of all parties.

17. This Agreement has been made under and shall be governed by the laws of the State of Texas. This Agreement and all matters related thereto shall be performed in Brazos County, Texas. The venue of any lawsuits arising out of this Agreement shall be in Brazos County, Texas.

18. Failure of any party to enforce a provision of this Agreement shall not constitute a waiver of that provision nor in any way affect the validity of this Agreement or the right of any party to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the part(ies) claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

19. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

NOW THEREFORE, this Agreement is made and entered into by and between Bryan, College Station and Brazos County. This Agreement shall be effective when signed by the last party signing makes the Agreement fully executed.

City of Bryan

_____
Jason P. Bienski, Mayor
Date:_____

Attest:

_____
Mary Lynne Stratta, City Secretary
Date:_____

Approved:

_____
Janis K. Hampton, City Attorney
Date:_____

City of College Station

_____
Mayor
Date:_____

Attest:

_____
City Secretary
Date:_____

Approved:

_____
City Attorney
Date:_____

_____
City Manager
Date:_____

_____
Exec. Dir. Bus. Services
Date:_____

Brazos County

_____
Duane Peters, County Judge
Date:_____

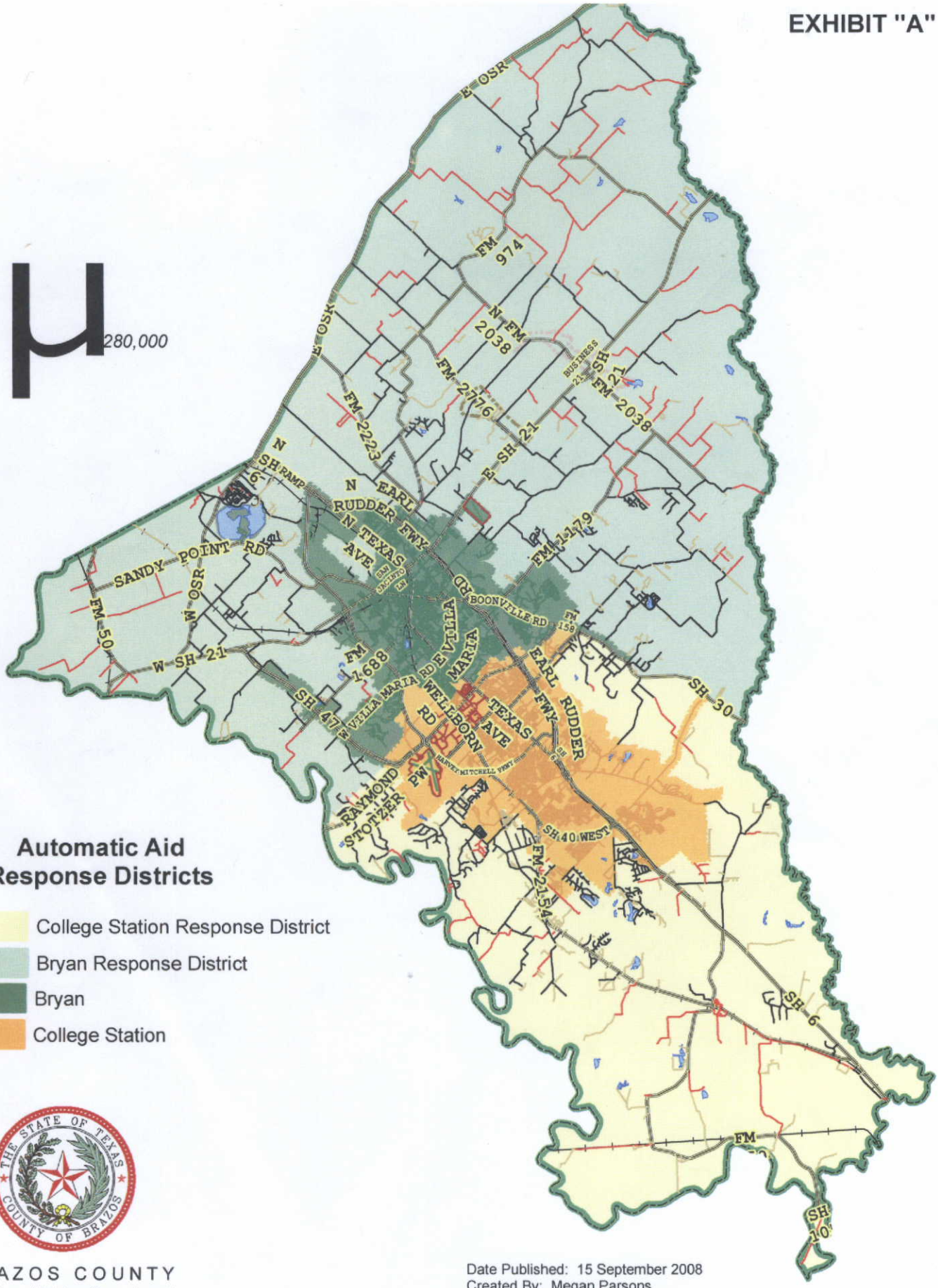
Attest:

_____
Karen McQueen, County Clerk
Date:_____

Approved:

_____
Bill Ballard, Asst. Co. Attorney
Date:_____

EXHIBIT "A"



Automatic Aid Response Districts

- College Station Response District
- Bryan Response District
- Bryan
- College Station

BRAZOS COUNTY
Road and Bridge Department

Date Published: 15 September 2008
Created By: Megan Parsons
Notes: For referential use only.

September 27, 2012
Consent Agenda Item No. 2m
Annual Purchase Order for Liquid Chlorine

To: David Neeley, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding an annual price agreement with Acetylene Oxygen Company (AOC) for the purchase of liquid chlorine. The estimated annual expenditure is $57,270.

Relationship to Strategic Goals: Financially sustainable city providing response to core services and infrastructure.

Recommendation: Staff recommends approval of the annual price agreement.

Summary: Chlorine is added to our public water supply to ensure disinfection and to meet Texas Department of Health requirements. The City of College Station hosted a joint-bid process with the City of Bryan for Liquid Chlorine, ITB #12-095, and bids were received and opened on August 17, 2012. Acetylene Oxygen Company submitted the lowest unit price for liquid chlorine at $477.25 per one-ton cylinder. The new unit price is $166.75 less than the unit price offered through the previous price agreement with DXI Industries. Upon the conclusion of the initial one-year agreement term, the City has the option to renew the agreement for two additional one-year terms, to be awarded one year at a time.

Budget & Financial Summary: The estimated cost of this price agreement is $57,270 but actual cost will depend on the quantity of chlorine ordered over the next year. Water operating funds are budgeted and available for this item.

Attachments:
1. Bid Tab

City of College Station - Purchasing Division
Bid Tabulation for #12-095
"Annual Price Agreement for Liquid Chlorine"
Open Date: Friday, August 17, 2012 @ 2:00 p.m.

				AOC - Acetylene Oxygen Company (Bryan, TX)		Altivia Corporation (Houston, TX)		DXI Industries (Houston, TX)	
ITEM	**QTY**	**UNIT**	**DESCRIPTION**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**
CITY OF COLLEGE STATION REQUIREMENTS									
1	120	EA (Cylinder)	One (1) Ton Cylinders of Chlorine	$477.25	$57,270.00	$519.00	$62,280.00	$514.00	$61,680.00
			CITY OF COLLEGE STATION TOTAL BID AMOUNT	**$57,270.00**		**$62,280.00**		**$61,680.00**	
CITY OF BRYAN REQUIREMENTS									
1	235	EA (Cylinder)	One (1) Ton Cylinders of Chlorine	$477.25	$112,153.75	$519.00	$121,965.00	$514.00	$120,790.00
2	135	EA (Cylinder)	150 Pound Cylinders of Chlorine	$81.25	$10,968.75	$110.00	$14,850.00	$79.65	$10,752.75
			CITY OF BRYAN TOTAL BID AMOUNT	**$123,122.50**		**$136,815.00**		**$131,542.75**	
ADD/DEDUCT ITEMS									
Certification of Bid				✓		✓		✓	
Acknowledged Addendums				✓		✓		✓	
Discounts				**No**		**No**		**No**	

September 27, 2012
Consent Agenda Item No. 2n
Impact Fees Semi-Annual Report

To: David Neely, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - Planning & Development Services

Agenda Caption: Presentation, possible action, and discussion Semi-Annual Report on Impact Fees 92-01, 97-01, 97-02B, 99-01, 03-02.

Relationship to Strategic Initiatives: Financially Sustainable City and Core Services and Infrastructure

Recommendation(s): At their meeting on September 6th, the Planning & Zoning Commission unanimously recommended acceptance of the report. Staff also recommends Council acknowledge and accept the Semi-Annual Report – No Further Action is Required at this time.

Summary: The attached Impact Fee Semi-Annual Report is provided to the City Council in accordance with the Texas Local Government Code Chapter 395.058. In short, the City of College Station currently has five impact fee areas where all associated utility construction is complete. All five of the impact fees were updated by Council in accordance with State Law in either 2008 or 2009.

A previous report showed changes in the projected densities in several of the Impact Fee areas related to the Land Uses adopted with the Comprehensive Plan in 2009. An update to incorporate these changes had been in progress but needed to consider the Water and Wastewater Master Plans that were under development, as well as, a City Wide Impact Fee Study that was underway. With the completion of both projects, the update can now proceed.

The Planning and Zoning Commission serves as the Impact Fee Advisory Committee per the City of College Station Code of Ordinances Chapter 15: Impact Fees. On September 6, 2012 the Advisory Committee discussed and unanimously recommended support of the Semi-Annual Report. It is now being forwarded to Council for your status update.

Budget & Financial Summary: N/A

Attachments:
1. 09/06/12 Impact Fee Semi-Annual Report

CITY OF COLLEGE STATION

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

MEMORANDUM

DATE: September 6, 2012

TO: Members of the Planning and Zoning Commission

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

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

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

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

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

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

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

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

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

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

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

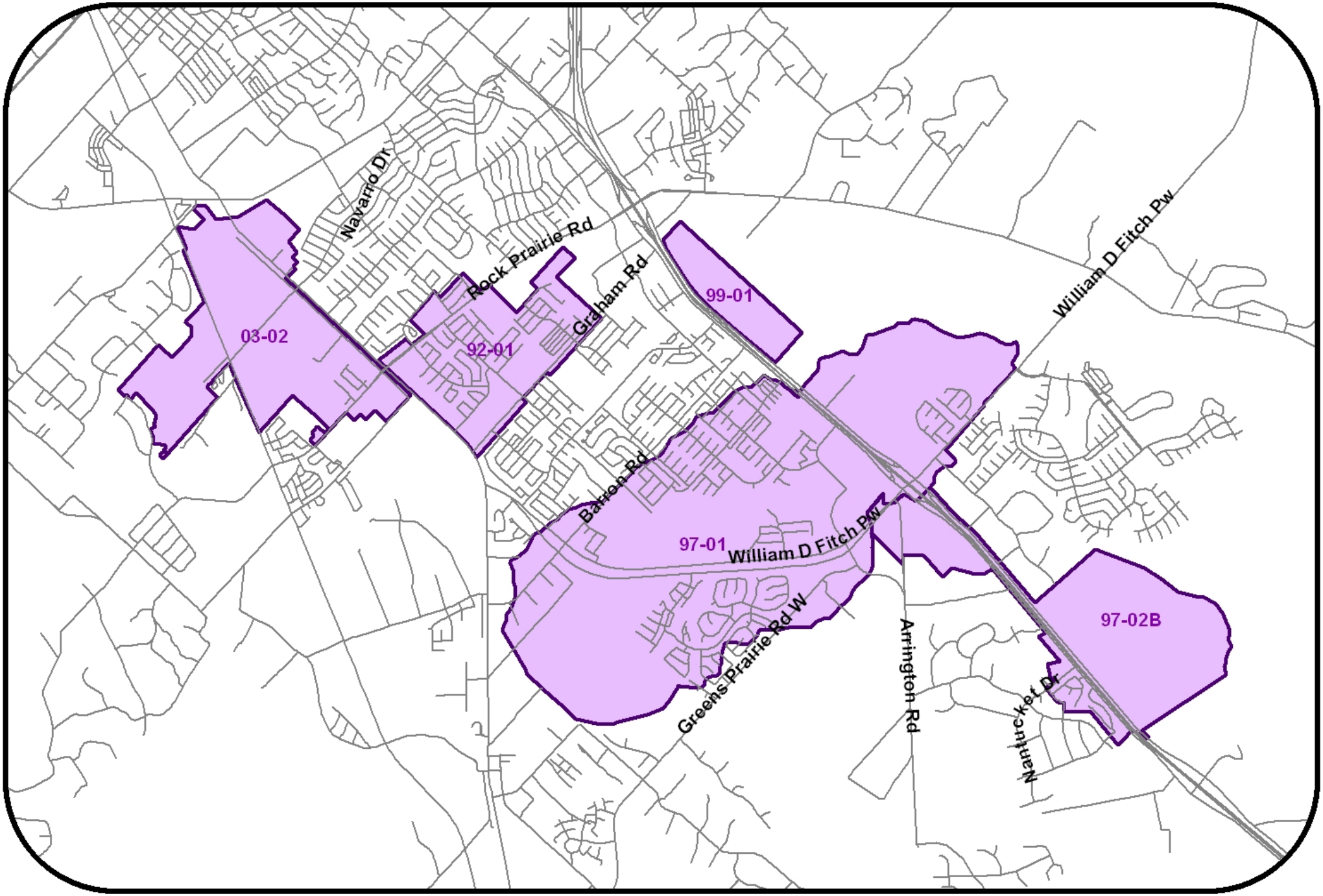
99-01 Water (Harley)(158 ac.) $769.91/LUE
This fee was implemented in April 1999 at $550.00/LUE and was revised to the current amount in April of 2008. The CIP consists of running an 18" water line south along the east ROW of Highway 6 approximately 4800'. The line was estimated to cost $312,000 (the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

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

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

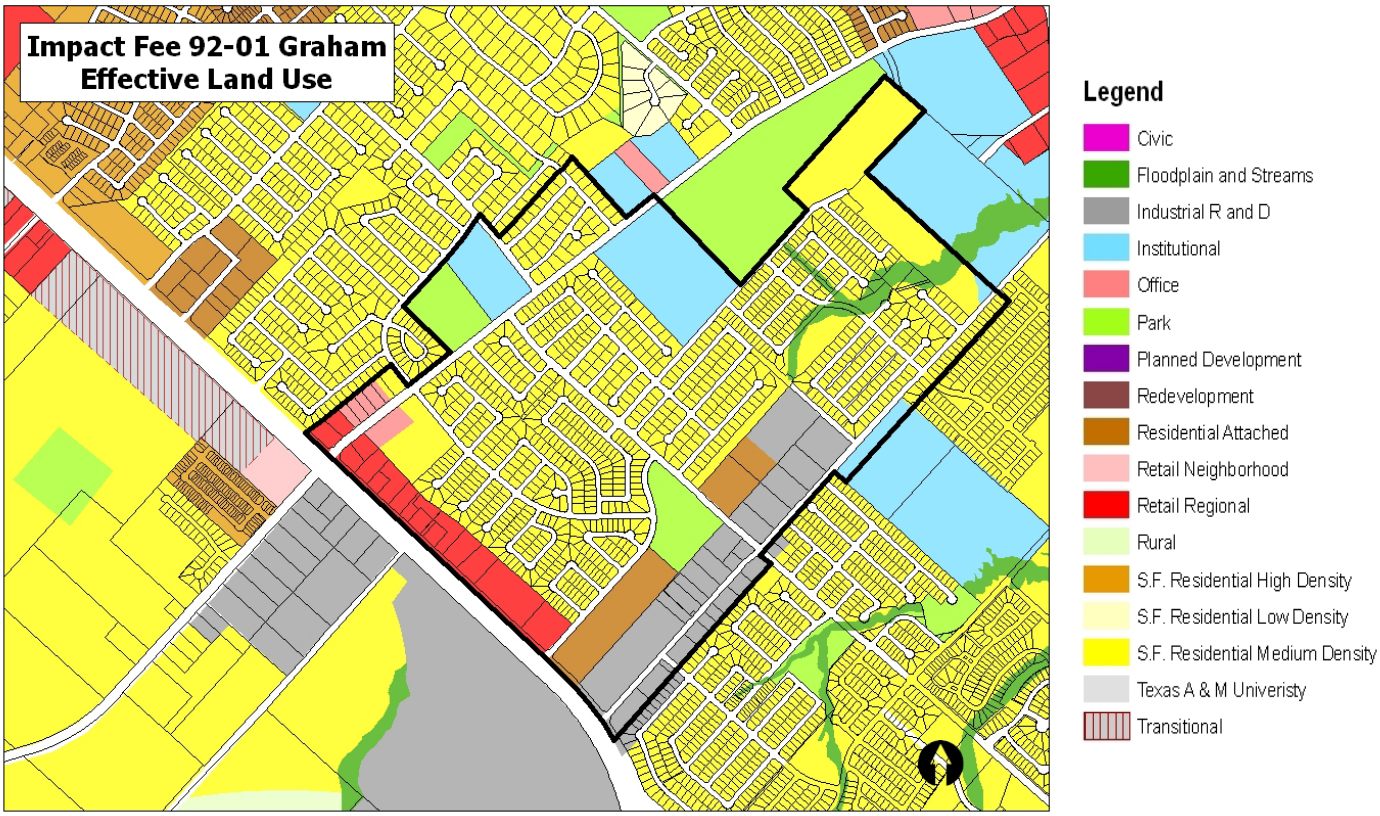
Impact Fee Area	Effective Buildout LUE	Current Impact Fee Rate	Anticipated Buildout LUE	LUE Adjustment	Remaining Capital Investment to Recoup
92-01 Graham	1,551	$ 316.07	**1,775**	**+ 224**	**$ 17,000**
97-01 Spring Creek	4,425	$ 98.39	**8,384**	**+ 3,959**	**$190,000**
97-02B Alum	3,232	$ 59.42	**2,139**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

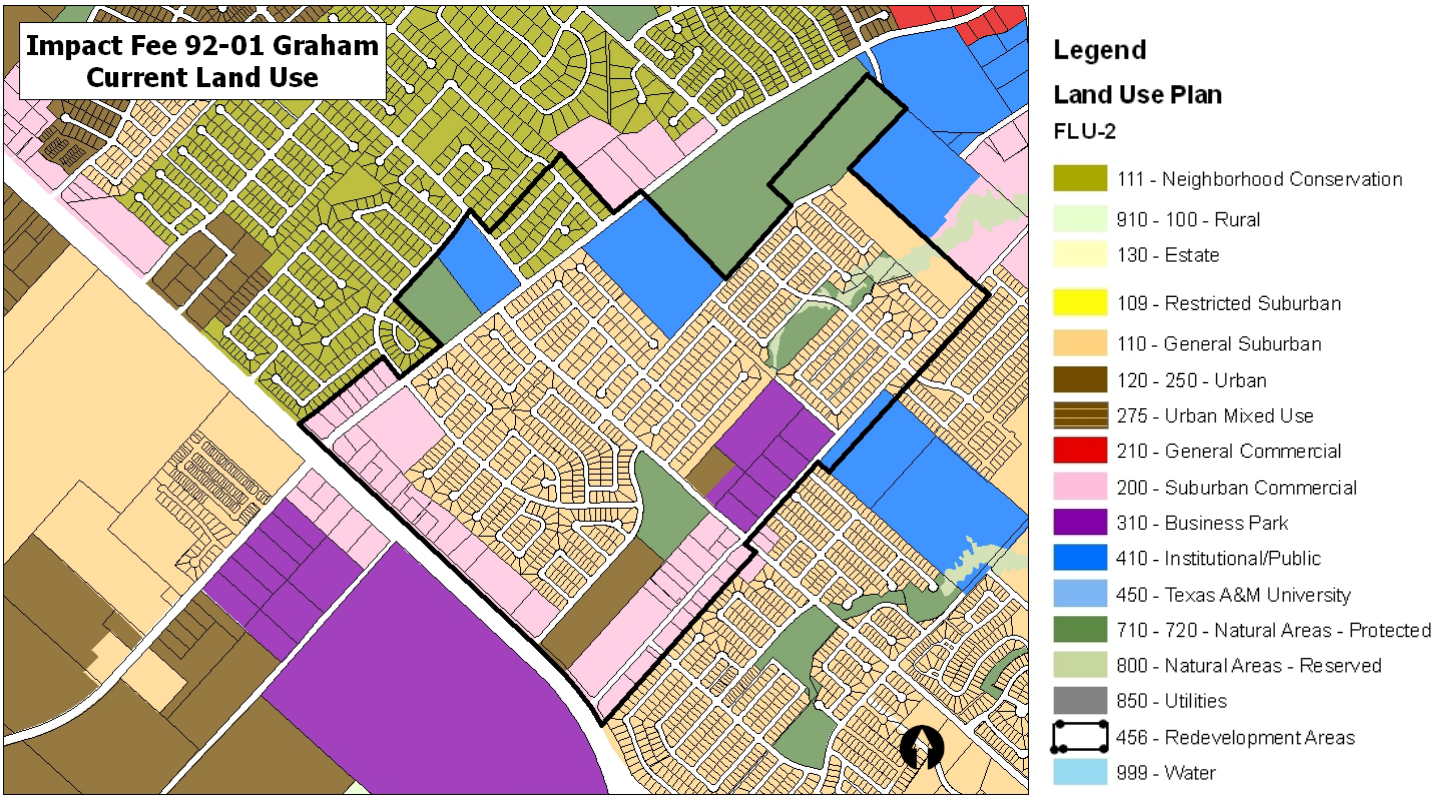
Attachments: Impact Fee Service Areas Map
Land Use at Adoption Map per Impact Fee Area
Current Land Use Map per Impact Fee Area

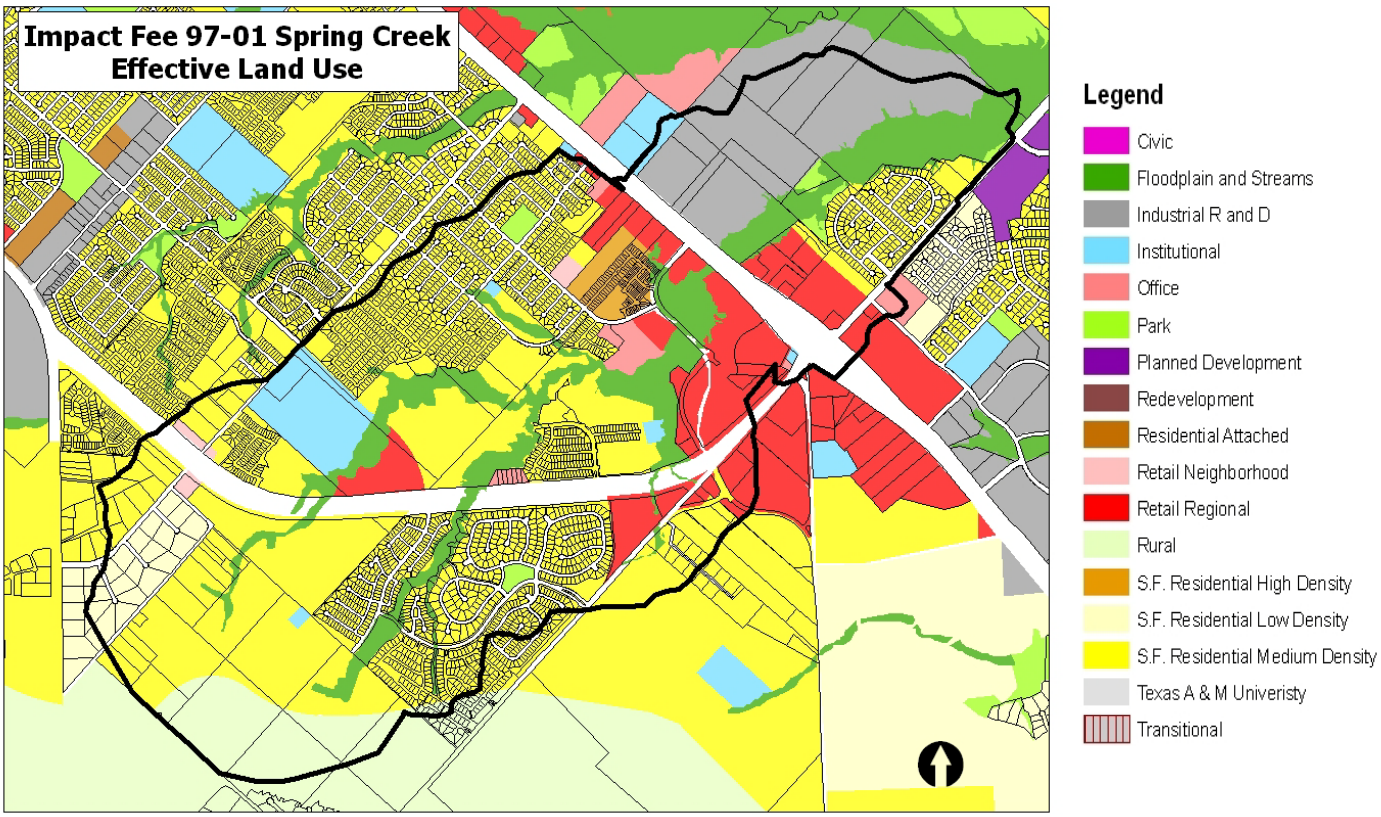


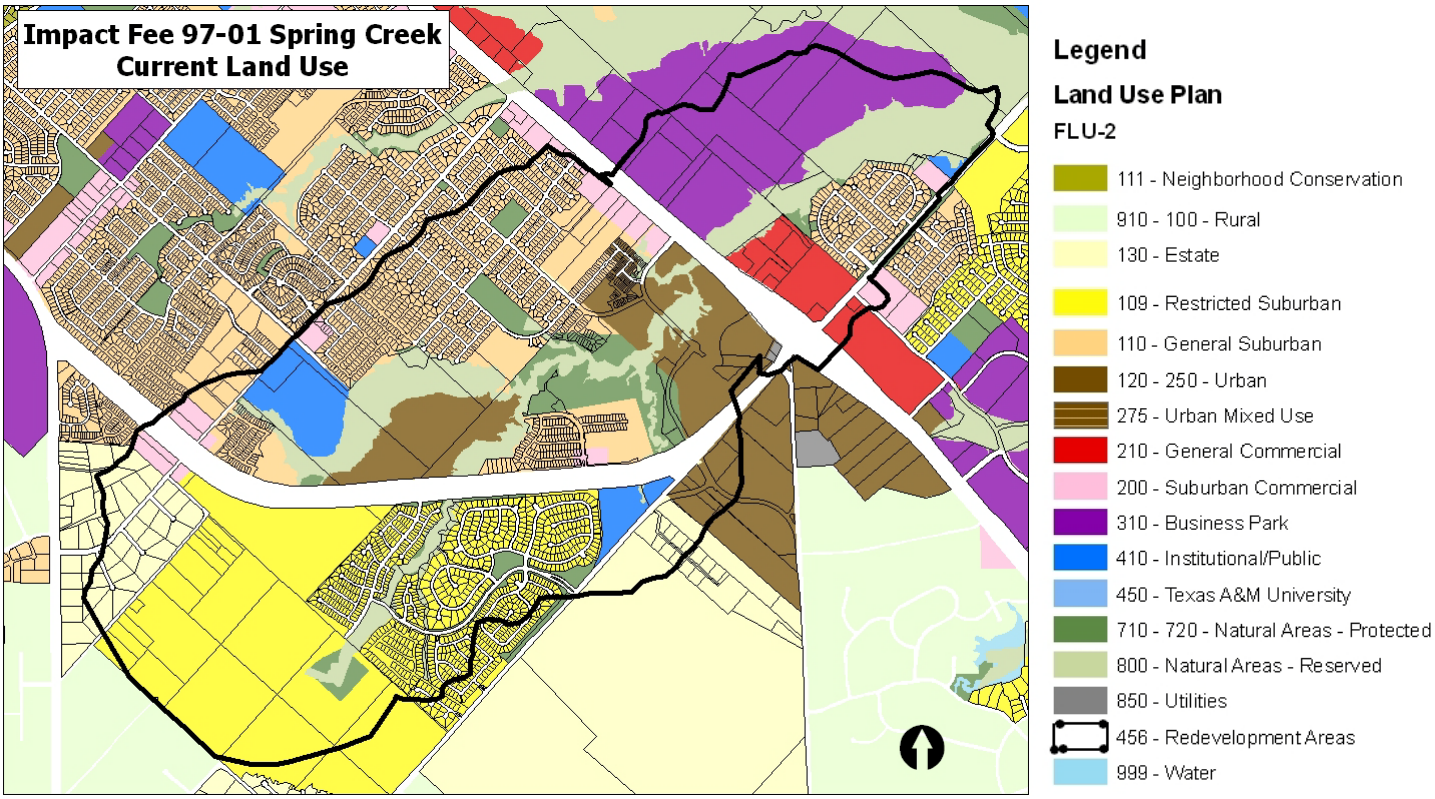
1 inch equals 4,000 feet

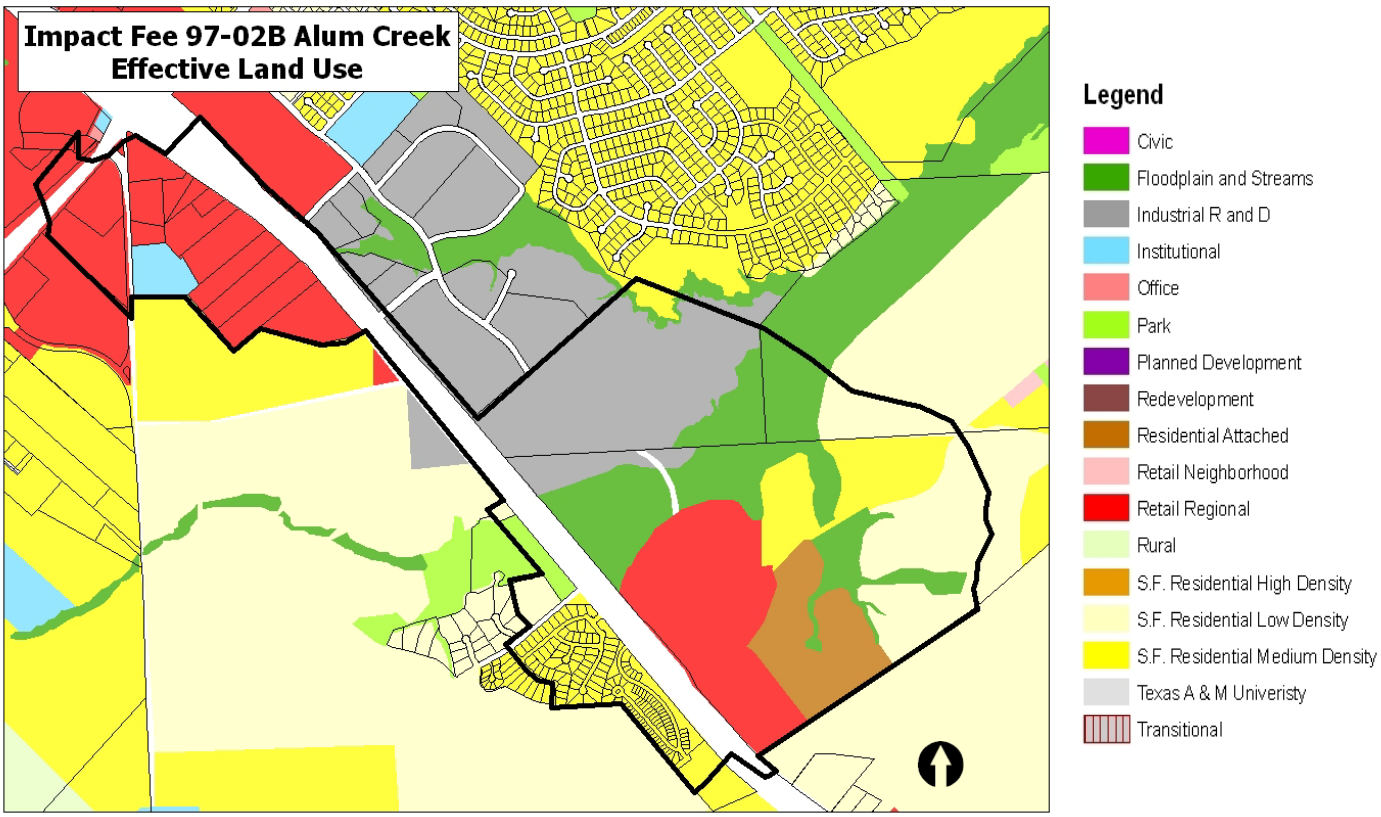
Impact Fee Areas - December 2011

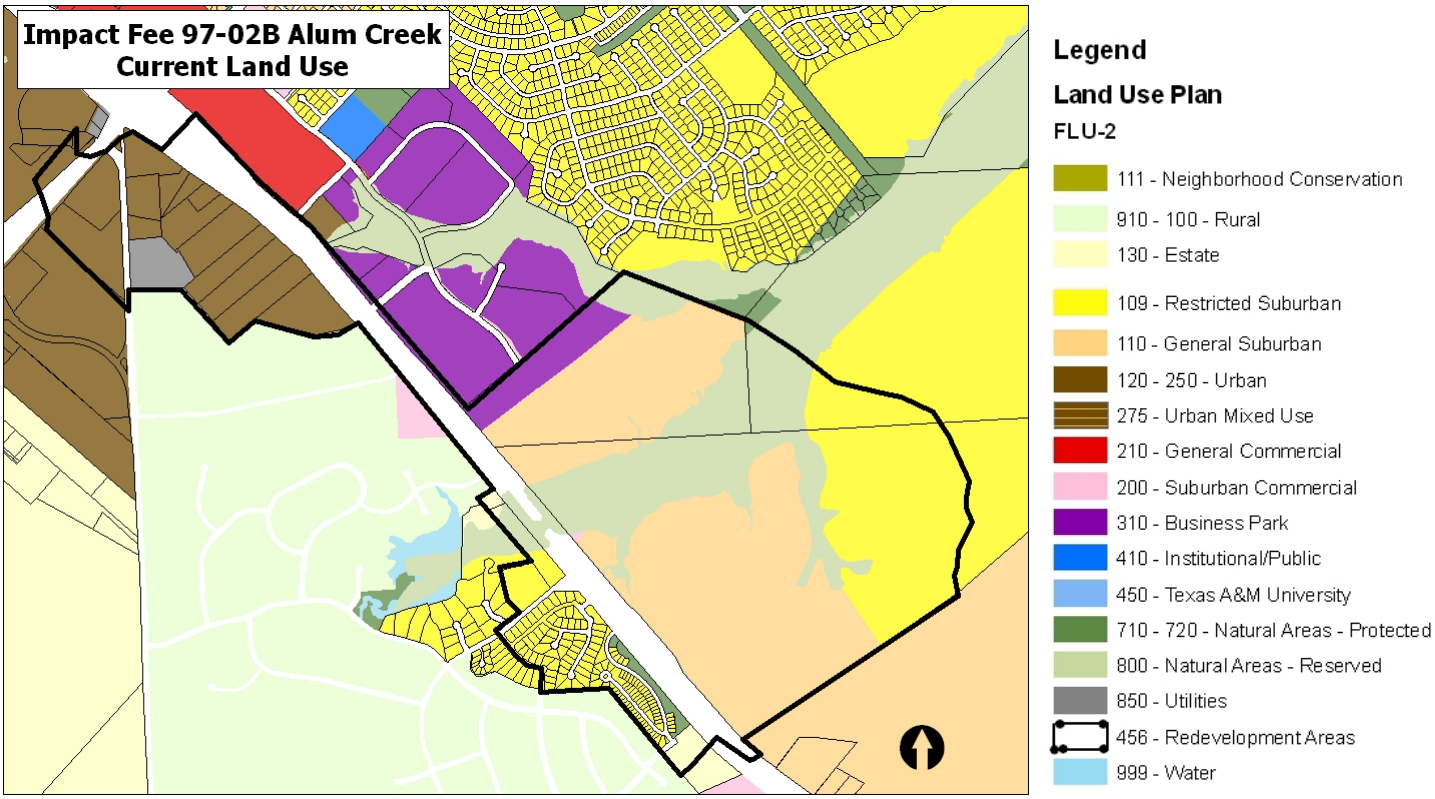

Impact Fee 92-01 Graham
Effective Land Use
Legend
Civic
Floodplain and Streams
Industrial R and D
Institutional
Office
Park
Planned Development
Redevelopment
Residential Attached
Retail Neighborhood
Retail Regional
Rural
S.F. Residential High Density
S.F. Residential Low Density
S.F. Residential Medium Density
Texas A & M Univeristy
Transitional


Impact Fee 92-01 Graham
Current Land Use
Legend
Land Use Plan
FLU-2
111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
110 - General Suburban
120 - 250 - Urban
275 - Urban Mixed Use
210 - General Commercial
200 - Suburban Commercial
310 - Business Park
410 - Institutional/Public
450 - Texas A&M University
710 - 720 - Natural Areas - Protected
800 - Natural Areas - Reserved
850 - Utilities
456 - Redevelopment Areas
999 - Water


Impact Fee 97-01 Spring Creek
Effective Land Use
Legend
Civic
Floodplain and Streams
Industrial R and D
Institutional
Office
Park
Planned Development
Redevelopment
Residential Attached
Retail Neighborhood
Retail Regional
Rural
S.F. Residential High Density
S.F. Residential Low Density
S.F. Residential Medium Density
Texas A & M Univeristy
Transitional


Impact Fee 97-01 Spring Creek
Current Land Use
Legend
Land Use Plan
FLU-2
111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
110 - General Suburban
120 - 250 - Urban
275 - Urban Mixed Use
210 - General Commercial
200 - Suburban Commercial
310 - Business Park
410 - Institutional/Public
450 - Texas A&M University
710 - 720 - Natural Areas - Protected
800 - Natural Areas - Reserved
850 - Utilities
456 - Redevelopment Areas
999 - Water


Impact Fee 97-02B Alum Creek
Effective Land Use
Legend
Civic
Floodplain and Streams
Industrial R and D
Institutional
Office
Park
Planned Development
Redevelopment
Residential Attached
Retail Neighborhood
Retail Regional
Rural
S.F. Residential High Density
S.F. Residential Low Density
S.F. Residential Medium Density
Texas A & M Univeristy
Transitional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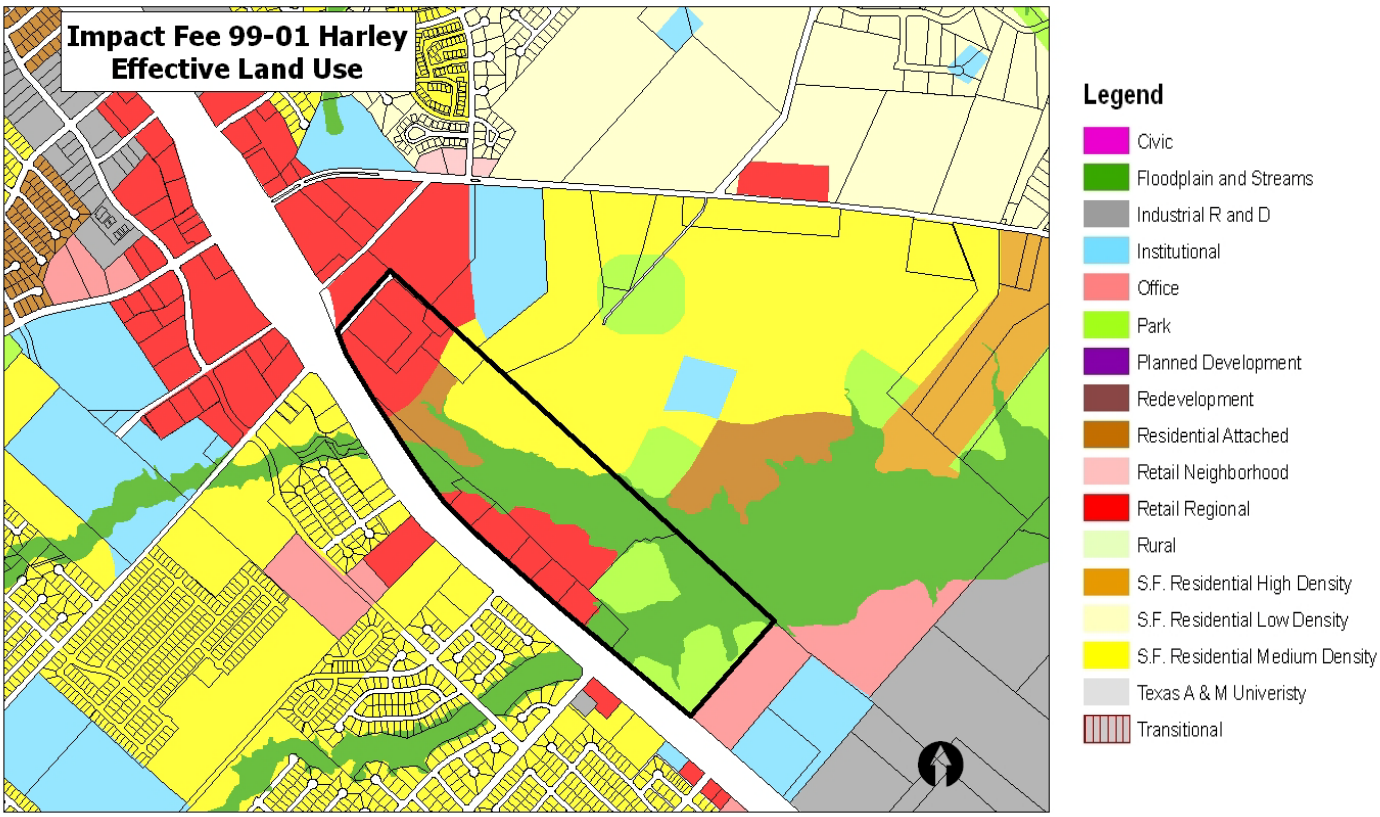
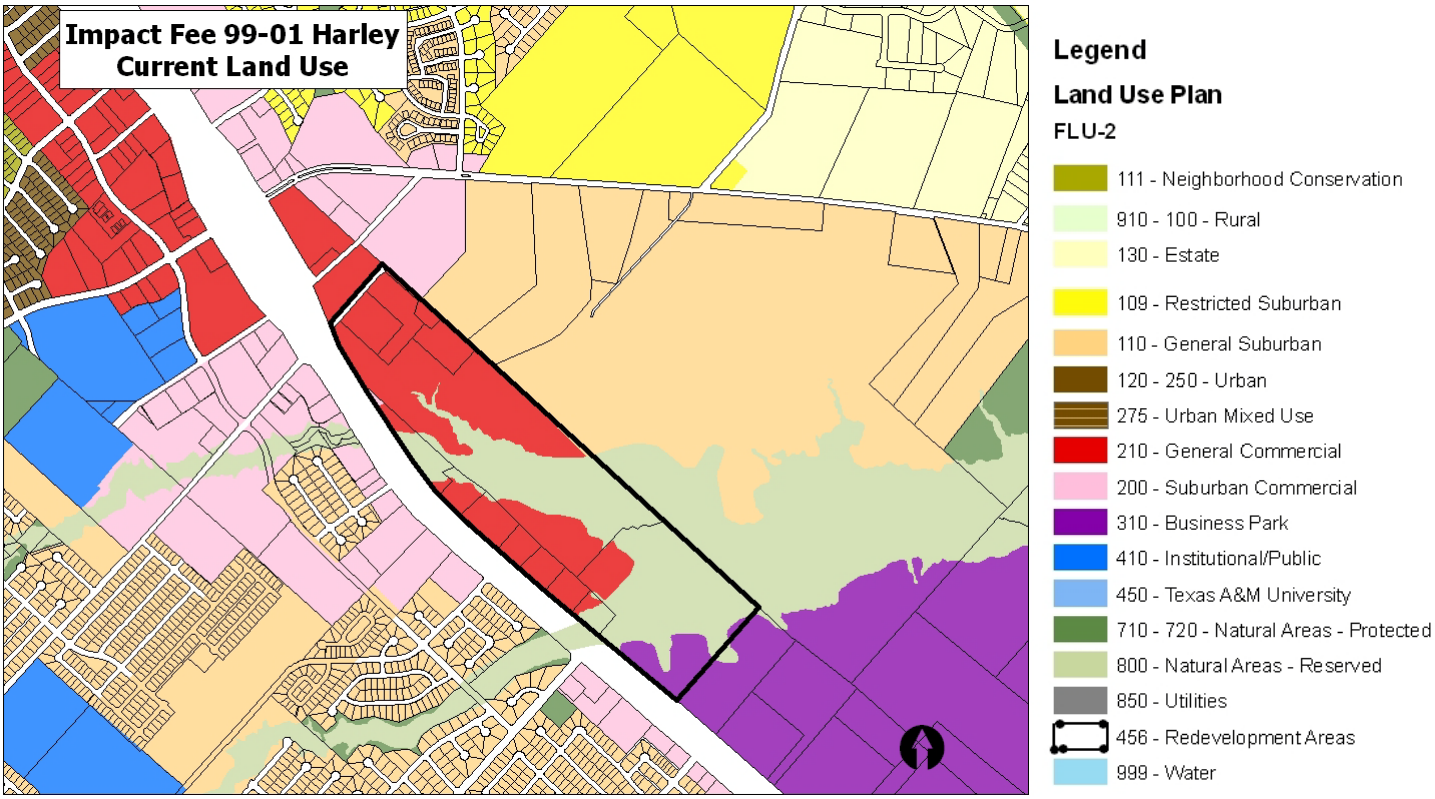
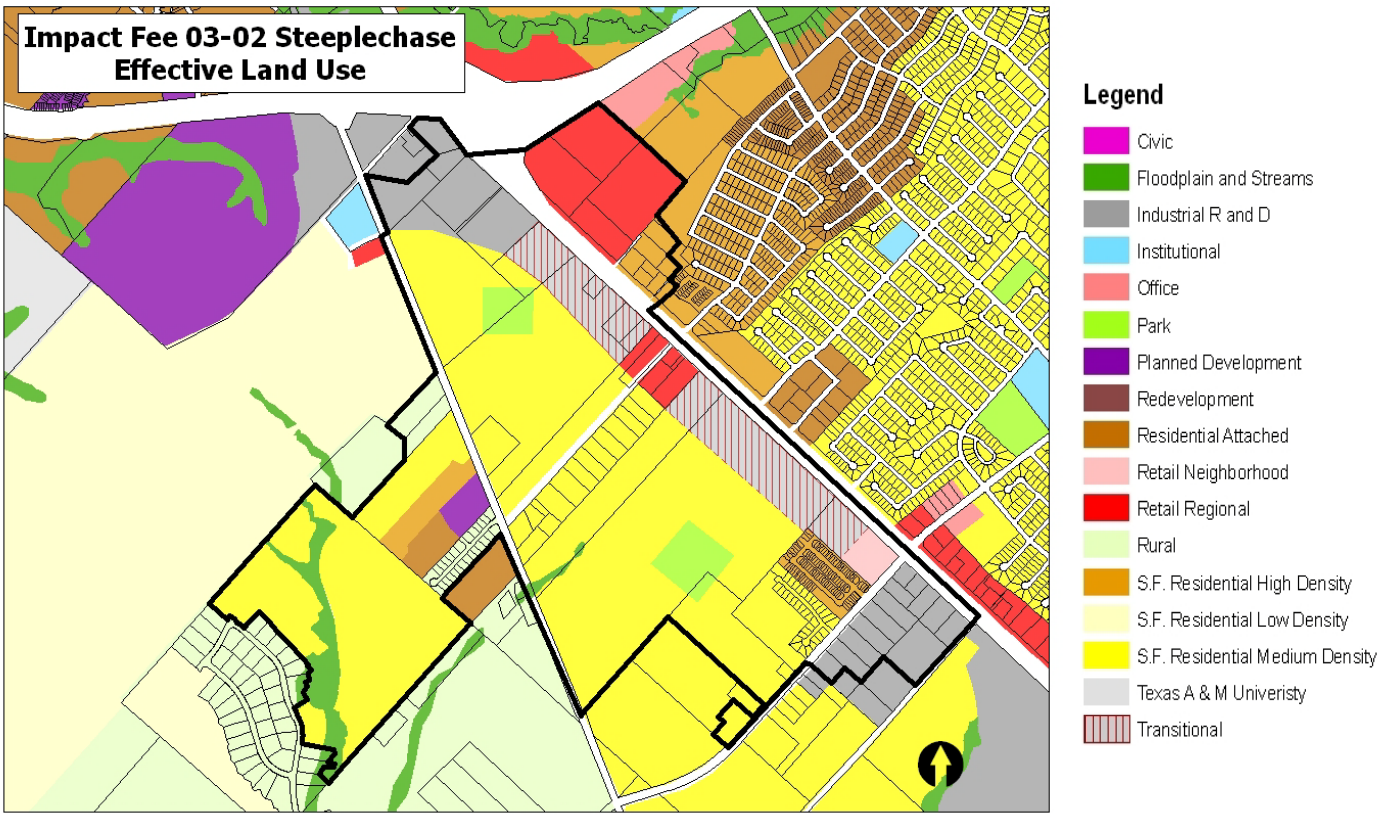
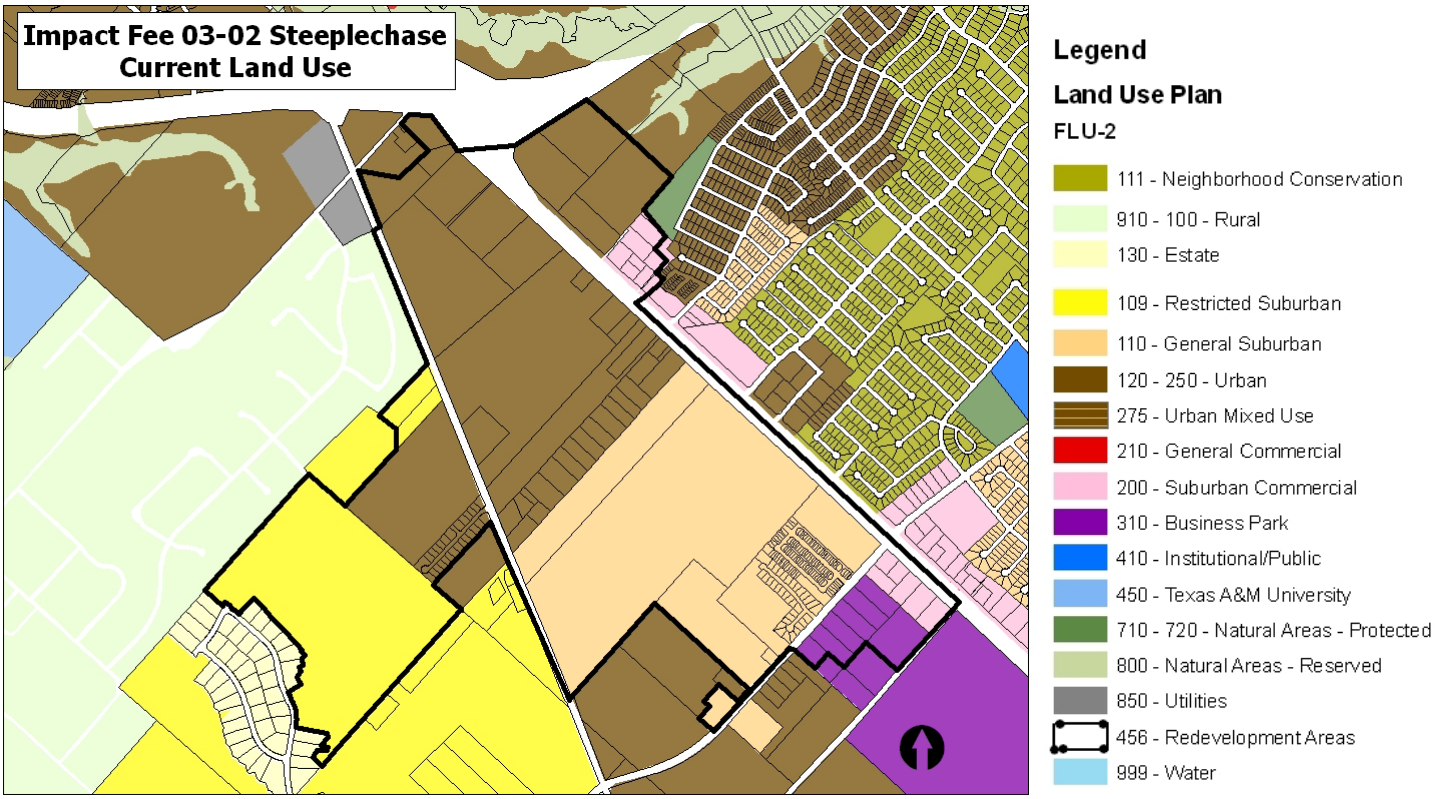
Current Land Use
Legend
Land Use Plan
FLU-2
111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
110 - General Suburban
120 - 250 - Urban
275 - Urban Mixed Use
210 - General Commercial
200 - Suburban Commercial
310 - Business Park
410 - Institutional/Public
450 - Texas A&M University
710 - 720 - Natural Areas - Protected
800 - Natural Areas - Reserved
850 - Utilities
456 - Redevelopment Areas
999 - Water


Impact Fee 99-01 Harley
Effective Land Use
Legend
Civic
Floodplain and Streams
Industrial R and D
Institutional
Office
Park
Planned Development
Redevelopment
Residential Attached
Retail Neighborhood
Retail Regional
Rural
S.F. Residential High Density
S.F. Residential Low Density
S.F. Residential Medium Density
Texas A & M Univeristy
Transitional


Impact Fee 99-01 Harley
Current Land Use
Legend
Land Use Plan
FLU-2
111 - Neighborhood Conservation
910 - 100 - Rural
130 - Estate
109 - Restricted Suburban
110 - General Suburban
120 - 250 - Urban
275 - Urban Mixed Use
210 - General Commercial
200 - Suburban Commercial
310 - Business Park
410 - Institutional/Public
450 - Texas A&M University
710 - 720 - Natural Areas - Protected
800 - Natural Areas - Reserved
850 - Utilities
456 - Redevelopment Areas
999 - Water


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


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

Effective Land Use

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

Current Land Use

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

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

September 27, 2012
Consent Agenda Item No. 2o
Project Number WF1223116
Carter Creek Wastewater Treatment Plant Headworks

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding a construction contract with Bryan Construction Company, in the amount of $1,573,719.50 for the Carters Creek Wastewater Treatment Plant Headworks Project, the approval of a contingency transfer in the amount of $150,000, and authorizing the City Manager to execute the contract on behalf of the City Council. ***(This item is also on workshop agenda item #5)***

Relationship to Strategic Goals: Core Services and Infrastructure- Efficiently, effectively, and strategically placed and infrastructure that maintains citizens health, safety, and general welfare and enables the City's economic growth and physical development.

Recommendation(s): Staff recommends approval of the construction contract, the approval of a contingency transfer in the amount of $150,000, and authorizing the City Manager to execute the contract on behalf of the City Council.

Summary: Carters Creek Wastewater Treatment Plant Headworks is the first step in the treatment process. The untreated wastewater flows into the headworks from the collection system, where it is pumped up for removal of large objects and sediment, so the wastewater can then flow through the rest of the treatment process. Some key equipment has exceeded its useful life and needs replacement or rehabilitation for the headworks to continue performing its function.

The scope of work proposed in this contract includes only those items needed to restore functionality to our existing equipment. The improvements included are for the screw lift pumps, grit and grease removal systems, oiler system, odor controls, and junction box. These improvements will allow the existing headworks to remain functional until staff receives additional information from the TCEQ regarding any future permit restrictions that could require major changes to the headworks structure.

Budget & Financial Summary: The current (FY12) budget for this project is $1,508,550. A total of $419,660 has been expended to date for the preliminary engineering and design work. This P.O. for the construction is $1,573,719.50, which exceeds the amount currently budgeted for this project. It is proposed that contingency in the amount of $150,000 be used toward this overage. Contingency transfers of $15,000 or more must be approved by Council. In addition, it is proposed that the remaining needed budget be transferred from the Northeast Trunkline Rehabilitation capital project which is currently on hold and is not expected to move forward in FY13.

Attachments:

1.) Bid Tab
2.) Project Location Map
3.) Construction Contract is on file in the City Secretary's Office

Carter's Creek WWTP Headworks Improvements
Bid No. 12-089
Bid Opening: 2:00 Tuesday, August 28, 2012

			J.S.Haren Co.	Dudley Construction	Bryan Construction	Excel Construction
1	Mobilization, Demobilization, Closeout	LS	$ 60,000.00	$ 150,000.00	$ 38,300.00	$ 85,000.00
2	Headworks Improvements	LS	$ 688,280.00	$ 606,100.00	$ 648,100.00	$ 810,000.00
2A	Aerated Grit and Grease Removal System	LS	$ 317,000.00	$ 317,000.00	$ 317,000.00	$ 317,000.00
2B	Grit Concentrator and Screw Conveyor	LS	$ 57,539.00	$ 57,539.00	$ 57,539.00	$ 57,539.00
2C	Shaftless Screw Conveyor	LS	$ 51,000.00	$ 51,000.00	$ 51,000.00	$ 51,000.00
2D	Screw Pump Oiler	LS	$ 59,868.00	$ 59,868.00	$ 59,868.00	$ 59,868.00
3	Odor Control Improvements	LS	$ 75,000.00	$ 86,863.00	$ 116,200.00	$ 175,000.00
3A	Odor Control System	LS	$ 27,562.50	$ 27,562.50	$ 27,562.50	$ 27,562.50
4	Junction Box	LS	$ 20,000.00	$ 30,390.00	$ 40,800.00	$ 42,000.00
5	Headworks Gate	LS	$ 80,000.00	$ 80,500.00	$ 78,700.00	$ 88,000.00
6	Erosion Control & Revegetation	LS	$ 1,000.00	$ 1,600.00	$ 5,300.00	$ 2,000.00
7	Storm Water Pollution Prevention	LS	$ 500.50	$ 425.00	$ 1,500.00	$ 1,500.00
	Base Bid		**$ 1,437,750.00**	**$ 1,468,847.50**	**$ 1,441,869.50**	**$ 1,716,469.50**
A1-A	Add-Aerated Grit Basin Air Drops & Diffuser Assemblies	LS	$ 10,500.00	$ 10,500.00	$ 10,500.00	$ 10,500.00
A1-B	Add-Replace Aerated Grit Basin Air Drops & Diffuser Assemblies	LS	$ 9,000.00	$ 10,800.00	$ 4,900.00	$ 22,500.00
	Alternate 1		**$ 19,500.00**	**$ 21,300.00**	**$ 15,400.00**	**$ 33,000.00**
A2-A	Add- Aerated Grit Basin Curtains	LS	$ 9,900.00	$ 9,900.00	$ 9,900.00	$ 9,900.00
A2-B	Add-Replace Aeratored Grit Basin Cutains	LS	$ 7,100.00	$ 6,030.00	$ 4,500.00	$ 8,800.00
	Alternate 2		**$ 17,000.00**	**$ 15,930.00**	**$ 14,400.00**	**$ 18,700.00**
A3-3	Add-Shaftless Screw Conveyor Control Panel	LS	$ 11,750.00	$ 11,750.00	$ 11,750.00	$ 11,750.00
A3-B	Add-Replace Shaftless Screw Conveyor Control Panel	LS	$ 3,000.00	$ 2,275.00	$ 1,200.00	$ 2,500.00
	Alternate 3		**$ 14,750.00**	**$ 14,025.00**	**$ 12,950.00**	**$ 14,250.00**
A4	Add-Overhaul Grit Pumps	LS	$ 11,000.00	$ 52,700.00	$ 45,000.00	$ 45,000.00
	Alternate 4		**$ 11,000.00**	**$ 52,700.00**	**$ 45,000.00**	**$ 45,000.00**
A5	Add-Replace Git Pumps in Lieu of Overhaul	LS	$ 52,000.00	$ 43,000.00	$ 38,000.00	$ 40,000.00
	Alternate 5		**$ 52,000.00**	**$ 43,000.00**	**$ 38,000.00**	**$ 40,000.00**
A6	Add-Replace Headworks Wet Wall Slide Gate Seats	LS	$ 28,000.00	$ 17,200.00	$ 18,000.00	$ 75,000.00
	Alternate 6		$ 28,000.00	$ 17,200.00	$ 18,000.00	$ 75,000.00
A7	Add-Replace Screwlift Pump Lower Roller Assembly Bearings & Seals	LS	$ 57,000.00	$ 16,700.00	$ 33,100.00	$ 17,500.00
	Alternate 7		**$ 57,000.00**	**$ 16,700.00**	**$ 33,100.00**	**$ 17,500.00**
	TOTAL with Alternate 4		**$ 1,585,000.00**	**$ 1,606,702.50**	**$ 1,580,719.50**	**$ 1,919,919.50**
	TOTAL with Alternate 5		**$ 1,626,000.00**	**$ 1,597,002.50**	**$ 1,573,719.50**	**$ 1,914,919.50**
	Certification of Bid		yes	yes	yes	yes
	Acknowledged Addendums (8)		yes	yes	yes	yes
	Bid Bond		yes	yes	yes	yes

Notes:

J.S. Haren Co base bid was corrected in favor of line item totals
Either Alternate 4 or Alternate 5 will be accepted; not both

CARTER CREEK WWTP HEADWORKS

September 27, 2012
Consent Agenda Item No. 2p
South Knoll-The Glade Utility Rehabilitation Project
Design Change Order
Project Number WF1044480, WF1044485

To: David Neeley, City Manager

From: Chuck Gilman, P.E., PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding a change order to the design contract (Contract 09-070) with Weston Solutions, Inc. in the amount of $104,780 to add construction materials testing to the scope of work for South Knoll-The Glade Utility Rehabilitation Project (WF1044480, WF1044485), and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure- Efficiently, effectively, and strategically placed and infrastructure that maintains citizens health, safety, and general welfare and enables the City's economic growth and physical development.

Recommendation(s): Staff recommends approval of the change order, and authorizing the City Manager to execute the contract on behalf of the City Council.

Summary: The South Knoll-The Glade Utility Rehabilitation Project includes the rehabilitation of water and wastewater utility infrastructure in the area generally bounded by Glade St, Haines, Langford, and Bee Creek Drive. Both the water and wastewater infrastructure in the area is in need of replacement due to an increase in service disruptions, deteriorating lines, and a need to improve fire protection.

This change order will not increase the overall project cost, it merely shifts the materials testing costs under the Design Contract, rather than being directly contracted by the City.
At the time this design contract was executed, a different process was in place whereby a material testing firm contracted directly with the city. Our current process is to have the engineer of record review the test results and make recommendations on any tests that fail. This change order will add construction material testing to the scope of work for the engineer of record.

The majority of the necessary testing will be performed on the cement stabilized sand backfill material. Many of the new water and sanitary sewer lines will be installed in the existing streets by open cut excavations and City of College Station construction specifications require cement stabilized backfill of all trenches made in existing asphalt streets. This testing is required of the cement stabilized material to reduce the risk of settlement within the trench. Excessive settlement can result in damage to the pavement and potentially damage the newly install pipe.

The frequency of testing and the level of effort proposed in this change order are consistent with that observed in other recent utility rehabilitation projects.

Budget & Financial Summary:
The portion of the change order related to the water utility lines is $34,577.40 and the portion related to the wastewater utility lines $70,202.60. Funds in the amount of $2,265,192 are currently budgeted for this project in the Water Capital Projects Fund and funds in the amount of $3,005,683 are currently budgeted for this project in the Wastewater Capital Projects Fund. Funds in the amount of $4,136,062 have been expended or committed to date, leaving a balance of $1,134,813 for this change order and remaining expenses.

Attachments:

1.) Change Order
2.) Project Location Map

CHANGE ORDER NO. 4 DATE: August .24, 2012 Contract No. 09-070
P.O.# 090389 PROJECT: South Knoll-The Glade Utility Rehabilitation

OWNER:
City of College Station
P.O. Box 9960
College Station, Texas 77842

CONTRACTOR:
Weston Solutions, Inc
2705 Bee Caves Rd STE 100 Ph: (512) 651-7100
Austin, TX 78746 Fax: (512) 651-7101

PURPOSE OF THIS CHANGE ORDER:
A. Add Material Testing: With the award of the construction contract and decision to accept the base bid and alternate bid item 3 an accurate estimate for the cost of material testing could be achieved. As part of the design scope, the design engineer is responsible for materials testing This change order adds the anticipated cost for materials testing into the contract for the design engineer to cover this part of their scope Please see the attached documentation for the breakdown of the material testing services that are anticipated

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Construction Materials Testing	$104,780.00	0	1	$104,780.00
					TOTAL	$104,780.00

THE NET AFFECT OF THIS CHANGE ORDER IS 29.31 % INCREASE

LINE 1 (212-9111-973.55-02/WF1044480)	$34,577.40	
LINE 2 (213-9111-974.55-01/WF1044485)	$70,202.60	
TOTAL CHANGE ORDER	$104,780.00	
ORIGINAL CONTRACT AMOUNT	$357,533.00	
CHANGE ORDER NO. 1	$4,400.00	1.23% % CHANGE
CHANGE ORDER NO. 2	$6,950.00	1.94% % CHANGE
CHANGE ORDER NO. 3	$103,647.00	28.99% % CHANGE
CHANGE ORDER NO. 4	$104,780.00	29.31% % CHANGE
REVISED CONTRACT AMOUNT	$577,310.00	61.47% % TOTAL CHANGE
ORIGINAL CONTRACT TIME	NA Days	
Time Extension No. 1	NA Days	
Revised Contract Time	0 Days	
SUBSTANTIAL COMPLETION DATE	NA	
REVISED SUBSTANTIAL COMPLETION DATE	NA	

APPROVED

8/27/2012
A/E CONTRACTOR Date

5 Sept. 2012
DEPARTMENT DIRECTOR Date

NA
CONSTRUCTION CONTRACTOR Date

EXECUTIVE DIR BUS SRVS Date

Edward McDonald 8/28/12
PROJECT MANAGER Date

9-13-12
CITY ATTORNEY Date

CITY MANAGER Date

South Knoll-The Glade Project Boundaries

September 27, 2012
Regular Agenda Item No. 1
Public Hearing and Consideration of Budget Amendment #3

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of $1,191,771.

Recommendation(s): Staff recommends the City Council hold the public hearing on Budget Amendment #3 and approve the budget amendment ordinance and interfund transfer.

Summary: The proposed budget amendment is to increase the appropriations for the items listed below by $1,191,771. The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment. Attached is a list of the items in the proposed budget amendment. Also included is an interfund transfer.

Budget & Financial Summary: The City has resources or can reasonably expect resources to cover each of the appropriations in this budget amendment. The attached list has the complete description of the items included in the proposed budget amendment.

Attachments:

1. Budget Amendment #3 Detail List, Budget transfer detail list
2. Ordinance

ORDINANCE NO. _____

AN ORDINANCE (BUDGET AMENDMENT 3) AMENDING ORDINANCE NUMBER 3371 WHICH WILL AMEND THE BUDGET FOR THE 2011-2012 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, the City Council of the City of College Station, Texas, approved its Budget Ordinance for the 2011-2012 Fiscal Year on September 22, 2011; and

WHEREAS, the City Council of the City of College Station, Texas, desires to amend the approved Budget Ordinance; and

WHEREAS, this amendment was prepared and presented to the City Council and a public hearing held thereon as prescribed by law and the Charter of the City of College Station, Texas, after notice of said hearing having been first duly given; now, therefore,

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

Part 1: That Part 1 of the Budget Ordinance for the 2011-2012 Fiscal Year is amended to read as follows:

> **"PART 1:** That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station Texas. Amended appropriations for fiscal year 2011-2012 for the General Fund are $61,762,583; for the ARRA Fund are $862,631; for the Debt Service Fund are $14,784,062; for the Sanitation Fund are $8,040,898; for the Equipment Replacement Fund are $5,535,643; and for the Fleet Maintenance Fund are $1,827,785. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

Part 2: That this ordinance shall become effective immediately after passage and approval.

PASSED and APPROVED this _____ day of _____2012.

ATTEST:

_____
City Secretary

APPROVED:

_____
Mayor

APPROVED:

Carla A. Robinson
City Attorney

The proposed budget amendment is to increase the appropriations for the items listed below by $1,191,771. Also included below is an interfund transfer. When budget transfers between funds are necessary, Council approval is required. Budget transfers do not increase or decrease the overall budget. Rather, the transfers shift budget between departments or funds.

BUDGET AMENDMENT ITEMS

1. **Grants - $24,052 (Budget Amendment)**
   This item will appropriate budget to the General Fund in the amount of $13,352 and the Sanitation Fund in the amount of $10,700 for various grants that have been awarded to the City. The grant funds for the projects are received after the expenditures occur. Below is a summary of the grants for which the budget will be amended:

   Police - The Police Department received a Bullet Proof Vest Program grant from the U.S. Department of Justice. This grant will reimburse one-half the costs of eligible bullet proof vests purchased by the Police Department in FY12. The budget was amended earlier in the year for $3,736; this budget amendment would increase the appropriation by an additional $13,352 for a total of $17,088 for eligible bullet proof vests in FY12.

   Recycling Grant - $10,700 - The city received a grant in the amount of $10,700 from the Brazos Valley Council of Governments (BVCOG) and the Texas Commission on Environmental Quality (TCEQ) for the purchase of a smart phone application. This project informs citizens of sanitation and recycling events. This item will amend the Sanitation budget for the expenditures incurred.

2. **Energy Efficiency & Conservation Block Grant – Energy Dept - $375,050 (Budget Amendment)**
   Funds in the amount of $97,066 were received from the U.S. Department of Energy's (DOE) Energy Efficiency & Conservation Block Grant to provide funding for the increase in cost of upgrading a Sanitation truck in the City's fleet to hybrid vehicle. The total cost of the hybrid version of the vehicle was $360,978. Funds in the amount of $263,912 were budgeted in the Equipment Replacement Fund in FY12 for the cost of a non-hybrid vehicle. These funds were transferred to the ARRA Fund, which is the fund out of which the hybrid version of the vehicle was purchased. This item appropriates the budget for the total cost of the vehicle in the ARRA Fund.

   In addition, the DOE approved the repurposing of funds that were previously earmarked for other eligible projects. These other projects are complete and came in under budget. The balance of the funds from those projects, in the amount of $14,072, was repurposed in FY12 to be used on an LED Traffic Signal Retrofit project. As the budget for the original projects was established in FY11, this item will appropriate in FY12 the budget for the repurposed funds. (Several other new projects were also created using repurposed funds, but those projects already have corresponding FY12 budget appropriations, so, therefore, no budget amendment is needed for those projects.)

3. **Emergency Ambulance Rebuild - $80,000 (Budget Amendment)**
   This item is for the emergency rebuild of ambulance in the amount of $80,000. Contributions are made to the Equipment Replacement Fund on an annual basis for the replacement of vehicles. The purchase price of a new ambulance with all of its required equipment is approximately $225,000. It has been determined that the rebuild of this ambulance will greatly extend the life of the ambulance for much less than the purchase of a new ambulance. The Fire department has contributed enough funds into the Equipment Replacement Fund to make this emergency purchase. Funds are available in the Equipment

Replacement Fund balance for this purchase and this item will appropriate the corresponding budget in the Equipment Replacement Fund.

4. **Budget Overage - Police Department - $393,084 (Budget Amendment)**
Police Department expenditures are estimated to come in over budget due to several factors resulting in overages in salary and benefit accounts. Several uncharacteristic major crimes occurred in FY12 resulting in considerable overages in overtime. Overtime was also impacted due to vacancies throughout the department. In addition, shift differential pay was inadvertently excluded from the FY12 budget. Altogether, this created an estimated overage in salaries of $78,000 and an estimated overage in overtime of approximately $244,000. Police Department benefits are also estimated to be over budget by $98,000, which is directly related to the overage in salaries and overtime as benefits are based on salaries. Overall, a portion of the overage in salaries and benefits is offset by savings in supplies and professional services bringing the total net estimated overage to $393,084. Funds for this item are available in the General Fund. This overage was factored into the General Fund forecast in the development of FY13 budget.

5. **Budget Overage - Sanitation Fund - $200,949 (Budget Amendment and Interfund Transfer)**
The Sanitation Fund is estimated to come in over budget due to increases in expenditures related to fuel, residential disposal fees and overtime. The Sanitation Fund experienced a significant increase in the volume of refuse and collection frequency due to the additional brush collection that was the result of the extended drought. This additional brush and refuse collection has also contributed to a significant increase in overtime. This item will appropriate budget in the amount of $200,949 to adequately cover all costs related to the increased need for services. Funds for this item are available in the Sanitation Fund balance. In addition to the budget amendment, this item will also authorize a budget transfer in the amount of $399,235 from the Debt Service Fund to the Sanitation Fund. The debt service payment related to the CO's issued for the construction of the Twin Oaks Landfill was originally budgeted in the Debt Service Fund in FY12. This item will move the corresponding budget from the Debt Service Fund to the Sanitation Fund, which is the fund out of which the payment was made. This budget transfer will not increase or decrease the overall budget and revenue will be received from BVSWMA, Inc. to offset the debt service payment.

6. **Budget Overage - Fleet Maintenance Fund - $118,636 (Budget Amendment)**
FY12 expenditures in the Fleet Maintenance Fund are estimated to be over budget by $118,636. Higher costs than anticipated were seen in FY12 for parts and repairs. Additionally, several vehicles have undergone unanticipated, expensive repairs in FY12. Funds for this item are available in the Fleet Maintenance Fund balance.

September 27, 2012
Regular Agenda Item No. 2
Rezoning—BioCorridor Planned Development District

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director of Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinance of the City of College Station, Texas by rezoning approximately 147 acres from A-O Agricultural Open to PDD Planned Development District for the Joint Research Valley BioCorridor Development Project generally located between State Highway 47, Raymond Stotzer Parkway, Turkey Creek Road, and the City limit.

Relationship to Strategic Goals: Diverse Growing Economy, Sustainable City

Recommendation(s): The Planning and Zoning Commission considered this item at their August 2, 2012 meeting and unanimously recommend approval. The Bicycle, Pedestrian, and Greenway Advisory Board considered the Planned Development District proposal at their July 2, 2012 meeting and unanimously recommend approval.

NOTE: The City of Bryan Planning and Zoning Commission considered an identical Planned Development District rezoning of approximately 50 acres for the Joint Research Valley BioCorridor Development Project at their August 2, 2012 meeting and unanimously recommended approval to the Bryan City Council. The Bryan City Council will hold the first reading of the ordinance at their meeting on September 25, 2012, and will make a final decision on the matter on October 9, 2012. This rezoning will not become effective until such time as both City Councils approve their respective rezonings that will subject their properties to an identical "BioCorridor Planned Development Ordinance".

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

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

To develop unified land uses, development standards, and project review processes, city staff from both communities have worked together and in conjunction with a subcommittee

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

The Unified Development Ordinance provides the following review criteria for zoning map amendments:

REVIEW CRITERIA

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

   The rezoning meets the direction the Comprehensive Plan identifies for future land use. The land uses proposed for the BioCorridor Planned Development District consist primarily of office, research and development, and manufacturing that will promote scientific industry, especially that of biotechnology. Supporting uses for area employees may include a small amount of commercial and multifamily. The rezoning proposal is a reflection of the adopted vision for land uses in this area of College Station, and the vision of the Brazos Valley area as formed through the BioCorridor Master Plan planning process.
   One stated reason the ILA was adopted by both communities was to promote economic development in both cities. The Comprehensive Plan identifies research as one of the foundations of the local economy and from research emerges the commercialization of knowledge-based activities. The utilization of the subject property for research, development, and manufacturing of pharmaceuticals and health-related technologies supports College Station's desire to grow in these economic sectors.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The majority of the area in the City of College Station between State Highway 47, Raymond Stotzer Parkway, and Turkey Creek Road is designated as Business Park. There is a small amount of Suburban Commercial anticipated along Turkey Creek Road. With the exception of approximately five acres with frontage on Raymond Stotzer Parkway zoned C-2 Commercial Industrial, all of the area is zoned A-O Agricultural Open. There are a number of non-conforming uses in the vicinity, including appliance repair and a fraternity house. There are also uses that comply with the current zoning, such as single family residential on large lots, but do not conform to the long-range vision for the area. Depending on the intensity of possible development on the subject property, the rezoning proposal may or may not be compatible with the nearby conforming properties and neighborhood character. An

office complex could be compatible, but an office complex with several stories of multifamily residential may not be. When considering the planned future of the area, the proposed rezoning will be compatible, especially if consideration of compatibility is extended across the City limit line to encompass the existing Caliber Biotherapeutics facility and the Health Science Center.

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

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

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

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

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

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

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

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

REVIEW OF CONCEPT PLAN

Purpose & Intent Statement

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

Land Use

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

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

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

Base Zoning and Meritorious Modifications

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

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

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

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

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

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

   The Board will consist of seven members: one City Council member from each city, four Planning and Zoning Commissioners (two from each city), and one employee of Texas A&M University who will be appointed by its president. The Board will have the responsibility of making recommendations to the Planning and Zoning Commission on waivers to the Subdivision Regulations. Because of the tenets of the LOCAL GOVERNMENT CODE, the Planning and Zoning Commission will still make the final decisions on subdivision waivers and most plats. The Board will also make recommendations to Staff on proposed place-making elements such as street signage and pavement markings. The Board will take final action on items such as appeals from some staff decisions and alternatives to buffer requirements.

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

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

6. General Approval Procedures

The general procedures for development, such as application processing, are described in this section.

7. BioCorridor Development Processes

Specific development processes, such as that for site plan approval, are described in this section.

8. Subdivision Design and Improvements

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

9. **Site Standards**

The Site Standards section begins with a discussion of the overall site design goals and objectives of how design in the BioCorridor Planned Development District should reflect visual quality and interest, how there should be accommodations for multi-modal forms of transportation, and that the built environment should work with the natural environment. Many of the requirements of the Site Standards are similar to those already applicable in other zoning districts in College Station, but in an effort to accomplish the stated goals and objectives, there are some significant changes that are unique for the BioCorridor Planned Development District.

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

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

To keep visual clutter to a minimum and to not detract from natural amenities and other place-making elements, signage will be restrained. Site signage will be limited

to those attached to buildings, directional signage interior to a site, and low profile signs along the rights-of-way.

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

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

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

The Guiding Principals stated in the BioCorridor Master Plan reference sustainable and healthy growth. To this end, another proposal with this ordinance is to provide water quality benefits through drainage and stormwater management. There are numerous options that may be incorporated into a site's plans such as the provision of pervious pavement, stream buffers, and rainwater collection systems and reuse.

10. Building Design Standards

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

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

1. **The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area:** In an effort to

maximize the public investment in the area, the proposal has several elements that are intended to create a sense of place and preserve natural amenities, such as greenway buffers, multi-modal transportation systems, and buffers to the highways. There are also building design guidelines intended to promote thoughtful, quality design while encouraging creativity.

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

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

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

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

4. **Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association:** No dwelling units are proposed at this time, but should they wish to be developed, they may only be so on the second floor and above in mixed-use buildings. The only land use district within the BioCorridor Planned Development District that will allow such mixed-use development (BC-R&D, BioCorridor-Research and Development), is oriented around Health Science Center Parkway.

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

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

7. **The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area:** The BioCorridor Planned Development District Ordinance promotes multimodal forms of transportation. The cities of College Station and Bryan are re-designing and reconstructing Health Science Center Parkway to facilitate future development in the area. Multi-modal accommodations are being made with the design.

Budget & Financial Summary: N/A

Attachments:
1. Aerial and Small Area Map
2. Background Information
3. Draft September 6, 2012 Planning & Zoning Commission Minutes
4. A copy of the BioCorridor Master Plan may be downloaded from http://onehealthplusbiocorridor.com/downloads/
5. A copy of the BioCorridor Design Guidelines as proposed by Jacobs Consultancy may be downloaded from http://gis.bryantx.gov/public/BioCorridor%20Information/
6. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

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

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

None

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

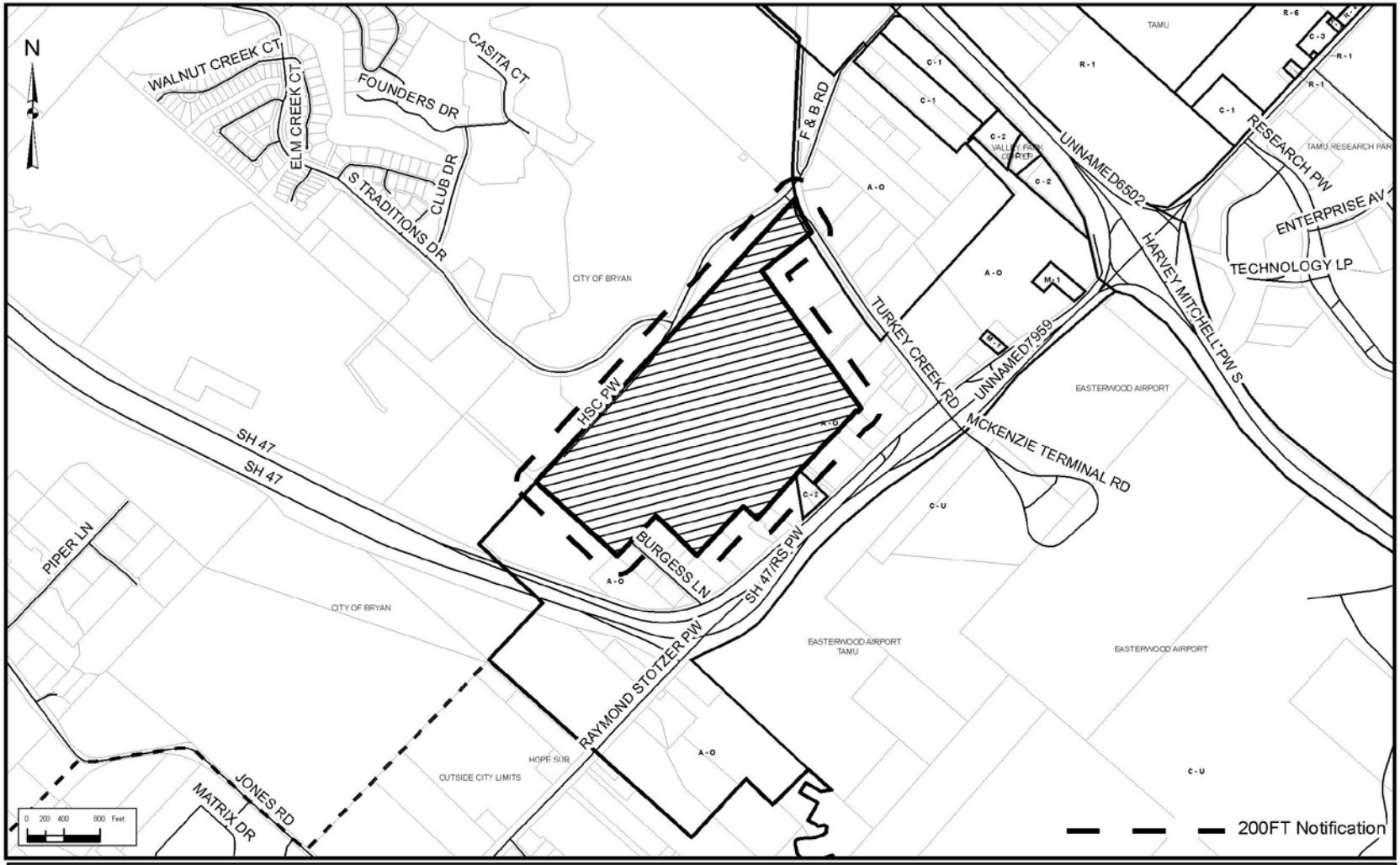
ADJACENT LAND USES

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

DEVELOPMENT HISTORY

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

DEVELOPMENT REVIEW	BIO-CORRIDOR	Case: 12-034



Zoning Districts							
		R – 3	Townhouse	C – 3	Light Commercial	WPC	Wolf Pen Creek Dev. Corridor
		R – 4	Multi-Family	M – 1	Light Industrial	NG – 1	Core Northgate
A – O	Agricultural Open	R – 6	High Density Multi-Family	M – 2	Heavy Industrial	NG – 2	Transitional Northgate
A – OR	Rural Residential Subdivision	R – 7	Manufactured Home Park	C – U	College and University	NG – 3	Residential Northgate
R – 1	Single Family Residential	A – P	Administrative/Professional	R & D	Research and Development	OV	Corridor Overlay
R - 1B	Single Family Residential	C – 1	General Commercial	P-MUD	Planned Mixed-Use Development	RDD	Redevelopment District
R – 2	Duplex Residential	C – 2	Commercial-Industrial	PDD	Planned Development District	KO	Krenek Tap Overlay

DEVELOPMENT REVIEW	BIO-CORRIDOR	Case: 12-034

ORDINANCE NO._____ _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; CREATING A PLANNED DEVELOPMENT DISTRICT TO CERTAIN PORTIONS OF THE BIOCORRIDOR AREA LOCATED WITHIN THE CITY; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and shown graphically in Exhibit "B" and Exhibit "C", and as set out in Exhibit "D" attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PART 3: That if any provisions of any part of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining parts, provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: This Ordinance will not go into effect until The City of Bryan, Texas approves a rezoning and creation of a BioCorridor Planned Development District similar to that of the City of College Station located within its city limits in accordance with the terms of the Interlocal Cooperation and Joint Development Agreement relating to the Joint Research Valley BioCorridor Development Project signed by the City of College Station on December 16, 2011.

PASSED, ADOPTED and APPROVED this 27th day of September, 2012.

ATTEST: APPROVED:

_____ _____

City Secretary MAYOR

APPROVED:

_____

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from A-O Agricultural Open to PDD Planned Development District for the BioCorridor Planned Development District:

Bryan Tract 1

BOUNDARY DESCRIPTION

CITY OF BRYAN 147 ACRE TRACT

BEING a tract or parcel of land situated in Brazos County, Texas, and being more particularly described as follows:

BEGINNING at a point lying on the southwest right-of-way line of Turkey Creek Road, same being a point in the city limits line of Bryan, Texas; said point being the most northerly corner of a 148 acre tract now or formerly owned by the Bryan Commerce & Development, Inc.;

THENCE along the southwest right-of-way line of Turkey Creek Road for a distance of 405 feet, more or less, to a point for corner; said point marking the most northerly corner of a 11.6 acre tract of land now or formerly owned by Sidney and Janet Loveless; said point also marking an exterior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a southwesterly direction, along the northwest line of the aforementioned 11.6 acre Loveless tract for a distance of 704 feet, more or less, to a point, said point marking the west corner of the said 11.6 acre Loveless tract; said point also marking an interior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a southeasterly direction along the southwest line of the said 11.6 acre Loveless tract, the southwest line of a 7.02 acre tract of land now or formerly owned by M.L. Cashion, Ind. Exec, the southwest line of a 4.57 acre tract of land now or formerly owned by Frank and Phyllis Palasota, and the southwest line of a 5 acre tract of land now or formerly owned by Anita A. Bailor for a distance of 1,898 feet, more or less, to a point, said point marking the southeast corner of the said 5 acre Bailor tract; said point also marking an exterior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a southwesterly direction along the northwest line of a 3.5 acre tract of land now or formerly owned by Chris and Margaret Dailey, the northwest line of a 2 acre tract of land now or formerly owned by Joanne W. Bell, the northwest line of a 1.53 acre tract of land now or formerly owned by David Ohendalski, the northwest line of a 4.45 acre tract of land now or formerly owned by Kappa Sigma-Mu Gamma Chapter, Inc., the northwest line of a 5.127 acre tract of land now or formerly owned by David and Sarah Shelby, and the northwest line of a 1.575 acre tract of land now or formerly owned by Shih-Chien Lin for a distance of 1633 feet, more or less, to a point, said point marking the east corner of a 4 acre tract of land now or formerly owned by William and Lula Meads; said point also marking an exterior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a northwesterly direction along the northeast line of the said 4 acre Meads tract for a distance of 207.94 feet, more or less, to a point, said point marking the north corner of the said Meads tract; said point also marking an interior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a southwesterly direction along the northwest line of the said 4 acre Meads tract and the northwest line of a 1.86 acre tract of land now or formerly owned by Karen Wilson for a distance of 803.33 feet, more or less, to a point, said point marking the southwest corner of the said 1.86 acre Wilson tract; said point also marking an exterior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a northwesterly direction along the northeast line of a 1.01 acre tract of land now or formerly owned by Welch Storage Inc., along the northeast line of a 1.01 acre tract of land now or formerly owned by Scott L. Welch and Jim G. Welch, along the northwest line of a 5.0 acre tract of land now or formerly owned by WP 47 Development, Ltd. for a distance of 638 feet, more or

less, to a point, said point marking the north corner of the said 5.0 acre WP 47 Development tract; said point also marking an interior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a southwesterly direction along the northwest line of the said 5.0 acre WP 47 Development tract for a distance of 625 feet, more or less, to a point, said point marking the west corner of the said 5.0 acre WP 47 Development tract; said point also marking an exterior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a northwesterly direction along the northeast line of a 20.54 acre tract of land now or formerly owned by Camwest Traditions, LP., for a distance of 1226 feet, more or less, to a point, said point lying on the current common city limits line of Bryan, Texas and College Station, Texas; said point also marking the northeast corner of the said 20.54 acre Camwest Traditions tract;

THENCE in a northeasterly direction, along the said common city limits line of Bryan, Texas and College Station, Texas, for a distance of 2,273 feet more or less to a point, said point lying on the current common city limits line of Bryan, Texas and College Station, Texas; said point also lying within the right-of-way of HSC Parkway;

THENCE in a southeasterly direction, leaving the said common city limits line of Bryan, Texas and College Station, Texas, passing through the right-of-way of HSC Parkway for a distance of 18 feet, more or less, to a point; said point lying on the southeast right-of-way of the said HSC Parkway; said point also being an interior corner of the said 148.0 acre Bryan Commerce & Development, Inc. tract;

THENCE in a northeasterly direction along the said southeast right-of-way of the said HSC Parkway, same being the northwest line of the said 148.0 acre Bryan Commerce & Development, Inc. tract, for a distance of 61 feet, more or less, to a point; said point lying on the said southeast right-of-way of the said HSC Parkway; said point also lying on the said northwest line of the said 148.0 Bryan Commerce & Development, Inc. tract; said point also lying on the current common city limits line of Bryan, Texas and College Station, Texas;

THENCE continuing in a northeasterly direction, leaving the said southeast right-of-way of the said HSC Parkway, continuing along the said northwest line of the said 148.0 acre Bryan Commerce & Development, Inc. tract and the said current common city limits line of Bryan, Texas and College Station, Texas for a distance of 1,839 feet, more or less to the **POINT OF BEGINNING**, containing 147 acres of land more or less.

EXHIBIT "B"

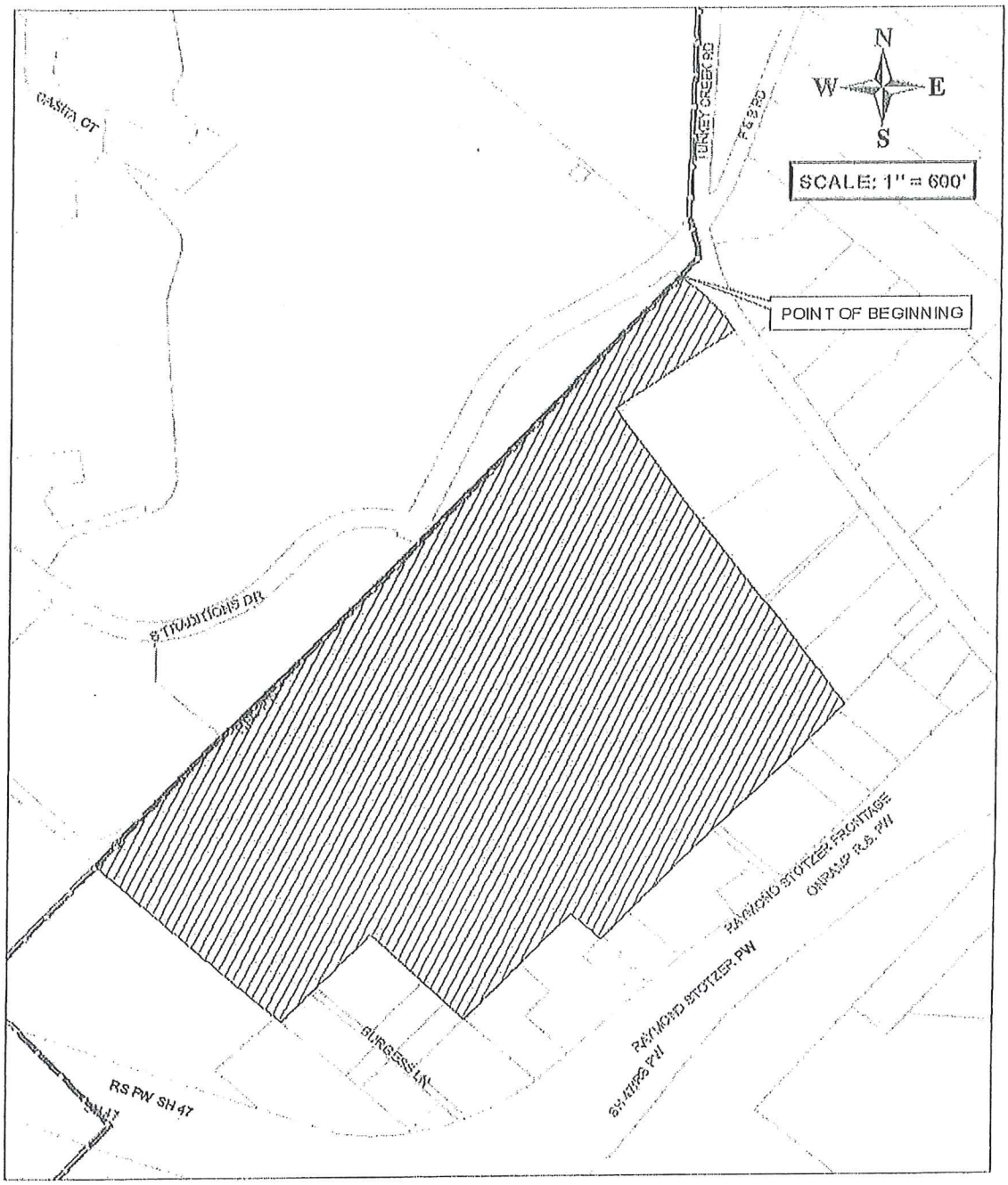

N
W
E
S
SCALE: 1" = 600'
POINT OF BEGINNING
TURKEY CREEK RD
CASITA CT
STROUDTCOUS DR
BURGESS LN
RS PW SH 47
RAYMOND STOTZER PW
RAYMOND STOTZER FRONTAGE
DRAIN R.S. PW

EXHIBIT "C"

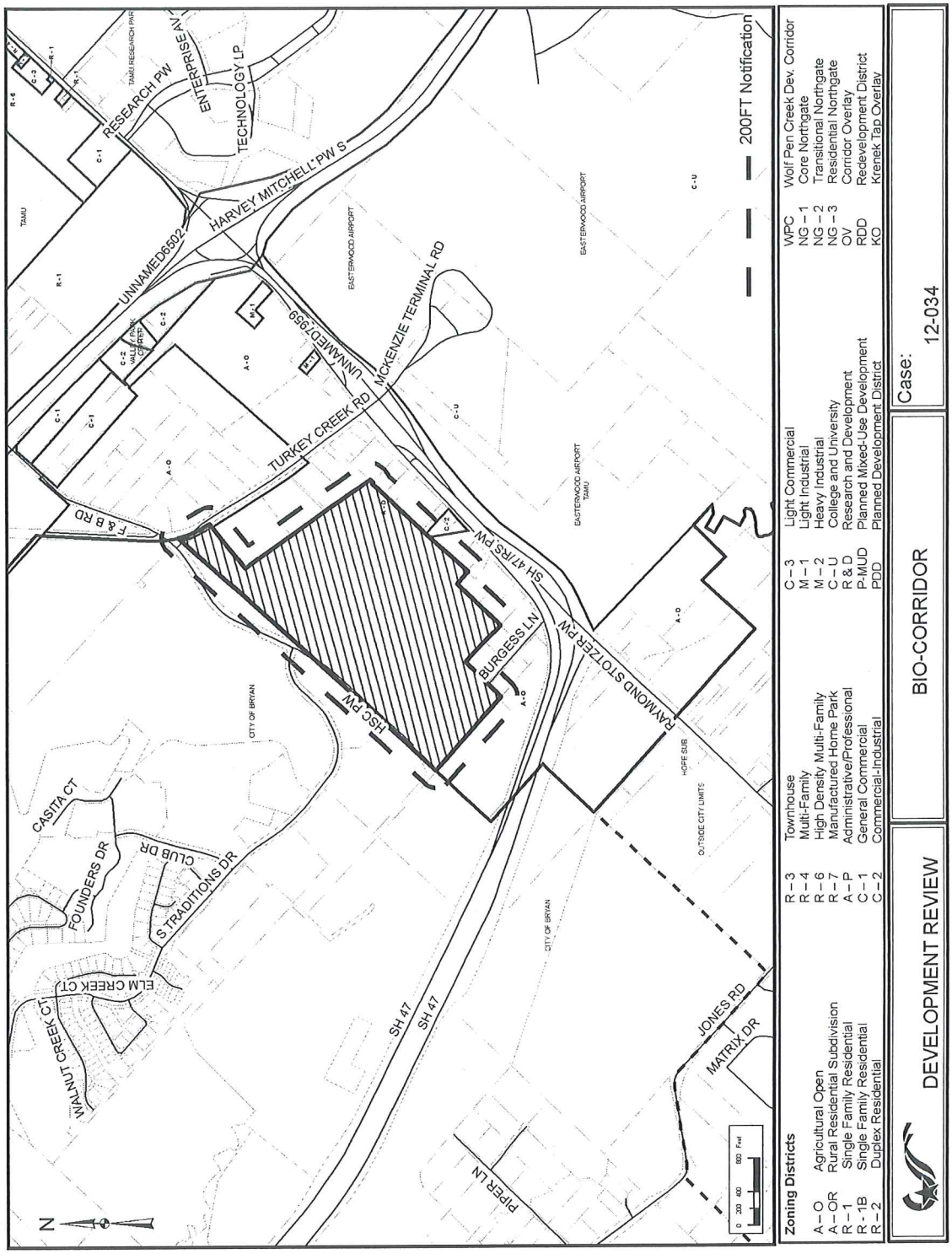

200FT Notification
RESEARCH PW
ENTERPRISE AV
TECHNOLOGY LP
HARVEY MITCHELL PW S
UNNAMED6502
UNNAMED7989
MCKENZIE TERMINAL RD
TURKEY CREEK RD
F & B RD
SH 47/RS PW
BURGESS LN
HSC PW
RAYMOND STOTZER PW
CASITA CT
FOUNDERS DR
CLUB DR
S TRADITIONS DR
ELM CREEK CT
WALNUT CREEK CT
SH 47
JONES RD
MATRIX DR
PIPER LN
TAMU
EASTERWOOD AIRPORT
CITY OF BRYAN
HOPE SUB
OUTSIDE CITY LIMITS
Zoning Districts
A – O Agricultural Open
A – OR Rural Residential Subdivision
R – 1 Single Family Residential
R - 1B Single Family Residential
R – 2 Duplex Residential
R – 3 Townhouse
R – 4 Multi-Family
R – 6 High Density Multi-Family
R – 7 Manufactured Home Park
A – P Administrative/Professional
C – 1 General Commercial
C – 2 Commercial-Industrial
C – 3 Light Commercial
M – 1 Light Industrial
M – 2 Heavy Industrial
C – U College and University
R & D Research and Development
P-MUD Planned Mixed-Use Development
PDD Planned Development District
WPC Wolf Pen Creek Dev. Corridor
NG – 1 Core Northgate
NG – 2 Transitional Northgate
NG – 3 Residential Northgate
OV Corridor Overlay
RDD Redevelopment District
KO Krenek Tap Overlay
DEVELOPMENT REVIEW
BIO-CORRIDOR
Case:
12-034

EXHIBIT "D"

See attached BioCorridor Planned Development District Ordinance.

BioCorridor Planned Development District Ordinance

Unified Land Use, Project Review Processes, and Development Standards

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

CITY OF BRYAN
The Good Life, Texas Style.™

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BIOCORRIDOR PLANNED DEVELOPMENT DISTRICT ORDINANCE
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ARTICLE 1. LAND USE.

1.1 Purpose of BioCorridor Planned Development District Zoning Ordinance.

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

1.2 District Purpose Statements.

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

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

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

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

D. Use Table.

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

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

Specific use examples include but are not limited to:

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

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

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

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

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

Prohibited Uses. (cont.)

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

1.3 Dimensional Standards.

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

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

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

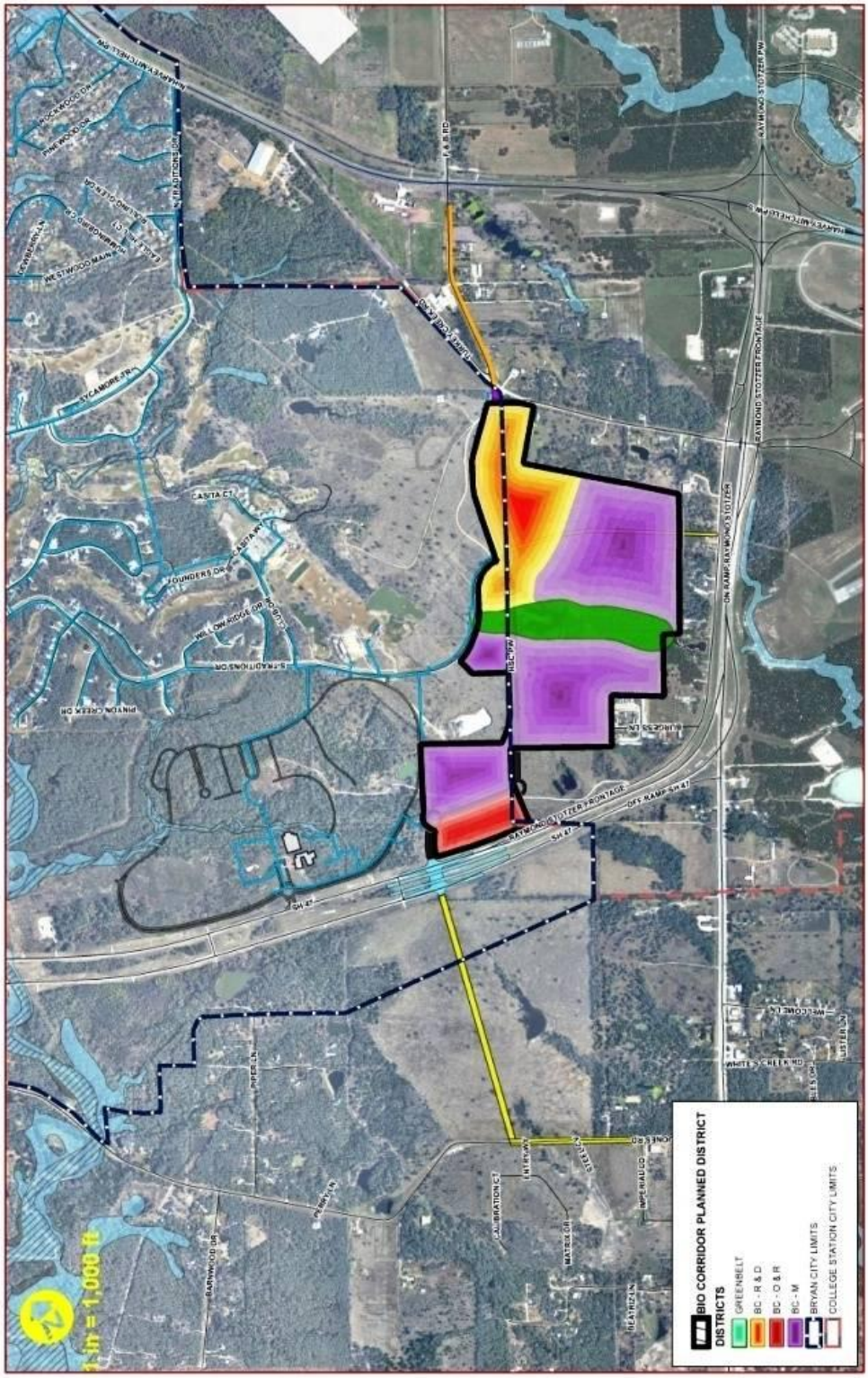
(B) The setbacks along Health Science Center Parkway shall always apply if the property has any frontage along Health Science Center Parkway.

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

(D) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or separated by a dedicated public right-of-way or easement of at least 15 feet in width.

Article 2. BIOCORRIDOR DISTRICT MAP

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



ARTICLE 3. DEFINITIONS.

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

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

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

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

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

Artist Gallery or Studio: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, and other similar skills) as the primary use of the structure.

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

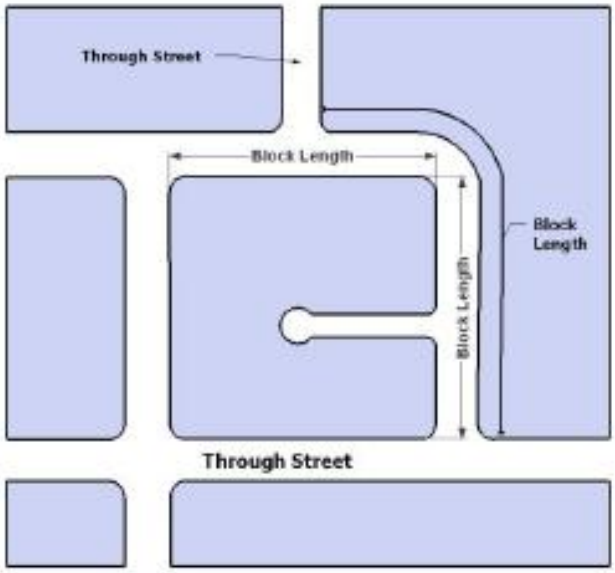
BioCorridor: When used alone, this refers to the area of land identified elsewhere in this Ordinance that is subject to its requirements.

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

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

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

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



Blockface: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersection streets.

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

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

Building: Any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, chattel or movable property of any kind and which is affixed to the land.

Building Official: The designated "Building Official" of the City, or his/her designated representative.

Building Plot or Premises: All of the land within a project, whether one (1) or more lots, developed according to a common plan or design for similar or compatible uses, that may have shared access or parking, and that singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot is the first step in the site plan or project review, unless such determination has previously been made at the time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure sits astride two (2) or more lots. In the event that two (2) or more lots are under single ownership and the structure does not meet the required side yard setback, both lots shall be considered the building plot or premises. Demolished sites located in larger parking lots that may not have previously been considered part of a larger building plot, will be considered part of the plot if access is shared with the site.

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

Canopy Tree: See "Tree, Canopy."

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

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

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

Clinic: A facility operated by one (1) or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

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

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of residents of a proposed project.

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

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

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

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

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

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

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

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

Density: The number of dwelling units per net acre.

Detention: The temporary storage and controlled release of stormwater flows.

Development: Any manmade change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, clearing, drilling operations, storage of materials, or the subdivision of property. Routine repair and maintenance activities are exempted.

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

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

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

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

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

Encroachment: An intrusion, obstruction, or other infringement on an area reserved for a specific purpose such as an easement or floodway.

Engineer: A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, to practice the profession of engineering.

Façade: The exterior face of a building.

Façade Work: The removal, repair, or replacement, substitution or change of any material or architectural element on the exterior face of a building, which includes, but is not limited to, painting, material change, awning or canopy replacement, signage, or other permanent visible façade treatment.

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

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

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

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

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

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

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

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

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

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

Grading: Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

Greenway: A linear open space that follows natural features like the floodplains of creeks and rivers or human-made features such as utility, road, or rail corridors.

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

Health Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of disease, pain, injury, or deformity of physical conditions. This definition does not include a medical clinic or hospital as defined herein.

Health Club: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

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

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

Hospital: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel/Motel/Extended Stay Facility: A building, or group of buildings, used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a café, drugstore, clothes pressing shop, barber shop, or other service facilities for the guests for compensation. A transient guest is any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

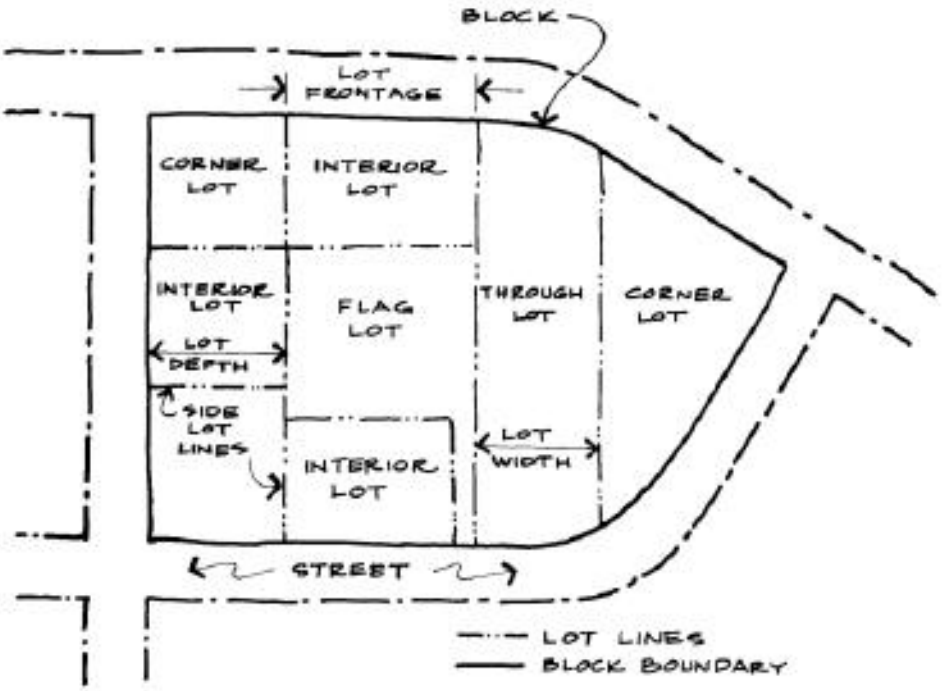
Ice Kiosks: A small, freestanding, one-story structure used for commercial purposes to sell ice.

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

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

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

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



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

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

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

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

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

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

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

Lot Width: The measurement between side lot lines along a line that is parallel to the front lot line or its chord and that is located at the minimum front setback distance from the front lot line.

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

Medical Clinic: See "Clinic."

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

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

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

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

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

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

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

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment. Office includes firms and activities in an office setting focusing on business, administrative, corporate, government and quasi-public agencies, educational, professional, medical, financial services, and similar offices where the primary focus of the office is not open to the general public or pedestrian traffic in contrast to retail, commercial, or shopping uses.

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

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

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

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

multiple tenant structure and meets all site plan requirements within the pad site area. The total area of all pad sites within a defined building plot may not be more than one-third (1/3) of the total area of the building plot.

Parking, Interior: Parking rows which are not located on the periphery of the proposed project site and further, where none of the parking spaces abut any property line associated with the proposed project site.

Parking, Peripheral: Parking rows which abut the periphery or property lines associated with the proposed project site.

Parking Space: A space used for the parking of a motor vehicle not on the paved or regularly traveled portion of a public street or within private access easements and which meets the requirements of this Ordinance as to size, location, and configuration.

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

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

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

Plan, Preliminary: A conceptual plan of a subdivision intended for planning purposes showing the general location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., generally drawn to scale and meeting the requirements of this Ordinance but not intended for final action in recordable form filed with the applicable county records.

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

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

Plat, Minor: As defined by SECTION 212.0065 OF THE TEXAS LOCAL GOVERNMENT CODE, which currently is a subdivision of land involving four (4) or fewer lots fronting on an existing street and that does not require the creation of any new street or the extension of municipal facilities.

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

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

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

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

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

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

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafés, tea rooms, and outdoor cafés.

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

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

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

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

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

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

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

(1) **Architectural Element:** An element, design, or motif, that is installed, attached, painted, or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression, and not relating to a specific sign, logo, or identity of any specific business tenant.

(2) **Attached Sign:** A sign attached to, or applied on, and totally supported by a part of a building or mounted to site lighting poles located on private property. If the sole significant purpose of the building or part thereof, is to support or constitute the sign, the sign shall not be an "attached" sign.

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

(4) **Commercial Banner:** A sign made of cloth, canvas, or other flexible material which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

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

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

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

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

(9) **Non-Commercial Sign:** A work of art or message which is political but which does not fall within the definition of "Political Sign" herein, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.

(10) **Off-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is located.

(11) **On-Premise Commercial Sign:** A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is located.

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

(13) **Portable Sign:** A sign which is not affixed or attached to real property by poles, stakes, or other members which are placed into the ground, or upon some other type of permanent foundation; trailer signs, any sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground without subsurface attachment or extension.

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

(15) **Roof Sign:** An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof, six feet (6') above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

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

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

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

Start of Construction: The date the building permit was issued for the beginning of construction, including new construction, reconstruction, and substantial repairs and improvements, provided the actual start of construction, repair, reconstruction, placement, or other improvement is within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

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

Stormwater Management: All City ordinances, standards, plans, and studies to ensure the timely and effective construction of:

(1) A system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

(2) A system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Street: A way for vehicular traffic to move, whether designated as a highway, arterial street, collector street, or local street.

Street, Minor Arterial: A street that collects traffic from the collector system and connects with the major arterial system.

Street, Major Arterial: A street that collects traffic from the collector and minor arterial system and connects with the freeway system.

Street, Collector: A street that collects traffic from local streets and connects with minor and major arterials. This includes minor and major collectors.

Street, Local: A street that provides vehicular access to abutting property.

Structure: Anything constructed, built, or erected.

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

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

Subdivisions, Minor: A division of land into four (4) or fewer lots on an existing street which does not require the creation of any new street or the extension of municipal facilities.

Surveyor: A person duly authorized and licensed under the Texas Professional Land Surveying Practices Act to practice the profession of land surveying, either as a Registered Professional Land Surveyor or a Licensed State Land Surveyor.

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

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

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

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility company, for installation or maintenance of utilities across, over, or under private land, together with the right to enter thereon with machines and vehicles as necessary for maintenance of such utilities.

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

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

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

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

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

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

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

ARTICLE 4. BIOCORRIDOR BOARD

4.1 Creation.

A BioCorridor Board is hereby created for the purpose of enhancing the community's ability to consistently review subdivision, building, and site design issues of the unique, multi-jurisdictional BioCorridor Planned Development District. The BioCorridor Board shall bring governing expertise from each City and a representative of Texas A&M University to bear on these issues within the BioCorridor area.

4.2 Membership and Terms.

A. Number, Appointment.

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

1. Appointment of three (3) members shall be made by the College Station City Council. Two (2) of these appointments shall be members of the City of College Station's Planning and Zoning Commission. One (1) appointment shall be a member of the College Station City Council.

2. Appointment of three (3) members shall be made by the Bryan City Council. Two (2) of these appointments shall be members of the City of Bryan's Planning and Zoning Commission. One (1) appointment shall be a member of the Bryan City Council.

3. Appointment of one (1) member shall be made by the Chancellor of the Texas A&M University System or his designee. This appointment shall be an employee of the Texas A&M University System.

B. Terms.

1. Terms of members of the BioCorridor Board shall be for two (2) years or until their successors are appointed.

2. Should a BioCorridor Board member no longer qualify for his or her position, that member's term shall be ended immediately upon such qualifying event. For example, if an appointed Planning and Zoning Commissioner is no longer a Commissioner for the City.

C. Vacancies.

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

4.3 Officers, Meetings, Quorum.

A. Officers.

A Chairperson and a Vice-Chairperson shall be selected every two years from among its members. The Chairperson and Vice-Chairperson shall be municipal representatives and shall not be appointees from the same municipality. The Vice-Chairperson may act as Chairperson when the Chairperson is not available.

B. Meetings.

Members of the BioCorridor Board shall meet as needed and the Chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public. The BioCorridor Board shall comply with the Open Meetings Act.

C. Quorum.

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

D. Rules of Proceeding.

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

E. Minutes.

The BioCorridor Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services office of the City of Bryan and shall be a public record. A copy of all such records shall be delivered to the Planning and Development Services office of the City of College Station by the City of Bryan within ten (10) working days of filing.

4.4 Powers and Duties.

The BioCorridor Board shall have the following powers and duties:

A. Recommendations.

1. The BioCorridor Board shall review and make recommendations to City Staff of College Station and Bryan regarding improvements in the public realm that further the aesthetics, identity, and access to and within the BioCorridor Planned Development District.

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

B. Final Action.

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

1. Special District Identification Signs as set forth in the BioCorridor Planned Development District ordinance;

2. Temporary signs promoting positive communications as set forth in the BioCorridor Planned Development District ordinance;

3. Works of art and their locations when located in public right-of-way or other public area as set forth in the BioCorridor Planned Development District ordinance;

4. Appeal of the BioCorridor Review Committee's determination regarding applicability of plat requirements;

5. Appeal of the BioCorridor Review Committee's denial of a site plan as set forth in the Site Plan Review section of the BioCorridor Planned Development District ordinance;

6. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements section of the BioCorridor Planned Development District ordinance;

7. Appeal of the BioCorridor Review Committee's denial of an alternative parking plan;

8. Alternative Highway Buffers Standards as allowed in the BioCorridor Planned Development District ordinance; and

9. Appeal of the terms of the Highway Buffer Standards as set forth in the BioCorridor Planned Development District ordinance.

4.5 Staff.

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

A. BioCorridor Review Committee.

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

B. Administrative Support.

The City of College Station and/or the City of Bryan shall provide administrative support functions for each meeting, such as agenda posting and the filing of minutes.

C. Planning Representative.

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

ARTICLE 5. BIOCORRIDOR REVIEW COMMITTEE

5.1 Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing the BioCorridor Planned Development District ordinance. The Committee is comprised of staff from both cities, with the Committee serving as the designated administrative officer as set forth in the BioCorridor Planned Development District ordinance and state law. The BioCorridor Review Committee shall bring planning, engineering, and other areas of municipal expertise from each City to bear on proposals within the BioCorridor Planned Development District.

5.2 Membership.

The BioCorridor Review Committee shall consist of four (4) core members. Other City employees may be invited to participate on an ad hoc basis.

A. Core members.

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

B. Ad hoc members.

As the BioCorridor Review Committee determines appropriate, ad hoc members may be called upon for their expertise on particular matters.

Ad hoc members may consist of governmental and utility employees such as:

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

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

5.3 Powers and Duties.

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

A. Administration and Enforcement.

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

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

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

9. Driveway applications;

10. Determination of building plot; and

11. Determination of plat applicability.

B. In the event the BioCorridor Review Committee is unable to reach a consensus, the planning or engineering representative (as appropriate) from the city in which the majority of the project is located shall make the final determination.

ARTICLE 6. GENERAL APPROVAL PROCEDURES.

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

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

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

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

6.2 Pre-Application Conference.

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

6.3 Application Forms and Fees.

The following regulations shall apply to all applications:

A. Forms.

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

B. Electronic Submission Required.

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

C. Fees.

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

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

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

6.4 Application Submission.

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

6.5 Application Completeness.

An application shall be considered submitted only after the City's planning representative has determined it is complete as set forth herein. This includes determining whether the proper form has been used, whether all requisite information has been provided, and if the applicable fee has been submitted. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this Ordinance nor precludes that additional information and/or documents may still be required as identified during formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. Unless state law provides otherwise, an application of any kind under this Ordinance expires and application fee forfeited after the forty-fifth (45th) day after the application is deemed incomplete if:

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

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

C. The applicant fails to provide the specified documents or other information within the time provided in the notice.

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

6.6 Required Public Notice.

A. Summary of Notice Required.

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

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

* Only when required per the Local Government Code.

B. Specific Notice Requirements.

1. Published Notice.

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

2. Mailed Notice.

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

3. Content of Notice.

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

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

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

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

d. A phone number to contact the City.

C. Required Public Hearings.

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

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

* Only when required per the Local Government Code.

6.7 Simultaneous Processing of Applications.

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

6.8 Expiration of Applications, Permits, and Projects.

A. Expiration of Inactive Applications.

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

B. Expiration of Approved Permits.

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

C. Expiration of Projects.

1. For projects requiring more than one permit, authorization, or approval, there shall be a project expiration date of five (5) years from the date the first complete application is filed for the project or from the date vesting occurs pursuant to Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE if no progress is made towards completion of the project or if the expiration date is not otherwise further extended pursuant to the terms of this Ordinance. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE.
2. Any application for a new permit, authorization for approval, or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it in regards to the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

6.9 Appeals from Development Exaction Requirements.

A. Purpose.

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

B. Applicability.

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

C. Petition Requirements.

1. Form of Petition.

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

2. Required Supporting Documentation.

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

a. Total capacity of the municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;

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

c. Comparison of the capacity of the public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, payment of fees or construction costs, or construction of public infrastructure. In making this comparison, the impacts on the public infrastructure system(s) from the entire development shall be considered;

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

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

f. The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and

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

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

3. Time for Filing Petition and Supporting Documentation.

A petition for relief from a dedication, fee, construction cost, or construction requirement shall be filed with the City Engineer of the City in which the project is located within fourteen (14) calendar days following the City’s Planning and Zoning Commission's, BioCorridor Board’s, or BioCorridor Review Committee’s decision to approve, conditionally approve, or deny an application, as the case may be. The information in support of the petition as set forth above shall be filed with the City’s City Engineer within sixty (60) calendar days following the decision upon which the appeal is based, unless the applicant (petitioner for relief) seeks an extension in writing. The City’s City Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

D. Processing of Petitions and Decision.

1. Responsible Official.

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

2. Evaluation & Recommendation.

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

b. In evaluating the petition and documentation, the City's City Engineer shall take into account the maximum amount of any impact fees to be charged against the development for the type of public infrastructure that is the subject of the petition for similar developments on the municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure. The City's City Eningeer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.

c. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City of College Station and/or City of Bryan may participate in the costs of public infrastructure, credit or offset developer's proposed obligations, or otherwise relieve the property owner of any of the obligations in response to a petition for relief from a dedication, fee, construction cost, or construction requirement.

3. Planning and Zoning Commission Decision.

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

4. Public Hearing.

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

5. Burden of Proof.

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

6. Decision.

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

a. The City's Planning and Zoning Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on municipal water, wastewater, storm drainage, parks, roadway system, or other public infrastructure, and whether the application of the standard or condition reasonably fits the development.

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

7. Action.

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

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

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

8. Notification of Decision on Petition.

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

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

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

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

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

F. Expiration or Failure to File Application.

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

G. Effect of Relief.

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

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

6.10 Figures and Flow Charts.

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

ARTICLE 7. BIOCORRIDOR DEVELOPMENT PROCESSES.

7.1 Plat Review.

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

A. Applicability.

1. Subdivision Plat Required.

a. Subdivision of property wholly or partially within the area zoned BioCorridor Planned Development District as shown on the BioCorridor District Map set forth in this Ordinance is required to be approved in accordance with applicable state law and as set forth herein when one (1) or more of the following occurs:

1) The division of land (for any purpose) into two (2) or more parcels to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on to or adjacent to the streets, alleys, squares, parks or other parts;

2) Development on a parcel not previously legally subdivided;

3) Resubdivision of land that has previously been platted; or

4) Amendment of any approved plat.

b. Types of Subdivision Filings.

1) Preliminary Plans.

A Preliminary Plan is required for the subdivision of all tracts of land, except as otherwise set forth in this Ordinance. A Preliminary Plan shall include the entire parent survey or tract of land under common ownership.

2) Final Plats and Replats.

A Final Plat is required for the subdivision of all property subject to this Ordinance. A Final Plat shall include the entire Preliminary Plan area or less when the Final Plat adheres to the phasing identified on the approved Preliminary Plan. The Final Plat shall conform to the Preliminary Plan as approved by the BioCorridor Review Committee, or the City's Planning and Zoning Commission, as applicable; and provided further, that it conforms to all requirements of this Ordinance and the City's Comprehensive Plan.

3) Minor Plats and Amending Plats.

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

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

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

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

4) Vacating Plats.

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

c. Exemptions from Subdivision Plat Requirement.

The following subdivisions are exempt from Subdivision Plat requirements:

1) A division of land into parts greater than five (5) acres where each part has access and no public improvement is being dedicated;

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

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

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

B. Determination of Plat Applicability.

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

1. Whether a plat is required under this Ordinance for the tract of land; and

2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the City's Planning and Zoning Commission or BioCorridor Review Committee, as applicable.

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

C. Application Requirements.

1. A complete application for review shall be submitted to the BioCorridor Review Committee, including payment of a fee as set forth in this Ordinance by the City. Upon request, all Preliminary Plans and all plats shall be submitted in an electronic form acceptable to the BioCorridor Review Committee and compatible with the City's Geographic Information System (GIS). The signatures of all owners of land within the boundary of the preliminary plan or the plat shall be required on the application. A representative of an owner may sign the application provided a written letter of agency is provided to the City with the application. If the property owner is not an individual but an entity (e.g., business or trust), the application must be accompanied by proof of authority for the individual to sign on behalf of the entity.

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

a. Preliminary Plans.

When submitting preliminary plans, the following information is required:

1) The Preliminary Plan shall conform to the general requirements of this Ordinance and minimum standards of design and improvements as set forth in the Subdivision Design and Improvements article of this Ordinance;

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

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

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

5) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;

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

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

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

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

10) The following existing features shall be shown:

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

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

c) The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision, development or contiguous thereto;

d) The location of the one hundred (100) year floodplain according to the most recent best available data;

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

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

13) The location, approximate dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;

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

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

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

17) Show number of lots;

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

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

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

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

b. Final Plats and Other Plats to be Recorded.

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

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

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

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

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

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

6) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;

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

8) The name and address of all property owners, developers, applicants, engineers, and surveyors responsible for the plat;

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

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

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

12) The location of the one hundred (100) year floodplain and floodway according to the most recent best available data;

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

14) Provide the number of lots;

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

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

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

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

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

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

(1) Certificate of Ownership and Dedication;

(2) Certificate of Surveyor and/or Engineer;

(3) Certificate of City Engineer;

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

(5) Certificate of the County Clerk;

(6) Certificate of City Planner; and,

(7) Certificate of Approval.

17) The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer. All shall be in accordance with the *Bryan/College Station Unified Design Guidelines* and the *Bryan/College Station Unified Technical Specifications* and shall include the following:

a) Construction plans shall be provided on twenty-four-inch by thirty-six-inch (24 x 36-in.) sheets;

b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detailed cost estimates;

c) Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;

d) Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for Preliminary Plan submissions;

e) Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detailed drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;

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

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

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

D. Filing of Plat.

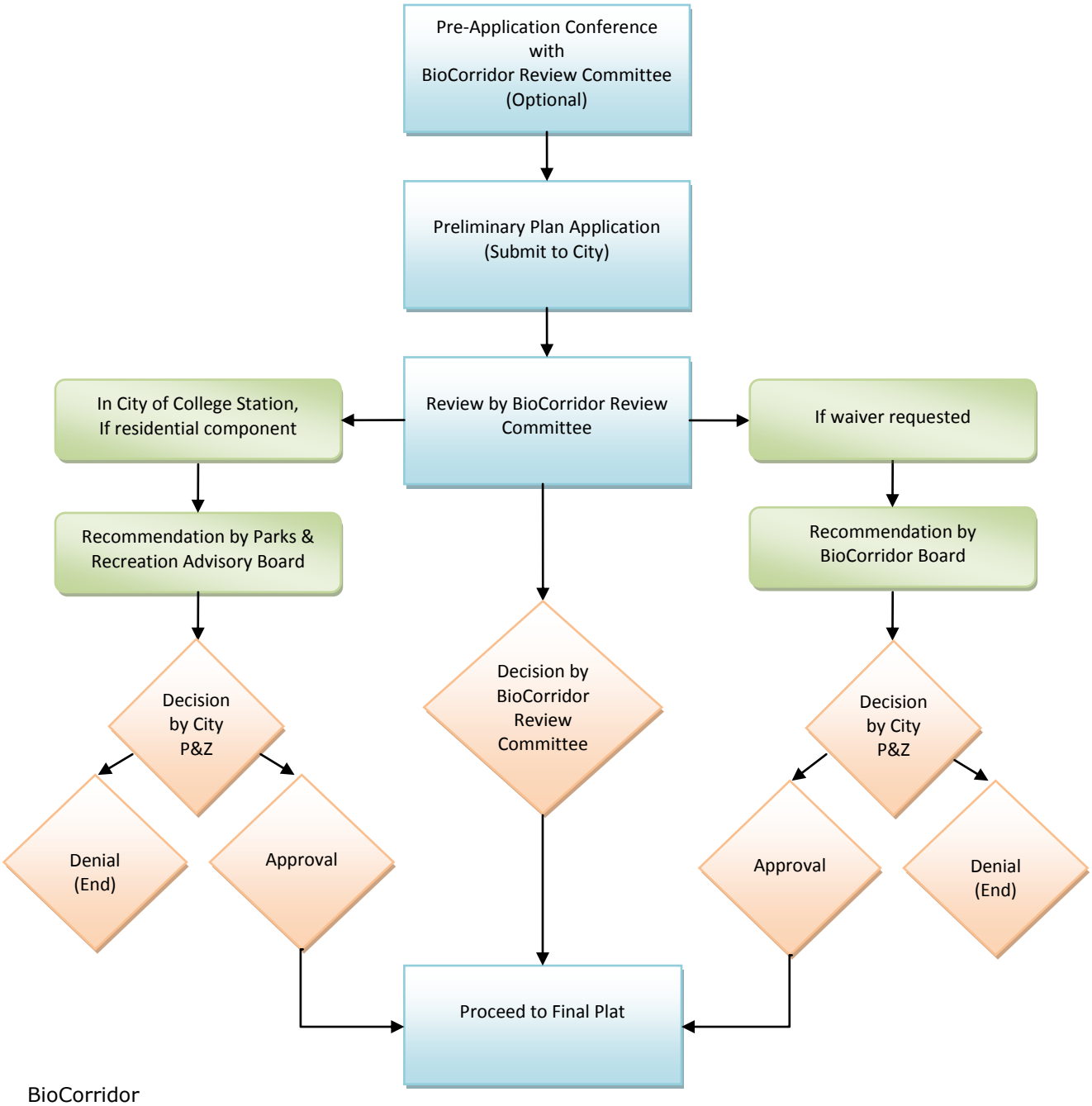
For the purposes of this Section, the date of filing shall be determined as the date on which a complete application, as determined by the BioCorridor Review Committee, and a plat meeting all of the technical terms and conditions of this Ordinance, or a request for a waiver to those terms and conditions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

E. Review Procedure.

1. Preliminary Plan Review.

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

Preliminary Plan Process



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

a. Review by the BioCorridor Review Committee.

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

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

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

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

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

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

6) Other provisions of this Ordinance as applicable.

b. Approval by the BioCorridor Review Committee

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

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

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

c. Recommendation by the BioCorridor Review Committee

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

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

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

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

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

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

e. Review and Recommendation by the BioCorridor Board.

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

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

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

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

g. Effect of Approval.

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

1) Approval of a Preliminary Plan application shall allow the applicant to continue the subdivision process by submitting a Development Permit application with construction plans and a Final Plat application;

2) Approval of a Preliminary Plan shall not constitute approval of a Final Plat. Application for approval of a Final Plat will be considered only after the requirements for Preliminary Plan approval as specified herein have been fulfilled and after all other specified conditions have been met;

3) If a Final Plat is not filed with the City within twenty-four (24) months of the date of approval or conditional approval of a Preliminary Plan, the City's Planning and Zoning Commission may, upon written application of the applicant, extend the approval for a one-time additional twelve-month period. The request for consideration of an extension shall be submitted to the City's Planning and Zoning Commission at least thirty (30) days before the Preliminary Plan approval expires;

4) Each Final Plat that is a phase of an approved Preliminary Plan shall extend the expiration date of the Preliminary Plan an additional two (2) years from the date the Final Plat was approved by the City's Planning and Zoning Commission; and

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

2. Amendments to an Approved Preliminary Plan.

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

a. Minor Amendments

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

do not result in creation of additional developable lots, or adjustments to utility or access easements. Minor amendments shall comply with the standards of this Ordinance and other applicable ordinances of the City, shall not alter a subdivision standard that is discretionary to the City's Planning and Zoning Commission, and shall not increase the extent of an approved waiver to a subdivision standard.

b. Major Amendments

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

c. Amendment Determination.

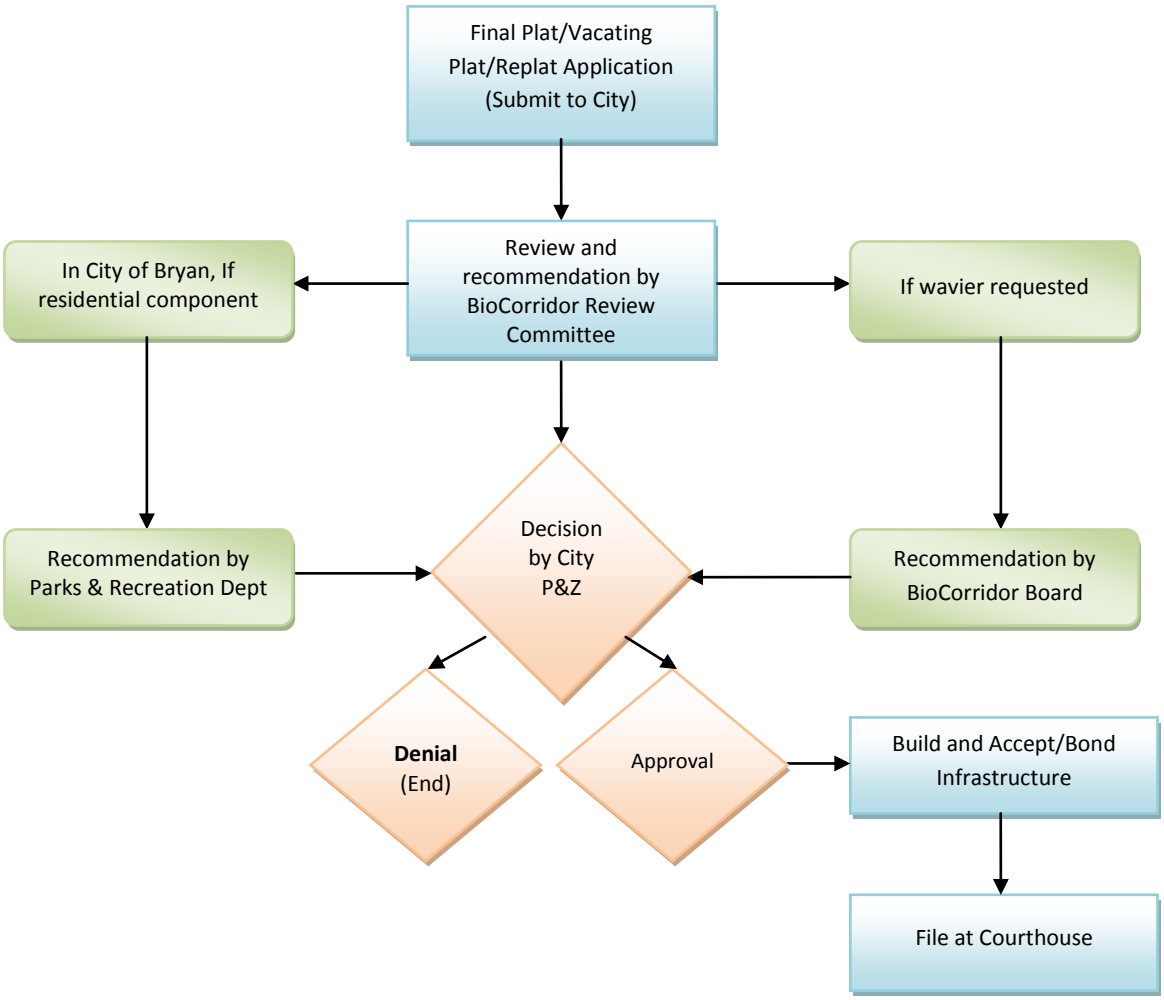
The applicant shall provide a written description of proposed amendments to an approved Preliminary Plan. The BioCorridor Review Committee shall determine whether the proposed amendments are deemed minor or major amendments. At the discretion of the BioCorridor Review Committee, a new Preliminary Plan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

d. Retaining Previous Approval.

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

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

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



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

a. Review and Recommendation by the BioCorridor Review Committee.

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

a) The approved Preliminary Plan, if applicable;

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

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

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

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

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

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

a) Option 1

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

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

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

b) Option 2

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

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

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

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

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

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

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

c. Review and Recommendation by the BioCorridor Board.

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

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

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

1) Within thirty (30) days after the plat is filed, the City's Planning and Zoning Commission shall receive any recommendations of the BioCorridor Review Committee, the City's Parks and Recreation Advisory Board, and the BioCorridor Board, when appropriate and available, and shall approve or disapprove such plat. The City's Planning and Zoning Commission's action shall be based on compliance with the review elements listed in the Final Plat, Replat, and Vacating Plat Review section of this Ordinance and the approval of the City Engineering representative of all required infrastructure as proposed in the construction documents and which has been constructed and accepted or guaranteed in accordance with the Construction, Guarantee of Performance, and Acceptance of Public Infrastructure section of this Ordinance.

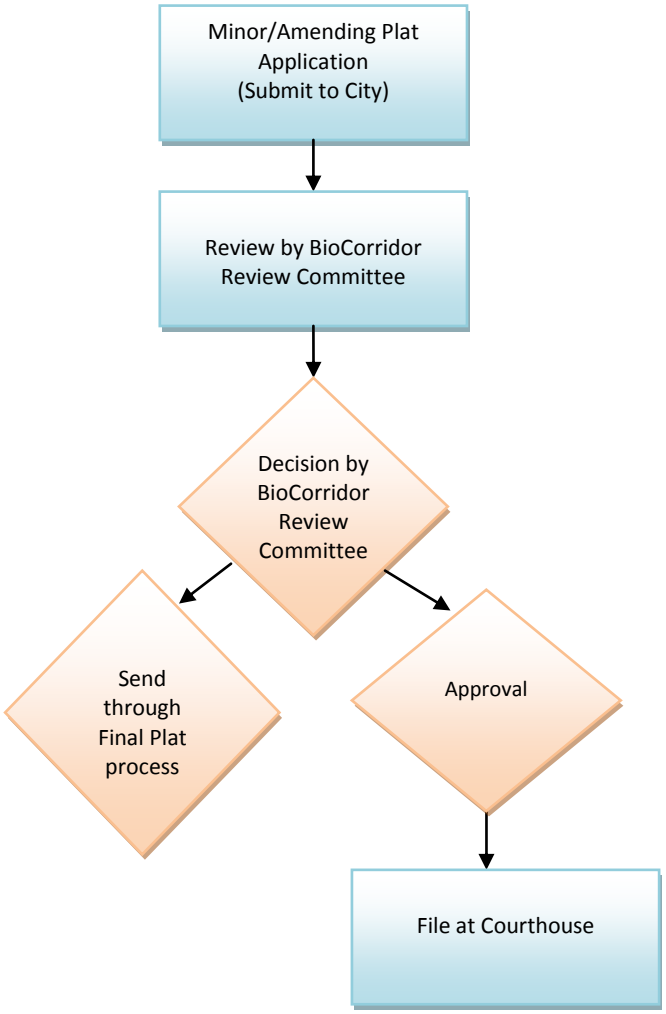
2) Only conditions of approval entailing corrections, changes, or completion of items that are ministerial in nature and explicitly spelled out are allowed, and approval of a plat conditioned upon the completion of public infrastructure improvements, as allowed in this Ordinance.

e. Recordation.

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

4. Minor Plat and Amending Plat Review.

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



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

a. Review and Action by BioCorridor Review Committee.

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

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

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

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

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

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

b. Recordation.

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

F. Waivers

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

G. Failure to Obtain Plat Approval.

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

a. Prohibition of Recordation.

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

b. Prohibition of Making Improvements.

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

c. No Issuance of Permits.

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

d. No Provision or Maintenance of Infrastructure.

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

e. No Provision of Public Utilities.

Neither city shall sell or supply water, gas, electricity, or sewerage to such property.

2. Council Action.

a. If any subdivision or development exists for which a plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council of the city in which the property is located may pass a resolution reciting the fact of such noncompliance or failure to secure plat approval, and reciting the fact that the provisions of this Section apply.

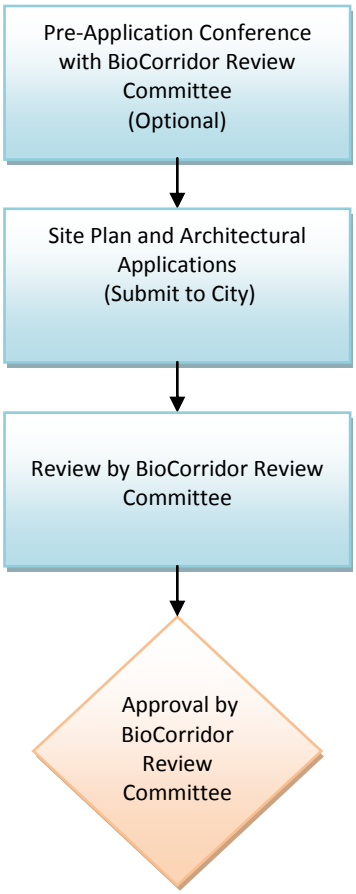
b. The City's City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be recorded in the Deed Records of the County.

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

7.2 Site Plan Review.

A. BioCorridor Site Planning Process.

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



B. Applicability.

1. Prior to development of any use or structure, a site plan must be approved by the BioCorridor Review Committee in accordance with this Section.
2. No development described in paragraph 1 above shall be lawful or permitted to proceed without final site plan approval.

C. General Requirements.

All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.

D. Application Requirements.

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

E. Site Plan Approval Process.

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

1. **Pre-Application Conference.**

   Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional pre-application conference.

2. **Final Action by the BioCorridor Review Committee.**

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

F. Site Plan Review Criteria.

The BioCorridor Review Committee may request changes to the site plan to accomplish the following requirements. In order to be approved, a site plan must provide for:

1. Safe and convenient traffic control, handling, and vehicle queuing;
2. Assured pedestrian safety, which may include the provision of sidewalks along the perimeter of the property;
3. Efficient and economic public utilities;
4. Public road or street access;
5. Safe and efficient internal access including public, private, or emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion;
8. Runoff, drainage, and flood control;
9. Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities, and solid waste facilities;
10. Compliance with standards, guidelines, and policies regarding landscaping and streetscaping;

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

12. Location and density of buildings where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles.

G. Appeal.

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

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

7.3 Development Permit.

A. Applicability.

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

1. Customary and incidental grounds maintenance, landscaping, and gardening;

2. Drainage-related improvements or modifications by a homeowner on property used as their principal residence where that property lies outside of the designated Area of Special Flood Hazard; or

3. Uses by a landowner of their property for bona fide agricultural purposes.

B. Approval Process.

Prior to the issuance of a development permit, the following requirements shall be met:

1. Pre-Application Conference.

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

2. Application.

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

3. Review and Action by the BioCorridor Review Committee.

The BioCorridor Review Committee shall review the required information and application form and shall take one of the following actions:

a. Approve the development permit;

b. Disapprove the development permit;

c. Approve the development permit with conditions; or

d. Require additional information or an engineering conference with the applicant or his engineer.

4. Review Criteria.

Approval or denial of a development permit by the BioCorridor Review Committee shall be based on the following relevant factors:

a. The danger to life or property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The maintenance and operational costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;

g. The necessity to the facility of a waterfront location, where applicable;

h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

i. The barricading of existing trees to remain on the property and count as protected trees under the Landscaping and Streetscaping section of this Ordinance; and

j. Compliance with this Ordinance.

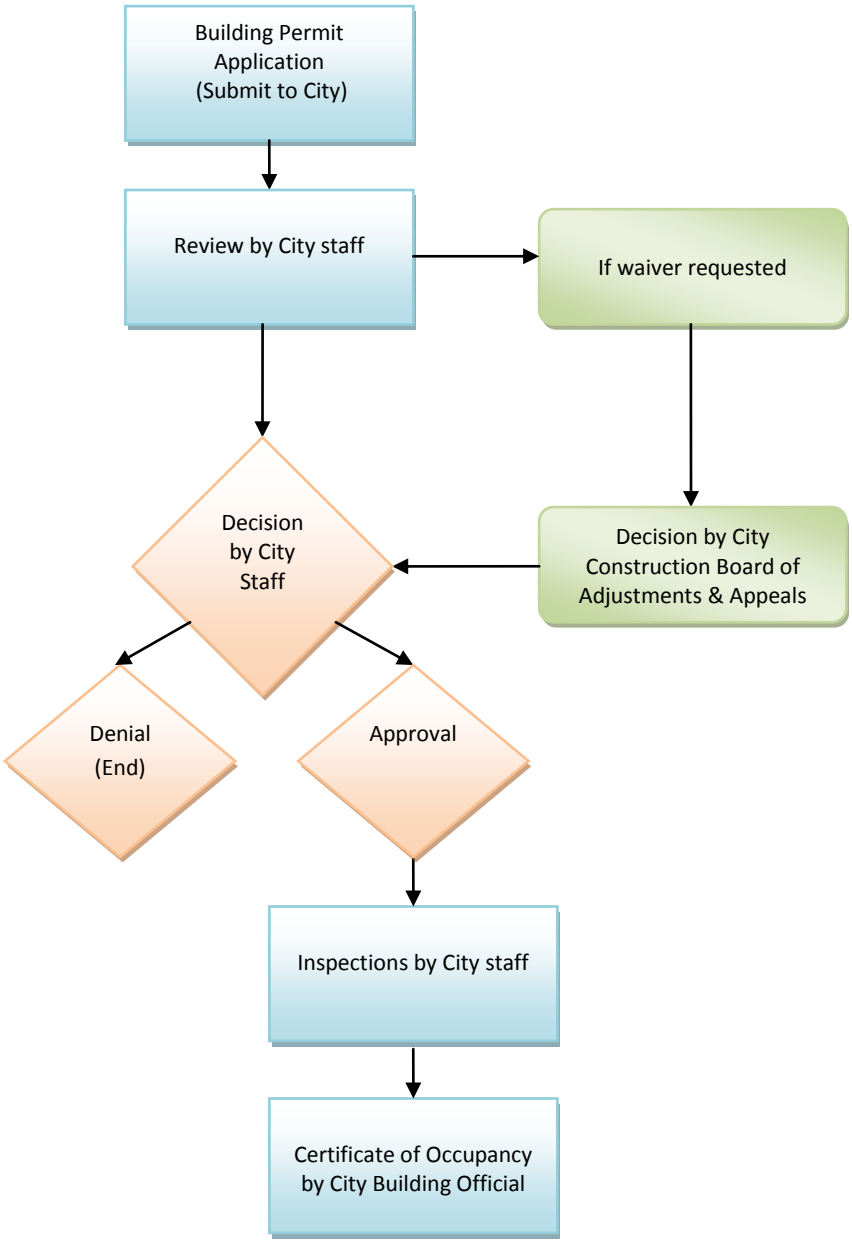
5. Notification of Decision.

The applicant shall be notified in writing of the action prescribed above. If the development permit has been disapproved, the specific reasons for disapproval shall be indicated in the notification. If additional information is required of the applicant, the specific requirements shall be indicated in the notification. A final determination of the approval or disapproval of the development permit, considering the additional information, shall be made and written notification to the applicant given by the BioCorridor Review Committee within ten (10) working days after acceptance of the complete application.

7.4 Building Permit.

A. Building Process.

In general, the building process is as shown below:



B. Building Permit Required.

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

C. Application for Building Permit.

1. An application for a building permit shall be accompanied by three (3) sets of complete plans, drawn to scale, including the approved site plan as required in the Site Plan Review section of this Ordinance. Additional sets of plans shall be supplied to the City's Building Official upon request.

2. The application shall include such other information as lawfully may be required by the City's Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

3. One (1) copy of the plans shall be returned to the applicant by the City's Building Official after it is marked as either approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, and the associated site plan shall be retained by the City's Building Official.

4. Where applicable, applicants shall submit information and materials required in the Landscaping and Streetscaping section of this Ordinance.

5. Where applicable, applicant shall submit information and materials required in the Building Design Standards article of this Ordinance.

D. Review and Recommendation.

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

E. Review and Action by Building Official.

The City's Building Official shall make a final determination of whether the intended uses, buildings, or structures comply with all applicable regulations, standards, and the City's building codes. The City's Building Official shall not issue a building permit unless the plans, specifications, and intended use of such building or structures or parts thereof conform in all respects to the provisions of this Ordinance and the City's building codes.

7.5 Certificate of Occupancy.

A. Applicability.

A Certificate of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or enlarged;

2. Change in use of an existing building to a different land use category;

3. Any change in a nonconforming use or structure; or

4. As required by the City's adopted building code.

B. Application.

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

C. Review and Action by Building Official.

Upon the request for a Certificate of Occupancy, the City's Building Official shall inspect the use or structure. If the City's Building Official determines that the use or structure complies with all applicable provisions of the adopted building codes and this Ordinance, a Certificate of Occupancy shall be issued.

D. Temporary Certificate of Occupancy.

Pending the issuance of a Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued by the City's Building Official. The Temporary Certificate of Occupancy shall be valid for a period established by the City's Building Official, pending completion of an addition or during partial occupancy of a structure and as provided in the City's adopted building codes.

E. Unlawful to Occupy Without Valid Certificate of Occupancy.

It is unlawful to occupy any building that does not have a validly-issued Certificate of Occupancy or Temporary Certificate of Occupancy.

7.6 Certificate of Completion.

A. Applicability.

A certificate of completion shall be required for any of the following:

1. Use of a parking lot hereafter constructed or enlarged not in conjunction with a building or structure;
2. Site changes including but not limited to landscaping, parking lots, façade changes, or a change to an existing site that is not done in conjunction with a building or structure that requires a building permit; or
3. Site improvements associated with a telecommunications tower.

B. Application.

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

C. Review and Action by Building Official.

Upon the request for a Certificate of Completion, the City's Building Official shall inspect the structure. If the City's Building Official determines that the structure complies with all applicable provisions of the building codes and this Ordinance, a Certificate of Completion shall be issued.

D. Temporary Certificate of Completion.

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

E. Unlawful to Utilize Without Valid Certificate of Completion.

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

7.7 Sign Permit.

A. Sign Permits Required.

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

2. A permit shall be required for the following:

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

3. No permit shall be required for the following signs:

- **a.** Commercial Signs carried by a person;
- **b.** Development Signs;
- **c.** Flags;
- **d.** Non-Commercial Signs;
- **e.** Real Estate, Finance, and Construction Signs; and
- **f.** Vehicle Signs.

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

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

B. Application.

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

C. Review and Action by the BioCorridor Review Committee.

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

D. Maintenance and Repair.

1. Cleaning, painting, repainting, and other normal maintenance and repair of a sign shall not require a permit unless a structural or size change is made. Maintenance includes replacement of a sign face.

2. Repair of conforming signs, damaged as a result of accidents or acts of God, shall be exempt from permit fees when they are being restored to their original condition.

7.8 Administrative Adjustment.

A. Purpose.

Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;

2. Harmonious with the public interest; and

3. Consistent with the purposes of this Ordinance.

B. Applicability.

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

C. Application.

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

D. Review and Action by BioCorridor Review Committee.

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

E. Administrative Adjustment Criteria.

1. To approve an application for an administrative adjustment, the BioCorridor Review Committee must make an affirmative finding that the following criteria are met:

a. That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;

b. That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development; and

c. That granting the adjustment will be generally consistent with the purposes and intent of this Ordinance.

2. In the event that the BioCorridor Review Committee finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the City's Zoning Board of Adjustment as a variance request subject to the requirements of the Variances section of this Ordinance below.

7.9 Variances.

A. Purpose.

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

B. Applicability.

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

C. Application.

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

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

1. Public Hearing.

Following notice in accordance with the General Approval Procedures article of this Ordinance, the City's Zoning Board of Adjustment shall hold a public hearing.

2. Variance Review.

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

E. Criteria for Approval of Variance.

1. Required Findings.

The City's Zoning Board of Adjustment may authorize a variance from the requirements of this Ordinance when an unnecessary hardship would result from the strict enforcement of this Ordinance. In granting a variance, the City's Zoning Board of Adjustment shall prescribe only limitations that it deems not prejudicial to the public interest. In making the required findings, the City's Zoning Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the possibility that a nuisance will be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board makes affirmative findings in regard to all of the following criteria:

a. Extraordinary Conditions.

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

b. Enjoyment of a Substantial Property Right.

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

c. Substantial Detriment.

That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Ordinance.

d. Subdivision.

That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

e. Flood Hazard Protection.

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

f. Other Property.

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

g. Hardships.

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

h. Comprehensive Plan.

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

2. Limitations.

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

a. To allow the establishment of a use not otherwise permitted in the BioCorridor Planned Development zoning district;

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

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

3. Profitability Not to Be Considered.

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

ARTICLE 8. SUBDIVISION DESIGN AND IMPROVEMENTS.

8.1 Authority and Purpose.

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that the streets and other infrastructure must be maintained and various public services customary to urban areas must be provided. These regulations seek to protect the interests of public and private parties by granting certain rights and privileges and requiring certain obligations in association with the subdivision and development of land. The welfare of the entire community is affected in many important respects. Therefore, it is in the interest of the public, the developer, and the future landowners that the subdivisions and developments be conceived, designed, and developed in accordance with sound rules and proper minimum standards. These regulations encourage the growth of the BioCorridor in an orderly manner.

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

A. Suitability of Lands.

The City's Planning and Zoning Commission shall approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is suitable for platting and development purposes of the kind proposed.

B. Land Use and Other Regulations.

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

C. Reserved Strips and Tracts Prohibited.

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

D. Technical Standards.

All public infrastructure shall be designed and constructed in accordance with applicable local, state, and federal requirements. All public infrastructure shall also be designed and constructed in accordance with the *Bryan/College Station Unified Design Guidelines*, *Bryan/College Station Unified Technical Specifications*, and *Bryan/College Station Unified Construction Details*. Hereafter, these documents shall be referred to collectively as the "*B/CS Unified Design Guidelines*." Where there is a conflict of standards, the more stringent standard shall apply, as determined by the BioCorridor Review Committee. The City shall accept for public use only streets, alleys, water, waste water, drainage, and other public infrastructure that comply with these standards for construction.

E. Streets.

1. Streets on the City's Thoroughfare Plan.

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

2. Relation to Adjoining Street System.

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

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

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

3. Street Projections.

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

1) In each cardinal direction around the proposed subdivision;

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

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

b. In lieu of a public street, a Public Way may satisfy a required street projection when the Public Way is projected to future non-residential or mixed-use development and can be continued through that development to a public street.

4. Adequate Street Access.

a. One external street connection is required for a street serving as roadway access for thirty (30) or fewer lots.

b. When there are more than thirty (30) lots to be served by external street connections, a minimum of two (2) street connections to the external paved public streets shall be required. The City's Planning and Zoning Commission may allow a Remote Emergency Access where development phasing or constraints of the land prevent the provision of a second street connection. Notwithstanding the foregoing, two (2) street connections to external paved public streets shall be required when one hundred (100) or more lots are served.

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

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

5. Dead-End Streets.

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

6. Geometric Standards, Street Design Criteria.

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

7. Existing Substandard Street Right-of-Way.

a. Whenever an existing right-of-way is within or adjacent to a proposed subdivision and such right-of-way width is substandard, the additional width for the street shall be dedicated. For development occurring on only one side of such a roadway, the amount dedicated shall generally equal one-half (1/2) of the deficiency in width based on the classification and type of street, as measured from the existing centerline of the right-of-way. If the parcel(s) on the opposite side of the right-of-way previously dedicated a portion, the proposed plat shall dedicate the remaining width. If the opposite side of the right-of-way has a permanent constraint such as a railroad right-of-way or conservation easement, the full width of the deficiency may be required.

b. The BioCorridor Review Committee may reduce, increase, or eliminate the amount of right-of-way dedication based on design considerations, existing land uses, existing development on adjacent properties, and dimensions of the proposed subdivision or plat.

c. Notwithstanding the foregoing, additional right-of-way dedication is not required for Amending Plats.

8. Street Names and Addresses.

a. Proposed streets that are extensions of existing streets shall bear the name of the existing street, unless otherwise recommended by the BioCorridor Review Committee.

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

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

d. A proposed street name may be denied if it too closely approximates phonetically the name of an existing street, is too difficult to pronounce, or carries undesirable meanings or connotations.

e. Street addresses shall be assigned by the BioCorridor Review Committee.

F. Alleys.

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

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

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

4. Dead-end alleys shall not be permitted.

5. Private alleys shall be constructed to public alley standards except that the private alley shall be located within a common area or private access easement. The City reserves the right to not provide sanitation and fire service along private alleys.

G. Blocks.

1. In order to provide a public street network that is complimentary to the City's Thoroughfare Plan and that ensures uniform access and circulation to areas intended for similar land use contexts, block length shall not exceed the following dimensions based on the land use designations in this Ordinance:

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

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

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

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

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

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

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

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

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

4. In lieu of a public street, non-residential and mixed-use developments may opt to construct a Public Way to satisfy block length and block perimeter requirements when the Public Way connects two public streets. The plat shall dedicate a public access easement that covers the entire width of the private drive and sidewalks for the Public Way. The private drive and sidewalks may be constructed with the development of this property. A Public Way shall not substitute for a thoroughfare identified on the City's Thoroughfare Plan.

5. Block length or block perimeter shall not require a new street, Public Way, or Access Way to enter the face of a block when the surrounding area of the block is subdivided so that a through movement is not possible or a new block cannot be created.

H. Lots.

1. General Requirements.

a. Lots shall be identified in numerical order within a block.

b. Lot size and setback lines shall be in accordance with the applicable District requirements.

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

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

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

I. Easements.

1. Drainage Easements and Rights-of-Way.

a. Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, a drainage easement or right-of-way may be required in accordance with the *B/CS Unified Design Guidelines*.

b. No construction, including fences, shall impede, constrict, or block the flow of water.

c. A drainage easement or right-of-way shall not be considered a part of the lot area for purposes of minimum lot size requirements.

d. When feasible, utilities may be located within drainage easements and rights-of-way. Likewise, enclosed storm drains may be contained in utility easements. In such instances, the utility easement width must be adequate to provide space for storm drains, utilities, and maintenance access.

2. Utility Easements.

a. Minimum Utility Easements.

Utility easements are required as necessary to provide utilities and pursuant to the *B/CS Unified Design Guidelines* based on the number, size, configuration, or depth of existing, proposed or anticipated utilities. Where the proposed subdivision adjoins an unplatted area or future phase of the subdivision, a twenty foot (20 ft.) width of easement may be required for continuance of public infrastructure in the future.

b. Improvements in Easements.

Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements; except that landowners may place a fence in utility easements if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel within the full length of the easement.

3. Access Easements.

a. A private access easement shall be required to provide access to property that does not have direct frontage to a public right-of-way or a Public Way. Private access easements may also be required when shared driveway access is necessary to meet driveway spacing requirements along a public street or Public Way. Driveways in required private access easements shall be constructed to City fire lane standards and their installation may be delayed until the time of site development. When private access easements are provided, construction and maintenance responsibilities shall be assigned and noted on the plat, or the recorded volume and page of the access instrument shall be referenced on the plat.

b. A public access easement shall be provided for a Public Way, for public sidewalks on private property, and for Access Ways. Fences, gates, parking, or other obstructions that restrict or block access are prohibited.

4. Off-Site Easements.

All easements outside the boundaries of a plat that are necessary for the installation of public infrastructure to serve the subdivision shall be acquired by the applicant and conveyed by an instrument approved by the City's City Attorney.

5. Non-Public Easements.

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

J. Access Ways.

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

2. In Blockfaces over nine hundred feet (900 ft.) in length, an Access Way shall extend across the width of the block near the center of the block.

3. To provide additional pedestrian and bicycle circulation, an Access Way shall be required on a cul-de-sac street to connect to existing or planned facilities in the vicinity such as schools, parks, transit stops, and multi-use paths.

4. An Access Way may be required to provide additional pedestrian and bicycle circulation within a subdivision, between subdivisions, between cul-de-sacs, or to provide access to schools, parks, shopping centers, multi-use paths, transportation, and other community facilities in the vicinity.

5. If an Access Way is greater than three hundred feet (300 ft.) in length then an additional access point to the Access Way shall be provided.

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

K. Sidewalks.

1. Policy.

Sidewalks should be located and constructed so as to provide a safe and effective means of transportation for non-vehicular traffic.

2. Required Sidewalks.

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

3. Sidewalk Exceptions.

Sidewalks are not required:

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

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

4. Standards.

Sidewalks shall be constructed in accordance with the following criteria:

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

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

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

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

5. Timing of Construction.

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

L. Bicycle Facilities.

1. General.

Bicycle facilities are planned and located to provide connectivity to the existing street network, parks, schools, greenways, neighborhoods, and other key destinations; increase safety; and promote health and wellness.

2. Required Bicycle Facilities.

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

3. Types of Bicycle Facilities.

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

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

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

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

4. Geometric Design Criteria.

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

a. Bike Routes.

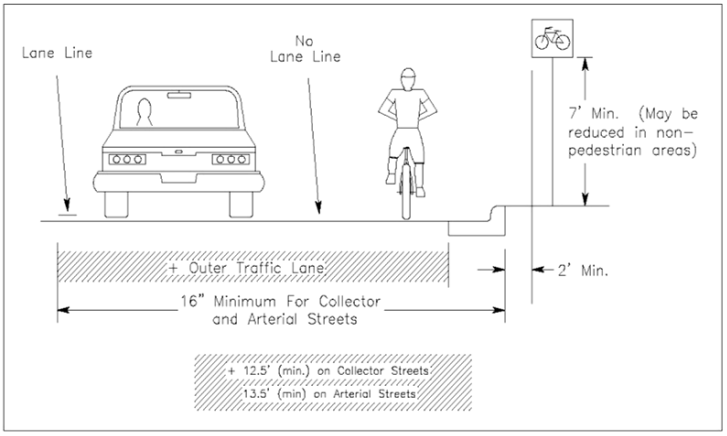
Bike routes shall be indicated as follows:

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

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

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

FIGURE 1
BIKE ROUTE/BICYCLE COMPATIBLE STREET



a. Bike Lanes.

Bike lanes shall be as follows:

1) The bike lane is located within the vehicular roadway in the outside lane and is intended for the exclusive use of bicycles. Bike lanes must be developed as one-way facilities and carry traffic in the same direction as adjacent motor vehicle traffic; and

2) In general, parking in bike lanes is prohibited. However, parking may be permitted in a bike lane in specific areas during specified times. Where parking in a bike lane is permitted, signs shall be installed to provide notice to bicyclists of when parking is allowed. Parking in a bike lane shall be limited primarily to spillover parking for public uses or events, but parking for non-public uses may also be considered.

b. Multi-Use Paths.

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

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

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

3) The minimum width of a one-directional multi-use path is five feet (5 ft.). It should be recognized, however, that one-way bicycle paths often will be used as two-way facilities unless effective measures are taken to assure one-way operation. Without such enforcement, it should be assumed that multi-use paths will be used as two-way facilities and designed accordingly;

4) A minimum of three-foot (3-ft.) width graded area shall be maintained adjacent to both sides of the multi-use path to provide clearance from trees, poles, walls, fences, guard rails, or other lateral obstructions; and

5) Multi-use paths shall be located in a public access easement of a minimum twenty feet (20 ft.) in width.

M. Water Facilities.

1. All subdivisions shall have access to public water supply and distribution systems for domestic use that meet adequate fire protection standards. All water mains, distribution and service lines shall be provided to each lot and constructed in accordance with the *B/CS Unified Design Guidelines* and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the BioCorridor Review Committee. The City shall accept for public use only water mains, distribution and service lines that comply with these standards for construction.

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

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

4. Plans for such systems will be subject to City review and inspection. City review and inspection of such water system ends at the sanitization of the line.

N. Wastewater Facilities.

1. All subdivisions shall have access to wastewater facilities. All collection mains and service lines shall be provided to each lot and constructed in accordance with the *B/CS Unified Design Guidelines* and all applicable state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the BioCorridor Review Committee. The City shall accept for public use only wastewater facilities that comply with these standards for construction.

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

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

O. Special Flood Hazard Areas.

All development encroaching into a FEMA special flood hazard area shall be in accordance with the *B/CS Unified Design Guidelines,* and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the BioCorridor Review Committee. The City shall only accept improvements for public use that comply with these standards for construction.

P. Drainage.

1. All drainage shall be in accordance with the *B/CS Unified Design Guidelines,* and all applicable local, state and federal requirements. Where there is a conflict of standards, the more stringent standard shall apply, as determined by the BioCorridor Review Committee. The City shall only accept improvements for public use that comply with these standards for construction.

2. Rapid conveyance, the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation, as provided in the *B/CS Unified Design Guidelines* and as may be required and approved by the BioCorridor Review Committee.

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

4. Lot Grading

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

b. Non-residential lots and lots that have mixed uses that include residential shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls.

Q. Gas or Oil Lines.

1. Identification.

High-pressure flammable gas or fuel lines are defined as those which are operated or may be expected in the future to operate at a pressure of over sixty (60) pounds per square inch. High-pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of thirty inches (30 in.) and shall be marked by an all-weather type sign installed at each crossing and at intervals of not more than three hundred feet (300 ft.). The signs shall be installed by the utility company, state that the line is high pressure, identify the utility company name, provide an emergency phone number, and state the type of product or products transported therein.

2. Notification to Utility Company.

The applicant shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification to the BioCorridor Review Committee.

R. Street Lights.

1. General Standards.

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

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

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

d. Where electric service is provided, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed.

2. Street Light Locations.

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

3. Installation and Maintenance.

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

b. Street lights shall be owned and maintained by the electric utility provider with the Certificate of Convenience and Necessity (CCN) for that area.

c. The electric utility provider shall not be responsible for the installation or maintenance of street lights on alleys, private streets, Public Ways, drives, or Access Ways.

S. Electric Facilities.

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

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

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

4. The applicant shall dedicate public utility easements upon forms approved by the City for the installation of electric utilities. All liens and other ownership interests shall be subordinated to the easement use.

5. Where electric service is placed underground, all auxiliary equipment for such service, including but not limited to transformers, junction enclosures, and switching devices, shall be pad-mounted on grade or shall be placed underground.

6. All street-lighting and site-lighting equipment shall be placed underground except for the poles on which the lights are to be affixed. The City or the electric utility shall not be responsible for the installation or maintenance of street lights on alleys, private streets, or drives.

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

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

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

T. Monuments and Corner Markers.

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

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

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

U. Owners Associations for Common Areas and Facilities.

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

2. The Owners Association shall prepare and file for record a legal instrument establishing a plan for the use and permanent repair and maintenance of the Common Facilities and which provides that the association is self-perpetuating and adequately funded to accomplish its purpose. The Owners Association understands that upon formation it unconditionally and irrevocably agrees to indemnify, defend, and hold the City and the City's officials, agents, employees, and contractors harmless, from and against any loss, liability, demand damage, judgment, suit, claim deficiency, interests, fees, charges, costs, or expenses including, without limitation, interest, court cost, and penalties, attorney's fees and disbursement and amounts paid in settlement, or liabilities resulting from any change in federal, state, or local law or regulation or interpretation hereof of whatever nature. The foregoing shall apply even when caused in part by the negligence of either or both the City of College Station or the City of Bryan or the joint or concurring negligence of either or both cities and any other person or entity, which may result or to which the cities and/or any of the cities' respective officials, agents, employees, and contractors may sustain, suffer, incur, or become subject to in connection with or arising in any way whatsoever out of the maintenance, repair, use, or occupation of the Common Facilities, or any other activity of whatever nature in connection therewith, or arising out of or by reason of any investigation, litigation, or other proceedings brought or threatened, arising out of or based upon the operation, management, maintenance, repair, and use of the Common Facilities, or any other activity in the subdivision.

8.3 Waiver of Subdivision Standards.

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

B. A waiver request shall be approved only if it prescribes conditions that it deems not prejudicial to the public interest. In making the findings hereinbefore required, the City's Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No waiver shall be granted unless the City's Planning and Zoning Commission finds:

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

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

3. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Ordinance; and

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

C. Such findings of the City's Planning and Zoning Commission shall be incorporated into the official minutes of the meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this Ordinance so that public health, safety, and welfare may be secured and substantial justice done.

D. Waiver from Water Flow Requirements

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

8.4 Responsibility for Payment for Installation Costs.

A. Applicant Responsibilities.

The applicant shall be responsible for the designing and installing of all public improvements which primarily serve the subdivision. This includes being responsible for the costs associated therewith that are shown on the plat or that may be off-site but needed to ensure adequacy of public facilities and services for the subdivision; and subject to participation by the City or other third parties as may be allowed or required by applicable law, such as participation by the City for costs associated with oversizing of public improvements beyond that which is necessary to serve the subdivision. Facilities required by this Ordinance and City Code of Ordinances shall be considered as primarily serving the subdivision unless otherwise determined by the City.

B. Street Lights.

The applicant shall pay the entire cost of the subdivision street light installation, including the cost of service lines to supply electricity to the street lights, and all engineering design costs. Once satisfactorily installed, approved, and accepted, the maintenance of the street lights and the furnishing of electric energy to the street lights shall be provided by the City.

C. Street Signs.

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

D. Engineering Inspection and Testing.

1. The City will charge for engineering inspection during construction and for final inspection; however, it is to be understood that the City will do no layout work or daily inspection.

2. The City requires testing by an independent laboratory acceptable to the City to ensure compliance with the *Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications* and approved plans and specifications of the construction of the infrastructure before final inspection and approval of that infrastructure. Charges for such testing shall be paid by the applicant.

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

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

A. Construction.

1. Timing.

Upon approval of the construction documents by the BioCorridor Review Committee and upon issuance of a Development Permit, the applicant may proceed with the construction of public infrastructure. Neither the developer nor the contractor nor the subcontractor shall make a connection to or tap into the public water distribution

system, electric system, or sanitary sewer system until this requirement is met. The developer shall furnish all necessary materials to make the final tap or connection.

2. Letter of Completion and Acceptance.

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

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

b. The applicant provides construction red-lined record drawings signed by the contractor acceptable to the City's City Engineer that contain the following attestation:

"I, _____, General Contractor for _____ development, certify that the improvements shown on this sheet were actually built, and that said improvements are shown as substantially depicted hereon. I hereby certify that to the best of my knowledge, that the materials of construction and sizes of manufactured items, if any, are stated correctly hereon."

_____
General Contractor

c. The applicant and his agent/contractor, if applicable, signs the Letter of Completion which shall constitute a written guarantee to the City that all workmanship and materials shall be free of defects for a period of one (1) year from the date of acceptance by the City's City Engineer; and

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

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

B. Guarantee of Performance.

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

a. Performance Bond.

The applicant may file with the City Engineer a bond executed by a surety company holding a license to do business in the State of Texas, in an amount acceptable to the City Engineer, and in a form approved by the City Attorney. The developer shall state in writing a timeframe acceptable to the City by when such public improvements will be complete; or

b. Letter of Credit.

The applicant has filed with the City's City Engineer an irrevocable letter of credit, in a form approved by the City, signed by a principal officer of a local bank, local savings and loan association, or other financial institution, acceptable to the City, agreeing to pay to the City, on demand, a stipulated sum of money to apply to the estimated cost of installation of all public improvements for which the developer is responsible under this Section. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the applicant's engineer and approved by the City's City Engineer. The letter shall state the name of the subdivision and shall list the improvements which the applicant is required to provide.

2. If one of the two types of security is filed by the applicant and accepted by the City as described above, the City's City Engineer shall inspect and approve the construction of public improvements in accordance with the requirements of this Ordinance. If the applicant fails to properly construct some or all required public improvements, the City's City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Section.
3. The City's City Engineer may extend the period of time by when the completion of public improvements is to occur regardless of time periods that may be iterated elsewhere in this Ordinance. Such extension of time shall be granted upon a showing of good cause and shall be reported to the BioCorridor Review Committee. No such extension shall be granted unless security, as provided herein, has been provided by the developer covering the extended period of time and provided that such extension does not jeopardize general public health, safety, or welfare.

8.6 Certifications.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

I (we) _____, owner(s) and developer(s) of the land shown on this plat, and designated herein as the ____ Subdivision to the City of [College Station/Bryan], Texas, and whose name(s) is/are subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements, and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.

_____

_____
Owner(s)

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/they executed the same for the purpose and consideration therein stated.

Given under my hand and seal on this _ day of _____, 20 ___.

_____
Notary Public, Brazos County, Texas

(Seal)

CERTIFICATE OF SURVEYOR AND/OR ENGINEER

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

I,_____, Registered Public Surveyor (Engineer), No._____, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

_____

CERTIFICATE OF CITY ENGINEER

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

_____
City Engineer
City of [College Station/Bryan]

CERTIFICATE OF PLANNING AND ZONING COMMISSION

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

_____
Chairman

CERTIFICATE OF THE COUNTY CLERK

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

I,_____, County Clerk, in and for said county, do hereby certify that this plat together with its certificates of authentication was filed for record in my office the_____ day of, 20___, in the Deed Records of Brazos County, Texas, in Volume _____ Page _____.

WITNESS my hand and official Seal, at my office in Bryan, Texas.

_____
County Clerk
(SEAL) Brazos County, Texas

CERTIFICATE OF CITY PLANNER (for Amending or Minor Plats)

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

_____
City Planner
City of [College Station/Bryan]

CERTIFICATE OF NO ACTION TAKEN

I, _____, Chairman of the Planning and Zoning Commission, hereby certify that the plat was filed with the Planning and Development Services Department on the _____ day of _____, _____ and that the Planning and Zoning Commission failed to act on the plat within 30 days after the plat was filed.

_____
Chairman

ARTICLE 9. SITE DESIGN STANDARDS.

9.1 General Development Standards.

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

9.2 Overall Design Goals and Objectives.

A. General Standards.

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

1. Ensure that buildings relate appropriately to surrounding development and streets and create a cohesive visual identity and attractive street scene;

2. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;

3. Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;

4. Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;

5. Ensure that trees or man-made shading devices are used to create a pedestrian-friendly environment both alongside roadways and connecting roadside sidewalks to businesses;

6. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;

7. Ensure that building entranceways are convenient to and easily accessible from the roadside pedestrian system;

8. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings;

9. Ensure that large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene; and

10. Create a multi-modal connected environment clearly indicating entries and amenities. Connect sites through the use of open-space corridors, natural and developed, facilitating pedestrian and bicycle linkage through and within the BioCorridor.

B. Environmental Sensitivity Standards.

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

1. Do no harm – do not degrade the surrounding environment in the design and development of building sites;

2. Utilize a decision-making hierarchy of preservation, conservation, and regeneration in the design process – maximize the benefits of the existing and future ecosystem by

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

3. Design with nature and culture – create designs that meet economic and environmental conditions with respect to the local and regional context;

4. Engage the end users into nature; and

5. Foster environmental stewardship through the adherence to the Sustainable Sites Initiative and Guidelines and their Ecosystem Scoreboard.

9.3 General Provisions.

A. Health and Environmental Safeguards.

No machine, process, or procedure shall be employed on any property in the BioCorridor Planned Development District in which:

1. Emission of smoke, dust, or noxious, toxic, or lethal gases are detectable beyond the perimeter of the property;

2. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, contain oil or grease, wood, cellulose fibers, hair, feathers, plastic, or have a pH factor greater than ten or less than five;

3. Vibration is discernible beyond the property line; or

4. Noise above the ambient noise level is discernible beyond the property line.

B. Minimum Requirements.

1. No building plot shall have lower or less stringent standards or dimensions than those prescribed for respective Districts in this Ordinance.

2. No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Ordinance except on a lot that was platted before the adoption of this Ordinance.

3. Utilities using land or an unoccupied building covering less than one thousand square feet (1000 sq.ft.) of site area shall be exempt from minimum lot area standards.

4. Projects may be phased with the phase lines being drawn twenty feet (20 ft.) beyond any new site amenity. If a buffer is required, the buffer shall be installed with the first phase. Each individual phase must meet or exceed minimum requirements for that phase (including requirements for parking and landscaping). The portion left for subsequent phases shall be of developable size and quality.

C. Visibility at Intersections in all Districts.

Within a departure sight triangle as defined by the latest edition of the American Association of State Highway & Transportation Officials' (AASHTO) "A Policy on Geometric Design of Highways and Streets", nothing shall be erected, placed, planted, or allowed to grow in such a manner that would obstruct the driver's view at intersections. Sight triangles shall apply to street intersections, commercial driveways, and mixed-use driveways. Obstacles prohibited include but are not limited to: fences, walls, entry signage, structures, buildings, hedges, etc. However, fences, walls, and/or hedges that do not impair vision from three feet to nine feet (3 – 9 ft.) above the curb may be permitted with the approval of the BioCorridor Review Committee. Required public use facilities such as fire hydrants, traffic signage, utility structures, etc., are exempted.

D. Required Yards (Setbacks).

1. Purpose and Intent.

a. Setbacks are measured from the property line;

b. On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;

c. No structure that is taller than eight feet (8 ft.) in height and that has a roof structure that completely or partially blocks the view to the sky shall be located within the required setback area unless specifically allowed herein; and

d. No part of a yard or other open space required in connection with any building, building plot, or use for the purpose of complying with this Ordinance, shall be included for any other building, building plot, or use as part of a yard or open space.

2. Reduction for Public Purpose.

a. When an existing setback is reduced because of a recent or pending conveyance to a federal, state, or local government for a public purpose and the remaining setback is at least fifty percent (50%) of the required minimum setback for the District in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this Ordinance.

b. For the purposes of this Section, such conveyance shall have occurred within one year immediately preceding submittal for site plan approval, or be anticipated to occur within one year of site plan approval.

3. Features Allowed Within Required Yards.

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

a. Trees, shrubbery, or other landscape features, excluding gazebos or other similar structures that require a building permit;

b. Fences and walls;

c. Driveways;

d. Sidewalks;

e. Utility lines, wires, and associated structures, such as power poles;

f. Mechanical equipment such as air conditioning units, pool pumps, and similar equipment;

g. Uncovered porches, uncovered steps to building entrances, and uncovered patio decks;

h. Covered porches that are open on three sides, may extend up to six feet (6 ft.), including eaves, into any required front or side street setback;

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

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

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

l. Bus stops that offer shelter from the elements. Such shelters may be located within a front or side street yard. Shelters may be located within a public right-of-way if a Private Improvement in Public Right-of-way Permit has been duly issued; and

m. Swimming pools and hot tubs without shelter.

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

More than one structure housing a permitted principal use may be erected on a building plot. Yard and other requirements herein shall apply to the building plot.

F. Fences / Walls.

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

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

G. Building Plot.

1. Building plot refers to all of the land within an area defined by the BioCorridor Review Committee that consists of one or more platted lots for a single development. Such determination shall be made at the platting stage or at the time of site plan.

2. In the event that two or more lots are under single ownership and the existing structure does not meet the required yard setback, both lots shall be construed as the building plot.

3. The BioCorridor Review Committee shall determine the building plot using the following criteria:

a. Contiguous properties that consist of less than two acres and have one or fewer frontages on a street classified as a collector or higher on the City's current Thoroughfare Plan will be consolidated and defined as one building plot for the purposes of signage;

b. Contiguous properties that develop according to a common plan or design for similar or compatible uses, which singularly or in phases, is treated as such for site plan review purposes including signage; or

c. Contiguous properties that as determined by the BioCorridor Review Committee need to be consolidated for ease of access, reduction of the proliferation of signage along the public right-of-way, or other public health, safety, or general welfare reasons.

H. Height.

1. Every site within the BioCorridor Planned Development District shall be allowed to construct to a height of at least fifty feet (50 ft.) above the natural grade as indicated on the Easterwood Airport Zoning Ordinance map.

2. Height limitations shall apply to all elements—natural and man-made—on a site.

3. Calculation of the height limits shall be to the highest point of the structure. Equipment such as satellite dishes and heating and air conditioning units may be installed on top of buildings provided that they are screened from horizontal view and included in the height limitations.

9.4 Off-Street Parking Standards.

A. Purpose.

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

1. Eliminate the occurrence of on-street parking in adjoining neighborhoods;

2. Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking areas; and

3. Expedite the movement of traffic on public thoroughfares in a safe manner, thus increasing the carrying capacity of the streets and reducing the amount of land required for streets, thereby lowering the cost to both the property owner and the City.

B. Bicycle Parking Spaces Required.

1. In all Districts, for all uses, at the time any building or structure is erected, enlarged, or increased in capacity, or at any time any other use is established, there shall be parking spaces provided for bicycles in accordance with the requirements specified herein.

2. Where off-street parking facilities are provided in excess of the minimum amounts specified by this Section, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering area as specified in this Section.

3. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

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

5. Facilities shall be located so that a building is between it and the primary street to which the building orients. The facilities shall be separated from motor vehicle parking to protect both bicycles and vehicles from accidental damage and shall be sufficiently separated from building or other walls, landscaping, or other features to allow for ease and encouragement of use. This separation shall be a minimum of three feet (3 ft.). Bicycles may be permitted on sidewalks or other paved surfaces provided that the bicycles do not block or interfere with pedestrian or vehicular traffic.

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

C. Off-Street Vehicular Parking Spaces Required.

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

2. Where off-street parking facilities are provided in excess of the minimum amounts specified by this Section, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering area as specified in this Section.

3. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

D. Vehicular Parking Spaces' Dimensions and Access.

This Section applies to any development or redevelopment of uses.

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

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

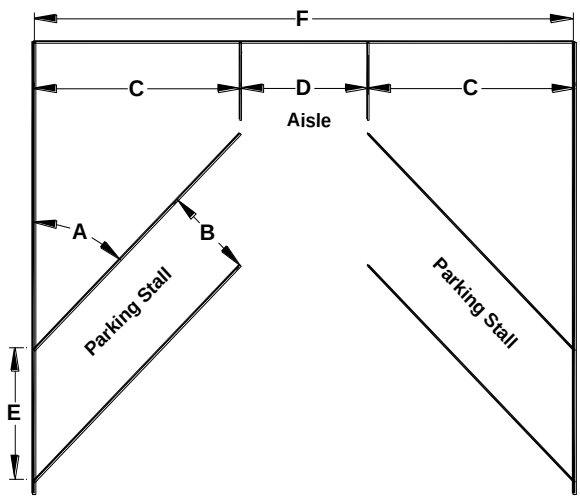
3. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABA) administered by the Texas Department of License and Regulation.

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

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

PARKING SPACE AND AISLE DIMENSIONS

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

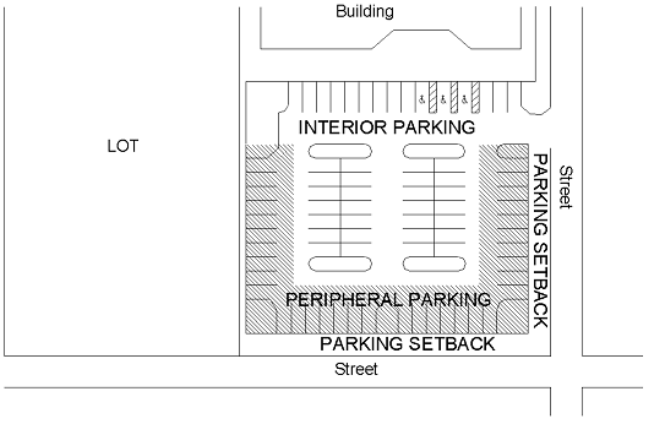


6. Parking lots located within fifteen feet (15 ft.) of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot (18 x 20-ft.) landscaped island. All parking lots and drive aisles shall be setback a minimum of six feet (6 ft.) from any public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

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

E. End Islands.

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



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

F. Interior Islands.

1. All interior islands shall be evenly distributed throughout the interior of the parking area.

2. For every fifteen (15) interior parking spaces, one hundred eighty square feet (180 sq.ft.) of landscaping must be provided somewhere in the interior rows of the parking lot. Interior island areas may be grouped and configured as desired provided that circulation aisles remain clear and the minimum island area is not less than one hundred eighty square feet (180 sq.ft.). Interior islands may have sidewalks through them.

3. End island areas that exceed the minimum required may be counted toward the interior parking island requirement.

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

G. Requirements Apply to All Parking Areas.

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

H. Parking Lots.

1. With the exception of a single-loaded row of angled parking along a one-way drive aisle located between the building frontage and the right-of-way, no parking is allowed adjacent to any street.

2. Where parking or drive aisles are located between the building and the public right-of-way, there shall be a minimum ten-foot (10-ft.) setback from the public right-of-way line to the parking area or drive aisle.

I. Surfacing.

1. General.

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

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

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

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

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

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

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

c. Permanent Surfaces.

1) All-Weather Surface (Permanent).

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

2) Permeable Surface.

a) The use of porous materials (such as permeable concrete and pavers) to mitigate storm water sheeting and pooling of water may be used in off-street parking areas if the material meets vehicular loading standards and is approved by the BioCorridor Review Committee.

b) Fire lanes may also be constructed of porous materials such as permeable concrete and pavers to mitigate storm water sheeting and pooling of water, so long as it is demonstrated that the permeable surface can obtain sufficient land and compaction ratings for its application as approved by the City's Fire and Sanitation departments.

c) Permeable surfaces approved as provided above shall be maintained in accordance with industry standards and to achieve mitigation of storm water sheeting and pooling of water. Failure to maintain permeable surfaces as required herein shall constitute a violation of the section of the ordinance for which penalty provisions may be involved.

J. Curbing Required.

1. General.

The perimeter of all paved surfaces shall be curbed as described in the *BioCorridor Site Design Specifications*. Alternatives to the standards may be approved by the BioCorridor Review Committee if it is demonstrated that the materials and design are equal or superior to the requirements in the *Specifications*.

2. Temporary Curbing.

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

K. Number of Off-Street Parking Spaces Required.

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

1. Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces;

2. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number;

3. The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the BioCorridor Review Committee;

4. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;

5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately;

6. Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the City's Building Official;

7. Where a manufacturing/industrial use has more than one working shift of employees, parking shall be provided to accommodate overlap requirements during transition periods;

8. When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards of this Section, the BioCorridor Review Committee may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the BioCorridor Review Committee. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand. Mixed-use developments that include multi-family residential on the second floor or above are not required to hold land in reserve for future parking needs.

MINIMUM OFF-STREET PARKING REQUIREMENTS*

Use*	Unit	Spaces/Unit	Plus Spaces For:
Restaurant (w/o drive-through) (w/drive-through)	65 sq.ft. 100 sq.ft.	1.0 1.0	
Medical or Dental Clinic<20,000 s.f.	200 sq.ft.	1.0	
Office	250 sq.ft.	1.0	
Retail Sales & Service	250 sq.ft.	1.0	
R&D / Manufacturing / Warehouse	1000 sq.ft.	1.0	
Convalescent Home / Hospital	Bed	1.0	
Residential	Bedroom	1.0	
Hotel / Motel	Guest room	1.0	1/250 sq.ft. meeting room

* No more than 25% of any building plot's total square footage shall be utilized for intense uses (uses that, individually, have a parking requirement greater than the primary use) unless additional parking is provided in accordance with the above requirements for that square footage of such uses in excess of 25%.

L. Drive-Through Facility Queuing Requirements.

1. Minimum Number of Spaces.
Drive-through queuing spaces shall be provided as indicated in the following table:

Minimum Off-Street Queuing Requirements		
Activity Type	**Minimum Spaces**	**Measure From**
Automated Teller Machine	3	Teller
Bank Teller Lane	4	Teller or Window
Dry cleaning or Laundry	2	Window
Other	As determined by the BioCorridor Review Committee	

2. Design and Layout.
Queuing spaces or queuing areas shall be designed in accordance with the following criteria.

a. Queue spaces or queuing areas may not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveway access.

b. Each queue space shall consist of a rectangular area not less than ten feet (10 ft.) wide and eighteen and one-half feet (18.5 ft.) long with a vertical clearance as specified in the building code.

c. Queue spaces are not interchangeable with parking spaces except for bank tellers, where the space providing services may count toward the parking requirement.

d. A twelve-foot (12-ft.) bypass lane may be required adjacent to queue lines to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.

e. Queue areas and drive-through facilities shall be clearly identified with the appropriate signing and marking.

M. Alternative Parking Plans.

1. Scope.

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

2. Applicability.

Applicants who wish to provide fewer off-street parking spaces than required above shall be required to secure approval of an Alternative Parking Plan, in accordance with the standards of this Section. The BioCorridor Review Committee may require that an Alternative Parking Plan be submitted in cases where they deem the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

3. Contents.

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

4. Review and Approval Procedure.

The BioCorridor Review Committee shall be authorized to approve Alternative Parking Plans. Appeals of the Committee's decision may be made to the BioCorridor Board.

5. Recording.

An attested copy of an approved Alternative Parking Plan shall be submitted to the County Clerk's office for recordation. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit.

6. Eligible Alternatives.

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

a. Shared Parking.

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

1) Location.

Shared off-street parking spaces shall be located no farther than two hundred and fifty feet (250 ft.) from the building site. The BioCorridor Review Committee may waive this distance limitation if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use.

2) Required Study and Analysis.

The applicant shall submit a shared parking analysis to the BioCorridor Review Committee that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the BioCorridor Review Committee and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that shall be sharing off-street parking spaces. The City's BioCorridor Review Committee shall have the authority to require a

revised study and analysis should conditions change that may result in a change in site parking conditions.

3) Shared Parking Agreement.

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the County Clerk's office for recordation. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to this Section, or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

4) Revocation.

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

b. Off-Site Parking.

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

1) Location.

No off-site parking space or parking garage in which the off-site spaces are secured shall be located more than two hundred and fifty feet (250 ft.) from the building site. The BioCorridor Review Committee may waive this distance limitation if adequate assurances are offered that van or shuttle service shall be operated between the shared lot and the principal use.

2) Off-Site Parking Agreement - Parking Lot.

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to the County Clerk's Office for recordation on forms made available in the City's Development Services office. Proof of recordation of the agreement shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to the Off-Street Parking Standards section of this Ordinance or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

3) Off-Site Parking Agreement - Parking Garage.

In the event that off-site parking is provided through a garage and the parking garage is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. A signed lease for the required spaces in the garage, of not less than one year with an option to renew annually, shall be presented to the BioCorridor Review Committee prior to issuance of a Building Permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to the Off-Street Parking Standards section of this Ordinance or if an Alternative Parking Plan is approved by the BioCorridor Review Committee.

c. Bicyclist Accommodations.

The BioCorridor Review Committee may authorize a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities, and dressing areas for employees.

9.5 Access Management and Circulation.

A. Multi-Modal Routes.

1. Applicability.

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

2. Minimum Requirements.

All sites shall provide at least three (3) of the following. If a, b, c, and/or d is applicable, that minimum requirement shall be provided. If both b and c are applicable, the connection to the adjacent right-of-way ("b") shall be provided.

a. Connections to adjacent property.
Where right-of-way is adjacent to the subject tract and there is no sidewalk in or adjacent to the right-of-way, a minimum six-foot (6-ft.) width sidewalk shall be provided along the extent of the right-of-way, up to the property line. If a sidewalk exists that is less than six feet (6 ft.) in width, it shall be upgraded to meet the minimum requirements. If the sidewalk or any portion thereof is constructed on private property, a public access easement shall be dedicated to cover the facility in its entirety.

b. Connections to adjacent right-of-way.
Where right-of-way is adjacent to the subject tract, a six-foot (6-ft.) minimum width sidewalk shall be provided from the right-of-way to the subject tract's building entrance.

c. Connections to adjacent greenway and/or parkland.
Where greenway and/or public parkland is adjacent to any of the subject tract's property lines, pedestrian and bicycle access from the trail or walkway system on that greenway or parkland to the subject tract's building entrance shall be provided. The pedestrian and bicycle access points must be fully accessible during operating hours and shall meet City standards for multi-use paths, to a minimum width of eight feet (8 ft.).

d. Connections to adjacent mixed-use development.
If there is mixed-use (residential/non-residential) development adjacent to the site, pedestrian connection(s) from the building entrance to those mixed-use buildings, up to the property line, and to an existing sidewalk or multi-use path (if one is present on the adjacent site) shall be provided.

e. Limitation of curb cuts.
Where multiple curb cuts to a street are allowed as per the Driveway Access Location and Design section of this Ordinance, a site shall only provide fifty percent (50%) or less access points than allowed.

f. Wider sidewalks.
Where a sidewalk is provided on site, the full extent of all such sidewalks shall be provided at a minimum width of eight feet (8 ft.)

g. Wider multi-use paths.
Where a multi-use path(s) is provided on site, the full extent of all such paths shall be provided at a minimum width of ten feet (10 ft.).

h. Vegetative shading of sidewalks and multi-use paths.
Where a sidewalk or multi-use path is provided on site, canopy trees with a minimum two-inch (2-in.) caliper shall be planted adjacent to the sidewalk or path every twenty feet (20 ft.) and maintained to provide shade to bicyclists and pedestrians.

i. Decorative bus stop shelters.
A shelter shall be provided to protect transit customers from the elements and provide seating. Such shelter shall be coordinated with the main building's material and architecture.

j. WiFi accessible bus stop shelters.
A bus shelter shall provide WiFi to the extent that those utilizing the shelter may access the internet at that location.

k. Bicycle parking at bus stops.
If a bus stop is located on or adjacent to the subject tract, a facility capable of storing a minimum of four (4) bicycles shall be provided near the stop. The bus stop bicycle parking facility is in addition to the facility required in Bicycle Parking Spaces Required section of this Ordinance.

l. Sheltered bicycle parking.
All bicycle parking provided on site shall be sheltered as to protect the bicycles from the elements.

B. Easements.

1. Shared Driveways.
The BioCorridor Review Committee may require a shared driveway at the time of platting, development, or redevelopment of the affected lots.

2. Cross-Access Easements.

a. A cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and that are, or may be, developed.

b. Cross-access easements shall be situated parallel to the street right-of-way line abutting both parcels. The property owner shall maintain access easements.

c. The property owner shall provide appropriate documentation of a good faith effort to extend the access easement through all immediately abutting properties. If such an effort fails, the portion of the easement on the subject site shall be developed and designed to ensure future connection to the neighboring properties.

d. Where a cross-access easement is granted, no permanent structures or parking that would interfere with the proposed access shall be permitted in the easement. Some improvements such as medians and parking islands may be constructed within an access easement if it has been demonstrated that adequate circulation and cross access has been accomplished, and that all applicable standards of this Ordinance have been met.

e. The BioCorridor Review Committee may waive the requirement for an easement of access required above in those cases where unusual topography or site conditions would render such an easement of no useable benefit to adjoining properties.

C. Driveway Access Location and Design.

1. General.

a. Access facilities shall be located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, the BioCorridor Review Committee may require a traffic study to be performed.

b. It shall be unlawful for any person to cut, break, or remove any curb or install a driveway along a street except as herein authorized. Openings in the curb may be approved by the BioCorridor Review Committee for the purposes of drainage.

c. It shall be unlawful for any person to construct, alter, extend, permit, or cause to be constructed, altered, or extended any driveway approach which can be used only as a parking space or area between the curb and private property.

d. This Section shall be deemed to be supplemental to other ordinances regulating the use of public property, and in case of conflict, this Section shall govern.

e. Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. This determination shall be made by the BioCorridor Review Committee.

f. As determined by the BioCorridor Review Committee, engineering judgment shall override the required dimensions set forth in this Section if warranted by specific traffic conditions.

2. Location of Driveway Access.

a. In making a determination as to the location of driveway access, the BioCorridor Review Committee shall consider:

1) The characteristics of the proposed use;

2) The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;

3) The location of the property;

4) The size of the property;

5) The orientation of structures on the site;

6) The number of driveways needed to accommodate anticipated traffic;

7) The number and location of driveways on existing adjacent and opposite properties;

8) The location and carrying capacity of intersections;

9) The proper geometric design of driveways;

10) The spacing between opposite and adjacent driveways;

11) The internal circulation between driveways; and

12) The speed of the adjacent roadway.

b. Driveway access to arterials shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to collector streets for commercial or mixed-use developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.

c. No cuts through a left-turn reservoir of a median shall be permitted in order to provide for left-turn movements to driveway approaches.

d. Driveways in right-turn lane transition areas shall not be permitted. The right-turn lane transition area is defined as the taper and deceleration/acceleration length.

e. When a commercial or mixed-use development abuts more than one public street, access to each abutting street may be allowed only if the following criteria are met:

1) It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The BioCorridor Review Committee may require the submittal of a traffic study that demonstrates that such access is required; and

2) The minimum requirements for corner clearance for commercial driveways are met.

3. Spacing of Driveway Access.

a. Application of the driveway access location and design standards requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. Streets are classified as follows and defined in the Definitions article of this Ordinance:

1) Major Arterial;

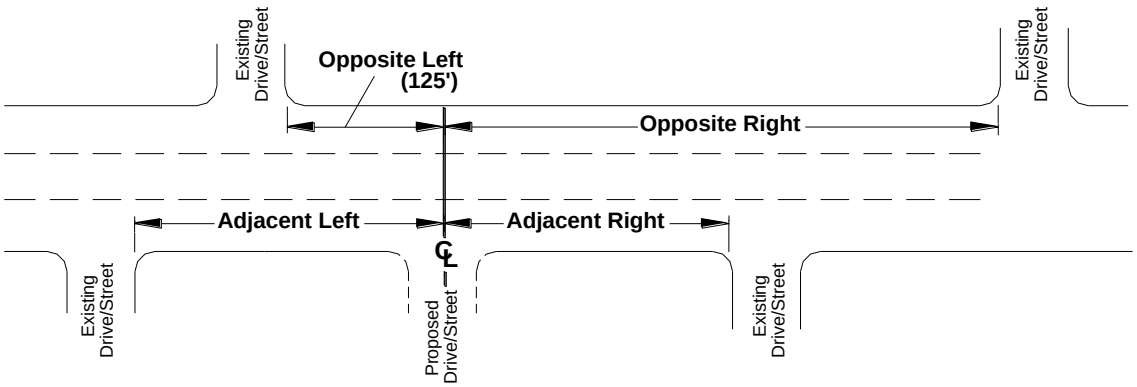
2) Minor Arterial;

3) Collector; and

4) Local Street.

b. Major arterial, minor arterial, and collector streets in the cities are indicated on their respective City's Thoroughfare Plans. The functional classification of any street in the cities not indicated as an arterial or collector street shall be determined using the functional street classification defined by the most recent edition of the AASHTO, *A Policy on Geometric Design of Highways and Streets*.

c. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in the illustration below.



d. A minimum of one hundred and twenty-five feet (125 ft.) shall be required for opposite left driveways for all street classifications.

e. If the centerline of an opposite drive is less than fifteen feet (15 ft.) from the centerline of the proposed drive, the drives form an intersection and the minimum spacing requirements shall apply for the closest drive.

f. Spacing of Adjacent Driveways.

1) Adjacent drives shall be located no closer than the spacing requirement in the table below. The BioCorridor Review Committee may allow adjacent driveway spacing less than the spacing requirement below if it is determined that favorable conditions exist under peak traffic conditions.

2) On divided streets with raised or depressed medians, other streets, alleys, private roads, and driveways on either side of the median openings should be aligned. Therefore, when locating such an intersection, it shall be assumed that this type of intersection will exist at median openings and other intersections between median openings should be spaced accordingly. The BioCorridor Review Committee may waive this requirement if an existing condition precludes access at a median opening.

Adjacent Driveways

Street Classification	Spacing (feet)
Major Arterial	350
Minor Arterial	300
Major Collector	235
Minor Collector and Local Street	175

g. Spacing of Opposite Right Driveways.

1) Opposite right driveways shall be located no closer than the standard requirements of the table below. The BioCorridor Review Committee may allow opposite right spacing below the standard spacing requirement if it is determined that favorable conditions exist under peak traffic conditions.

2) Additional opposite right spacing over and above that set forth in the table below may be required if it is determined by the BioCorridor Review Committee that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.

3) On roadways that include raised or depressed medians prohibiting left-turning movements, this standard shall not apply.

Opposite Right Driveways

Street Classification	Spacing (feet)
Major Arterial	400
Minor Arterial	350
Major Collector	300
Minor Collector and Local Street	175

4. Freeway Frontage Road Access and Location Requirements.

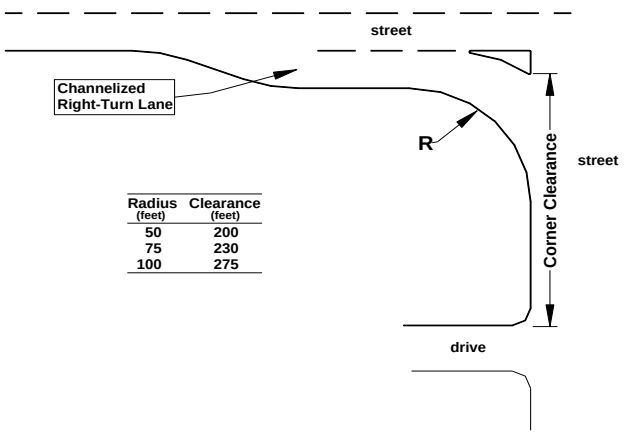
a. Driveways shall be located in accordance with the most recent version of the *Access Management Manual,* as administered by the Texas Department of Transportation (TXDOT).

b. These guidelines apply to existing and planned interchanges.

c. In addition to ramp spacing, driveways on frontage roads under the jurisdiction of the Texas Department of Transportation shall also meet the other requirements of this Section as major arterial streets.

5. Corner Clearance.

a. At intersections of arterials with channelized right turn lanes with yield control, a corner clearance distance in accordance with those set forth in the illustration below shall be required for the first downstream driveway when adjacent spacing requirements cannot be met due to lack of frontage and all means to acquire shared-access drives or cross-access easements have been exhausted. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in the illustration.



Radius (feet)	Clearance (feet)
50	200
75	230
100	275

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

6. Shared Access.

a. A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the BioCorridor Review Committee.

b. A private cross-access easement may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the BioCorridor Review Committee.

7. Geometric Design of Driveway Access.

a. All driveways shall meet the City's Standard Specifications for Street Construction.

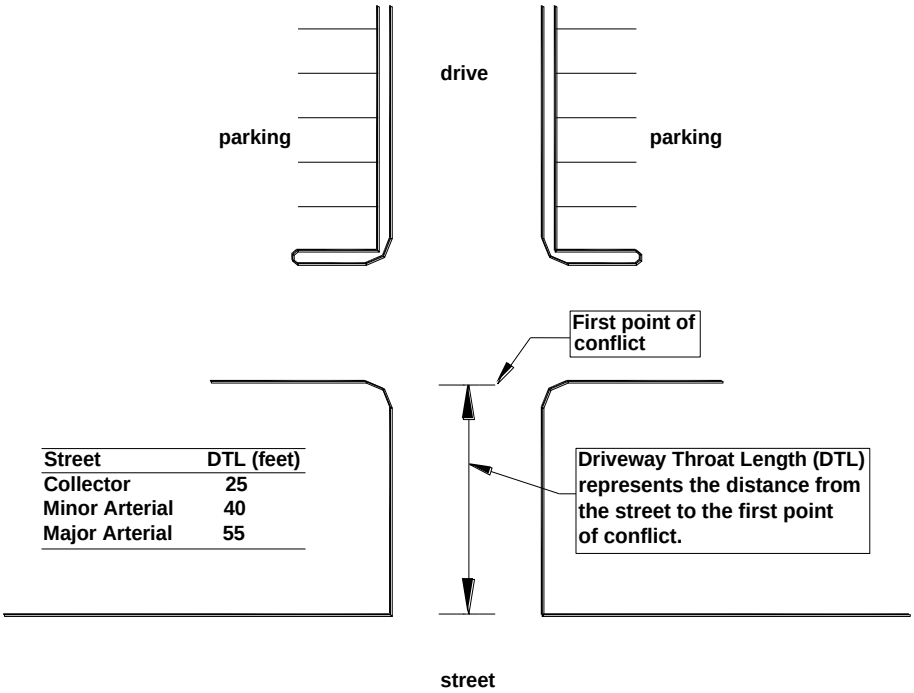
b. Curb cuts for driveways shall not be permitted in the curb return of an intersection.

c. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall vary between twenty-five feet and thirty feet (25 -30 ft.). When special traffic conditions exist, the BioCorridor Review Committee may require larger curb return radii up to fifty feet (50 ft.).

d. The maximum width of driveway approaches for two-way operation shall not exceed thirty-six feet (36 ft.), except that the BioCorridor Review Committee may issue permits for driveway approaches greater than thirty-six feet (36 ft.) in width on major streets to handle special traffic conditions. The minimum width of driveway approaches for two-way operation shall be not less than twenty-four feet (24 ft.).

e. The angle of driveway approach shall be approximately ninety degrees (90°) for two-way drives and between forty-five degrees and ninety degrees (45 - 90°) for one-way drives.

f. A minimum driveway throat length shall be required to allow traffic entering the site to be stored on site, avoiding a queue of traffic onto the adjacent roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway. Minimum driveway throat depths are provided in the figure below.



Street	DTL (feet)
Collector	25
Minor Arterial	40
Major Arterial	55

g. Gated developments shall use the *BioCorridor Site Design Specifications* as a guideline for throat depth and entry designs.

h. For the benefit of traffic safety and flow on collector and arterial streets, access points may be required to be designed to prohibit certain types of turning movements. Driveways not meeting the standard opposite and adjacent spacing guidelines may be designed for limited access by the addition of a median to the driveway.

i. For the benefit of traffic safety and flow on collector and arterial streets, auxiliary lanes may be required at driveways where high turning volumes are expected.

j. A right-turn deceleration lane with storage length plus taper may be required for any access with a projected peak hour right-turn ingress turning volume greater than fifty vehicles per hour (50 vph). If the posted speed is greater than forty miles per hour (40 mph), a right-turn deceleration lane and taper may be required for any access with a projected peak hour ingress turning volume greater than twenty-five vehicles per hour (25 vph).

k. Driveways shall be constructed as to avoid altering the drainage patterns of the street and adjoining property.

l. Driveways shall be constructed to provide a crossing path within the right-of-way that meets the minimum Texas Accessibility Standards.

m. A right-turn acceleration lane with taper may be required for any access with a projected peak hour right-turning volume greater than fifty vehicles per hour (50 vph) when the posted speed on the roadway is greater than forty miles per hour

(40 mph). Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes.

n. The spacing requirements for driveways not meeting the specifications in Spacing of Driveway Access section of this Ordinance, may be lessened or waived if auxiliary lanes are used.

o. Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way dedication, design, hardware, or construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development.

9.6 Signs.

A. Purpose.

The purpose of this Section is to establish clear and unambiguous regulations pertaining to signs in the BioCorridor Planned Development District and to promote an attractive business park, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information.

1. The City Councils of College Station and Bryan recognize that signs are necessary for visual communication and public convenience, and that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The Councils herein seek to provide a reasonable balance between the right of a person to identify his or her business or activity, the aesthetic protection of public and private investments made in the BioCorridor Planned Development District, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs. This Section will insure that signs are compatible with adjacent land uses and with the total visual environment of the BioCorridor Planned Development District and the community.

2. The City Councils of College Station and Bryan find that the rights of their residents to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The City Councils seek herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.

3. The City Councils find that instances may occur in the application of this Section where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this Ordinance for good cause. The City Councils find that it is imperative that enforcement officials apply this Section as it is written, in the interest of equality and fair and impartial application to all persons, and that the procedures to appeal a denial of a sign permit to the City's Zoning Board of Adjustment shall remain the sole administrative means to obtain any exception to the terms hereof.

B. Permit Required.

Except as expressly provided for otherwise, all signs are herein subject to the permit requirements set forth in the Sign Permit section of this Ordinance.

C. Prohibited Signs.

The following signs are prohibited in the BioCorridor:

1. Portable and trailer signs, and temporary freestanding signs;

2. Signs painted on rooftops;

3. Signs that incorporate the use of exposed neon;

4. Illuminated plastic signs;

5. Internally illuminated awning signs;

6. Inflated signs, pennants, wind driven devises (excluding flags), tethered balloons, and/or any gas-filled objects for advertisement, decoration, or otherwise, except as permitted for Grand Opening Signs and for Special Event Signs;

7. Vehicle Signs except as may be expressly permitted in this Ordinance;

8. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards;

9. Signs containing manual changeable copy;

10. Any signs that are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words, and that are erected for purposes other than actual traffic control or warning to the public;

11. Any sign located within a site triangle as provided for in the section addressing Visibility at Intersections in all Districts. This does not include traffic control or directional signs;

12. Any sign that emits sound, odor, or visible matter; and

13. Off-premise signs, including commercial and non-commercial billboards.

D. Exempt Signs.

Unless they otherwise qualify as a prohibited sign, the following signs are exempt from the requirements of this Ordinance:

1. Signs that are not easily identified from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way. Such signs are not exempt from the safety regulations contained herein and in City Building and Electrical Codes;

2. Official notices posted by government officials in the performance of their duties: government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger;

3. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;

4. Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way;

5. Signs related to a Primary or Secondary Educational Facility;

6. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, or religious celebration; and

7. National, state, and university flags if they are displayed using proper flag etiquette.

E. Signs Approved by the BioCorridor Board.

The BioCorridor Board may approve the following signs:

1. On-premise and/or off-premise signs that the BioCorridor Board determines:

a. Promotes a positive image of the BioCorridor and/or the communities for the attraction of business; or

b. Depicts an accomplishment of an individual or group.

Such signs, their designated locations for display, and a specified time period for display may be approved by the Board. The location and placement of these signs shall not impede traffic safety.

2. Special district identification signs that the BioCorridor Board has approved as set forth in this Ordinance. The location and placement of these signs shall not impede traffic safety.

F. Non-Commercial and Political Signs.

The following requirements must be met for Non-Commercial Signs:

1. No commercial message shall be shown on any Non-Commercial or Political Sign.

2. Non-Commercial or Political Signs:

a. May not be greater than thirty-six square feet (36 sq. ft.) in size;

b. May not be located within public road right-of-way of the State of Texas or the City. In the event any non-commercial sign is located in a public right-of-way of the State or City, the City may remove it;

c. May not be located on private property without the property owner's consent; and

d. May not be located within any sight distance triangle as defined in the Visibility at Intersections in All Districts section of this Ordinance.

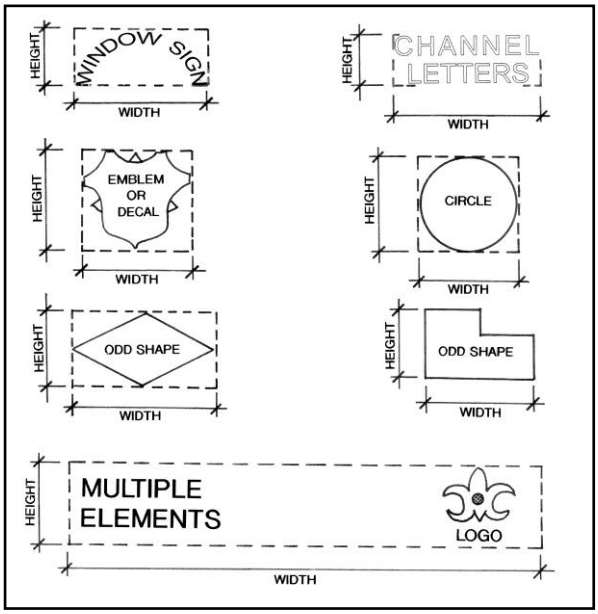
3. All Non-Commercial and Political Signs addressing a particular event are allowed up to ninety (90) days prior to the event and shall be removed within ten (10) days after the event to which the sign relates.

G. Sign Standards.

The following table summarizes the standards for private commercial signs allowed in the BioCorridor:

Sign Type	Maximum Area (sq.ft.)**	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Attached Signs	Varies, see as expressly addressed in the section on Attached Signs	Not to exceed 1 ft. from top of wall, marquee, or parapet to which it is attached	---	Any number allowed if within the total allowed square footage of attached signs
Campus Wayfinding Signs	30	6	---	Varies, see as expressly addressed in the section on Campus Wayfinding Signs
Development Signs:				
Residential/Collector Street	35	15	10	1/premise
Arterial Street	65			
Freeway	200			
Flags:				
Commercial	100	35	10	1
Decorative	---	30	10	6
National, state, and TAMU	Exempt	Exempt	Exempt	Exempt
Grand Opening Signs	---	Not to exceed 1 ft. from top of wall, marquee, or parapet to which it is attached	10	---
Low Profile Freestanding Signs	60	---	10	1/curb cut
Real Estate, Finance, and Construction Signs:				1/frontage (Real Estate)
Up to 150-foot frontage	16	8	10	1/property (Finance)
Greater than 150-foot frontage	32	8	10	3/property (Construction)

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



H. Attached Signs.

The following requirements must be followed for attached signs:

1. Size

Attached Signs on any building shall not exceed a total of two and a half square feet (2.5 sq.ft.) per linear foot of all public entry façades, with a maximum of five hundred square feet (500 sq.ft.) of attached signage allowed for any one commercial tenant or residential community. Multi-story buildings will be allowed one hundred square feet (100 sq.ft.) of additional attached signage.

2. Visibility

Signs attached to features such as automatic teller machines, mail/package drop boxes, or similar on-site features, if identifiable from the right-of-way, as determined by the BioCorridor Review Committee, shall count as part of the allowable sign area of the attached signs for the site. Information contained on such features pertaining to federal and state requirements and operation/safety instructions are not counted.

3. Architectural Elements

Architectural elements, which are not part of the sign or logo and in no way identify the specific business tenant, shall not be considered attached signage.

4. Placement of Attached Sign

a. An attached sign shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;

b. An attached sign shall be parallel to the face of the building;

c. An attached sign shall not be cantilevered away from the structure;

d. An attached sign shall not extend more than one foot (1 ft.) from any exterior building face, mansard, awning, or canopy;

e. An attached sign shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and

f. An attached sign shall not be attached to any tree or public utility pole.

5. Attached Signs on Site Lighting Poles

Attached signs may be mounted to site lighting poles located on private property. When attached to site lighting poles, attached signs may be constructed of cloth, canvas, or other flexible material provided such signage is maintained in good condition and complies with the following restrictions:

a. No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way;

b. Light pole signs shall not exceed twelve square feet (12 sq.ft.) in area and shall have a minimum of eight feet (8 ft.) of clearance from the grade below;

c. Light pole signs shall only be attached to one side of a light pole;

d. Light pole signs shall not project more than three feet (3 ft.) from the edge of the light pole; and

e. Light pole signs constructed of cloth, canvas, or other flexible material shall be secured on a minimum of two (2) opposing sides to prevent wind-driven movement.

I. Campus Wayfinding Signs.

A campus wayfinding sign:

1. May be utilized as part of a unified development that is at least twenty (20) acres in size, contains multiple buildings, and that may include multiple building plots;

2. A maximum of one campus wayfinding sign shall be allowed per intersection of two (2) primary circulation drive aisles, when parking is not provided along the drive aisle; or at the intersection of a primary circulation drive aisle and public way, when parking is not provided along the drive aisle and public way;

3. All signs shall be internal to the development and shall not be located along a public right-of-way or at the intersection of a primary circulation aisle or public way and right-of-way.

4. Shall be limited in height to no greater than six feet (6 ft.), measured from the elevation of the curb or pavement edge, with a maximum total sign area of thirty square feet (30 sq.ft.);

5. Shall not be located within a site visibility triangle;

6. Shall be submitted as part of a sign package for the development; and,

7. Shall utilize a common design or theme throughout the development and contain no commercial logo or graphics.

J. Commercial Signs Carried by a Person.

1. A Commercial Sign carried by a person and not set on or affixed to the ground is allowed provided that the sign is temporary and on-premise.

2. A Commercial Sign may not be carried by a person on the premises for more than three (3) consecutive days, more than four (4) times per calendar year.

K. Development Sign.

Development Signs must meet the following requirements:

1. A Development Sign may be placed only on private property and must comply with the requirements in Sign Standards above. The classification of the street to which the sign is oriented is as identified on the City's Thoroughfare Plan;

2. A Development Sign for a building project shall be removed if the project has not received a building permit at the end of twelve months from the date of site plan approval. The BioCorridor Review Committee may renew the sign permit for one additional twelve-month period upon written request. Once a building permit for the project is received, the sign may stay in place until seventy-five percent (75%) of the project is leased, occupied, or until a permanent sign is installed, whichever comes

first; and

3. A Development Sign may only be used for a building project. It may not be used for a proposed subdivision.

L. Flags.

Decorative flags and flags that contain copy or a logo(s) are allowed if they comply with the following:

1. One flag that contains copy or a logo(s) is allowed per building plot. The flag may not exceed one hundred square feet (100 sq.ft.) in area or be flown on a flagpole higher than thirty-five feet (35 ft.) in height; and

2. Flags used solely for decoration and not containing any copy or logo are restricted to thirty feet (30 ft.) in height. No more than six (6) decorative flags per building plot shall be allowed.

M. Grand Opening Signs.

In addition to any other lawful sign, Grand Opening Signs are allowed provided they meet the following requirements:

1. Flags, commercial banners, and balloons, which advertise a business's grand opening, may be displayed for one consecutive fourteen- (14-) day period, selected by the business owner, within sixty (60) days of the granting of the initial Certificate of Occupancy, a change in the use, or of a change in the name of the business.

2. In addition to meeting the above requirements, a Commercial Banner used as a Grand Opening Sign must comply with the following:

a. Shall advertise only the name of, logo, uses of, or goods or services available within the building, or tenant lease space, to which the sign is attached;

b. Shall be parallel to the face of the building;

c. Shall not be cantilevered away from the structure;

d. Shall not extend more than one foot (1 ft.) from any exterior building face, mansard, awning, or canopy;

e. Shall not obstruct any window, door, stairway, or other opening intended for ingress, ventilation, or light; and

f. Shall not be attached to any tree, fence, or public utility pole.

N. Low Profile Freestanding Signs.

Low Profile Freestanding Signs must comply with the following:

1. Allowable Area.

The allowable area for Low Profile Freestanding Signs is as follows:

a. Low Profile Freestanding Signs shall have a maximum area of sixty square feet (60 sq.ft.); and

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

2. Allowable Height.

A Low Profile Freestanding Sign shall not use a pole but shall be affixed to the ground. There shall be no height limit for a Low Profile Freestanding Sign.

3. Sign Setback.

A Low Profile Freestanding Sign shall be set back a minimum of ten feet (10 ft.) from the curb or pavement edge, measured from the nearest part of the sign.

O. Real Estate, Finance, and Construction Signs.

The following rules apply for Real Estate, Finance, and Construction Signs:

1. One Real Estate Sign not exceeding sixteen square feet (16 sq.ft.) in total area (exclusive of stakes and posts) may be erected at any time while a property is offered for sale or lease to the public. Properties with a minimum of one hundred and fifty feet (150 ft.) of frontage shall be allowed one Real Estate Sign not exceeding thirty-two square feet (32 sq.ft.) in total area. Properties with a minimum of two acres and frontage on two streets shall be allowed one real estate sign on each frontage street with the area of the sign to be determined by the amount of frontage as stated above;

2. One Finance Sign and three Construction Signs (for a total of four signs), not exceeding sixteen square feet (16 sq.ft.) in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of ten (10) acres and one thousand feet (1,000 ft.) of frontage shall be allowed one Finance Sign and three Construction Signs not exceeding thirty-two square feet (32 sq.ft.) in total area each;

3. Real Estate, Finance, and Construction Signs may be either attached or freestanding and only those visible from the street are limited in number;

4. All such signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken, or incapable of remaining erect; and

5. Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of Construction Signs) has been completed. In all cases, Financing and Construction Signs shall be removed prior to issuance of a Certificate of Occupancy.

P. Special Event Signs.

Special Event Signs must comply with the following:

1. Signs, including commercial banners and balloons, advertising or announcing a Special Event, as defined in the CITY OF COLLEGE STATION CODE OF ORDINANCES or the CITY OF BRYAN CODE OF ORDINANCES as applicable, are permitted as a part of the Special Event License and shall be limited to the property holding the event.

2. The Special Event Signage is allowed up to fourteen (14) days prior to the event and must be removed within twenty-four (24) hours of the end of the event.

Q. Vehicle Signs.

The following rules apply to Vehicle Signs:

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

2. Signs or advertisements permanently attached to non-commercial vehicles, excluding all banners, are allowed.

R. Abandoned, Damaged, or Unsafe Signs.

1. The provisions of this Section shall apply when in conflict with the provisions of the Building Code; but where the provisions of both ordinances are consistent, the enforcement of both shall be permissible and remedies or penalties cumulative.

2. Non-conforming signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty percent (50%) of its replacement value exclusive of foundations, will be required to be removed or brought into full compliance with the current sign regulations.

3. All abandoned signs and their supports shall be removed within sixty (60) days from the date of abandonment. All damaged signs shall be repaired or removed within sixty (60) days. The BioCorridor Review Committee shall have authority to grant a thirty-(30-) day time extension where it determines there is a reasonable necessity for same.

4. Discontinuance of use or removal of any non-conforming sign or any sign in connection with a non-conforming use shall create a presumption of intent to abandon said sign. A non-conforming sign that is damaged and not repaired within sixty (60) days shall be presumed to be abandoned.

5. When a building is demolished, the associated signs and sign structures shall also be removed.

9.7 Private Common Open Space.

A. Purpose.

Open-air and semi-enclosed public gathering spaces can act as central organizing elements in a development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity.

B. Standards.

1. Amenity Required.

All developments shall devote a minimum of two percent (2%) of the net site area, or the equivalent of two percent (2%) of the net site area but located elsewhere within the BioCorridor Planned Development District, to one of the following types of private common open space:

a. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the area zoned BioCorridor Planned Development District;

b. A landscape area other than those required by these Site Design Standards, provided such landscaped area has a minimum depth and width of ten feet (10 ft.) and a minimum total area of six hundred and fifty square feet (650 sq.ft.). The area shall include pedestrian amenities to support these places as gathering areas;

c. A patio or plaza with an outdoor seating area, provided the patio or plaza has a minimum depth and width of ten feet (10 ft.) and a minimum total area of three hundred square feet (300 sq.ft.). The area shall include pedestrian amenities to support these places as gathering areas;

d. Green roofs with amenities such as outdoor seating areas to support these places as gathering areas for use of the residents, employees, and visitors to the development; or

e. A combination of the previously-listed amenities.

2. Location Criteria.

To the maximum extent feasible, where significant natural and scenic resource assets exist in the area zoned BioCorridor Planned Development District, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the BioCorridor Design Review Committee shall use all applicable plans, maps, and reports to determine whether significant resources exist that should be protected, with priority being given to the following areas (which are not listed in a particular order):

a. Wetlands;

b. Flood hazard areas;

c. Lakes, rivers, and stream/riparian corridors (outside of greenway buffers); and

d. Tree preservation areas.

3. Areas Not Credited.

Lands within the following areas shall not be counted towards private common open space required by this section:

a. Private yards;

b. Public or private streets or rights-of-way;

c. Parking areas and driveways;

d. Highway buffers;

e. Greenway buffer; and

f. Water quality and stormwater detention ponds, unless approved by the BioCorridor Review Committee.

4. Design Criteria.

Land set aside for private common open space pursuant to this section shall meet the following design criteria, as relevant:

a. Common open space areas shall be located to be readily accessible and useable by residents or visitors in various locations of the development or area zoned BioCorridor Planned Development District, unless the lands are sensitive natural resources and access should be restricted.

b. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.

c. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

5. Maintenance.

All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

9.8 Landscaping and Streetscaping.

A. Purpose and Intent.

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

For the purpose of landscaping, the BioCorridor falls within Zone 8 of the United States Department of Agriculture (USDA) Hardiness Zone Map.

B. Application of Section.

The requirements of this Section apply to all land located in the BioCorridor within the City, proposed for site development.

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

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

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

4. All plantings must be in accordance with the Planting List found within the *BioCorridor Site Design Specifications*, or as deemed appropriate by the USDA for Zone 8 in their Hardiness Zone Map. The plant list is approved and amended as needed by the BioCorridor Review Committee.

C. Landscaping Requirements.

1. The landscaping requirements shall be determined on a point basis as follows:

a. Minimum Landscape Points required: thirty (30) points per one thousand square feet (1,000 sq.ft.) of site area;

b. The minimum total number of points for any development is eight hundred (800) points; and

c. Undeveloped floodplains may be removed from site size calculations; in such case, existing trees within that floodplain shall not be claimed for points.

d. The preservation of existing trees is highly encouraged. Sites that choose not to barricade and protect existing canopy trees with a DBH of four inches (4 in.) or greater throughout the development process are required to provide an additional ten percent (10%) more landscaping points than the minimum required in accordance with the regulations below:

1) The additional points may be utilized on site or in private common open spaces that qualify as "a landscape area other than those required by the Site Design Standards" or "a patio or plaza with outdoor seating areas";

2) All points shall be utilized for new canopy trees;

3) The additional landscaping points and trees may not be used to meet other requirements or additional point credits of this Section; and

4) The new canopy trees required of this section shall be irrigated.

2. Point values will be awarded for any type of canopy tree, non-canopy tree, or shrub, except for those listed on the BioCorridor Non-Point Tree List in the *BioCorridor Site Design Specifications*. All caliper measurements shall be at four and a half feet (4.5 ft.) above grade.

a. Landscaping points are accrued as follows:

Plant Material Point Values		
Plant Material	Points Accrued (per plant)	Installed Size Caliper (inches)
New Plantings		
Canopy Tree	75	1.5 to 2
	150	2.1 to 3.4
	300	3.5 and larger
Non-canopy	40	1.25 and larger
Shrubs	10	Min. 5 gallon
Shrubs, not for screening	1	Min. 1 gallon
Existing Trees with no Barricade Protection Area		
Canopy Tree	40	Between 4 and 8
Non-canopy Tree	35	2 and larger
Existing Trees with Barricade Protection Area		
Canopy Tree	400	Between 4 and 8
	500	8 and larger
Non-canopy Tree	150	Between 2 and 4
	200	4 and larger

b. To receive landscape points for existing trees, all existing trees must be in good form and condition and reasonably free of damage by insects and/or disease.

c. To receive additional points for barricaded trees, such trees must be barricaded to the dripline of the tree. A barricade detail must be provided on the landscape plan. Barricades must be in place prior to any activity on the property including, but not limited to, grading. If the required barricades are not in place prior to any activity and maintained during construction, barricaded points will be forfeited and additional points provided through the planting of canopy trees as described above may be required.

3. Every project must expend a minimum of fifty percent (50%) of its point total on canopy trees.

4. One hundred percent coverage of groundcover, decorative paving, decorative rock (not loose), or a perennial grass is required in parking lot islands, swales and drainage areas, and the parking lot setback unless otherwise landscaped or existing plants are preserved. One hundred percent coverage of groundcover or perennial grass is also required in all unpaved portions of street or highway right-of-way or on adjacent property that has been disturbed during construction. If grass is to be used for groundcover, one hundred percent (100%) live grass groundcover is required whether by solid sod overlay or pre-planting and successful takeover of grasses. No point value shall be awarded for groundcover.

5. Vegetation used for screening purposes shall be a minimum of three feet (3 ft.) in height at time of planting. Dwarf plants will not be allowed as screening vegetation, regardless of their size at time of planting.

6. For existing plantings, the BioCorridor Review Committee may require a health appraisal.

7. All new plantings must be irrigated. An irrigation system shall be designed so that it does not negatively impact existing trees and natural areas. Soaker hose and drip irrigation system designs may be permitted as the BioCorridor Review Committee deems appropriate.

8. Additional Point Credits.

The following additional point credits will apply to the total landscaping point requirement:

a. A ten percent (10%) point credit will be awarded where the irrigation system employed is a recognized water-conserving system.

b. A ten percent (10%) point credit will be awarded if twenty-five percent (25%) or more of parking area consists of enhanced paving.

c. A ten percent (10%) point credit will be awarded for every one percent (1%) of site area devoted to special facilities including water features, public art, or other public features as determined by the BioCorridor Review Committee. Minimum required open space amenities shall not accrue point credits, but amenities provided in excess of the minimum may count towards additional point credits. All locations and works of art, regardless of ownership, placed within the public rights-of-way or public areas shall be approved by the BioCorridor Board.

d. A ten percent (10%) point credit will be awarded for landscape plans that are prepared by a landscape architect registered in Texas, an International Society of Arboriculture (ISA) certified arborist, or other professional as deemed appropriate by the BioCorridor Review Committee.

9. All landscape materials shall be installed in accordance with the current planting procedures established by the most recent addition of *The American Standard for Nursery Stock*, as published by the American Association of Nurserymen.

10. Landscaping must be reasonably dispersed throughout all visible areas of the site.

11. All mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or district that allows residential uses within one-hundred and fifty feet (150 ft.) of the perimeter boundary of the subject lot or tract, measured from a point five feet (5 ft.) above grade. Such screening shall be coordinated with the building architecture, materials, colors and scale, or landscape architecture to maintain a unified appearance. Acceptable methods of screening are: encasement, parapet walls, brick/stone/masonry walls, fences with evergreen plantings, and/or evergreen plantings. Dwarf plants will not be allowed for required screening.

D. Streetscape Requirements.

1. The streetscaping requirements shall be determined along all major arterials, freeways, and expressways as follows:

a. Within fifty feet (50 ft.) of the property line along the street, one canopy tree for every twenty-five linear feet (25 l.f.) of frontage shall be required. With the exception of street trees along the Health Science Center Parkway right-of-way, the 1:25 ratio is for calculation purposes only and is not intended to mandate the installation of trees at regular intervals. Two non-canopy trees may be substituted for each one canopy tree;

b. Canopy and non-canopy trees must be selected from the BioCorridor Plant List in the *BioCorridor Site Design Specifications* and, with the exception of street trees along Health Science Center Parkway, may be grouped as desired; and

c. One existing tree with a minimum four-inch (4-in.) caliper may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the BioCorridor Review Committee.

2. The streetscaping requirements shall be determined along all other roadways by the following:

a. Within fifty feet (50 ft.) of the property line along the street, one canopy tree for every thirty-two feet (32 ft.) of frontage shall be installed. The 1:32 ratio is for calculation purposes only and is not intended to mandate the installation of trees at regular intervals. Two non-canopy trees may be substituted for one canopy tree;

b. Canopy and non-canopy trees must be selected from the BioCorridor Streetscape Plant List in the *BioCorridor Site Design Specifications* and may be grouped as desired; and

c. One existing tree with a minimum four-inch (4-in.) caliper may be substituted for a new tree. Existing trees must be of acceptable health, as determined by the BioCorridor Review Committee.

3. Three hundred (300) additional landscape points shall be required for every fifty linear feet (50 l.f.) of frontage on a right-of-way or public way. Driveway openings, visibility triangles, and other traffic control areas may be subtracted from total frontage. The additional landscape points can be dispersed throughout the site.

4. Driveways and areas located within a required visibility triangle shall be excluded from the streetscape requirements in paragraphs 1, 2, and 3 above.

5. Parking areas adjacent to a right-of-way or public way shall be screened from the right-of-way/public way. Screening is required along one hundred percent (100%) of the street frontage (such as ten (10) shrubs for every thirty linear feet (30 l.f.) of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three feet (3 ft.) above the parking lot pavement elevation. Dwarf plants may not be used for screening. Walls and planting strips shall be located at least two feet (2 ft.) from any parking area. Where the street and the adjacent site are at different elevations, the BioCorridor Review Committee may alter the height of the screening to ensure adequate screening. Shrubs used for screening shall be evergreen.

6. Dumpsters (where permitted), concrete retaining walls where more than six (6) vertical inches of untreated concrete are visible, off-street loading areas, utility connections, and any other site characteristics that could be considered visually offensive must be adequately screened.

E. Landscape/Streetscape Plan Requirements.

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

1. The location of existing property lines and dimensions of the tract;

2. A north arrow and scale;

3. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;

4. Location and dimensions of existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, and other features as determined necessary by the BioCorridor Review Committee;

5. Location, size, spread, type, and quantity of all proposed landscaping and screening materials, along with common and botanical names;

6. The location of existing and proposed utilities and all easements on or adjacent to the lot;

7. An indication of adjacent land uses, existing development, and roadways;

8. An irrigation system plan or a general note indicating that an irrigation system to service all new plantings will be installed by a certified installer before a Certificate of Occupancy will be issued;

9. Landscape Information

a. Landscape points required for site and calculations shown in the landscape legend;

b. A legend showing the size, type (canopy, non-canopy, shrub), and points claimed for proposed landscaping;

c. Location of landscape plants on plan identified by a symbol defined in a landscape legend;

10. Streetscape Information

a. Streetscape points required for site and calculations shown;

b. A table showing the scientific and common plant names, size, type (canopy, non-canopy, and shrub), and points claimed for proposed streetscaping;

c. Location of streetscape plants on plan identified by a symbol defined in a landscape legend; and

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

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

b. The developer shall erect a fence around each tree or group of trees to prohibit the placement of debris or fill, or the parking of vehicles within the drip line of any qualifying or significant tree;

c. During construction, the developer shall prohibit the cleaning of equipment or materials within the drip line of any tree or group of trees that are protected and required to remain. The developer shall not allow to dispose of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other harmful liquids or materials within the drip line of any tree or groups of trees that are required to remain;

d. No attachments or wires of any kind shall be attached to any tree, except those used to stabilize or protect such tree;

e. With grade changes in excess of six inches (6 in.), a retaining wall or tree well of rock or brick shall be constructed around the tree not closer than one-half (½) the distance between the trunk and the drip line. The mid-point of the retaining wall shall be constructed at the new grade. Grade changes greater than one inch (1 in.) may not be made without the prior approval of the BioCorridor Review Committee; and

f. All vegetation must be planted in accordance with the visibility triangle regulations referenced in the Visibility at Intersections in all Districts section of this Ordinance.

F. Maintenance and Changes.

1. Landscaping/Streetscaping shall be maintained and preserved in accordance with the approved Landscape/Streetscape Plan. Replacement of landscaping/streetscaping must occur within forty-five (45) days of notification by the BioCorridor Review Committee. Replacement material must be of similar character and the same or higher point total as the dead or removed landscaping. Failure to replace dead or removed landscaping, as required by the BioCorridor Review Committee, shall constitute a violation of this Section of the ordinance for which the penalty provision may be invoked.

2. Landscaping/Streetscaping Changes to Existing Sites

a. If changes constituting twenty-five percent (25%) or more of the number of required canopy and non-canopy trees are proposed, a revised Landscape/Streetscape Plan must be submitted for approval and is required to comply with this Section. Planting must occur pursuant to this approved landscape/streetscape plan within forty-five (45) days.

b. Revised Landscape/Streetscape Plans shall meet the requirements of the ordinance in effect at the time of the revised Landscape/ Streetscape Plan submittal.

c. The replacement of existing canopy and non-canopy trees must be replaced caliper for caliper, or as determined by the BioCorridor Review Committee.

G. Completion and Extension.

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

H. Review and Approval.

Landscape/Streetscape Plans shall be reviewed jointly and approved by the BioCorridor Review Committee.

I. Parking, Storage, or Display.

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

J. Alternative Compliance Permitted.

Variations to the requirements of this Section may be approved if the Landscape/Streetscape Plan is sealed by a registered landscape architect and approved by the BioCorridor Review Committee. Such plans must show reasonable evidence that the requirements as set forth in this Section were used as a guide.

9.9 Highway Buffers.

A. Purpose.

The purpose of highway buffer requirements, which generally include a buffer yard, existing vegetation, and plantings is to provide a visual barrier around the BioCorridor from State Highway 47 (SH 47) and Farm to Market Road 60 (FM 60), and to help mitigate any negative impacts of these major thoroughfares on developed or developing properties. A buffer should visibly separate the highway system from the developments within the BioCorridor and shield or block noise, glares, or other nuisances.

B. Applicability.

1. Perimeter buffers shall be provided on building plots abutting SH 47 and/or FM 60 right-of-way in accordance with the standards of this Section, as outlined in the Minimum Highway Buffer Standards.

2. Properties that abut both SH 47 and FM 60 shall provide perimeter buffers to both rights-of-way.

C. Relationship to Other Landscaping Standards.

All buffer requirements shall be included on a development's Landscaping Plan. Landscaping provided to meet the buffer landscaping standards of this Section may not be counted towards meeting a project's landscape point requirements. The area of a site dedicated to a perimeter buffer shall not be included in calculating a site's minimum landscaping point requirements.

D. Permitted Uses.

1. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:

a. No plant material is eliminated;

b. The total width of the buffer yard is maintained; and

c. All other regulations of this Section are met.

2. Driveways and necessary utility boxes and equipment are permitted within the buffer yard.

3. No storage of materials, parking, signage, or structure shall be located within the buffer yard.

4. No fences or walls over three feet (3 ft.) high shall be located within the buffer yard, with the exception of retaining walls required for soil stabilization.

E. Minimum Highway Buffer Standards.

1. Buffer Yard.

Each buffer yard shall be a minimum of fifty feet (50 ft.) in depth. The buffer yard shall be measured from the common property line with the applicable TxDOT rights-of-way and may include established building setbacks.

2. Landscape Reserve.

All existing trees within the buffer yard with a four-inch (4-in.) caliper or greater shall be preserved.

3. Plantings.

a. The following plantings shall be installed in each buffer yard:

1) A minimum of one five-gallon shrub at a minimum of three feet (3 ft.) in height per linear foot of landscaping buffer; and

2) A minimum of one two-inch (2 in.) caliper canopy tree per eight linear feet (8 l.f.) of landscape buffer.

b. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, groundcover, or other appropriate landscape treatment in accordance with the Landscaping and Streetscaping section of this Ordinance.

c. Fifty percent (50%) of all required shrubs within the buffer yard shall be evergreen.

d. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the BioCorridor Plant List in the *BioCorridor Site Design Specifications* or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.

e. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between the BioCorridor Planned Development District and the highways.

f. Irrigation is required for all new plantings.

g. Existing vegetation, including trees meeting the requirement of the landscape reserve of this Section, may count toward the planting requirement if:

1) The vegetation is in good health and the landscaping plan verifies that it will meet the plantings criteria listed above (non-point trees may count towards a natural buffer); and

2) The vegetation is protected in accordance with the Landscaping and Streetscaping section of this Ordinance.

b. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in the Visibility at All Intersections in All Districts section of this Ordinance.

c. Where utility or drainage easements or other similar situations exists in the required buffer yard, all new plantings and irrigation shall be located outside of the easement.

F. Maintenance and Replacement.

1. Upon installation or protection of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required landscape areas and buffers shall be free of garbage and trash, weeds, pests, and disease. Required plant materials that do not remain healthy shall be replaced consistently with these provisions.

2. All landscaping materials shall be maintained by the owner(s) of the property that was required to install such landscaping materials under this Section.

3. Any canopy tree removed or otherwise destroyed by the willful act or negligence of the property owner, tenant, or contractor shall be replaced by a tree of the same or larger caliper.

G. Appeals.

1. Appeals of the terms of this Section, with the exception of Maintenance and Replacement above, shall be to the BioCorridor Board.

2. An appeal shall be made within thirty (30) days of the date of the notification of the decision by filing with the BioCorridor Review Committee a notice of appeal specifying the grounds thereof.

3. The BioCorridor Board may authorize on appeal alternative buffer standards for a specific property or a waiver to the Buffer Requirements of this Section when such standards or waiver will not be contrary to the public interest where, owing to unique and special conditions not normally found in like areas, a strict enforcement of the provisions of the ordinance would result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

9.10 Greenway Buffers.

A. Purpose.

Generally consisting of creek beds and native tree, shrub, and grassland zones, the purpose of the greenway buffer is to reduce erosion associated with increased water flow and flooding; preserve native vegetation that will stabilize banks, slow and absorb contaminants, and provide wildlife habitat; and provide a natural aesthetic and ecological amenity. The buffer is intended to preserve the greenway by limiting the impact of development.

B. Applicability.

A greenway buffer shall be provided on building plots that contain any portion of the buffer as defined in this Section.

C. Relationship To Other Landscaping Standards.

1. The area of a site dedicated to a greenway buffer shall not be included in calculating a site's minimum landscaping point requirements.

2. If a highway buffer and a greenway buffer overlap, the requirements for a greenway buffer shall prevail.

D. Permitted Uses.

1. A greenway buffer may be used for passive recreation or stormwater management.

2. A greenway buffer may contain pedestrian, bike, or equestrian trails provided that the trails or paths are located outside of the floodplain.

3. Necessary utility infrastructure is permitted within the buffer.

4. Other uses that will enhance the stated purpose of the greenway may be determined acceptable by the BioCorridor Review Committee.

5. No storage of materials, parking, signage, or structures (including fences and walls) shall be located within the buffer.

E. Minimum Greenway Buffer Standards.

1. Greenway buffers shall consist of:

a. The area delineated and protected by the US Army Corps of Engineers; and

b. The area encompassed by a White's Creek tributary measuring seventy-five feet (75 ft.) off of each of its banks.

2. Public access easements of at least fifteen feet (15 ft.) in width shall be dedicated in or adjacent to the greenway buffer and outside of the floodplain to allow developing or future trails or paths to span the extent of the greenway.

9.11 Solid Waste.

A. Purpose.

It is the purpose of this Section to establish the guidelines for the provision of solid waste collection in all developments within the BioCorridor Planned Development District where curb service will not take place, in order to:

1. Provide for the safe and efficient collection and removal of waste from commercial and mixed-use developments; and

2. Reduce nuisances associated with waste-collection containers.

B. Responsibility.

The BioCorridor Review Committee shall make the final determination as to the appropriate collection system; however, it is the responsibility of the developer to ascertain the appropriateness of the proposed collection system. The Committee will endeavor to accommodate applicants to the extent equipment, efficiency, and policy allow.

C. Storage Locations.

1. Dumpster storage outside of the primary structure is prohibited for office, medical service, and/or residential facilities. These facilities shall include a sufficient amount of space within the primary structure for the suitable storage of refuse and shall adhere to the following guidelines, as applicable.

2. New retail sales and service and research and development facilities may locate their refuse containers in an accessory structure or accessory building provided they adhere to state and local health and safety codes as well as the requirements of the

BioCorridor Building Design Standards article of this Ordinance and the *Guidelines* of this Section.

D. Guidelines.

The following shall be considered minimum standards:

1. The interior clearance (inside the screen) dimensions for a single three hundred- (300) gallon container enclosure shall be ten feet deep by ten feet wide (10 x 10 ft.);

2. The interior clearance (inside the screen) dimensions for a single (one eight-yard) dumpster enclosure shall be twelve feet deep by twelve feet wide (12 x 12 ft.);

3. The interior clearance (inside the screen) dimensions for a double (two eight-yard) dumpster enclosure shall be twelve feet deep by twenty-four feet (12 x 24 ft.) wide;

4. Bollards and other such devices shall not be set within the minimum width dimensions noted above;

5. All required containers and dumpsters pads shall be constructed of six inches (6 in.) of steel-reinforced concrete;

6. All required containers and dumpsters shall be screened by means of an approved six-foot (6-ft.) high opaque device on a minimum of three (3) sides. Depending on visibility to pedestrian and vehicular traffic, a gate may be required for all enclosures except 300-gallon side-loading automated containers. Gates shall have a minimum width of twelve feet (12 ft.) when open, shall swing one hundred and eighty degrees (180°) from the closed position, and shall utilize a positive-locking mechanism while in the open position. Three (3) hundred-gallon side-loading automated container enclosures shall be open on the side, facing the collection point. The open side cannot be facing the public right-of-way; and

7. The ingress, egress, and approach to all dumpster pads shall conform to fire lane requirements.

9.12 Drainage and Stormwater Management.

A. Water Quality Improvements.

The development shall incorporate a minimum of two of the following measures to provide additional water quality benefits, the design of which shall be proposed and sealed by the applicant's engineer, architect, or landscape architect, as appropriate:

1. Rainwater collection and reuse;

2. Pervious pavement;

3. A retention pond that will treat the entire site for water quality and provide approximately 75% total suspended solids (TCC) removal efficiency;

4. Native and adapted landscaping;

5. Bioswales;

6. Rain gardens;

7. Urban planters;

8. Green roof;

9. Vegetated filter strips;

10. Conserved open space; or

11. Greenway buffers.

B. Detention Pond Aesthetic Design.

Detention ponds should be treated as aesthetic site amenities, adding quality and depth to the visual environment of the site. Therefore, the detention pond area shall be integrated into the overall landscaping design of the site by reasonably dispersing the required landscaping points and shall comply with the following:

1. Unless the landscape plan is sealed by a landscape architect and approved by the BioCorridor Review Committee, only plantings found in the BioCorridor Plant List for Detention Pond Areas of the *BioCorridor Site Design Specifications* may be used in a detention area;

2. If visible from any right-of-way or abutting property, concrete structures (such as weirs, outlets, and spillways) and retaining walls over six inches (6") in height shall be treated so as to replicate stone, wood, or other alternatives approved by the BioCorridor Review Committee. The treatment shall be complementary to the structures on the site; and

3. Variations to the requirements of this Section may be approved by the BioCorridor Review Committee if the development project is employing Leadership in Energy and Environment Design (LEED) development standards, using stormwater management to acquire LEED points. The project must be LEED certifiable (it does not have to be registered as a LEED project but must be eligible for certification), be sealed by a Landscape Architect, and show reasonable evidence that the requirements as set forth in this Section were used as a guide.

C. General.

1. Purpose and Intent.
The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges into the municipal stormwater drainage system to the maximum extent practicable as required by Federal Law. This Article establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this Article are to:

a) Regulate the contribution of pollutants into the municipal stormwater drainage system by any person or entity;

b) Prohibit illicit discharges and illegal connections into the municipal stormwater drainage system;

c) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, into the municipal stormwater drainage system; and,

d) To establish legal authority to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the MS4 permit.

2. Compatibility with Other Regulations.
This Article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Article imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

D. Definitions.

In this Article:

Accidental Discharge: a discharge prohibited by this Article that occurs by chance and without planning or thought prior to occurrence.

Agricultural stormwater runoff: any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other Nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR. Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR. Section 122.24.

Best management practices (BMP): schedules of activities, practices, maintenance procedures, and other management practices to prevent or reduce the Pollution of the municipal stormwater drainage system and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CFR: the Code of Federal Regulations.

Clean Water Act (CWA): The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92500, as amended Pub. L. 95217, Pub. L. 95576, Pub. L. 6483 and Pub. L. 97117, 33 USC. 1251 et.seq.

Construction Activity or Construction Activities: include clearing, grading, and excavating that are subject to TPDES General Construction Permits. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Additionally, it does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Contaminated: containing a harmful quantity of any substance.

Contamination: the presence of or entry into a public water supply system, the municipal stormwater drainage system, waters of the State, or waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.

Construction Site: any construction site required by the Clean Water Act to Operate within the limits of an TPDES permit to discharge stormwater associated with construction activity.

Construction Site Notice (CSN): a written submission to the MS4 Operator from an applicant stating that a small Construction Activity will be commencing and will Operate under the provisions of the TCEQ General Permit TXR150000.

Discharge: any addition or introduction of any unpolluted water, pollutant, stormwater, or any other substance whatsoever into the municipal stormwater drainage system or into waters of the United States. This includes, but is not limited to, household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal wastes.

Discharger: any person who causes, allows, permits, or is otherwise responsible for, a Discharge, including, without limitation, any Operator of a Construction Site or Industrial Facility.

Environmental Protection Agency (EPA): the United States Environmental Protection Agency, or any duly authorized official of said agency.

Facility: any facility, Industrial Facility or Construction Site, required by the Clean Water Act to have a permit to Discharge stormwater associated with Industrial or Construction Activity.

Harmful quantity: the amount of any substance that will cause Pollution of waters of the State, the municipal stormwater drainage system, or that will present or may present imminent and substantial danger to the environment or to the health or welfare of persons.

Illicit Connections: any manmade conveyance connecting an Illicit Discharge directly to a municipal separate storm sewer.

Illicit Discharge: any Discharge to a municipal separate storm sewer that is not composed entirely of stormwater except Discharges pursuant to an TPDES permit

(other than the TPDES permit for certain Discharges from the municipal separate storm sewer), Discharges resulting from fire fighting activities, and other allowable non-storm water Discharges.

Industrial Facility: any facility required by the Clean Water Act to have a permit to Discharge stormwater associated with Industrial Activity subject to TPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Stormwater System (MS4) Permit: a Stormwater permit for municipalities to regulate stormwater discharges.

Municipal Separate Stormwater Sewer System (MS4): the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. Also designated as MS4.

Municipal Stormwater Drainage System Operator: the City.

National Pollutant Discharge Elimination System (NPDES): the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act.

Nonpoint source: any source of any Discharge of a pollutant that is not a "point source."

Notice of Change (NOC): the notification of changes to SWP3 that is required by the TPDES Stormwater Permits.

Notice of Intent (NOI): the advance notification that is required by the TPDES Stormwater Permits prior to commencement of work.

Notice of Termination (NOT): the notification that is required by the TPDES Stormwater Permits upon completion of work.

Operate: to drive, conduct, work, run, manage, or control a vehicle or machine.

Operator: the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications) and 2) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWP3 requirements and any permit conditions.

Pollutant: includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt, and industrial, municipal, recreational, and agricultural waste discharged into water or into the MS4.

Pollution: the alteration of the physical, thermal, chemical, or biological quality of, or the Contamination of, any water of the State or water of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Premises: lots, buildings, and any appurtenances situated thereon.

Private: property or Facilities owned by individuals, corporations, and other organizations and not by a city, county, state, or federal government agency.

Public: property or Facilities owned by a city, county, state, or federal government or agency thereof.

Regulated Activity: an activity occurring at an Industrial Facility or Construction Site, which qualifies the Facility or site to acquire a permit to Discharge Stormwater under the Clean Water Act.

Release: any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the Municipal Stormwater Drainage System, the water of the State, the waters of the United States.

Stormwater: any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Stormwater discharge associated with industrial activity: the Discharge from any conveyance which is used for collecting and conveying Stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an Industrial Facility. The following categories of Facilities are considered to be engaging in "Industrial Activity":

(1) Facilities subject to Stormwater effluent limitations guidelines, new source performance standards, or toxic Pollutant effluent standards under 40 CFR. subchapter N (except Facilities with toxic Pollutant effluent standards which are exempted under category (11) of this definition);

(2) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31l, 32 (except 323), 33, 344l, 373;

(3) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the Facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 and oil and gas exploration, production, processing, or treatment operations, or transmission Facilities that Discharge Stormwater Contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations;

(4) Hazardous waste treatment, storage, or disposal Facilities, including those that are operating under interim status or a permit under subtitle C of the Federal Resource Conservation and Recovery Act (RCRA);

(5) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the Facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

(6) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(7) Steam electric power generating Facilities, including coal handling sites;

(8) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 422125), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the Facility that are either involved in vehicle maintenance, equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (1)-(7) or (9)-(11) of this definition are associated with Industrial Activity;

(9) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the Facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the Facility, or areas that are in compliance with section 405 of the Clean Water Act;

(10) Construction Activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale;

(11) Facilities under Standard Industrial Classifications (SIC Code) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441),

35, 36, 37 (except 373), 38, 39, 422125, (and which are not otherwise included within categories (2)-(10) of this definition);

Stormwater Pollution Prevention Plan (SWP3): a plan required by a TPDES permit to Discharge Stormwater associated with Industrial Activity or Construction Activity and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in Stormwater Discharges from Industrial Facilities and Construction Sites.

TCEQ: the Texas Commission on Environmental Quality or successor. MS4 interest is delegated to the TCEQ upon authority of the EPA.

Texas Pollutant Discharge Elimination System (TPDES): the regulatory program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

TPDES Permit: a permit issued by the TCEQ under authority delegated pursuant to 33 USC § 1342(b) that authorizes the Discharge of Pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area wide basis.

Uncontaminated: not containing a Harmful quantity of any substance.

United States Code (USC): the Federal law containing the Clean Water Act.

Vehicle: any form of motorized conveyance that transports people, cargo, or any other objects.

Wastewater: any water or other liquid, other than Uncontaminated Stormwater, Discharged from a Facility.

Surface Water in the State: includes lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the State (From the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State or subject to the jurisdiction of the State; except that waters in treatment systems which are authorized by state or federal law, regulations, or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Waters of the United States:

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) all interstate waters, including interstate wetlands;

(3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(a) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(b) from which fish or shellfish are or could be taken or sold in interstate or foreign commerce; or

(c) which are used or could be used for industrial purposes by industries in interstate commerce;

(4) all impoundments of waters otherwise defined as waters of the United States under this definition;

(5) tributaries of waters identified in this definition;

(6) the territorial sea; and

(7) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this definition; Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds

as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the United States (such as disposal are in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any federal agency, for the purpose of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Wetland: an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

E. Prohibitions.

1. Discharge to Municipal Stormwater Drainage System Prohibited.
A person commits an offense if the person Discharges or causes to be Discharged into the MS4 any Release of a Harmful quantity of any substance that is not comprised entirely of Stormwater.

2. Exceptions.

a. It is an affirmative defense to prosecution, subject to subparagraph (2) below, that the Discharge was composed entirely of one or more of the following:

1) A Discharge authorized by, and in full compliance with, a TPDES permit (other than the TPDES permit for discharges from the MS4);

2) A Discharge or flow resulting from fire fighting by the fire department;

3) Agricultural Stormwater runoff;

4) A Discharge or flow from water line flushing or disinfection that contains no Harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;

5) A Discharge or flow from normal lawn watering or landscape irrigation;

6) A Discharge or flow from a diverted stream flow or natural spring;

7) A Discharge or flow from uncontaminated pumped groundwater or rising groundwater;

8) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to the MS4;

9) Uncontaminated Discharge or flow from a foundation drain, crawl space pump, or footing drain;

10) A Discharge or flow from a potable water source not containing any harmful substance;

11) A Discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of Pollutant;

12) A Discharge or flow from individual residential car washing;

13) A Discharge or flow from a riparian habitat or wetland;

14) A Discharge or flow from cold water (or hot water with prior permission of the City's City Engineer) used in street washing or cosmetic cleaning that is not Contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

15) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals; or

16) A Discharge or flow of uncontaminated Stormwater pumped from an excavation.

b. No exception to enforcement shall be available under subparagraph (1) if:

1) The Discharge or flow in question has been determined to be a source of a Pollutant or pollutants to the waters of the United States or to the MS4;

2) Notice of such determination has been provided to the Discharger; and

3) The Discharge has continued after the expiration of the time given in the notice to cease the Discharge.

3. Prohibition of Illicit Connections.

a. The construction, connection, use, maintenance or continued existence of any Illicit Connection to the MS4 is prohibited.

b. Connections that were permissible when originally installed but that are now considered Illicit must be brought into compliance within a timeframe designated by the City's City Engineer.

c. A person violates this Article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

d. Improper connections in violation of this Article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

4. Unpermitted Discharges Prohibited.

It is an offense for an operator or responsible party of a facility to:

a. Discharge, or cause to be Discharged, Stormwater associated with industrial or construction site activity without first having obtained a TPDES permit from the TCEQ.

b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the NOI or construction site notice to the City.

c. Introduce sediment, concrete, asphalt or any other construction debris into the MS4 from a construction activity. The City's City Engineer will provide the Operator a reasonable amount of time, to remove any Pollutants or debris from the MS4 conveyances.

F. Suspension of Utility Service

1. Emergency Suspension of Utility Service and Municipal Stormwater Drainage System Access.

a. The City may, without prior notice, suspend water service, sanitary sewer service or MS4 Discharge access to a person Discharging to the MS4, waters of the United States, or Publicly-Owned Treatment Works when such suspension is necessary to stop an actual or threatened Discharge which:

1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or

2) Presents or may present imminent and substantial danger to the MS4 or waters of the United States.

b. When the City's City Engineer determines that City provided water or sanitary sewer service must be suspended pursuant to subsection (1), the City's City Engineer will request the Director of Water Services to do so.

c. As soon as is practicable after the suspension of service or MS4 Discharge access, the City's City Engineer will notify the violator of the suspension and order the violator to cease the Discharge immediately.

d. If the violator fails to comply with an order issued under subsection (3), the City's City Engineer may take such actions as he/she deems necessary to prevent or minimize harmful Discharges to the MS4, waters of the United States, or to persons or wildlife.

e. The City will not reinstate suspended services or MS4 access to the violator until:

1) The violator presents proof, satisfactory to the City's City Engineer and Director of Water Services, that the non-complying Discharge has been eliminated and its cause determined and corrected;

2) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and

3) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully Discharged into the MS4 incurred by the City while responding to, abating, and remediating the Discharge or threatened Discharge.

f. A violator whose service or access has been suspended or disconnected may appeal the enforcement action to the City Manager's attention, in writing, within 10 days of notice of the suspension. The City Manager will render a decision within 7 days upon written receipt of the petition.

g. The remedies provided by this section are in addition to any other remedies set out in this Article. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.

h. A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to Premises terminated pursuant to this section, without the prior approval of the City's City Engineer.

2. Nonemergency Suspension of Utility Service and Municipal Stormwater Drainage System Access.

a. The City may suspend the City-provided water supply, sanitary sewer connection, or MS4 access for any person failing to comply with previous notices to cease discharges to the MS4 in violation of this Article. Utilities will be subject to suspension if such measures would abate or reduce the Discharge.

b. The City's City Engineer will notify a violator of the proposed suspension of its water supply, sanitary sewer connection or MS4 access. The violator may petition the City's City Engineer for a reconsideration and hearing before the City Manager.

c. The City will not reinstate suspended services or MS4 access to the Discharger until:

1) The violator presents proof, satisfactory to the City's City Engineer, that the non-complying Discharge has been eliminated and its cause determined and corrected;

2) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and

3) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the Discharge or threatened discharge.

d. The remedies provided by this section are in addition to any other remedies set out in this Article. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.

e. A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to Premises terminated pursuant to this section, without the prior approval of the City's City Engineer.

G. Facility Inspection for Stormwater Discharges.

1. Applicability for Industrial and Construction Activity.

a. This section applies to all facilities located within the City limits that have Stormwater Discharges associated with Industrial Activity or Construction Site Activity. State regulations require that subject facilities apply for and obtain general permits for Industrial Facilities (TPDES TXR050000) and Construction Sites (TXR150000) that have been determined to contribute or have the potential to contribute substantial Pollutant loads to the MS4 or waters of the State. The general permits require that the permittee develop, implement, and maintain a Stormwater Pollution Prevention Plan (SWP3) and submit an NOI notifying the TCEQ and the MS4 operator.

b. The MS4 permit issued to the City by the TCEQ mandates the City "Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions" (Part III (E)(6)) and to implement a program that shall include "Inspection of construction sites and enforcement of control measure requirements" (Part III (A)(9)(b)). To meet these requirements the City must enter onto the Premises of Industrial and Construction Sites to inspect, monitor, and conduct surveillance of requirements mandated by the TCEQ. These requirements include, but are not limited to:

1) Review of the Facilities' SWP3 with onsite conditions;

2) Evaluation of BMP to effectively prohibit the Discharge of nonstormwater to the MS4;

3) Inspection for Illicit Connections and Illicit Discharges;

4) Self inspection compliance; and

5) Compliance with the City's MS4 permit and the Facilities subject general permit (TXR150000 or TXR050000).

2. Access to Industrial Facilities and Construction Sites.

a. The intent of Facility inspections shall be to determine compliance with the conditions of the City's TPDES permit, any TPDES general permit the Facility is currently obligated to for Industrial and Construction Activities, and this Article. Facility owners and Operators will allow the City's City Engineer ready access to applicable sections of Public and Private Premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal Discharges to the MS4, Illicit Connections to the MS4, and assessment of any portions of a regulated Facility influenced by Stormwater runoff that may adversely affect the MS4 or waters of the United States.

b. Admittance to the Facility shall be requested at a reasonable time during the Facilities normal working hours unless it is determined by the City's City Engineer that imminent and substantial danger exists.

c. The owner or Operator shall make all necessary arrangements to allow access to the City's City Engineer.

d. If the owner or Operator refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

e. The City's City Engineer retains the authority to collect samples and photographs from Stormwater outfalls or other components of the MS4 as may be deemed appropriate in the administration and enforcement of this Article.

f. The City's City Engineer has the authority to establish on subject Facilities devices as are necessary in the opinion of the City's City Engineer to conduct monitoring of the Facility's Stormwater Discharge.

g. The City's City Engineer or the designated inspector must present appropriate credentials to the Facility officials at the time of entry to a Facility.

3. Review and Modification of Stormwater Pollution Prevention Plans.

a. The City's City Engineer has the authority to request to review any documents or plans (Stormwater Pollution Prevention Plan, spill prevention control plans, hazardous material plans, waste management documentation, etc.) from a regulated Facility that the City's City Engineer deems may affect stormwater discharges to the MS4.

b. The City's City Engineer may require an Operator of a regulated Facility to modify its Stormwater Pollution Prevention Plan if the Stormwater Pollution Prevention Plan does not comply with the requirements of the Facility's TPDES permit to Discharge Stormwater associated with Industrial or Construction Activity.

c. The deficiencies in a Facility's Stormwater Pollution Prevention Plan will be communicated in writing, and the City's City Engineer will provide the Operator a reasonable amount of time to make the necessary changes in the Stormwater Pollution Prevention Plan.

4. Review and Modifications of Best Management Practices.

a. Any person engaged in activities or Operation, or owning Facilities or property, which will or may result in Pollutants entering the MS4 or waters of the United States, shall implement BMPs to the extent they are technologically achievable to prevent and reduce such Pollutants. The owner or Operator of a regulated Facility shall prove reasonable protection from Accidental Discharge of prohibited materials or other wastes into the MS4 or waters of the United States. Practices implemented to prevent Accidental Discharge of prohibited materials or other wastes shall be provided and maintained at the owner's or Operator's expense.

b. The City does not maintain a list of required or approved BMPs for regulated Facilities. The City's City Engineer may request Facilities to demonstrate the effectiveness of implemented BMPs. Suggested BMPs and a list of prohibited BMPs will be maintained in the *B/CS Drainage Design Guidelines*.

c. The City's City Engineer may require an Operator of a regulated Facility to modify its BMP if the BMPs do not provide effective protection from Accidental Discharge of prohibited materials or other wastes from entering into the MS4 or waters of the United States.

d. The deficiencies in a Facility's BMP will be communicated in writing, and the City's City Engineer will provide the Operator a reasonable amount of time to make the necessary changes in the BMPs.

5. Compliance with Permit.

a. A Facility shall be operated in strict compliance with the requirements of the TPDES permit to Discharge Stormwater associated with Industrial or Construction Site Activity.

b. A person commits an offense if the person operates a Facility in violation of a requirement of the Facility's TPDES permit to Discharge Stormwater associated with Industrial or Construction Site Activity.

H. Stormwater Discharges Associated with Industrial Activity.

1. Applicability.

This section applies to all Facilities located within the BioCorridor Planned Development District that have stormwater discharges associated with Industrial Activity.

2. Industrial and High Risk Runoff Monitoring.

a. All hazardous waste treatment and storage Facilities, active municipal landfills, Facilities subject to section 313 of Title III of the Superfund Amendment and

Reauthorization Act of 1986 (SARA), and any other Industrial Discharger the City determines is contributing a substantial Pollutant load to the MS4 shall submit self-monitoring data to the City on an annual basis. Submittal date of self-monitoring data is to be determined by the City's City Engineer.

b. The City's MS4 permit requires that all Industrial Facilities listed in (1) be subject to site inspections of no less than once per permit term (five years). However, the City's City Engineer has the authority to inspect these Industrial Facilities as often as deemed necessary to assure permit compliance and safety of the MS4 and waters of the United States.

c. An unreasonable delay or refusal to submit self-monitoring data to the City's City Engineer is a violation of this Ordinance. A person who is the Operator of an Industrial Facility with a TPDES permit to Discharge Stormwater associated with Industrial Activity commits an offense if the person denies the City's City Engineer reasonable access to a Facility's self-monitoring data for the purpose of review required by this Article.

d. An Industrial Facility may submit a "no exposure" certification to the City in lieu of self-monitoring; however, any Facility operating under a "no exposure" certification is subject to periodic Facility inspections (not less than once per permit term—five years) to verify the Facility's "no exposure" exemption.

e. The City may waive monitoring requirements for Industrial Facilities determined to be in compliance with the TPDES Multi-Sector General Permit Number TXR050000.

f. The City's City Engineer has the authority to conduct inspections on any Industrial Facility subject to the TCEQ's TPDES Multi-Sector General Permit or has been deemed to be, or has potential to be, contributing a substantial Pollutant load to the MS4 to determine compliance and safety of the MS4 and waters of the United States.

I. Stormwater Discharges Associated with Construction Activity.

1. Applicability.

This subsection applies to all Facilities located within the BioCorridor Planned Development District that have Stormwater Discharges associated with Construction Activity.

2. Submission of Notice of Intent, Notice of Change, Notice of Termination or Construction Site Notice to Municipal Stormwater Drainage System Operator.

a. The Operator of a Construction Site required to have a TPDES permit to Discharge Stormwater associated with Construction Activity shall submit a copy of the above notices to the City's City Engineer at the same time the Operator submits the original notice to the TCEQ.

b. The Operator of a Construction Site which does not require an NOI is required to submit, per TCEQ's TPDES general permit for Construction Sites, a Construction Site notice to the City's City Engineer.

c. Copies of all notices may be delivered to the City's City Engineer either in person or by mail.

J. Control and Containment Requirements.

1. Spill or Release Corrective Actions, Responsibility, and Compensation.

a. Spills or leaks of Polluting substances Discharged to, or having the potential to be indirectly transported to, the MS4, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition. Any costs of the containment, control, collection, removal, or restoration incurred by the City will be reimbursed to the City by the person associated with the spill or leak.

b. Persons associated with the spill or leak must immediately call 911 to notify emergency personnel of all spills or leaks of polluting substances. Notification does not relieve any person of any costs related to the restoration, loss, damage,

or any other responsibility which may be incurred as a result of the spill or leak, nor will the notification relieve any person from any other responsibility which may be imposed by state, federal, or other law.

c. Any person operating a Vehicle that causes or results in an Accidental Discharge or Release to the MS4 is responsible for costs of any testing, containment, cleanup, abatement, removal and disposal of Contamination to the extent determined by the City's City Engineer.

2. Stockpiling, Accumulations, and Heaps.

a. Stockpiles, accumulations, and heaps comprised of soil, sand, mulch, trash, asphalt, aggregate or any other material deemed a Pollutant by local, state, or federal regulations, which are located within the City limits and present a real or perceived potential of discharging to the MS4 are subject to control measures to prevent introduction into the MS4.

b. The City's City Engineer has the authority to necessitate the use of control measures to mitigate the introduction of Pollutants to the MS4. Failure to implement control measures as prescribed by the City's City Engineer will result in enforcement as described in this Article.

c. Stockpiles, accumulations, and heaps discovered to be Discharging Pollutants to the MS4 are subject to enforcement as described in this Article.

K. Enforcement.

1. Enforcement Responsibility.

The City's City Engineer or his designee has the responsibility for enforcement of the provisions of this Article. The duties include not only the issuance of permits as required by this Article, but also the responsibility of ensuring that all Facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of the City's Code of Ordinances. The City's City Engineer has the authority to adopt policies and procedures not inconsistent with the terms of this Article necessary to implement the provisions of this Section.

2. Violations.

Violation of the provisions of this Article or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for each and every day during which any violation of any of the provisions of this Article is committed or continued. Any person found guilty of violating this Article may be punished as provided for in the City's Code of Ordinances.

3. Notice of Violations.

If the City's City Engineer determines that there is a violation of this Article, notice will be sent to the property owner or Operator of record by registered or certified mail, unless deemed an emergency pursuant to the Emergency Suspension of Utility Service and Municipal Stormwater Drainage System Access section of this Ordinance. The notice will specify the measures required to come into full compliance with this Article and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this Article and subject to additional penalties outlined herein.

4. Voluntary Compliance.

The City's City Engineer has the authority to instruct an Operator of a Facility that commits any acts prohibited by this Article to achieve voluntary compliance as determined by the City's City Engineer. The City's City Engineer will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

5. Stop Orders.

The City's City Engineer has the authority to issue stop work orders for any Facility that commits any acts prohibited by this Article.

L. Penalties and Violations.

1. Violations of provisions of this Drainage and Stormwater Management section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with the City's Code of Ordinances for each violation. Each day such violation continues shall be considered a separate offense.

2. The owner or Operator of any Facility, structure, Premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

M. Appeals, Interpretation, and Variances.

Any appeals, interpretations or variances of the City's City Engineer, except those under the Enforcement section of this Article, shall first be to the City Manager, then to a court of competent jurisdiction.

9.13 Outdoor Lighting Standards.

It is recognized that no design can eliminate all ambient light from being reflected or otherwise being visible from any given development; however, the following requirements shall be followed to the fullest extent possible in order to limit nuisances associated with lighting and resulting glare.

A. Applicability.

All lighting within developments shall meet the requirements of this Section.

B. Site Lighting Design Requirements.

1. Fixture (luminaire)
The light source shall not project below an opaque housing. No fixture shall directly project light horizontally.

2. Light Source (lamp)
Only incandescent, florescent, metal halide, mercury vapor, LED, or color-corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one site throughout any master-planned development.

3. Mounting
Fixtures shall be mounted in such a manner that the projected cone of light does not cross any property line.

C. Specific Lighting Requirements.

1. Outdoor lighting shall not exceed the following levels:

a. 0.50 footcandle at the property line if the subject property abuts a residential zoning district or a lot containing a residential use; or

b. 1.00 footcandle at the property line if the subject property abuts a nonresidential zoning district or lot containing a nonresidential use, or at the right-of-way line.

2. Outdoor lighting shall not exceed the following heights:

a. Light fixtures in parking lots shall not exceed a maximum height of twenty-four feet (24 ft.).

b. Pedestrian walkway fixtures shall not exceed a maximum height of twelve feet (12 ft.).

3. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any

adjacent residential use.

4. All lighting fixtures incorporated into non-enclosed structures (e.g., bank drive-thru canopies) shall be fully recessed into the underside of such structures.

9.14 Outdoor Storage and Display.

A. General.

Outdoor storage and display is allowed in accordance with this Section. Any merchandise, material, or equipment situated outdoors and visible from the public right-of-way or adjacent properties shall be subject to the requirements of this Section. No outdoor storage or display shall be allowed to occur in required parking areas.

B. Standards.

1. General Outdoor Storage.

Items that are stored outside must be related to the use on the site. Outdoor storage is allowed so long as it is completely screened from view from adjacent rights-of-way and/or public ways by landscaping and a solid wall that at a minimum meets the height of the screened materials and at least six feet (6 ft.) in height. Outdoor storage shall not be allowed within a required front setback.

2. Outdoor Display.

Outdoor sales/outdoor display areas shall be located within five feet (5 ft.) of a required entrance façade and shall only be located in front of the property/business that is selling the item(s). A four-foot (4-ft.) minimum clear space on the sidewalks shall be maintained. All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

3. Exceptions.

Waste generated on-site and deposited in ordinary refuse containers shall not be considered outdoor storage or display. Outdoor appurtenances essential to the function of sidewalk cafés shall not be considered outdoor storage or display.

ARTICLE 10. BUILDING DESIGN STANDARDS.

10.1 Design Standards for the Built Form.

Introduction.

The BioCorridor is emerging as one of the most vital and energetic growth areas for the City of Bryan, City of College Station and the entire Brazos Valley region. It is this energy and vitality that should be promoted and enhanced through quality design. The primary purpose of the Building Design Guidelines is to provide prospective developers of properties with a sense of what the community desires in the future built environment within this BioCorridor. These design principles and guidelines are organized and constructed to provide a consistent, quality built environment across the entire BioCorridor in order that this new "neighborhood" can be anchored by quality jobs, quality developments and an enhanced quality of life that can be sustained into the future.

The Cities desire to create a quality-built environment within this area that is underscored through the creation of "places" rather than just developments. "Places" are memorable because they exhibit quality that is manifested through their physical design and with elements that are authentic, rich in detail and diversity and express a unique style and character appropriate to their local setting. From a land use and urban design perspective, the BioCorridor is a complex and diverse area. As a result, distinct districts have been identified based on characteristics of the area. The design palette is shaped by the unique landforms and built environments already present within the area and also by the nature and type of developments that are anticipated and encouraged as a part of the overall plan. The architectural style and details of buildings in the BioCorridor will and should vary from other corridors in both cities based on the unique settings and the influences of the architectural styles of the dominant facilities that already exist. Accordingly, this document provides design guidelines that address the standards that are applicable to the BioCorridor.

10.2 Overall Design Goals and Objectives.

Exhibit A-1 illustrates with narrative and images the overall design theme, goals and objectives for the future built environment in the BioCorridor. These overall goals and principles were formed and structured to create a coordinated system of buildings and facilities that emphasize quality design and materials, provide a sense of place and scale that is appropriate for both persons and automobiles and work in concert with the natural landscape in a sustainable manner. Establishing these guiding principles for the design of the built environment will provide a benchmark to which all future building development should adhere. These overall goals and objectives serve as the basis for the more detailed design standards, and when applied, help to reinforce those objectives on each site. To this end, the following goals and objectives serve as the guiding principles for design of the built environment.

A. Overall Design Intent for the Built Environment.

The built environment should portray a progressive image that encourages building designs that are appropriate to the local context, contribute to the creation of a pedestrian-friendly environment and are responsive to the natural environment in which they are situated.

B. Design Objectives Supporting the Overall Design Intent for the Built Environment.

The following design objectives are to be adhered to as benchmark standards and principles in development and design of buildings and facilities in the BioCorridor.

1. Building designs should strengthen the character, quality and sustainability of the existing and future built environment in this area;

2. Building design should encourage architectural styles that respect and relate to the local context and/or create a cohesive, coordinated theme within the area;
3. Buildings should be constructed using authentic and durable materials (natural stone, brick and/or architectural metal) and all sides of the building should be designed and treated with similar styles, materials, and details;
4. Buildings should be designed with an appropriate human scale which create and maintain a recognizable and consistent relationship to the public streets and rights-of-way;
5. Buildings should be designed to establish the visual importance of the primary street entrance and ensure that entries contribute to the building's attractiveness and are readily visible and accessible to visitors;
6. Buildings should be designed to provide sun and weather protection and increase opportunities for people to see and be seen; and
7. Site development should include preservation and protection of sensitive natural features and the built environment should not be designed to dominate the natural environment, but instead work in harmony with the natural landscape.

10.3 Design Standards Applying to the BioCorridor Planned Development District.

The following design standards are required of all developments in the BioCorridor Research and Development District and the BioCorridor Office and Research District to reinforce and effectuate the design objectives stated. These standards are highly encouraged, but not required, in the BioCorridor Manufacturing District.

A. Building Design Should Strengthen the Character, Quality and Sustainability of the Area.

1. All sides of all buildings should be treated with the same architectural style, use of materials, and details as the front of the building;
2. Architectural design, building materials, colors, forms, roof styles, and detailing should all work together to express a harmonious and consistent design;
3. Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. Roof features should complement the character of adjoining buildings or the preferred style and character of the district in which the property is located; and
4. Blank walls facing public streets are strongly discouraged and a fenestration pattern that has "punched" openings and a strongly-defined base, middle, and top to the buildings is strongly encouraged.

B. Encourage Architectural Styles that Respect and Relate to the Local Context.

The architectural style, height, roofline, materials and proportions of existing buildings within the overall area should be noted when new buildings are designed. The design of new buildings is to be compatible and complementary to the style and character of the BioCorridor Planned Development District. Exterior modification of an existing structure should respect the style and character of the BioCorridor Planned Development District. Additions to existing buildings are to be compatible in size, or reflect updated architectural styles compatible with the BioCorridor Planned Development District's style and character.

C. Building Construction Using Authentic and Durable Materials.

All structures constructed within the BioCorridor Research and Development District and the BioCorridor Office and Research District shall comply with the following items. These standards are highly encouraged in the BioCorridor Manufacturing District:

1. Encourage durable, high quality building materials that are compatible with the existing buildings in the BioCorridor and reflect the authentic materials available in the area;

2. Major exterior walls of buildings should be constructed with brick masonry and stone with some stucco and/or architectural metals;

3. Plexiglass, reflective, opaque and tinted materials are strongly discouraged and glazing must utilize modern materials, such as Low-E type glass;

4. Color schemes should tie building elements together and should be used to enhance the architectural form of a building. Color tones should be based on the colors of stones and materials indigenous to the area; and

5. Intense, bright colors are not encouraged, and should be used only for building accents. Such colors should not be the predominant color on any building, wall, or roof.

D. Scale of Buildings.

Buildings within the BioCorridor Planned Development District should be in proportion to the human scale and should maintain a recognizable relationship to public streets by complying with the following:

1. Single, large, dominant building mass should be avoided. Any buildings over 5,000 square feet in total floor area should have variation in roof form, building height, and wall planes;

2. Linear "strip" development should incorporate variation in building height, building mass, roof forms, and changes in wall planes in the architectural design to mitigate the linear effect;

3. Large windowless or otherwise unarticulated spaces on the street facades should be avoided. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail and office buildings and provide visual interest that will be consistent with the identity, character, and scale intended for the BioCorridor Planned Development District; and

4. Buildings should have a well-differentiated first floor façade, utilizing awnings, cornices and ornamentation, varying window patterns, and colors.

E. Primary Street Entrance.

The development should establish the visual importance of the primary street entrance by complying with the following:

1. Entrances should be planned and designed to mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses;

2. All sides of a principal building that directly face an abutting public or private right-of-way should feature one primary entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement may apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street; and

3. To contribute to the pedestrian scale of the street, rooflines should be broken into smaller elements, or roof sections. Alternatively, varying the roof height or style to give the appearance of or emphasize the many individual buildings may be used.

10.4 Design Standards Applying to Buildings and Developments.

The following design standards are required of all developments in the BioCorridor Research and Development District and the BioCorridor Office and Research District. These standards are highly encouraged in the BioCorridor Manufacturing District. These standards are based on the design context that is likely to prevail in the BioCorridor Planned Development District, since most of this area is presently undeveloped and will be most heavily influenced by the new facilities for the Health Science Center campus, and the designs and strategies initiated

by the Research Valley Partnership, the City of Bryan, the City of College Station and Brazos County. Additionally, these standards are influenced by the intensity of development anticipated in the BioCorridor. Current development patterns and proposed development initiatives indicate that the area is more likely to develop to "urban" densities rather than the more typical "suburban" densities found on many of the community's main traffic corridors. Consequently, most of these design standards are oriented towards creating an urban environment, where pedestrians and automobiles share the public rights-of-way, and walkability and connectivity are crucial ingredients in the overall design fabric of the area.

A. General Architectural Style and Massing.

The general architectural style and massing of buildings within the BioCorridor Planned Development District should comply with the sections below:

1. Architectural Style and Character.

The architectural style and character should conform to the following:

a. The underlying theme of the BioCorridor Planned Development District is characterized as a progressive and "state-of-the-art" environment where contemporary styles and thoughts are encouraged and promoted. Contemporary architectural styles are generally recommended for all building types to portray the progressive tone and nature envisioned in the BioCorridor; and

b. Building design throughout the BioCorridor Planned Development District should promote visual interest and diversity through the use of architectural articulation and massing variations. There should be no box-like or single monolithic forms not relieved by variations in massing of facades.

2. Building Height and Massing.

To support the anticipated development economics with adequate density and intensity, create an increased sense of enclosure, and diminish the perceived width of the street (particularly Health Science Center Parkway), and maximize opportunities for upper-story offices and housing, building height and massing should comply with the following:

a. Multi-story buildings greater than two (2) stories should be built to the maximum heights permitted by zoning are encouraged;

b. Stepping portions of upper stories back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc., is encouraged. This is especially important for buildings facing Health Science Center Parkway; and

c. New single-story commercial building types with flat roofs should, whenever possible, have a minimum height to the cornice or parapet of twenty (20) feet or more measured from finished grade to better define the street.

B. Building Materials and Colors.

Building materials and colors with the BioCorridor Planned Development District should comply with the sections below.

1. Building Materials.

To ensure that durable and authentic building materials are used in all forms of building construction, buildings should, whenever possible, be constructed using local or regionally available, durable materials such as:

a. Brick;

b. Natural stone;

c. Manufactured stone;

d. Textured, patterned and/or integrally-colored cast-in-place concrete;

e. Integrally-colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture;

f. Stucco, EIFS (exterior insulating finish system), architectural metal and pre-finished decorative panels such as store front systems should only be used as accent materials and in conjunction with another appropriate building material.

2. Materials to be Avoided.

The following materials should be avoided in the design and construction of buildings:

a. Unadorned plain or painted concrete block;

b. Unarticulated or blank tilt-up concrete panels;

c. Pre-fabricated metal building systems; and

d. Aluminum, fiberglass, asphalt, or fiberboard siding.

3. Building Colors.

To ensure that building colors are aesthetically pleasing and compatible with their surroundings, the building colors should blend with, or enhance surroundings. Principal building colors should consist of subtle, neutral or muted colors with low reflectance such as tones of browns, grays, tans, and dark or muted greens. "Warm-toned" colors are encouraged because of their year-round appeal. No more than three principal colors should be used on a facade or individual storefront. Bright, complimentary colors should be used only as accents.

C. Building Facades, Articulation and Entries and Shelters for Pedestrians.

1. Facades.

In order to employ visually legible building proportions that support the human scale, define the street edge and provide visual continuity, the following standards apply:

a. In general, buildings over two stories shall have a well-defined base, middle, and top. The base, or ground floor, should appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, an intermediate cornice line, an awning, arcade or portico, or similar element;

b. It shall be recognized that buildings will be viewed from a variety of vantage points. Consequently, the placement of doors, windows, balconies, changes in materials, and roof height should be designed to provide an attractive and harmonious design from the front, side, rear and top; and

c. Building tops should be articulated with discernible cornice lines, parapets and/or fascias.

2. Façade Articulation.

In order to add visual interest and variety by avoiding long, monotonous facades, the following standards apply:

a. New building façades, including parking garages should have a pedestrian scale aesthetic. This can be accomplished by establishing a layering of rhythmic patterns and architectural elements such as windows, columns, roof lines, building materials, and colors;

b. "Flat" facades should be avoided. The historic structures found in downtown Bryan exhibit more of the desired play of light and shadow on a building and these precedents with a contemporary interpretation present suitable design influences for the new retail development in the BioCorridor Planned Development District. In general, the design should create more of a visual impact than standard retail and commercial architecture in ways similar to that of historic structures; and

c. The primary façade(s) viewable by the public from streets and parking lots of all buildings should be articulated into distinct increments through the following or similar techniques:

1) Stepping back or extending forward a portion of the façade;

2) Use of different textures or contrasting, but compatible, materials;

3) Division into storefronts with separate display windows and entrances;

4) Arcades, awnings, window bays, balconies or similar ornamental features; or

5) Variation in roof lines to reinforce the articulation of the primary façade.

D. Entries.

In order to establish the visual importance of the primary street entrance, and to ensure that entries contribute to the visual attractiveness of the building and are readily visible to visitors, the following design standards should be followed with respect to entries.

1. Primary building entrances should face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances should be oriented to a secondary street or parking area. Residential entries should be separate and distinct from commercial entrances;

2. In the case of a corner building or a building abutting more than one street, the street with the higher classification should be considered primary and the main entrance should be placed at sidewalk grade; and

3. Entries should be designed with one or more of the following:

a. Canopy, portico, overhang, arcade or arch above the entrance;

b. Recesses or projections in the building facade surrounding the entrance;

c. Display windows surrounding the entrance;

d. Architectural detailing such as brick work or ornamental moldings; or

e. Planting areas, pots or window boxes for seasonal landscaping.

E. Rear Facades and Entries.

In order to improve the appearance of rear facades and entries, orient customers parking or walking to the rear of buildings, and provide safe and convenient access to all building entries, the following standards apply:

1. Rear facades should be designed as an integral part of the overall building with similar materials and detail treatments. If parking is placed to the rear of a building, the building's rear facade shall be welcoming in appearance. Awnings, landscaping and small wall signs identifying businesses are encouraged;

2. If customers, visitors and/or tenants park to the rear of the building, a well-defined and lighted rear entrance is strongly encouraged; and

3. If no rear building entrance is provided, a signed and lighted walkway to the front or side building entrance shall be provided.

F. Awnings, Balconies and Arcades.

In order to encourage pedestrian activity, safety, shelter, and opportunities to see and be seen, the following design standards apply for awnings:

1. Awnings.

a. The use of awnings is encouraged as a way to shelter customers, residents and other pedestrians; reduce glare and conserve energy; and provide additional accent color to building facades:

b. Where awnings are used, canvas, fabric or vinyl awnings are preferable, and these awnings should be resistant to fading and degradation due to UV exposure. High UV rated materials are required. If glass or metal awnings are employed, they should closely complement the building's architectural character and aesthetic; and

c. Back-lighted vinyl awnings and similar vinyl or canvas canopy signs shall not be used.

2. Architectural Arcades and Balconies.

To provide sun and weather protection and increase opportunities for people to see and be seen, the following applies with respect to architectural arcades and balconies:

a. The use of ground floor architectural arcades to provide pedestrian connections between facilities is encouraged; Upper floor balconies and terraces are encouraged to provide opportunities for outdoor activities and provide views to the public streets, thus encouraging street-level interaction and enlivening the BioCorridor Planned Development District; and

b. Architectural arcades should be illuminated with wall or ceiling light fixtures for pedestrian safety and security.

G. Roof Design and Equipment.

1. Roof Form and Design.

In order to provide a visual terminus to the building, reduce monotony and reflect interior and exterior patterns of use or ownership, the following roof design standards should be followed:

a. Buildings should be designed with pitched and/or flat roofs. Flat roofs should be defined with a discernible cornice line. Variations in roof type, height, and or distinct, separate roof segments are encouraged as a means of creating greater visual interest, identifying changes in use, areas of ownership or reducing monotony;

b. Pitched roofs such as gable, hip, shed or mansard roofs should be clad with highly durable, fire resistant materials such as standing seam metal, slate, ceramic or composite tiles. Use of asphalt rolls or shingles is strongly discouraged; and

c. Use of green roofs for reductions in heat island effects, building energy consumption, and stormwater runoff is highly encouraged.

2. Roof Equipment.

In order to ensure that views of rooftop equipment from public streets or pedestrian ways are minimized, the following design guidelines should be followed for roof equipment:

a. All rooftop equipment should be screened from view from adjacent streets, public rights-of-way and adjacent properties. Preferably, rooftop equipment should be screened by the building parapet, or located out of view from the ground;

b. If the total screening of rooftop equipment is not feasible, the equipment should be grouped within a single on-ground enclosure and screened from public view. This structure should be set back a distance of 1½ times its height from any primary facade fronting a public street. Screens should be of durable, permanent materials, not including wood, that are compatible with the primary building materials; and

c. Exterior mechanical equipment such as ductwork should not be located on primary building facades.

H. Window and Door Openings.

In order to enliven the streetscape, window and door openings should comprise at least 60 percent of the length and at least 30 percent of the area of the ground floor of the primary street facade;

1. A minimum of 20 percent of the ground level of side and rear facades not fronting a public street should consist of window and door openings; and

2. A minimum of 20 percent of all sides of upper story facades should consist of window or balcony/door openings.

I. Parking Structure Design Standards.

In order to ensure scale and form will achieve visual continuity with surrounding buildings while providing neighborhood-supportive uses along the street, the design of parking structures within the BioCorridor shall comply with these design standards:

1. At least 60% of the ground floor facade abutting any street, excluding areas needed for ingress and egress, should be occupied by commercial or office uses;

2. Facades should be designed and architecturally detailed like other commercial buildings within the BioCorridor Planned Development District. The structure's exterior should feature horizontal detailing to hide angled ramps within the structure's interior. Windows or other openings should be provided that echo those of surrounding buildings;

3. Screening of refuse facilities and mechanical equipment should be accomplished by locating the facilities internally in a partitioned enclosure; and

4. Parking facilities within the BioCorridor Planned Development District should incorporate CPTED (Crime Prevention through Environmental Design) by utilization of both active and passive security design features.

J. Lighting Design for Parking Structures.

Following are some design considerations for the illumination of parking structures which apply:

1. Lighting on the top deck of a parking structure should be limited to sixteen (16) feet in height and be located along the centerline of adjoining internal parking rows rather than at the perimeter of the structure;

2. Illumination plans for parking facilities should consider reducing lighting to the minimum level required for security of areas such as the upper deck of parking structures or remote surface parking areas used only during peak hours;

3. Lighting of lower parking decks should be placed in recessed areas between T- beams and along the perimeter, aiming light inward; and

4. Lighting of surface lot parking canopies should be recessed and/or shielded. Considering a lighting design that reflects off the underside of the canopy from a hidden or a fully-shielded source is encouraged.

K. Free-Standing Enclosures.

In general, accessory structures and free-standing enclosures to the main building are discouraged. However, if an accessory structure is deemed necessary in the design review process, its design is to be compatible with the principal structures to which they relate. The design of all accessory structures should be in character with the principal building and constructed of the same quality, permanent materials as the principal building, including a structurally-sufficient concrete floor. Where appropriate, the accessory structure should be located on the same lot and within close proximity to the principal structure. The building's exterior perimeter should be landscaped in the same manner as the principal facility.

Exhibit A-1

Design Objectives supporting the Overall Design Intent for the Built Environment

Buildings should be designed to provide sun and weather protection and increase opportunities for people to see and be seen;

Preservation and protection of sensitive natural features is required and the built environment should not be designed to dominate the natural environment, but instead work in harmony with the natural landscape.

Encourage architectural styles that respect and relate to the local context and/or create a cohesive, coordinated theme within the area;

Buildings should be constructed using authentic and durable materials(natural stone, brick and/or architectural metal) and all sides of the building should be designed and treated with similar styles, materials, and details;

Establish the visual importance of the primary street entrance and ensure that entries contribute to the building's attractiveness and are readily visible and accessible to visitors;

Building design should strengthen the character, quality and sustainability of the existing and future built environment in this area.

Exhibit A-1

Create Buildings with an Appropriate Human Scale which Maintain a Recognizable Relationship to the Public Street

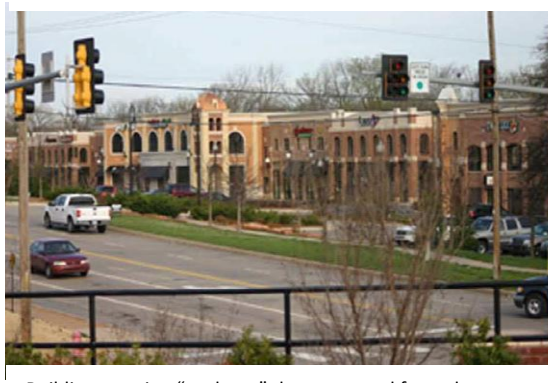
- A single, large dominant building mass should be avoided. Any buildings over 5,000 square feet in total floor area should have variation in roof form, building height and wall planes.
- Linear “strip” development should incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of “strip” development.
- Avoid large windowless or otherwise unarticulated spaces on the street facades. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearance of large retail and office buildings and provide visual interest that will be consistent with the identity, character, and scale intended for the District.
- Buildings should have well differentiated first floor façade, utilizing awnings, cornices and ornamentation, varying window patterns and colors.

Exhibit A-1

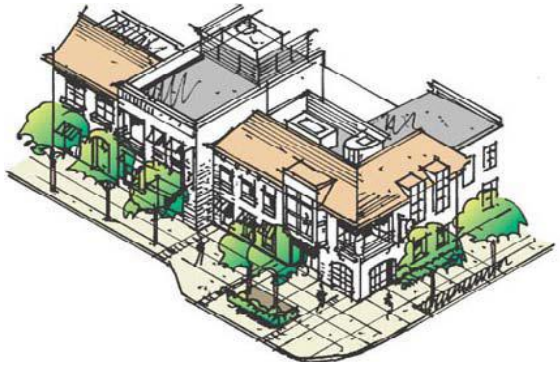
Example of a building properly set to the corner

Flat facades shall be avoided. They should be divided into smaller, human scale increments.

Preservation of unique natural features is encouraged.



Building massing "encloses" the street and front door parking maintained.



Example of screening equipment with roof forms.

Thoughtful placement of the building to encourage pedestrian traffic.

Dense but landscaped well.

A traditional application of transparent, storefront type windows at ground level.

Existing Vegetation and supplemental planting provide a forest effect.

September 27, 2012
Regular Agenda Item No. 3
UDO Amendment—BioCorridor

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director of Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," Article 8, "Subdivision Design And Improvements," Article 9, "Nonconformities," and Article 10, "Enforcement," of the Code Of Ordinances of the City of College Station, Texas, regarding the establishment of a BioCorridor Planned Development District.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their September 6, 2012 meeting and unanimously recommend approval.

Summary: In an effort to have unified land use, development standards, and project review processes for the Joint BioCorridor Development Project with the City of Bryan, City staff and a subcommittee of both communities' Planning and Zoning Commissions have proposed the BioCorridor Planned Development District Ordinance. The City of Bryan's development partner, Traditions Acquisitions Partnership, LP, provided valuable feedback on the proposal during its drafting. The attached amendment to the Unified Development Ordinance (UDO) is proposed to work in conjunction with the BioCorridor Planned Development District Ordinance.

There are four types of amendments that are being proposed to the UDO. The first type is for the establishment of new regulatory bodies in the development review process. The creation of the BioCorridor Review Committee (BRC) and the BioCorridor Board (BioC Board) is intended to facilitate expected development through an efficient process that is consistent across city limit lines. With a BRC and BioC Board, development approval delays associated with taking items to the Design Review Board, Zoning Board of Adjustment, Planning and Zoning Commission(s), and/or City Council(s) can be avoided in many instances. The BRC will consist of staff members from the cities of College Station and Bryan, whom will provide project management services through the development process from the cities' side, will review development proposals for compliance with the adopted standards, and will approve projects or provide support to the regulatory bodies that can approve projects. The BioCorridor Board will consist of representatives from the cities of College Station and Bryan and Texas A&M University. The BioC Board will have the authority to make decisions in the

interest of the BioCorridor Planned Development District on subjective matters such as district signage and appeals to BRC determinations.

The second type of amendment is for the exemption of the area zoned BioCorridor Planned Development District from the terms of several sections of the Unified Development Ordinance. The BioCorridor Planned Development District Ordinance prescribes the land uses, development processes, and standards that are applicable in the PDD. This will help to prevent confusion as to which ordinance applies on a particular matter, and prevents possible future UDO amendments from affecting the terms of the BioCorridor Planned Development District Ordinance.

The third and forth types of amendments are for "housekeeping" purposes. Once the language exempting areas zoned BioCorridor Planned Development District from portions of the UDO is inserted into the UDO, the numbering of those sections must be updated. In turn, virtually all references in the UDO that utilize section numbers are made incorrect. The last type of amendment removes the references to specific section numbers whenever possible and replaces the reference to one using the section title, or updates the references with the section numbers where the numbers were required for clarity.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 1, "GENERAL PROVISIONS," ARTICLE 2, "DEVELOPMENT REVIEW BODIES," ARTICLE 3, "DEVELOPMENT REVIEW PROCEDURES," ARTICLE 5, "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS," ARTICLE 6, "USE REGULATIONS," ARTICLE 7, "GENERAL DEVELOPMENT STANDARDS," ARTICLE 8, "SUBDIVISION DESIGN AND IMPROVEMENTS," ARTICLE 9, "NONCONFORMITIES," AND ARTICLE 10, "ENFORCEMENT," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; BY RECOGNIZING THE ESTABLISHMENT OF A BIOCORRIDOR PLANNED DEVELOPMENT DISTRICT AND CONFORMING VARIOUS SECTIONS THEREWITH; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 2, "Development Review Bodies," Article 3, "Development Review Procedures," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," Article 8, "Subdivision Design And Improvements," Article 9, "Nonconformities," and Article 10, "Enforcement," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A", "B", "C", "D", "E", "F", "G", "H", "I". "J", "K", "L", and "M" attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance will not go into effect until The City of Bryan, Texas approves a rezoning and creation of a BioCorridor Planned Development District similar to that of the City of College Station located within its city limits in accordance with the terms of the Interlocal Cooperation and Joint Development Agreement relating to the Joint Research Valley BioCorridor Development Project signed by the City of College Station on December 16, 2011.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

ATTEST: APPROVED:

_____ _____

City Secretary MAYOR

APPROVED:

_____
City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Section 1.4, "Jurisdiction," is hereby amended to read as follows:

A. Land Within the City Limits

Except as set forth below, this UDO applies to all land within the City limits of the City of College Station. All structures and land uses constructed or commenced after the effective date of this UDO, and all enlargements of, additions to, changes in, and relocations of existing structures and uses occurring after the effective date of this UDO shall be subject to this UDO.

B. Land Within the Extraterritorial Jurisdiction of College Station

The City of College Station and Brazos County are, jointly, the primary platting authority in the City's extraterritorial jurisdiction (ETJ) in Brazos County. Burleson County is the primary platting authority in that portion of the City's ETJ which lies in Burleson County. The following Sections of this UDO shall apply to all properties outside the City limits of College Station, but lying within the City's ETJ as established by the MUNICIPAL ANNEXATION ACT:

1. Applicable portions of Section 7.5, Signs (ref. Chapter 1, Section 30, City of College Station Code of Ordinances);
2. Article 8, Subdivision Design and Improvements;
3. Articles 10, Enforcement; and
4. Applicable definitions within Article 11, Definitions.

C. Land Zoned BioCorridor Planned Development District

The City of College Station and the City of Bryan have adopted common development processes and standards for land zoned BioCorridor Planned Development District in each City's jurisdiction. The following Sections of the UDO shall not apply to property zoned BioCorridor Planned Development District:

1. Article 3, Development Review Procedures;
2. Article 6, Use Regulations;
3. Article 7, General Development Standards; and
4. Article 8, Subdivision Design and Improvements, with the exception of the Requirements for Park Land Dedication section. Parkland Dedication shall remain in effect for property within the BioCorridor Planned Development District.

EXHIBIT "B"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," Sections 2.7 "Administrator", 2.8 "Building Official", 2.9 "Development Engineer", and 2.10 "Summary of Review Authority" of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 2.8, "Administrator", 2.9 "Building Official", 2.10 "Development Engineer", and 2.12 "Summary of Review Authority," respectively.

EXHIBIT "C"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to add Section 2.7 BioCorridor Board as follows:

2.7 BioCorridor Board.

A. Creation.

A BioCorridor Board is hereby created for the purpose of enhancing the community's ability to consistently review subdivision, building, and site design issues of the unique, multi-jurisdictional BioCorridor Planned Development District. The BioCorridor Board shall bring governing expertise from each City and a representative of Texas A&M University to bear on these issues within the BioCorridor area.

B. Membership and Terms.

1. Number, Appointment.

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

a. Appointment of three (3) members shall be made by the College Station City Council. Two (2) of these appointments shall be members of the City's Planning and Zoning Commission. One (1) appointment shall be a member of the City Council.

b. Appointment of three (3) members shall be made by the Bryan City Council. Two (2) of these appointments shall be members of the City of Bryan's Planning and Zoning Commission. One (1) appointment shall be a member of the Bryan City Council.

c. Appointment of one (1) member shall be made by the Chancellor of the Texas A&M University System or his designee. This appointment shall be an employee of the Texas A&M University System.

2. Terms.

a. Terms of members of the BioCorridor Board shall be for two (2) years or until their successors are appointed.

b. Should a BioCorridor Board member no longer qualify for his or her position, that member's term shall be ended immediately upon such qualifying event (for example, if an appointed Planning and Zoning Commissioner is no longer a Commissioner for the City).

3. Vacancies.

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

C. Officers, Meetings, Quorum.

1. **Officers.**

   A Chairperson and a Vice-Chairperson shall be selected every two years from among its members. The Chairperson and Vice-Chairperson shall be municipal representatives and shall not be appointees from the same municipality. The Vice-Chairperson may act as Chairperson when the Chairperson is not available.

2. **Meetings.**

   Members of the BioCorridor Board shall meet as needed and the Chairperson shall designate the time and place of such meetings. All meetings of the Board where a quorum is present shall be open to the public. The BioCorridor Board shall comply with the Open Meetings Act.

3. **Quorum.**

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

4. **Rules of Proceeding.**

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

5. **Minutes.**

   The BioCorridor Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Planning and Development Services office of the City of Bryan and shall be a public record. A copy of all such records shall be delivered to the Planning and Development Services office of the City of College Station by the City of Bryan within ten (10) working days of filing.

D. Powers and Duties.

The BioCorridor Board shall have the following powers and duties:

1. **Recommendations.**

   a. The BioCorridor Board shall review and make recommendations to City Staff of College Station and Bryan regarding improvements in the public realm that further the aesthetics, identity, and access to and within the BioCorridor Planned Development District.

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

2. **Final Action.**

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

   a. Special District Identification Signs as set forth in the BioCorridor Planned Development District ordinance;

   b. Temporary signs promoting positive communications as set forth in the BioCorridor Planned Development District ordinance;

c. Works of art and their locations when located in public right-of-way or other public area as set forth in the BioCorridor Planned Development District ordinance;

d. Appeal of the BioCorridor Review Committee's determination regarding applicability of plat requirements;

e. Appeal of the BioCorridor Review Committee's denial of a site plan as set forth in the Site Plan Review section of the BioCorridor Planned Development District ordinance;

f. Waivers to the dimensional requirements and number of parking spaces required in the Off-Street Parking Requirements of the BioCorridor Planned Development District ordinance;

g. Appeal of the BioCorridor Review Committee's denial of an alternative parking plan;

h. Alternative Highway Buffers Standards as allowed in the BioCorridor Planned Development District ordinance; and

i. Appeal of the terms of the Highway Buffer Standards as set forth the BioCorridor Planned Development District ordinance.

E. Staff.

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

1. BioCorridor Review Committee.

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

2. Administrative Support.

The City of College Station and/or the City of Bryan shall provide administrative support functions for each meeting, such as agenda posting and the filing of minutes.

3. Planning Representative.

Where ministerial acts have not been completed, the Planning representative of the City in which the project is located shall ensure that the changes to plats and/or plans are completed as approved by the BioCorridor Board.

EXHIBIT "D"

That Chapter 12, "Unified Development Ordinance," Article 2, "Development Review Bodies," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to add Section 2.11 BioCorridor Review Committee as follows:

2.11 BioCorridor Review Committee.

A. Creation.

A BioCorridor Review Committee is hereby created for the purpose of implementing the BioCorridor Planned Development District ordinance The Committee is comprised of staff from both cities, with the Committee serving as the designated administrative officer as set forth in the BioCorridor Planned Development District ordinance and state law. The BioCorridor Review Committee shall bring planning, engineering, and other areas of municipal expertise from each City to bear on proposals within the BioCorridor Planned Development District.

B. Membership.

The BioCorridor Review Committee shall consist of four (4) core members. Other City employees may be invited to participate on an ad hoc basis.

1. Core members.

a. The City Manager of each municipality shall designate two city employees from his/her municipality. One employee shall be a planner and one an engineer or engineer in training familiar with development review procedures.

b. The BioCorridor Review Committee's main point of contact for a development project proposal shall be the planner on the Committee from the city in which the majority of the project is located.

2. Ad hoc members.

As the BioCorridor Review Committee determines appropriate, ad hoc members may be called upon for their expertise on particular matters.

Ad hoc members may consist of governmental and utility employees such as:

a. A representative from College Station Utilities or Bryan Texas Utilities;

b. A representative from the Fire Marshall's office;

c. A representative from the Sanitation department; or

d. The City's transportation planner or transportation engineer.

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

C. Powers and Duties.

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

1. Administration and Enforcement.

The BioCorridor Review Committee shall carry out their duties as set forth in the BioCorridor Planned Development District ordinance, including ensuring

compliance with the BioCorridor Site Design Guidelines, Bryan/College Station Unified Design Guidelines, boundaries of Areas of Special Flood Hazard, location of floodway, and water surface elevations.

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

a. Minor and amending plats;
b. Site plans;
c. Construction documents;
d. Structure plans as they relate to exterior aesthetic design standards (not Building Code review);
e. Sign permits;
f. Development permits;
g. Administrative adjustments;
h. Alternative parking plans;
i. Driveway applications;
j. Determination of building plot; and
k. Determination of plat applicability.

2. In the event the BioCorridor Review Committee is unable to reach a consensus, the Planning or Engineering representative (as appropriate) from the city in which the majority of the project will be located shall make the final determination.

EXHIBIT "E"

That Chapter 12, "Unified Development Ordinance," Article 3, "Development Review Procedures," Sections 3.1, "General Approval Procedures," 3.2, "Zoning Map Amendment (Rezoning)," 3.3, "Plat Review," 3.4, "Concept Plan Review (PDD and P-MUD Districts)," 3.5, "Site Plan Review," 3.6, "Wolf Pen Creek Design District Site Plan Review," 3.7, "Wolf Pen Creek Design District Building and Sign Review," 3.8, "Development Permit," 3.9, "Certificate of Appropriateness," 3.10, "Certificate of Demolition," 3.11, "Building Permit," 3.12, "Certificate of Occupancy," 3.13, "Certificate of Completion," 3.14, "Sign Permit," 3.15, "Conditional Use Permit," 3.16, "Written Interpretation," 3.17, "Administrative Adjustment," 3.18, "Variance," 3.19, "Administrative Appeal," 3.20, "Text Amendment," 3.21, "Comprehensive Plan Amendment," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 3.2, "General Approval Procedures," 3.3, "Zoning Map Amendment (Rezoning)," 3.4, "Plat Review," 3.5, "Concept Plan Review (PDD and P-MUD Districts)," 3.6, "Site Plan Review," 3.7, "Wolf Pen Creek Design District Site Plan Review," 3.8, "Wolf Pen Creek Design District Building and Sign Review," 3.9, "Development Permit," 3.10, "Certificate of Appropriateness," 3.11, "Certificate of Demolition," 3.12, "Building Permit," 3.13, "Certificate of Occupancy," 3.14, "Certificate of Completion," 3.15, "Sign Permit," 3.16, "Conditional Use Permit," 3.17, "Written Interpretation," 3.18, "Administrative Adjustment," 3.19, "Variance," 3.20, "Administrative Appeal," 3.21, "Text Amendment," 3.22, "Comprehensive Plan Amendment," respectively.

EXHIBIT "F"

That Chapter 12, "Unified Development Ordinance," Article 3, "Development Review Procedures," is hereby amended to add Section 3.1 Applicability as follows:

3.1 Applicability.

The provisions of this article shall not apply to land zoned BioCorridor Planned Development District.

EXHIBIT "G"

That Chapter 12, "Unified Development Ordinance," Article 6, "Use Regulations," Sections 6.2, "Types of Use," 6.3, "Specific Use Standards," 6.4, "Accessory Uses," and 6.5, "Temporary Uses," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 6.3, "Types of Use," 6.4, "Specific Use Standards," 6.5, "Accessory Uses," and 6.6, "Temporary Uses," respectively.

EXHIBIT "H"

That Chapter 12, "Unified Development Ordinance," Article 6, "Use Regulations," is hereby amended to add Section 6.2 Applicability as follows:

6.2 Applicability.

The provisions of this article shall not apply to property zoned BioCorridor Planned Development District.

EXHIBIT "I"

That Chapter 12, "Unified Development Ordinance," Article 7, "General Development Standards," Sections 7.1, "General Provisions," 7.2, "Off-Street Parking Standards," 7.3, "Access Management and Circulation," 7.4, "Signs," 7.5, "Landscaping and Tree Protection," 7.6, "Buffer Requirements," 7.7, "Solid Waste," 7.8, "Drainage and Stormwater Management," 7.9 "Non-Residential Architectural Standards," 7.10, "Outdoor Lighting Standards," 7.11, "Outdoor Storage and Display," and 7.12, "Traffic Impact Analysis," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 7.2, "General Provisions," 7.3, "Off-Street Parking Standards," 7.4, "Access Management and Circulation," 7.5, "Signs," 7.6, "Landscaping and Tree Protection," 7.7, "Buffer Requirements," 7.8, "Solid Waste," 7.9, "Drainage and Stormwater Management," 7.10 "Non-Residential Architectural Standards," 7.11, "Outdoor Lighting Standards," 7.12, "Outdoor Storage and Display," and 7.13, "Traffic Impact Analysis," respectively.

EXHIBIT "J"

That Chapter 12, "Unified Development Ordinance," Article 7, "General Development Standards," is hereby amended to add Section 7.1 Applicability as follows:

7.1 Applicability.

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

EXHIBIT "K"

That Chapter 12, "Unified Development Ordinance," Article 8, "Subdivision Design and Improvements," Sections 8.2, "General Requirements and Minimum Standards of Design for Subdivision within the City Limits," 8.3, "General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction," 8.4, "Waiver of Subdivision Standards," 8.5, "Responsibility for Payment for Installation Costs," 8.6, "Construction, Guarantee of Performance, and Acceptance of Public Infrastructure," 8.7, "Requirements for Park Land Dedication," and 8.8, "Certifications," of the Code of Ordinances of the City of College Station, Texas, are hereby amended to be renumbered 8.3, "General Requirements and Minimum Standards of Design for Subdivision within the City Limits," 8.4, "General Requirements and Minimum Standards of Design for Subdivisions within the City of College Station Extraterritorial Jurisdiction," 8.5, "Waiver of Subdivision Standards," 8.6, "Responsibility for Payment for Installation Costs," 8.7, "Construction, Guarantee of Performance, and Acceptance of Public Infrastructure," 8.8, "Requirements for Park Land Dedication," and 8.9, "Certifications," respectively.

EXHIBIT "L"

That Chapter 12, "Unified Development Ordinance," Article 8, "Subdivision Design and Improvements," is hereby amended to add Section 8.2 Applicability as follows:

8.2 Applicability.

With the exception of Section 8.8, "Requirements for Park Land Dedication," the provisions of this article shall not apply to property zoned BioCorridor Planned Development District. Section 8.8, "Requirements for Park Land Dedication," shall apply to property zoned BioCorridor Planned Development District.

EXHIBIT "M"

That Chapter 12, "Unified Development Ordinance," Article 5, Section 5.2, Notes "(G),"," (H)," and "(I),"; Section 5.3.H.1.d, Section 5.6.A.1.c., Section 5.6.A.10, Section 5.6.B.2., Section 5.6.B.6., Section 5.6.B.6.c., Section 5.6.B.9., Section 5.6.B.9.a.3)., Section 5.6.B.9.f., Section 5.6.B.10., Section 5.6.B.12.c.1).a)., Section 5.6.B.12.c.5).b)., Section 5.6.B.13., Section 5.6.B.14., Section 5.6.B.14.h.1)., Section 5.6.B.14.i., Section 5.6.B.14.m., Section 5.6.B.14.m.2), Section 5.8.A.2.b., Section 5.8.A.4.b.1)., Section 5.8.A.4.b.3)., Section 5.9.C.1., Sections 5.9.D.2.d.1).a). and b)., Section 9.2.A.2., Section 9.4.D., and Section 10.5 are hereby amended to read as follows:

DESCRIPTION OF STYLE CHANGE: That all references within these sections have been amended to read as follows:

Article 5, "District Purpose Statements and Supplemental Standards"

....

5.2, Note (G) Shall abide by Section 7.2.H, Height.

(H) Reference Section 7.2.D.1.e for lots created by plat prior to July 15, 1970.

(I) Reference Section 7.2.D.1.b for lots with approved rear access.

....

5.3.H.1.d. Signs: Any detached or freestanding signage shall meet the criteria for low-profile signs established in this UDO. Materials shall match building façade materials.

....

5.6.A.1.c. In order to create and then preserve a distinctive atmosphere and character in the Wolf Pen Creek development corridor, elements listed in Additional Review Criteria of the Wolf Pen Creek Design District Site Plan Review section of this UDO, shall be considered in the review of all projects and proposals for development.

....

5.6.A.10 Landscaping
Landscape elements included in these criteria consist of all forms of plantings and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. In addition to the requirements of the Landscaping and Tree Protection section of this UDO, all landscaping shall meet the following:...

....

5.6.B.2. Additional Use Standards
The permitted and conditional uses outlined in the Types of Uses section of this UDO shall meet the following additional requirements related to the district in which the proposed project is located...

....

5.6.B.6. Off-Street Parking Standards
All off-street parking shall meet the requirements specified in the Off-Street Parking Standards section found elsewhere in this UDO, except as specifically provided herein:...

....

5.6.B.6.c. Off-street parking facilities for residential uses shall meet 75% of the number of specified parking space requirements of the Number of Off-Street Parking Spaces Required section.

....

5.6.B.9. Landscape and Streetscape Standards
For NG-1 and NG-3, the standards set forth herein are in lieu of Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO.

For NG-2, the standards set forth herein are in addition to Landscaping Requirements and Streetscape Requirements of the General Development Standards article, of this UDO...

....

5.6.B.9.a.3). All in-ground vegetated areas, trees, and above ground planters shall include an automated irrigation system. Irrigation will not be required for existing trees that are properly barricaded (see the Landscaping and Tree Protection section of this UDO) during construction.

....

5.6.B.9.f. Trash Receptacles
If installed, trash receptacle locations shall be shown on the landscape plan. One trash receptacle may be located within an intersection's sight distance triangle described in the Visibility at Intersections in All Districts section of this UDO.

....

5.6.B.10. Dumpster and Mechanical Equipment Standards
The following standards are in addition to the requirements of the Solid Waste section of the General Development Standards article of this UDO...

....

5.6.B.12.c.1).a). Refer to the Signs section of the General Development Standards article of this UDO.

....

5.6.B.12.c.5).b). Refer to the Sign Standards section of the General Development Standards article of this UDO.

....

5.6.B.13. Outside Storage and Display Standards

The following standards are in lieu of the Outdoor Storage and Display section of the General Development Standards article of this UDO...

....

5.6.B.14. Waivers
The Design Review Board (DRB) shall review requests for deviations from the standards of the Northgate Districts section of this UDO as listed below. The DRB shall approve waivers found to meet the intent of the standards of the Northgate Districts section of this UDO and the Northgate Redevelopment Implementation Plan. Financial hardship may not be considered in the review or determination of a waiver proposal.

DRB review and waiver approval shall be limited to the following items:

a. Relief from the building design standards for historic properties if the proposed building improvements or additions generally conform to the section of this Ordinance addressing Building Design Considerations for Historic Properties—Standards for the Northgate zoning districts, and if the property building improvements or additions generally preserve the historical appearance and architectural character of the building...

....

5.6.B.14.h.1). The building material is a new or innovative material manufactured that has not been previously available to the market or the material is not listed as an allowed or prohibited material herein and the material is similar and comparable in quality and appearance to the materials allowed in the Exterior Building Materials section of this Ordinance for the Northgate zoning districts or...

....

5.6.B.14.i. Alternative materials on façade work that does not involve an expansion of an existing building as defined in the Nonconformities section of the UDO or constitute redevelopment if the applicant shows that:

1) The materials allowed in the Exterior Building Materials section of this Ordinance for the Northgate zoning districts cannot be utilized without a structural alteration(s) to the existing building and...

....

5.6.B.14.m. A decrease in parking requirements for residential uses provided that the applicant submits a parking study that supports the decrease based on reasonable assumptions of parking availability. Unless shared or off-site parking is provided as allowed in the Alternative Parking Plans section of the General Development Standards article of this UDO, in no case shall the DRB permit a reduction in the number of required spaces:...

....

5.6.B.14.m.2) To more than a fifty percent (50%) reduction in the amount of parking required for residential uses by the Number of Off-Street Parking Spaces Required section of this UDO.

....

5.8.A.2.b. Freestanding signs shall be limited to the restrictions of the Signs section of the General Development Standards article of this UDO, but shall not exceed the height of the building.

....

5.8.A.4.b.1). Sign height shall be restricted by the provisions of the Signs section of the General Development Standards article of this UDO, but shall not exceed the height of the building.

....

5.8.A.4.b.3) Signs for air, water, and other similar services or products must meet the criteria for exempt signs as provided in the Signs section of the General Development Standards article of this UDO.

....

5.9.C.1. The yard, lot, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, and open space regulations in the Residential Dimensional Standards and Required Yards sections of this UDO. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.

....

5.9.D.2.d.1).a). Contextual front setbacks as provided for in Required Yards (Setbacks) section of this UDO; or

b). Contextual front setbacks as provided for in the General Provisions of this Single-Family Overlay Districts section of the UDO; or...

....

Article 9, "Nonconformities"

....

9.2.A.2. Conditional Use
A use existing on the effective date of this UDO, or subsequent amendment applicable to its use, which would only be permitted as a conditional use, shall be a lawful nonconforming use until altered pursuant to the Conditional Use Permit section of this UDO. In the event of issuance of a conditional use permit, such use becomes a permitted and lawful use.

....

9.4.D. Other Uses of Nonconforming Lots: Site Plan Required
In any district in which single-family dwellings are not permitted, a nonconforming lot of record which meets the requirements above may be used for any use permitted in the district in which it is located if, but only if, a site plan for such use has been approved in accordance with the provisions of the Site Plan Review section of this UDO.

....

Article 10, "Enforcement"

....

10.5 Specific Penalties for Certificates of Appropriateness and Certificates of Demolition

A person is criminally responsible for a violation of the Certificate of Appropriateness and Certificate of Demolition sections of this UDO if:...

September 27, 2012
Regular Agenda Item No. 4
UDO Amendment—New Non-Residential Zoning Districts

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 4, "Zoning Districts," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," and Article 11, "Definitions," of the Code Of Ordinances of the City of College Station, Texas, by amending certain sections to establish new non-residential zoning districts, rename existing non-residential zoning districts, and retire specified zoning districts.

Relationship to Strategic Goals: Diverse Growing Economy and Neighborhood Integrity

Recommendation(s): The Bicycle, Pedestrian, and Greenways Advisory Board considered the greenways language associated with the districts at their September 4, 2012 meeting and unanimously recommended approval (7-0). The Planning and Zoning Commission considered this item at their September 20, 2012 meeting. Their recommendation will be forwarded to the City Council.

Summary: The Comprehensive Plan identifies 15 unique Future Land Use and Character designations and calls for the creation of zoning districts that align with the objectives of the Plan as one means of implementation. The intent is that new zoning districts will be developed for each of the land use classifications- to both align with the intent of the Comprehensive Plan and to simplify the nomenclature. The new zoning districts have been divided into three categories for their development: non-residential, residential, and growth areas.

Staff has worked with a sub-committee of the Planning and Zoning Commission to develop the concepts and language for new non-residential districts based on direction in the Comprehensive Plan. These districts are similar to the City's existing set of zoning districts, meaning that they are largely use-based, with some additional performance standards. With this amendment, several existing districts are proposed to be renamed to simplify the nomenclature, but the standards will remain the same. Additionally, several districts are proposed to be "retired" with this amendment. The retired districts will remain active for those properties with these zoning designations, but may not be requested to be applied to other properties in the future.

The districts to be created, renamed, and retired through this amendment include:

New non-residential districts:

- “NAP Natural Areas Preserved,”
- “SC Suburban Commercial,”
- “BP Business Park,” and
- “BPI Business Park Industrial.”

Renamed districts:
- “A-P Administrative Professional” to “O Office,”
- “C-1 General Commercial” to “GC General Commercial,” and
- “C-2 Commercial Industrial” to “CI Commercial Industrial.”

Retired districts:
- “C-3 Light Commercial,”
- “R&D Research & Development,”
- “M-1 Light Industrial,” and
- “M-2 Heavy Industrial.”

Once the new non-residential districts are adopted, staff will again work with the Planning and Zoning Commission Sub-Committee to develop concepts and language for the residential districts and growth areas.

Budget & Financial Summary: N/A

Attachments:
1. Ordinance
2. Zoning District Summary Sheets

BP Business Park Concepts

Purpose Statement

This district is designed for uses that primarily include administrative and professional offices, commercial industrial, research and development oriented light industrial, light manufacturing, and non-polluting industries. Uses in this district need good access to arterial level thoroughfares, but have relatively low traffic generation and require limited location identification.

The development of business parks will be in a campus like setting with structures grouped and clustered, and will be heavily landscaped to minimize the impacts of business park uses and associated parking areas on adjacent properties and public roadways. Impacts of the uses will be limited through buffering and architecture of the buildings.

- **UDO Article 5.3.F Non-Residential Zoning Districts – Business Park (BP)**

Zoning Area

Minimum BP zoning area is 5 acres

- **UDO Article 5.3.F Non-Residential Zoning Districts – Business Park (BP)**

Building Height

Section 7.1.H.2 Single Family Protection applies

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Setbacks

Minimum building setback from ROW: 50 feet (perimeter streets only)

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Minimum parking setback from ROW: 30 feet (perimeter streets only)

- **UDO Article 7.2.C.8 Off-Street Parking Standards – Dimensions and Access**

Setbacks to interior property lines and streets within the development, standard setbacks would apply

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Architectural Standards

Compliance with the Non-Residential Architectural Standards is required. NRA applies to structures located along the periphery of the zoning district. All other interior buildings located within the zoning district are exempt.

- **UDO Article 7.9.A Applicability**

All processes and business activity are to be conducted inside buildings (Exception for Commercial Gardens)

- **UDO Article 5.3.F Non-Residential Zoning Districts – Business Park (BP)**
- **UDO Article 6.3.D.2 Specific Use Standards – Commercial Garden/Greenhouse/Landscape Maintenance**
- **UDO Article 11 Definitions – Commercial Garden**

Signs

Low profile signs – One per structure is permitted.

- **UDO Article 7.4.C Summary of Permitted Signs**

- **UDO Article 7.4.F Sign Standards**
- **UDO Article 7.4.R Low Profile Signs**

Additional Standards

When property is adjacent to single-family use, zoning, or future land use and character designation, the following shall also be required:

- Buffer width and required plantings shall be doubled for property lines adjacent to single-family residential zoning or development.
  - **UDO Article 7.6.F Minimum Buffer Standards – Table and Notes**
  - **UDO Article 7.6.F.1 Minimum Buffer Standards – Buffer Yards**
- Consolidated sanitation services are required and shall be located furthest from the single-family.
  - **UDO Article 7.7.C.12 Solid Waste - Guidelines**
- Parking lot lighting may not exceed the height of the building to which it principally relates, with a maximum height of 20 feet.
  - **UDO Article 7.10.C.3 Outdoor Lighting Standards – Specific Lighting Requirements**

Allowed Uses

- **UDO Article 6.2.C Use Regulations – Use Table**

Educational Facility, Primary & Secondary
Educational Facility, Vocational / Trade
Government Facilities
Parks
Places of Worship
Commercial Garden / Greenhouse / Landscape Maint (P*)
Funeral Homes
Offices
Printing / Copy Shop
Radio / TV Station / Studios
Sexually Oriented Business (SOB) (P*)
Wholesales / Services
Industrial, Light
Scientific Testing / Research Laboratory
Storage, Outdoor – Equipment or Materials (P*)
Utility (P*)
Warehousing / Distribution (CUP)
Wireless Telecommunication Facilities –Intermediate (P*)

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Wireless Telecommunication Facilities –Major (CUP)

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Wireless Telecommunication Facilities –Unregulated

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Other Related Articles Revised:

- **UDO Article 1.10.B Transitional Provisions – Zoning Districts**

BP Business Park Concepts

- **UDO Article 4.1 Establishment of Zoning Districts**
- **UDO Article 7.12.B.1 Traffic Impact Analyses – Trip Generation Rates**

BPI Business Park Industrial Concepts

Purpose Statement

This district is designed to provide land for manufacturing and industrial activities with generation of nuisance characteristics greater than activities permitted in the BP district. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses. Generally, these uses need good access to arterial roadways, but should be offset from public roadways and adjacent properties by using the BP district and its associated development to screen the uses. The uses allowed have relatively low traffic generation and require limited location identification.

- **UDO Article 5.3.G Non-Residential Zoning Districts – Business Park Industrial (BPI)**

Building Height

Section 7.1.H.2 Single Family Protection applies to all structures on properties located adjacent to a single-family use or townhouse development.

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Setbacks

Minimum building setback from ROW: 50 feet (Perimeter streets only)

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Minimum parking setback from ROW: 30 feet (Perimeter streets only)

- **UDO Article 7.2.C.8 Off-Street Parking Standards – Dimensions and Access**

Setbacks to interior property lines and streets within the development, standard setbacks would apply

- **UDO Article 5.4 Non-Residential Dimensional Standards**

Buffer

Buffer width and required plantings shall be doubled for property lines adjacent to any zoning district other than BP or BPI.

- **UDO Article 7.6.F Minimum Buffer Standards – Table and Notes**
- **UDO Article 7.6.F.1 Minimum Buffer Standards – Buffer Yards**

Signs

Low profile signs – One per structure is permitted.

- **UDO Article 7.4.C Summary of Permitted Signs**
- **UDO Article 7.4.F Sign Standards**
- **UDO Article 7.4.R Low Profile Signs**

Allowed Uses

- **UDO Article 6.2.C Use Regulations – Use Table**

Educational Facility, Primary & Secondary
Educational Facility, Vocational / Trade
Government Facilities
Parks
Places of Worship
Commercial Garden / Greenhouse / Landscape Maint (P*)
Offices

BPI Business Park Industrial Concepts

Printing / Copy Shop
Radio / TV Station / Studios
Sexually Oriented Business (SOB) (P*)
Shooting Range, Indoor
Storage, Self Service
Retail Sales, Manufactured Homes
Vehicular Sales, Rental, Repair and Service
Wholesales / Services
Bulk Storage Tanks / Cold Storage Plant
Micro-Industrial
Industrial, Light
Industrial, Heavy
Recycling Facility – Large
Salvage Yard (P*)
Scientific Testing / Research Laboratory
Storage, Outdoor – Equipment or Materials
Truck Stop / Freight or Trucking Terminal
Utility (P*)
Warehousing / Distribution
Waste Services
Wireless Telecommunication Facilities –Intermediate

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Wireless Telecommunication Facilities –Major

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Wireless Telecommunication Facilities –Unregulated

- **UDO Article 6.3.X.3 Specific Use Standards – WTF Permitted Locations**

Other Related Articles Revised:

- **UDO Article 1.10.B Transitional Provisions – Zoning Districts**
- **UDO Article 4.1 Establishment of Zoning Districts**
- **UDO Article 7.9.A Applicability (exempt)**
- **UDO Article 7.12.B.1 Traffic Impact Analyses – Trip Generation Rates**

NAP Natural Areas Protected Concepts

Purpose Statement

This district is designed for publicly-owned property or private property intended for the conservation of natural areas. Properties with this designation are relatively undeveloped and are often used for recreational or open space purposes or for the conveyance of floodwaters. Properties with this designation are not projected for conversion to more intense land use in the future in the Comprehensive Plan.

- **UDO Article 5.3.A Non-Residential Zoning Districts – Natural Areas Protected (NAP)**

Allowed Uses

- **UDO Article 6.2.C Use Regulations – Use Table**

Parks and trails
Utility (P*)– includes accessory structures
Wireless Telecommunication Facilities –Unregulated, Intermediate (P*), Major (CUP)

Other Related Articles Revised

- **UDO Article 1.10.B Transitional Provisions – Zoning Districts**
- **UDO Article 4.1 Establishment of Zoning Districts**
- **UDO Article 5.3 Non-Residential Dimensions Standards**

SC Suburban Commercial Concepts

Purpose Statement

This district is intended to provide for low intensity commercial uses that provide services to nearby neighborhoods. The Suburban Commercial (SC) District is intended to be compatible with the character of suburban single-family neighborhoods. Buildings have a residential character and scale, and sites are heavily landscaped to minimize the impacts of nonresidential uses and associated parking areas on adjacent residential zoning districts. The district allows for a range of uses, with the impacts mitigated through buffering and architecture of the buildings.

- **UDO Article 5.3.C Non-Residential Zoning Districts – SC Suburban Commercial**

Building Size

Gross Floor Area of a single structure shall not exceed 15,000 square feet in area.

- **UDO Article 6.3.AC Retail Sales and Service – Specific Use Standards**
- **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

Restaurants may not exceed 8,000 square feet in area and are permitted at the following maximum sizes based on thoroughfare adjacency and access:

- **UDO Article 6.3.Q.2 Restaurant – Specific Use Standards**
    a. Freeway/Expressway and 4 or 6-Lane Major Arterial: 8,000 square feet
        - **UDO Article 6.3.Q.3.a Restaurants – Specific Use Standards**
    b. 4-Lane Minor Arterial and 4-Lane Major Collector: 7,000 square feet
        - **UDO Article 6.3.Q.3.b Restaurants – Specific Use Standards**
    c. 2-Lane Major Collector, 2-Lane Minor Collector: 5,000 square feet
        - **UDO Article 6.3.Q.3.c Restaurants – Specific Use Standards**
    d. Local Roadway: 2,500 square feet
        - **UDO Article 6.3.Q.3.d Restaurants – Specific Use Standards**

Permitted uses must be located completely indoors, with the exception of outdoor restaurant seating (not on side adjacent to residential) **UDO Article 6.3.Q.4 Restaurants – Specific Use Standards**, playgrounds (not on side adjacent to residential) **UDO Article 6.3.Q.4 Restaurants – Specific Use Standards**, **UDO Article 6.3.Y.3 Places of Worship – Specific Use Standards, UDO Article 6.3.AB. Daycare, Commercial** automatic teller machines, parking, loading, and dumpster areas. If parking, loading or dumpster areas are located adjacent to single-family, then a buffer wall is required **UDO Article 7.6.F.1.c.2 Buffer Yards – Buffer Requirements**, **UDO Article 7.7.C.11 Guidelines – Solid Waste**

Drive Thrus

Banks, pharmacies, or dry cleaners with drive-thrus may not have their message board or drive-thru window located on the side of the building closest to residential). Restaurants with drive-thrus are not permitted in SC.

- **UDO Article 6.3.Q.2 Restaurants – Specific Use Standards**
- **UDO Article 11.2 Drive-thru – Defined Terms**

Building Height

Maximum building height is 2 stories and a 24-foot eve height for a two story structure. Overall height maximum is 35’ to the peak of the roof.

SC Suburban Commercial Concepts

All buildings located directly adjacent (and within 50 feet) to single-family use, zoning, or future land use and character designation shall be a maximum of 1 story, with an eve height not to exceed 12 feet.

- **UDO Article 7.1.H.2.e Single Family Protection – Height**
- **UDO Article 7.1.H.2.e.1 – Single Family Protection – Height**

Section 7.1.H.2 Single Family Protection applies to all two-story structures on properties located adjacent to a single-family use or townhouse development (within 50 feet of property line), but does not apply to any one-story structures.

- **UDO Article 7.1.H.2.e Single Family Protection – Height**

Any structure with an eve height over 15' will be constructed to resemble a two-story façade (to address large box – still allow larger buildings (ie: typical pharmacy) but the façade treatment may help them fit in better). This could include window heights and placements, brick stringcourse, etc.

- **UDO Article 7.1.H.2.f – Single Family Protection – Height**

Roofs

Roofs shall be similar to residential roof types. A peaked parapet is permitted if it gives the appearance of a pitched roof from all sides. **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

- Flat and shed roofs are not permitted.
    - **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**
- Eaves shall extend a minimum of 12 inches from the building façade.
    - **UDO Article 7.9.B.**
- Roof slope must be a maximum of 8:12 and a minimum of 4:12.
    - **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

Architectural Standards

Horizontal articulation (minimum 4-foot depth) within each 45' section (for buildings over 8,000 s.f.)

- **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

Two design elements shall be required (in lieu of the requirements of NRA), within each forty-five foot (45') section of the primary entry façade. Wall sections less than forty-five feet (45') shall also be required to provide the two (2) design elements. **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

e. Decorative window shutters;
    - **UDO Article 7.9.B.2.b.a. Building Mass and Design – Standards for All Non-Residential Structures**

f. Covered front porch (extending along at least 50% of building façade and projecting a minimum of 4 feet from the face of the building);
    - **UDO Article 7.9.B.2.b.b. Building Mass and Design – Standards for All Non-Residential Structures**
    - **UDO Article 11.2 Porch – Defined Terms**

g. Eaves in excess of 18 inches;

- **UDO Article 7.9.B.2.b.c. Building Mass and Design – Standards for All Non-Residential Structures**

h. Window planter boxes;
- **UDO Article 7.9.B.2.b.d. Building Mass and Design – Standards for All Non-Residential Structures**

i. Window canopy;
- **UDO Article 7.9.B.2.b.e. Building Mass and Design – Standards for All Non-Residential Structures**

j. Dormers;
- **UDO Article 7.9.B.2.b.f. Building Mass and Design – Standards for All Non-Residential Structures**
- **UDO Article 11.2 Dormer – Defined Terms**

k. Transom windows;
- **UDO Article 7.9.B.2.b.g. Building Mass and Design – Standards for All Non-Residential Structures**
- **UDO Article 11.2 Transom – Defined Terms**

l. Decorative façade light fixtures;
- **UDO Article 7.9.B.2.b.h. Building Mass and Design – Standards for All Non-Residential Structures**

m. Chimneys or cupolas.
- **UDO Article 7.9.B.2.b.i. Building Mass and Design – Standards for All Non-Residential Structures**
- **UDO Article 11.2 Cupola – Defined Terms**

n. Cross gables
- **UDO Article 7.9.B.2.b.j. Building Mass and Design – Standards for All Non-Residential Structures**

o. Entry portico
- **UDO Article 7.9.B.2.b.k. Building Mass and Design – Standards for All Non-Residential Structures**
- **UDO Article 11.2 Entry Portico – Defined Terms**

Mechanical Equipment Screening

Roof-mounted mechanical equipment shall be screened from rights-of-ways and adjacent property by either the roof itself (including within a cut-out) or by a false roof element such as a chimney or cupola. Components of a mechanical equipment system, such as vent or exhaust pipes, protruding from the roof that are no larger than 12 inches in diameter or a height exceeding the roof line need not be screened, but must match the roof color. **UDO Article 7.9.B.1 Required Screening – Standards for All Non-Residential Structures**

Buffer

Buffer width and required plantings shall be doubled for property lines adjacent to single-family residential zoning or development. A fence is required NOT a wall – can still triple the landscape and get out of the fencing requirement.

- **UDO Article 7.6.F Minimum Buffer Standards – Buffer Requirements**
- **UDO Article 7.6.F.1.c Buffer Yards – Buffer Requirements**

SC Suburban Commercial Concepts

Landscaping

General standards will apply. Foundation landscaping, such as shrubs, perennials, and vegetative ground cover shall be located along at least 50% of the primary entry façade and within 3 feet from the face of the building.

- **UDO Article 7.5.C.10 Landscaping Requirements – Landscaping and Tree Protection**
- **UDO Article 11.2 Foundation Landscaping – Defined Terms**

Signs

Low profile signs – One per structure is permitted and shall match materials used on the building.

- **UDO Article 7.4.C Summary of Permitted Signs – Signs**
- **UDO Article 7.4.F Sign Standards – Signs**
- **UDO Article 7.4.R Low-Profile Signs – Signs**

Properties with Freeway frontage may use a free standing sign with the following conditions:

- Sign height may not exceed the eve height of the structure to which it most closely relates (is closest to).
    - **UDO Article 7.4.C Summary of Permitted Signs – Signs**
    - **UDO Article 7.4.N.1.d.4 Allowable Height – Freestanding Commercial Signs**
- Sign must be adjacent to and oriented to the Freeway
    - **UDO Article 7.4.C Summary of Permitted Signs – Signs**
    - **UDO Article 7.4.N.1.d.5 Allowable Height – Freestanding Commercial Signs**

Lighting

Site lighting may not exceed the eve height of the building to which it principally relates (is closest to).

- **UDO Article 7.10.C.2 Specific Lighting Requirements – Outdoor Lighting Standards**

Additional Standards

When adjacent to **single-family** use, zoning, or future land use and character designation, the following shall also be required:

- Drive thru shall not located on the side of the building facing single-family
    - **UDO Article 6.3.E Drive-in/Thru Window – Specific Use Standards**
    - **UDO Article 6.3.F.2 Dry Cleaners/Laundry – Specific Use Standards**
- Consolidated sanitation services will be located furthest from the single-family property line unless a buffer WALL is installed
    - **UDO Article 7.7.C.11 Guidelines – Solid Waste**
- Pedestrian connections to adjacent residential areas shall be provided where appropriate, as determined by the Administrator.
    - **UDO Article 7.9.5.d Pedestrian/Bike Circulation and Facilities – Standards for All Non-Residential Structures**
- outdoor restaurant seating and playgrounds shall not be located on the side adjacent to single-family residential
    - **UDO Article 6.3.Q.3 Restaurant – Specific Use Standards**
    - **UDO Article 6.3.Y.3 Places of Worship – Specific Use Standards**
    - **UDO Article 6.3.AB. Daycare, Commercial**

- If parking, loading or dumpster areas are located adjacent to single-family, then a buffer wall is required
    - **UDO Article 7.6.F Minimum Buffer Standards – Buffer Requirements**
    - **UDO Article 7.6.F.1.c.1 Buffer Yards – Buffer Requirements**
    - **UDO Article 7.7.C.11 Guidelines – Solid Waste**
- Parking shall not be located between the structure and an adjacent single-family property line (drive aisles and service aisles are permitted).
    - **UDO Article 7.9.B.6.e Parking Lots – Standards for All Non-Residential Structures**

Allowed Uses

- **UDO Article 6.2 Types of Uses**

Educational Facility, Indoor Instruction
Educational Facility, Primary & Secondary
Educational Facility, Tutoring
Government Facilities (P*)
Health Care, Medical Clinics
Parks
Places of Worship (P*)

- **UDO Article 6.3.Y Places of Worship – Specific Use Standards**

Animal Care Facility, Indoor
Art Studio/Gallery
Commercial Amusement (C)
Day Care, Commercial (P*)

- **UDO Article 6.3.AB Day Care, Commercial – Specific Use Standards**

Drive-in/Drive thru Window (with use and location limitations above)

- **UDO Article 6.3.E.1 Drive-in/Thru Window – Specific Use Standards**
- **UDO Article 6.3.F.2 Dry Cleaners/Laundry – Specific Use Standards**
- **UDO Article 6.3.Q Restaurant – Specific Use Standards**

Dry Cleaners & Laundry
Health Club / Sports Facility Indoor
Offices
Personal Service Shop
Printing / Copy Shop
Restaurants (with size limitation above, depending in adjacent roadway)

- **UDO Article 6.3.Q.2 Restaurant – Specific Use Standards**

Retail Sales and Service (15,000 max)

- **UDO Article 6.3.AC Retail Sales and Service – Specific Use Standards**
- **UDO Article 7.9.B.2.b Building Mass and Design – Standards for All Non-Residential Structures**

Storage – Self Service (existing prior to 2012)

- **UDO Article 6.3.U.2 – Storage (Self-Service), Specific Use Standards**

Gas Stations existing prior to 2012

- **UDO Article 6.3.G.10 – Fuel Sales, Specific Use Standards**

Utility (P*)
Wireless Telecommunication Facilities – Unregulated

Dimensional Standards

SC Suburban Commercial Concepts

- **UDO Article 5.3 Non-Residential Dimensional Standards**

Minimum Lot Area - None
Minimum Lot Width – 50’
Minimum Lot Depth – 100’
Minimum Front Setback – 25’
Minimum Side Setback – 7.5’ (and other UDO notes)
Minimum Side Street Setback – 15’
Minimum Rear Setback – 20’
Maximum Height – 35’, Section 7.1.H applies to buildings over one story

- **UDO Article 7.1.H.2.e Single Family Protection – Height**
- **UDO Article 7.1.H.2.e.1 – Single Family Protection – Height**
- **UDO Article 7.1.H.2.f – Single Family Protection – Height**

Other Related Articles Revised

- **UDO Article 1.10.B Transitional Provisions – Zoning Districts**
- **UDO Article 4.1 Establishment of Zoning Districts**
- **UDO Article 7.12.B.1 Traffic Impact Analyses – Trip Generation Rates**

Ordinance No: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 1, "GENERAL PROVISIONS," ARTICLE 4, "ZONING DISTRICTS," ARTICLE 5, "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS," ARTICLE 6, "USE REGULATIONS," ARTICLE 7, "GENERAL DEVELOPMENT STANDARDS," AND ARTICLE 11, "DEFINITIONS," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW TO MODIFY AND CREATE NEW NON-RESIDENTIAL ZONING DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Article 4, "Zoning Districts," Article 5, "District Purpose Statements and Supplemental Standards," Article 6, "Use Regulations," Article 7, "General Development Standards," and Article 11, "Definitions," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A", "B", "C", "D", "E", and "F" attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

_____
MAYOR

ATTEST:

_____
City Secretary

APPROVED:

_____
City Attorney

Ordinance No: _____

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Article 1, "General Provisions," Section 1.10, "Transitional Provisions," is hereby amended to read as follows:

1.10 Transitional Provisions

A. Pending Construction

1. Building Permits

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

2. Approved Site Plans

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

B. Zoning Districts

1. Retained Districts

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

District	Name
A-O	Agricultural-Open
A-OR	Rural Residential Subdivision
R-1B	Single-Family Residential
R-1	Single-Family Residential
R-2	Duplex Residential
R-3	Townhouse
R-7	Manufactured Home Park
WPC	Wolf Pen Creek Dev. Corridor
NG-1	Historic Northgate
NG-2	Commercial Northgate
NG-3	Residential Northgate
CU	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

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

District	New name
O	Office

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

District	New name
GC	General Commercial

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

District	New name
CI	Commercial Industrial

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 **GC, 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. Retired Districts

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

Retired Districts	Name
C-3	Light Commercial
R&D	Research & Development
M-1	Light Industrial
M-2	Heavy Industrial

5. New Districts

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

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

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

New District	Name
NAP	Natural Areas Protected
SC	Suburban Commercial
BP	Business Park
BPI	Business Park Industrial

6. 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

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

7. Deleted Districts

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

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

Ordinance No: _____

EXHIBIT "B"

That Chapter 12, "Unified Development Ordinance," Article 4, "Zoning Districts," Section 4.1, "Establishment of Districts," is hereby amended to read as follows:

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		
NAP	Natural Areas Protected	
O	Office	
SC	Suburban Commercial	
GC	General Commercial	
CI	Commercial Industrial	
BP	Business Park	
BPI	Business Park Industrial	
CU	College and University	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
KO	Krenek Tap Overlay	
NPO	Neighborhood Prevailing Overlay	
NCO	Neighborhood Conservation Overlay	
HP	Historic Preservation Overlay	
Retired Districts		
C-3	Light Commercial	
R&D	Research & Development	
M-1	Light Industrial	
M-2	Heavy Industrial	

Ordinance No: _____

EXHIBIT "C"

That Chapter 12, "Unified Development Ordinance," Article 5, "District Purpose Statements and Supplemental Standards," Section 5.5 "Planned Districts", Section 5.6 " Design Districts", Section 5.7 "Design District Dimensional Standards", Section 5.8 "Overlay Districts", Section 5.9 "Single-Family Overlay Districts", and Section 5.10 "Historic Preservation Overlay Districts" are hereby amended to be renumbered Section 5.8 "Planned Districts", Section 5.9 "Design Districts", Section 5.10 "Design District Dimensional Standards", Section 5.11 "Overlay Districts", Section 5.12 "Single-Family Overlay Districts", Section 5.13 "Historic Preservation Overlay Districts, respectively.

Chapter 12, "Unified Development Ordinance," Article 5, "District Purpose Statements and Supplemental Standards", Section 5.4 "Non-Residential Zoning Districts", Section 5.5 "Non-Residential Dimensional Standards", Section 5.6 "Retired Districts", and Section 5.7 "Retired Dimensional Standards" are hereby amended to read as follows:

5.4 Non-Residential Zoning Districts

A. Natural Areas Protected (NAP)

This district is designed for publicly-owned property or private property intended for the conservation of natural areas. Properties with this designation are relatively undeveloped and are often used for recreational or open space purposes or for the conveyance of floodwaters. Properties with this designation are not projected for conversion to more intense land use in the future by the Comprehensive Plan.

B. Office (O)

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

C. Suburban Commercial (SC)

This district is intended to provide for low-density commercial uses that provide services to nearby neighborhoods. The SC Suburban Commercial District is intended to be compatible with the character of suburban single-family neighborhoods. Buildings have a residential character and scale, and sites are heavily landscaped to minimize the impacts of non-residential uses and associated parking areas on adjacent residential zoning districts. The district allows for a range of uses, with the impacts mitigated through buffering and architecture of the buildings.

D. General Commercial (GC)

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

E. Commercial Industrial (CI)

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

F. Business Park (BP)

This district is designed for uses that primarily serve other commercial and industrial enterprises, and include administrative and professional offices, commercial industrial, research and development oriented light industrial, light manufacturing, and non-polluting industries. Uses in this district need good access to arterial level thoroughfares, but have relatively low traffic generation and require limited location identification.

The development of business parks should be in a campus like setting with structures grouped and clustered, and should be heavily landscaped to minimize the impacts of business park uses and associated parking areas on adjacent properties and public roadways. Impacts of the uses will be limited through buffering and architecture of the buildings.

The following supplemental standards shall apply to this district:

1. All processes and business activities shall be conducted inside buildings with the exception of Commercial Gardens; and

2. All BP zoning districts will be a minimum of five acres in area.

G. Business Park Industrial (BPI)
This district is designed to provide land for manufacturing and industrial activities that have nuisance characteristics greater than activities permitted in the BP Business Park district. Permitted uses within this district are generally not compatible with residential uses of any density or lower intensity commercial uses. Generally, these uses need good access to arterial roadways, but should be offset from public roadways and adjacent properties by using the BP Business Park district and its associated development to screen and buffer the uses. The uses allowed have relatively low traffic generation and require limited location identification.

H. College and University (CU)
This district is applied to land which is located within the boundaries of the Texas A&M University campus or is owned by the University.

5.5 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						
	O	SC	GC	CI	BP	BPI	NAP
Min. Lot Area	None	None	None	None	None	None	N/A
Min. Lot Width	24'	50'	24'	24'	100'	100'	N/A
Min. Lot Depth	100'	100'	100'	100'	200'	200'	N/A
Min. Front Setback	25'	25'	25'	25'	25' (E)	25' (E)	N/A
Min. Side Setback	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	N/A
Min. St. Side Setback	15'	15'	15'	15'	15' (E)	15' (E)	N/A
Min. Rear Setback	15'	20'	15'	15'	15' (E)	15' (E)	N/A
Max. Height	(C)	2 Stories / 35' (D)	(C)	(C)	(C)	(C)	N/A

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 7.2.H, Height.

(D) Maximum building height is 2 stories and 35', measured at the highest point of the roof or roof peak. Section 7.2.H, Height applies to buildings over one-story.

(E) Buildings shall be setback a minimum of 50 feet from all public streets adjacent the perimeter of the business park development, as shown on the approved Preliminary Plan document.

5.6 Retired Districts

Retired Districts include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect but these districts are not available for any new Zoning Map Amendment proposals.

A. Light Commercial (C-3)

This district is designed to provide locations for commercial sites that are too small for many permitted uses in the GC, General Commercial 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.

B. 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 7.5, 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 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.

C. 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.

D. 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 CI 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.

5.7 Retired Dimensional Standards

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

	Retired Zoning Districts			
	C-3	R&D	M-1	M-2
Min. Lot Area	None	20,000 SF	None	None
Min. Lot Width	24'	100'	100'	None
Min. Lot Depth	100'	200'	200'	None
Min. Front Setback	25'	30'	25'	25'
Min. Side Setback	(A)(B)	30' (B)	(A)(B)	(A)(B)
Min. St. Side Setback	15'	30'	15'	25'
Min. Rear Setback	15'	30'(D)	15'	15'
Max. Height	(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 7.2.H, Height.

(D) When abutting non-residentially zoned or used land, the rear setback may be reduced to 20 feet.

Ordinance No: _____

EXHIBIT "D"

That Chapter 12, "Unified Development Ordinance," Article 6, "Use Regulations," Section 6.3, "Types of Use," Section 6.4, "Specific Use Standards," and Section 6.5, "Accessory Uses," is hereby amended to read as follows:

6.3 Types of Use

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

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

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

C. Use Table

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

1. **Permitted Uses**

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

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

   A "P*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, 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.

E TABLE	Residential Districts										Non-Residential Districts								Retired Districts				Design Districts		
ecific Uses	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**

KEY: **P** = Permitted by Right; **P*** = Permitted Subject to Specific Use Standards;
C = Conditional Use; ** = District with Supplemental Standards (Refer to Article 5)

	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**
SIDENTIAL																									
arding & Rooming House							P	P		P															
ended Care Facility/Convalescent/Nursing Home							P	P		P			P	P									P		
rmitory							P	P		P														P	P
plex					P		P	P		P															
ternity/Sorority							P	P																P	P
nufactured Home	P*	P*							P*																
lti-Family							P	P		P													C[1]	P	P
lti-Family built prior to January 2002							P	P															P	P	P
gle-Family Detached	P	P	P	P	P	P				P															
wnhouse						P	P	P		P															
BLIC, CIVIC AND INSTITUTIONAL																									
ucational Facility, College and University																	P								
ucational Facility, Indoor Instruction										P	P	P	P	P					P				P	P	P
ucational Facility, Outdoor Instruction	P	C								P			P	P											
ucational 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	P	P
ucational Facility, Tutoring										P	P	P	P	P									P	P	P
ucational Facility, Vocational/Trade										P	P		P	P	P	P				P	P				
vernmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P*	P	P	P	P	P	P*	P	P	P	P	P	P	P
alth Care, Hospitals													P	P											
alth Care, Medical Clinics											P	P	P	P					P					P	P
ks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
ces of Worship	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
MMERCIAL, OFFICE AND RETAIL																									
icultural Use, Barn or Stable for Private Stock	P	P																							
icultural Use, Farm or Pasturage	P	P																							
icultural Use, Farm Product Processing	P																								
imal Care Facility, Indoor										P	P		P	P					P				P	P	P
imal Care Facility, Outdoor	P*													P											

E TABLE	Residential Districts										Non-Residential Districts								Retired Districts				Design Districts		
ecific Uses	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**

KEY: **P** = Permitted by Right; **P*** = Permitted Subject to Specific Use Standards;
C = Conditional Use; ** = District with Supplemental Standards (Refer to Article 5)

MMERCIAL, OFFICE AND RETAIL (continued)																									
Studio/Gallery										P	P	P	P						P				P	P	P
Wash													P*												
mmercial Garden/Greenhouse/Landscape Maint.	P*												P*	P*	P*	P*					P*				
mmercial Amusements										P		P	P*	P*					C				P	P	P
nference/Convention Center										P			P	P									P	P	P
untry Club	P	P	P	P						P			P	P											
y Care, Commercial							C	C	C	P	P	P	P						P					P	P
veen/thru window												P*	P										C		P*
Cleaners & Laundry										P*	P*	P	P	P					P*				P*	P*	P*
ternal Lodge										P			P	P										P	P
el Sales										P*		P*	P*						P*		P				
neral Homes													P	P	P						P				
lf Course or Driving Range	P*									P*			P*	P*											
alth Club/Sports Facility, Indoor										P		P	P						P				P	P	P
alth Club/Sports Facility, Outdoor										P			P										P	P*	P
tels	C[2]	C[2]								P			P										P	P	P
ght Club, Bar, or Tavern										C			C										C	P	P
ices										P	P	P	P	P	P	P			P	P	P	P	P	P	P
rking as a Primary Use										P	C		P	P									P		P*
rsonal Service Shop										P	P	P	P						P				P	P	P
nting/Copy Shop										P	P	P	P	P	P	P			P				P	P	P
dio/TV Station/Studios										P	P		P	P	P	P			P	P	P				P*
creational Vehicle (RV) Park	C[3]												C[3]												
staurants										P		P*	P						P*				P	P	P
tail Sales - Single Tenant over 50,000 SF													P												P
tail Sales and Service										P		P*	P*	P*					P				P	P	P
tail Sales and Service - Alcohol										P			P*	P*					P				C	P	P
xually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	P*	P*
oting Range, Indoor										P			P	P		P							P		

E TABLE	Residential Districts										Non-Residential Districts								Retired Districts				Design Districts		
ecific Uses	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	O	SC	GC	GI	BP	BPI	CU	NAP	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**
KEY: P = Permitted by Right; P* = Permitted Subject to Specific Use Standards; C = Conditional Use; ** = District with Supplemental Standards (Refer to Article 5)																									
MMERCIAL, OFFICE AND RETAIL (continued)																									
eater										P			P										P	P	P
tail Sales, Manufactured Homes																P					P*				
rage, Self Service												P*	P	P		P			P*		P				
hicular Sales, Rental, Repair, and Service													P*	P*		P					P*				
olesales/Services													P*	P*	P	P				P	P				
DUSTRIAL AND MANUFACTURING																									
lk Storage Tanks/Cold Storage Plant														P		P					P				
cro-Industrial													P*	P*		P									
lustrial, Light														P	P	P				P	P	P			
lustrial, Heavy																P					P				
cycling Facility - Large														P*		P					P				
vage Yard																P*					P*				
entific Testing/Research Laboratory														P	P	P				P		P			
rage, Outdoor - Equipment or Materials														P	P*	P				P	P				
ck Stop/Freight or Trucking Terminal																P					P				
lity	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
rehousing/Distribution														P	C	P				P	P				
ste Services																P					P				
reless Telecommunication Facilities - Intermediate	P*									P*	P*		P*	P*	P*	P		P*	P*	P*	P*	P*	P*	P*	P*
reless Telecommunication Facilities - Major	C										C		C	C	C	P		C	C	C	P*	C			
reless Telecommunication Facilities - Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		P	P

*** 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 6.4.Z " Recreational Vehicle Park Standards (RV Parks)" 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)

6.4 Specific Use Standards

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.3, Types of Use, with a "P*." A site plan review, as required by Section 3.5, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.7, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

A. Animal Care Facilities

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of 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

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

E. Drive-in / Thru Window

1. In all Northgate Zoning Districts, all site designs and elevations for drive-in/thru windows shall be reviewed by the Design Review Board as part of the site plan review process. All outside activities and appurtenances related to drive-in/thru service shall be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.
2. In SC Suburban Commercial, drive-in/thru windows and message boards may not be located on the side of the building adjacent to single-family land use and zoning. Restaurants with a drive-in/thru window will not be permitted.

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 6.4.P, Vehicular Sales, Rental, Repair and Service.
2. All activities except those associated with fuel pumping must be conducted within an enclosed building.
3. Ice and vending machines must be enclosed in a building.
4. No signage, in addition to the signage allowed in Section 7.5, Signs, may be allowed within view of the right-of-way.
5. No outside storage or display of vehicles for any purpose.
6. A Drive-Thru car wash designed to accommodate one vehicle shall be permitted as an

accessory use.

7. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four (4) vehicles obtaining fuel simultaneously.

8. Minimum setback requirements shall be as follows:

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

9. Storage tanks must be located below grade.

10. In SC Suburban Commercial, Fuel Sales will be considered a permitted land use on properties with existing Fuel Sales as of (DATE), 2012.

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 7.7, Buffer Requirements.

3. For driving ranges, all balls must remain on the property through proper orientation of the tee boxes, adequate buffering or screening, and barrier nets.

4. No building, structure, or outdoor activity of a driving range shall be located within 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 7.7, 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.

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. In C-3 Light Commercial, the maximum size shall be 2,500 square feet. In C-3 Light Commercial and SC Suburban Commercial, drive-ins and Drive-Thrus are prohibited.
2. In SC Suburban Commercial, restaurants (including waiting and outdoor dining areas) may not exceed 8,000 square feet and are permitted at the following maximum sizes based on adjacent thoroughfare and access:
   a. Freeway/Expressway and 4 or 6-Lane Major Arterial: 8,000 square feet;
   b. 4-Lane Minor Arterial and 4-Lane Major Collector: 7,000 square feet; or
   c. 2-Lane Major Collector and smaller: 5,000 square feet.
3. In SC Suburban Commercial, restaurants shall not locate outdoor seating or playgrounds between the structure and a single-family land use and zoning.

R. Sales and Service (Retail and Wholesale)

Sales Matrix

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

Retail.....SALES.....Wholesale

GC General Commercial	CI Commercial -Industrial
GC General Commercial	CI Commercial-Industrial

Minor.....STORAGE.....Major

1. Storage is allowed in GC if the square feet of storage is less than 50% of the total physical space, exclusive of office areas.
2. Sales are allowed in CI 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.
4. In SC Suburban Commercial, Gross Floor Area of a single structure shall not exceed 15,000 square feet

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

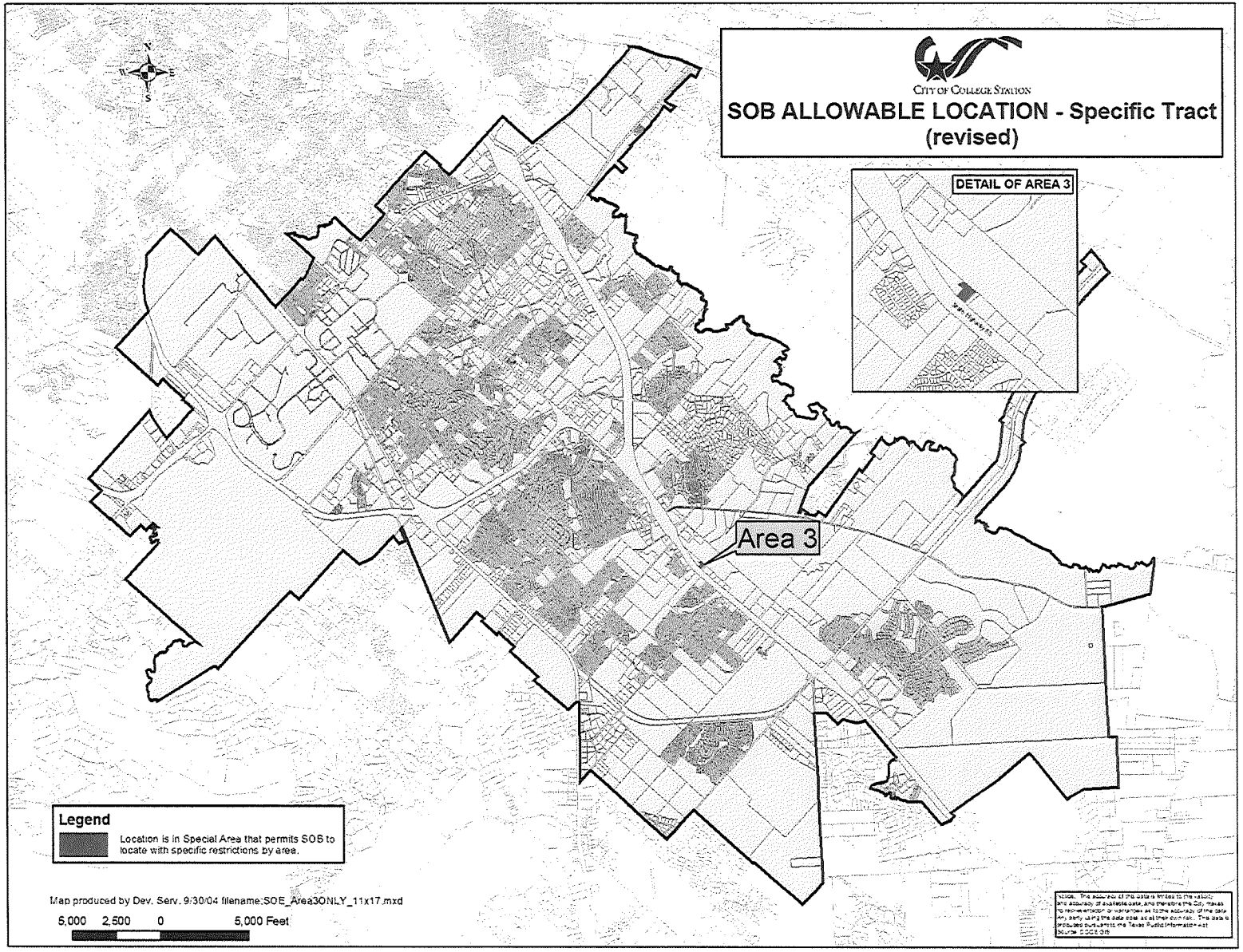
A sexually-oriented business is a permitted use at the following location only and is subject to the specific standards located in this Section and is subject to other applicable regulations of this UDO.

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.

Ordinance No: _____

Map of the Potential Location:



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 (½) of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

5. **Specific Standards**

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

      Any performance area shall be elevated at least 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.

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;

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)

1. Accessory uses are prohibited.
2. In SC Suburban Commercial, Self-Service Storage will be considered a permitted land use on properties with existing Self-Service Storage as of (DATE), 2012.

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 7.7, 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 (WTF) that are consistent with federal and state law. The City Council of the City of College Station finds that:

a. It is in the public interest to promote competition in high 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 Agricultural Open	M-1 Light Industrial	M-2 Heavy Industrial
GC General Commercial	CI Commercial Industrial	
C-3 Light Commercial	NG Northgate	City-owned premises
O Office	R&D Research & Development	
WPC Wolf Pen Creek	PDD Planned Development District (except PDD-H)	
BP Business Park	BPI Business Park Industrial.	

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

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

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

4. Requirements for Attached WTFs

a. WTFs may attach to the exterior of any non-residential building within any zoning district provided the antenna and antenna support structure or equipment are mounted flush with the vertical exterior of the building or project no more than twenty-four 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.

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.

f. Landscaping, Screening, and Aesthetic Standards

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

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

g. Application Procedures

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

1. An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
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.
7. Grid plan (propagation map) of the service area for existing and future structures for a period of not less than two (2) years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.
8. No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.
9. No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The Administrator or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:
   a. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including City-owned property.
   b. A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within one-half (½) mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.
   c. A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's tele-communications services.

7. Conditional Use Permits

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.4.X.3, Permit table Locations, under the procedures set forth in Section 3.15, 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 7.7, Buffer Requirements.

2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen-foot (15') buffer yard with buffer plantings and a six-foot (6') privacy fence is required pursuant to Section 7.7, 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.

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 CI Commercial-Industrial and BPI Business Park Industrial zoning districts an accessory restaurant, nightclub, bar or tavern is not permitted.

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

AB. Retail Sales and Service

In SC Suburban Commercial, Gross Floor Area of a single structure shall not exceed 15,000 square feet.

6.5 Accessory Uses

A. Accessory Uses

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

1. The use or structure is subordinate to and serves a primary use or principal structure;
2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

B. Accessory Structures

1. 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.
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.

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 Portable Storage container on property unless otherwise exempted herein.

b. The following are exempt from the requirements of this Section:
   1. Property with an active building or development permit.
   2. Properties zoned M-2, Heavy Industrial or BPI Business Park Industrial. M-2 Heavy Industrial and BPI Business Park Industrial that abut residential zoning

districts or uses shall comply with this exemption.

3. Sites in which storage containers constitute a principal use, as determined by the Administrator.
4. Containers that receive site plan approval as per 3.b, Development of a Permanent Storage Container Area, of this Section.

c. Placing material on top of, or the vertical stacking of, Portable Storage containers is prohibited.

d. Permits shall be posted on the storage container. If a container is replaced by another during the permit period, the permit shall be removed and placed on the newly placed container. If the container is visible from a right-of-way, then the permit shall be posted 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 7.2.C, Visibility at Intersections in all Districts.

f. Storage containers shall be places on an improved surface as specified in Section 7.3.G, Off-Street Parking Standards, Surfacing.

g. In the event of a natural disaster of 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) Portable Storage container shall be allowed at a time per dwelling unit.

b. A permit is not required for the first fourteen (14) days a storage container is located on residential property. An extension for up to an additional fourteen (14) days may be obtained through an approved permit. A storage container shall not be located on residential property for longer than twenty-eight (28) days.

c. No more than two (2) permits may be issued to a dwelling unit per calendar year and there shall be a minimum of thirty (30) days between issuance of permits.

d. No storage container shall exceed a height of eight 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 7.3, Off Street Parking Standards.

Per Ordinance No. 3253 (June 24, 2010)

Ordinance No: _____

EXHIBIT "E"

That Chapter 12, "Unified Development Ordinance," Article 7, "General Development Standards," Sections 7.2, "General Provisions," 7.3, "Off-Street Parking Standards," 7.5, "Signs," 7.7, "Buffer Requirements," 7.8, "Solid Waste," 7.10 "Non-Residential Architectural Standards," 7.11, "Outdoor Lighting Standards," and 7.13, "Traffic Impact Analysis," is hereby amended to read as follows:

7.2 General Provisions

A. Health and Environmental Safeguards

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

1. Emission of smoke, dust, or noxious, toxic or lethal gases are detectable beyond the perimeter of the property;
2. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, contain oil or grease, wood, cellulose fibers, hair, feathers, or plastic, or have a pH factor greater than ten 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;

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 proceeding 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.

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

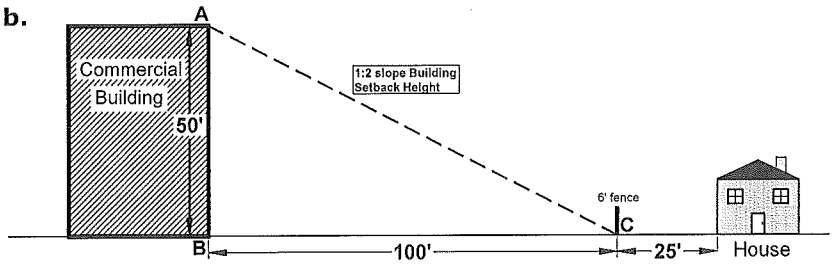
   Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

   a. The average height level between the eaves and ridge line of a gable, hip, or gambrel roof; the highest point of a mansard roof; or 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.

   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.

e. In addition to the height limitations recited in this subsection, the following height limitations apply in SC Suburban Commercial zoning:

1. No building may exceed two stories;

2. Maximum eve height is 24 feet;

3. Maximum overall height to peak of roof is 35 feet;

4. Any structure with an eve height over 15 feet will be constructed to resemble a two-story façade;

5. Buildings located closest to single-family land use or zoning and within 50 feet of the property line are limited to one-story in height with an eve maximum of 12 feet;

6. An eve maximum of 14 feet in height is permitted when mechanical equipment is housed within a mezzanine; and

7. Section 7.2.H.2, Single-family Protection, applies to all two-story structures within 50 feet of single-family property line.

I. Public Address Systems

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

7.3 Off-Street Parking Standards

A. Purpose

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

1. 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.

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.

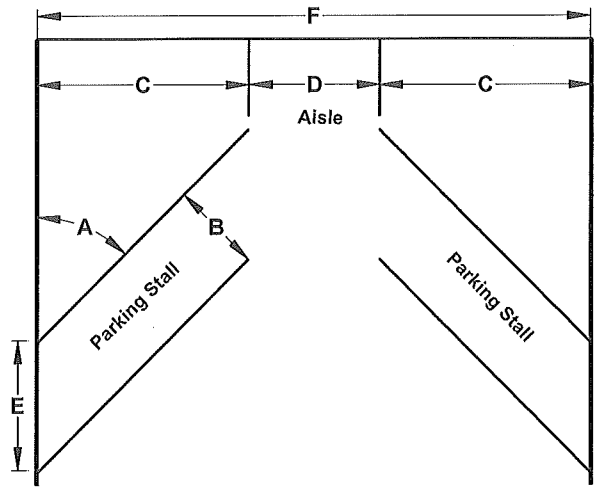
3. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABA) administered by the Texas Department of License and Regulation.

4. Each parking space and the maneuvering area thereto shall be located entirely within the boundaries of the building plot except where shared parking is approved by the 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 (18′ x 20′) landscaped island.

8. All parking lots and drive aisles shall be setback a minimum of six feet (6′) from any public right-of-way.

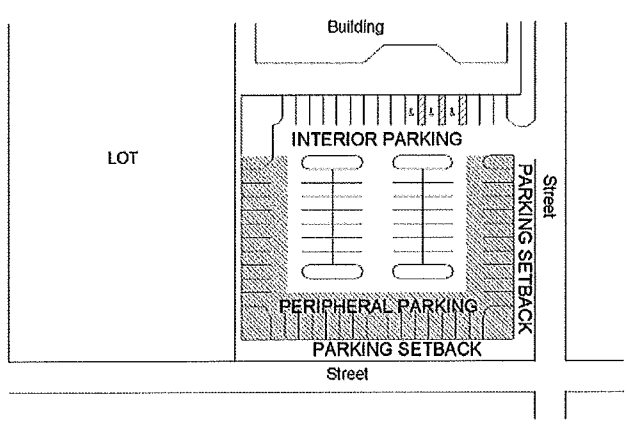
    a. In BP Business Park and BPI Business Park Industrial districts all parking located at the periphery of the development shall be setback a minimum of thirty feet (30′) from any public right-of-way or public way.

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

10. 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.

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

(c) Permeable surfaces approved as provided above shall be maintained in accordance with industry standards and to achieve mitigation of storm water sheeting and pooling of water. Failure to maintain permeable surfaces as required herein, shall constitute a violation of the Section of the 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 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	

Use	Unit	Spaces / Unit	Plus Spaces For:
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 Service Area	 250 s.f. 200 s.f.	 1.0 1.0	
Medical or Dental Clinic < 20,000 s.f.	200 s.f.	1.0	
Multi-family Dwelling: 1 Bedroom 2 Bedroom (ea. BR<130 s.f.) 2 Bedroom 3 Bedroom	BR BR BR BR	1.5 1.5 1.25 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	
Retail Sales & Service: GC, SC, C-3 CI	250 s.f. 350 s.f.	1.0 1.0	
Restaurant (w/o drive-through) (w/drive-through)	65 s.f. 100 s.f.	1.0 1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	1.0	
Single-family Dwelling	DU	2.0	
Shopping Center**: GC, SC, C-3 CI	250 s.f. 350 s.f.	1.0 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 GC, SC, or C-3 and 1:350 in CI) 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.

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 7.3.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:

      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 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.

7.5 Signs

A. Purpose

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

B. Applicability

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

1. The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The City Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.

2. The City Council finds that instances may occur in the application of this Section where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this UDO for good cause. The City Council finds that it is imperative that enforcement officials apply this Section as it is written, in the interest of equality and fair and impartial application to all persons, and that the procedures to appeal a denial of a sign permit to the ZBA shall remain the sole administrative means to obtain any exception to the terms hereof.

3. The regulations of this Section shall apply for developments within the zoning districts listed in Section 7.5.C Summary of Permitted Signs. These regulations only apply to special districts within the City of College Station so far as is stated in the following Sections of this UDO:

   a. Wolf Pen Creek District (WPC), Section 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.

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	O	SC	GC	CI	C-3	BP	BPI	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	X	X	X
Attached Signs							X	X	X	X	X	X	X	X	X	X	X	X	X
Campus Wayfinding Signs										X	X	X	X		X	X	X		
Commercial Banners							X	X		X	X	X	X	X	X	X	X	X	X
Development Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Directional Traffic Control Signs										X	X	X	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	X	X	X
Non-Commercial Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Real Estate, Finance, and Construction Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Roof Signs												X	X					X	X

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

* One Freestanding Sign shall be allowed in the O Office zone only when the premise has a minimum of two (2) acres.

** Freestanding Signs are permitted for building plots with freeway frontage only. See 7.5.N "Freestanding Commercial Signs" for additional standards.

D. Prohibited Signs

The following signs shall be prohibited in the City of College Station:

1. Portable and trailer signs, and temporary freestanding signs.
2. Signs painted on rooftops.
3. Inflated signs, pennants, wind driven devises (excluding flags), tethered balloons, and/or any gas filled objects for advertisement, decoration, or otherwise, except as permitted in Section 7.5.P, Grand Opening Signs and Section 7.5.U, Special Event Signs.
4. Vehicle signs except as permitted in Section 7.5.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 7.3.C, Visibility at Intersections in all Districts. This does not include traffic control or directional signs.
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 7.5.D Prohibited Signs;
4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;
5. Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety, except as stated in Section 7.5.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;
    d. Allowed up to fourteen (14) days prior to the event; and
    e. Removed within twenty-four (24) hours of the event.

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

Per Ordinance No. 3280 (September 9, 2010)

F. Sign Standards

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

Sign Type	Maximum Area (s.f.)**	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Apartment / Condominium / Manufactured Home Park Identification Signs	100	10	10	1/frontage
Area Identification Signs	16	4	10	1/10-50 acre subdivision or phase
Attached Signs	Varies, see 7.5.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 7.5 BB "Campus Wayfinding" below
Commercial Banners	36	No to exceed the top of structure to which it is attached	10	1/premises
Development Signs Residential / Collector Street Arterial Street Freeway (As designated on Thoroughfare Plan)	 35 65 200	15	10	1/premises
Directional Traffic Control Signs	3	4	4	1/curb cut
Freestanding Signs	Varies, see 7.5.N "Freestanding Commercial Signs" 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	60	4	10	See 7.5 R "Low Profile Signs" below / ***
Low Profile Signs (In lieu of permitted Freestanding Sign)	60	4	10	1/150 feet of frontage */***
Real Estate, Finance, and Construction Signs Up to 150-foot frontage Greater than 150-foot frontage	 16 32	 8 8	 10 10	1/frontage (Real Estate) 1/property (Finance) 3/property (Construction)
Roof Signs	Determined by frontage. Same as	10 feet above structural roof	---	1/building plot in place of a freestanding sign

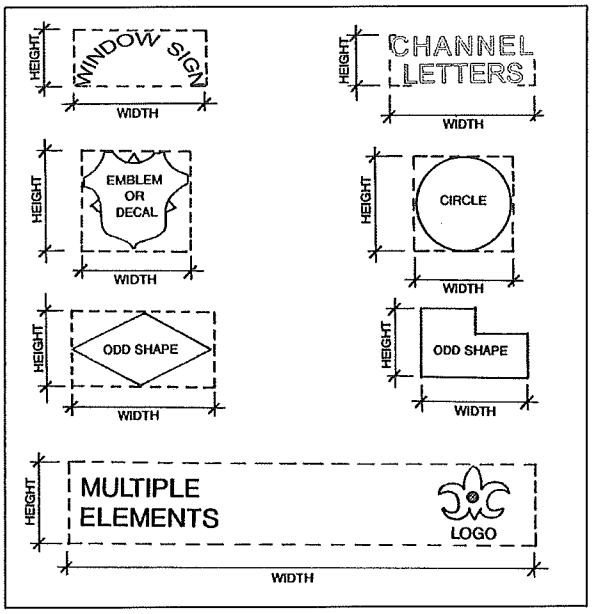
	freestanding Max. 100 s.f.			
Subdivision Signs	150	15	10	1/primary subdivision entrance. Not to exceed 2 signs.

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

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

*** In SC Suburban Commercial, BP Business Park, and BPI Business Park Industrial, one low-profile sign per structure is permitted.

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



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 7.5.F, Sign Standards above. Area Identification Signs may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in Section 7.5.F, Sign Standards above.

2. Subdivision Signs shall be permitted upon private property in any zone to identify subdivisions of greater than 50 acres, subject to the requirements set forth in Section 7.5.F, Sign Standards above.

3. Both Area Identification and Subdivision Signs must be located on the premises as identified by a preliminary or master preliminary plat of the subdivision. Subdivision Signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two 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 7.5.F, Sign Standards above except in areas where a Private Improvement in Public Right-of-way permit has been issued.

H. Apartment/Condominium/Manufactured Home Park Identification Signs

1. One 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 7.5.C, Summary of Permitted Signs subject to the requirements set forth in Section 7.5.3, 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 7.5.F, Sign Standards above.

I. Attached Signs

1. Attached Signs are commercial signs under this Section.

2. Attached Signs on any commercial building or tenant lease space shall not exceed a total of two and 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.

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 7.5.U, Special Event Signs.

K. Development Sign

1. A Development Sign may be placed only on private property subject to the requirements in Section 7.5.F, Sign Standards above.

2. A Development Sign for a building project shall be removed if the project has not received a Building Permit at the end of twelve 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.

L. Directional Traffic Control Sign

1. Directional Traffic Control Signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Section 7.5.F, Sign Standards above.
2. For multiple lots sharing an access easement to public right-of-way, there shall be only one 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
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; and
4. For properties with Freeway frontage in SC Suburban Commercial districts, the maximum height of the sign may not exceed the eve height of the structure to which it most closely relates. Sign must be adjacent to and orient to the Freeway.

2. Freestanding Commercial Signs are allowed only on developed commercial property established in the appropriate zones as set forth in Section 7.5.C, Summary of Permitted Signs. One freestanding sign shall be allowed in the O zone only when the premise has a minimum of two acres, subject to the requirements set forth in Section 7.5.F, Sign Standards. One Low Profile Sign shall be allowed in the O zone when the premise has less than two acres subject to the requirements set forth in Section 7.5.F, Sign Standards, above.

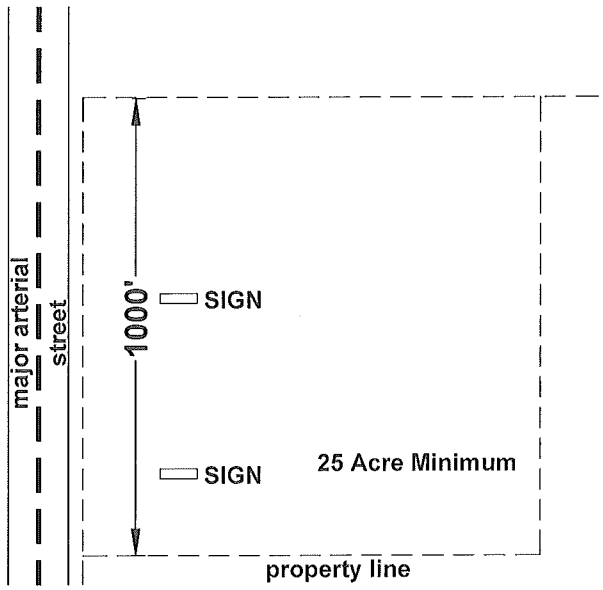
3. A premise with more than 150 feet of frontage shall be allowed to use one Freestanding Commercial Sign or any number of Low Profile Signs as long as there is a minimum separation between signs of 150 feet.

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

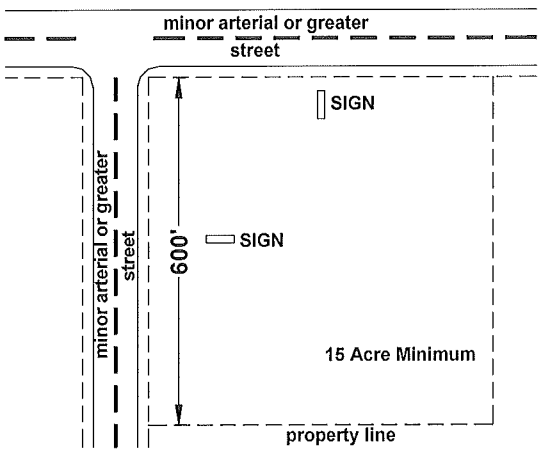
4. Premises with less than 75 feet of frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two paragraphs.

5. 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:

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



b. 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.



6. 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.

7. Sites with limited or no street frontage, due to a proliferation of pad sites, that are not contained within the building plot, as defined by the Administrator, and are fronting along a street classified as a collector or greater on the Thoroughfare Plan, will be allowed the area of the sign to be less than or equal to the square of one-sixth of the distance from the closest portion of the sign to the curb or pavement edge, with the maximum area not to exceed 200 square feet.

8. 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 7.5.N, Freestanding Commercial Signs, and to the standards of Section 7.5.N.1.a, Allowable Area, with the maximum area not to exceed 200 square feet. In addition, each pad site will be permitted one Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards.

O. Fuel Price Signs

Facilities with fuel sales will be allowed one 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. Low Profile Signs

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

1. A premise with less than 75 feet of street frontage shall be allowed to use one Low Profile Sign in lieu of a Freestanding Commercial Sign;
2. Each single building plot containing one or more pad sites, shall be permitted one Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards; and
3. In SC Suburban Commercial, BP Business Park, and BPI Business Park Industrial, one Low Profile Sign per structure is permitted.

S. 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 7.3.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.

T. 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.

U. Roof Signs

1. Signs mounted to the structural roof shall be regulated as Freestanding Commercial Signs.

2. Painted or applied roof signs are prohibited.

V. 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.

W. 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.

X. 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 7.5.F, Sign Standards, "Low Profile Signs."

Y. 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 7.5.F, Sign Standards, "Low Profile Signs." Signs for government facilities in residential or agricultural zoning districts shall comply with Section 7.5.I, Sign Standards, "Attached Signs."

Z. 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.

AA. Signs in the Extraterritorial Jurisdiction

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

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 ne 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 pr 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)

7.7 Buffer Requirements

A. Purpose

The purpose of buffer requirements, which generally include a buffer yard, plantings, and a fence or wall, is to provide a visual barrier between different zoning districts and to help mitigate any negative impacts of adjacent land uses on developed or developing properties. A buffer should visibly separate one 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 7.7.F, Minimum Buffer Standards. The following shall provide buffers:

a. Vacant sites that develop;

b. Existing sites when additions, expansions, and/or redevelopments equal or are greater than 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

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 7.7.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. The numbers shown are the required buffer widths.

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′
Suburban Commercial	20′ (1)	N/A	N/A
Business Park	50′ (2)	15′ (2)	5′
Business Park Industrial	50′ (2)	30′ (2)	10′**
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 buffer requirement.

**When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five feet (5′).

(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.

c. In SC Suburban Commercial:

1. Buffer width and required plantings shall be doubled along property lines adjacent to single-family residential zoning or land use. In lieu of a fence, plantings may be tripled.
2. When adjacent to single-family use, zoning, or future Land Use and Character designation, a buffer wall is required for the length of any adjacent parking, loading areas, or dumpster uses (including required manuevering space).

d. In BP Business Park, required buffer plantings shall be doubled along property lines adjacent to single-family residential zoning or development.

e. In BPI Business Park Industrial, required buffer plantings shall be doubled along property lines adjacent to any zoning district or use other than BP Business Park or BPI Business Park Industrial.

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, unless expressly provided for otherwise in this UDO:

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 7.6.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 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.

i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in Section 7.3.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 7.6.C.2.c, Landscaping and Tree Protection, of this UDO.

   b. Fences and walls may be substituted with a solid plant or hedge wall that is greater than six 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 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

7.8 Solid Waste

A. Purpose

It is the purpose of this Section to establish the guidelines for the provision of solid waste collection in all developments within the City of College Station where curb service will not take place, in order to:

1. Provide for the safe and efficient collection and removal of waste from commercial and residential developments; and

2. Reduce nuisances associated with waste collection containers.

B. Responsibility

The City shall make the final determination as to the appropriate collection system; however, it is the responsibility of the developer to ascertain the appropriateness of the proposed collection system. Staff will endeavor to accommodate applicants to the extent equipment, efficiency, and policy allow.

C. Guidelines

The following minimum standards shall be met:

1. All dumpsters shall be screened. Screening shall be at least as tall as the dumpster(s) and may be achieved through the use of buildings, fences, or walls. Plant materials may be used to supplement required screening.

   Dumpster screens should be located outside of utility 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;

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.

11. In SC Suburban Commercial, consolidated sanitation service is required and shall be located furthest from single-family use or zoning. Notwithstanding the foregoing, it may be located adjacent to single-family if a buffer wall is used.

12. In BP Business Park, consolidated sanitation service is required and shall be located furthest from single-family use or zoning.

7.10 Non-Residential Architectural Standards

A. Applicability

Except as expressly set forth otherwise herein, the design standards of this Section shall apply to development, redevelopment, and façade changes to all non-residential buildings including single tenant buildings, multiple tenant buildings, and any grouping of attached or stand alone buildings and associated pad sites.

The following are exempt from this section of the UDO:

1. BP Business Park. Any building located within BP Business Park districts is required to comply with this Section if it is along the periphery of the zoning district. All other interior buildings located within BP Business Park districts are exempt from this Section.

2. Districts. Uses located within the following districts are exempt from this Section: BPI Business Park Industrial, M-1 Light Industrial, M-2 Heavy Industrial, R&D Research & Development, NG-1 Core Northgate, NG-2 Transitional Northgate, and NG-3 Residential Northgate.

3. Uses. The following uses are exempt from these Non-Residential Architectural Standards: 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

Ordinance No: _____

College Station:

NRA SUMMARY TABLE								
Gross Square Feet in Area of Building/Combination of Buildings								
	Under 20,000		20,000 to 49,000		50,000 to 149,999		150,000 +	
Façade Standards	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other	Facing ROW	Other
BUILDING MASS & DESIGN								
2 elements of architectural relief every 45 feet	R*	SC only	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, except for SC		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							
NRA SUMMARY TABLE (cont.)								
Gross Square Feet in Area of Building/Combination of Buildings								

Ordinance No: _____

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 facade					R		R	
Pedestrian walkways					R		R	
Bicycle parking spaces	4 R		4 R		8 R		8 R	
PARKING LOTS								
Parking Concept for more that 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	

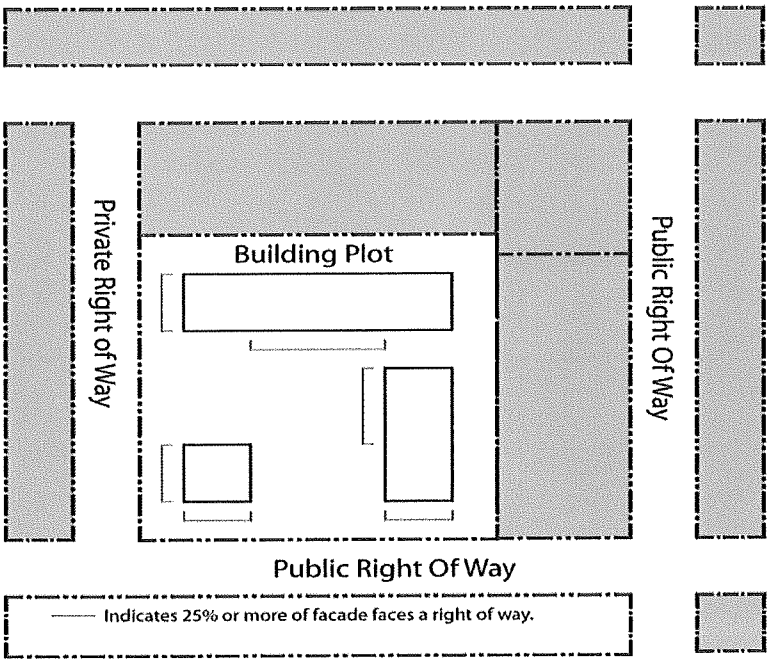
Ordinance No: _____

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.



1. **Required Screening**

All mechanical equipment shall be screened from view or located so as not to be visible from any public right-of-way or residential district when viewed within 150 feet of the perimeter boundary of the subject lot or tract, measured from a height five (5') feet above grade. Such screening shall be coordinated with the building architecture, materials, colors and scale to maintain a unified appearance. Acceptable methods of screening are: encasement, parapet walls, partition screens, brick/stone/masonry walls or fences.

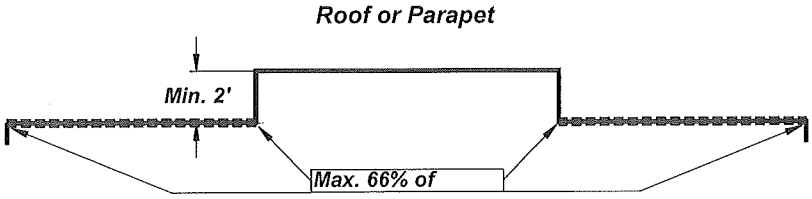
In SC Suburban Commercial, roof-mounted mechanical equipment shall be screened from rights-of-ways and adjacent properties by either the roof itself (including within a cut-out) or by a false roof element (ie – chimney, cupola). In SC Suburban Commercial districts, components of a mechanical equipment system, such as vents or exhaust pipes, protruding from the roof that are no larger than 12 inches in diameter nor exceeding the height of the roof line are not required to be screened, but must be painted to match the roof color.

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**

a. For all applicable properties other than those located in SC Suburban Commercial districts, 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. Only the following types of architectural relief may be used:

1. Canopies, permanent decorative awnings, or windows accompanied by overhangs;
2. Wall plane projections or recessions with a minimum of four foot (4') depth;
3. Pilasters or columns;
4. Recessed entries, stoops, Porches, or arcades;
5. Balconies that extend from the building; or
6. Boxed or bay windows;
7. Decorative stormwater management initiatives physically integrated with the building, as approved by the Administrator.



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. Architectural Relief

For all properties zoned SC Suburban Commercial: 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. Wall sections less than forty-five feet (45') shall also be required to provide the two (2) design elements. For buildings over 8,000 square feet, articulation (minimum 4-foot depth) is required within each forty-five foot (45') section. Two of the following design elements shall be required within each forty-five foot (45') section of all façades for architectural relief:

a. Decorative or functional window shutters;

b. Covered front Porch extending along at least 50% of building façade and projecting a minimum of 4 feet from the face of the building;

c. Eaves in excess of 18 inches;

d. Window planter boxes;

e. Window canopy;

f. Dormers;

g. Transom windows;

h. Decorative façade lighting;

i. Chimneys or cupolas;

j. Cross gables; or

k. Entry Portico.

4. Roof

Roofs shall be similar to residential roof types. Flat roofs are not permitted.Shed roofs are only permitted as part of a peaked roof network. A peaked parapet is permitted if it gives the appearance of a pitched roof from all sides. Roof slope must be a maximum of 8:12 and a minimum of 4:12.

5. Floor Area

Gross Floor Area of a single structure shall not exceed 15,000 square feet in area.

6. 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 standalone 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 7.10.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.

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 7.7 Plantings, fences, or walls which meet the speci-fications established in Sections 7.7.F.2 or 7.7.F.3 with substitutions allowed as provided for in Section 7.7.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%**

7. 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.

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.

8. 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.

d. In SC Suburban Commercial districts, pedestrian connections to adjacent residential areas shall be provided as determined by the Administrator so as to enhance pedestrian, bicycle mobility, and connectivity.

9. Parking Lots

These requirements are in addition to and not in lieu of the requirements established in Section 7.3. 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.

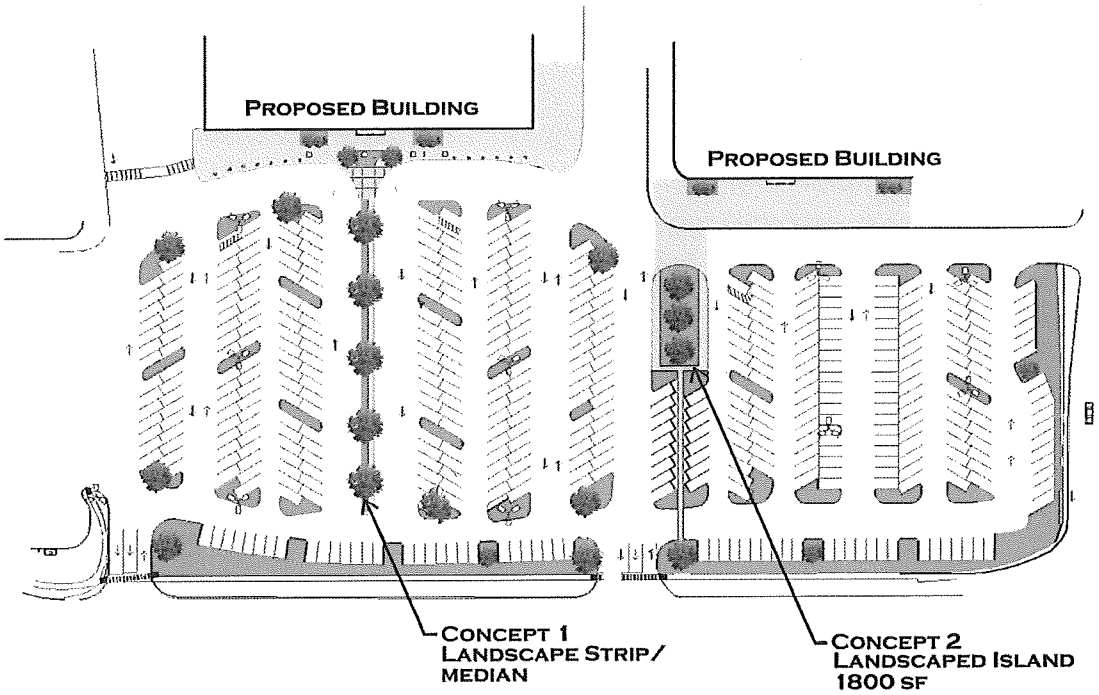
b. In order to break up the parking lot area and minimize visual impact, one of the following parking concepts is required on any parking lot with greater than one hundred twenty (120) parking spaces. Parking concepts shall be approved by the Administrator provided that it meets one of the following minimum criteria. Pedestrian ways are allowed within the below-described areas.

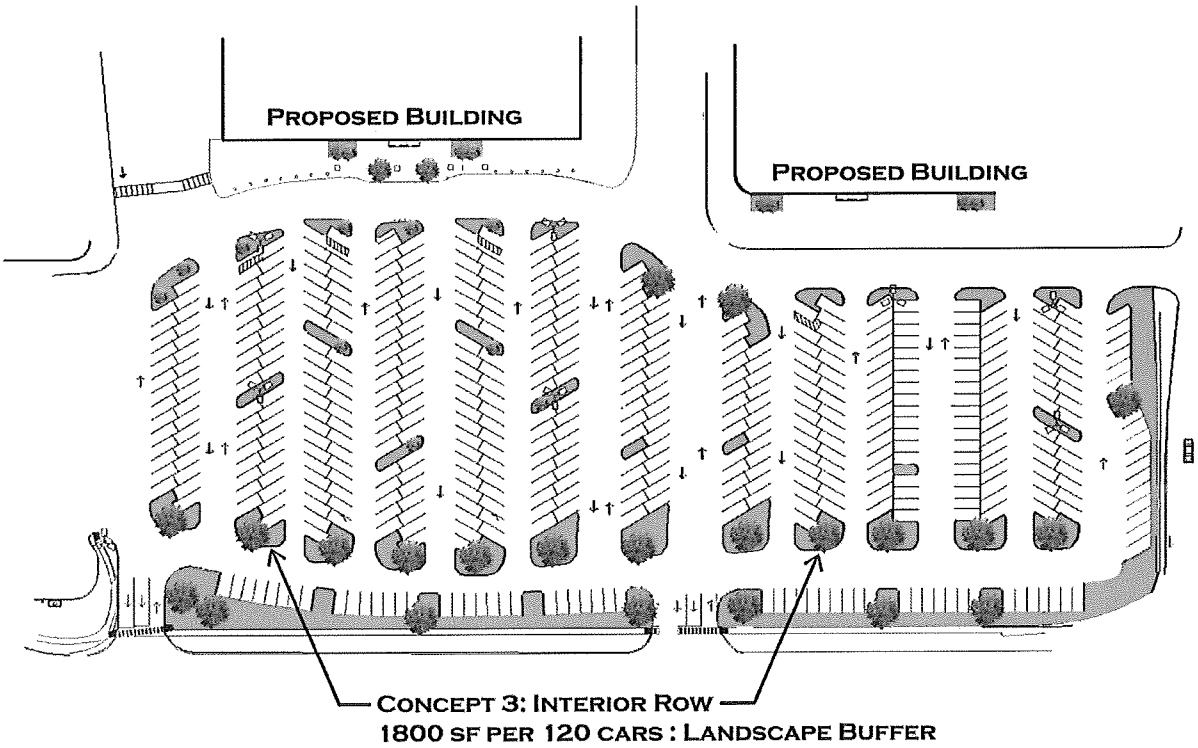
1. Concept 1
Every one hundred twenty (120) parking spaces shall be a separate and distinct parking area connected by driving lanes but separated by landscaping strips a minimum of eight (8′) feet wide and the full length of the parking row. Where pedestrian facilities are located within landscape strips 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) 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.

Ordinance No: _____





a. Interior island area requirements, as required in Section 7.3 "Off-Street Parking Standards", may be consolidated into end islands, landscape strips, and landscape pods.

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

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 7.10.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 7.6, 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 7.6, 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 7.6, 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 7.6,

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 7.6, Landscaping, were used as a guide.

E. Additional Standards for 50,000 S.F. or Greater

In addition to the standards set out in this Section 7.10.B and 7.10.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 7.10.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 7.6 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 7.3.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.

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 7.12.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 7.6, 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 7.6, 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 7.6, 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 7.6, 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 7.6, 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 7.10.B, 7.10.D, and 7.10.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 7.10.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

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 7.10 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 7.10; 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.

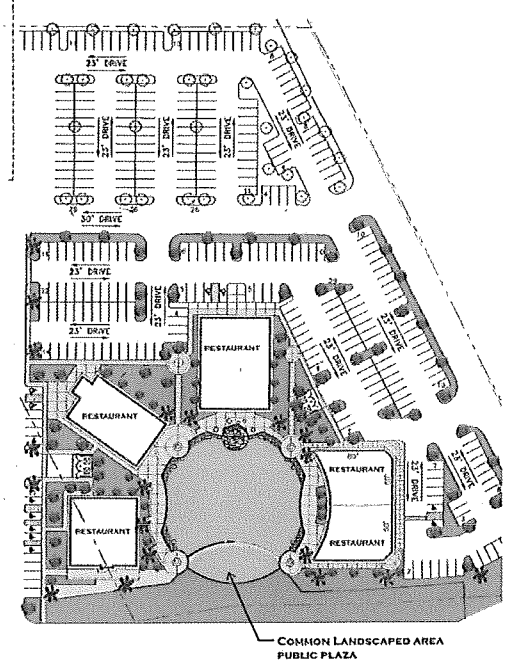
2. Alternate colors or materials on each façade if the applicant shows that:

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 <u>all</u> of the alternative color/materials schemes the chain or franchise has used.

3. Alternative materials on façade work that does not



ALTERNATIVE PARKING LOT CONCEPT

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 7.10 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 7.10.B may be considered.

5. Alternatives to the options listed in Section 7.10.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 7.10.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 7.10.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 7.10.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 7.10.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.

7.11 Outdoor Lighting Standards

It is recognized that no design can eliminate all ambient light from being reflected or otherwise being visible from any given development; however, the following requirements shall be followed to the fullest extent possible in order to limit nuisances associated with lighting and resulting glare.

A. Applicability

All lighting within developments shall meet the requirements of this Section, except that single-family residential, duplexes, 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

The following specific lighting requirements apply:

1. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use;
2. All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures;
3. For properties zoned SC Suburban Commercial, site and parking lot lighting fixtures may not exceed the eve height of the building to which they principally relate, with a maximum height limit of 20 feet; and
4. For properties zoned BP Business Park, site and parking lot lighting fixtures may not exceed the height of the building to which they principally relate, with a maximum height limit of 20 feet.

Per Ordinance No. 3280 (September 9, 2010)

7.13 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			

Table 2
Trip Generation: Non-Residential Land Uses

Zoning Classification	Maximum Units/Acre*	ITE Land Use Code	Trip Rate / KSF	Trip Rate / Acre
O	16,000 sf	710	1.55	25
SC	11,000 sf	820	3.75	40
GC	13,500 sf	820	3.75	50
CI	16,000 sf	710	1.55	25
BP	N/A	130	0.85	8.85
BPI	N/A	770	1.43	19
CU	Determined by Administrator			
PDD	Determined by Administrator			

* Density maximum calculated based on existing (2007) developments in the City of College Station.

Table 3
Trip Generation: Retired Land Uses

Zoning Classification	Maximum Units/Acre*	ITE Land Use Code	Trip Rate / KSF	Trip Rate / Acre
C-3	11,000 sf	820	3.75	40
R&D	N/A	760	N/A	16.8
M-1	N/A	110	N/A	7.5
M-2	N/A	120	N/A	2.2

2. Design Year

The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy, and shall include consideration of nearby development that has been approved and will contribute traffic volume to the proposed project's study area.

3. Peak Periods

Peak periods relate to times of day experiencing the greatest hourly traffic flow rates. Two "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.

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, 2, or 3 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, 2, or 3 as applicable) and the total trips generated based on existing zoning.

3. **Net Increased Trip Distribution and Assignment**
Show proposed trip generation minus existing trips and the calculation of new trips generated. The net increase in trips generated by the zoning

requrest 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 throuout the study network.

2) Modify any street network proposed as part of the development project in terms of size, layout, contectivity, intersection layouts, or location of termini with thoroughfares, or any combination of such changes.

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 calcuations 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 demonstate that the propsed 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;

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 ajustments in the site circulation system;

4) Making off-site improvements including the construction of additional lanes, increases in storage lane capacities, or modifyication 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.

Ordinance No: _____

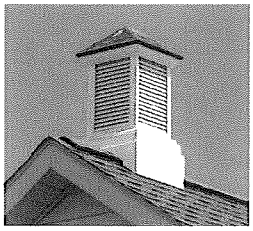
EXHIBIT "F"

That Chapter 12, "Unified Development Ordinance," Article 11, "Definitions," is hereby amended to read as follows:

Commercial Garden: The retail or wholesale handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products.

....

Cross Gable: Two perpendicular gable roofs.



Cupola: A small dome and the shaft that supports it; sits on top of a building. (Example shown to the left)

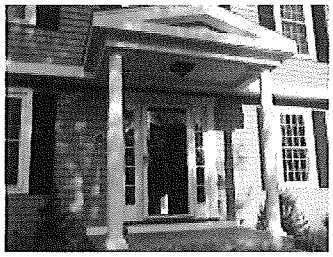
....

Dormer: Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides, and a window set vertically in the front.

....

Drive-thru: A building opening, inducing windows, doors, or mechanical devices, designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

....



Entry Portico: Covered ambulatory consisting of a series of columns placed at regular intervals supporting a roof, normally attached as a colonnaded; porch to a building. (Example shown to the left)

....

Porch: A roofed open area that projects from the main wall of a building that may be unenclosed or screened and may or may not use columns or other ground supports for structural purposes.

....

Transom: Horizontal opening or window element framed across a window or door forming part of the frame.

September 27, 2012
Regular Agenda Item No. 5
Authorize Aggieland Humane Society Board Appointment

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion as it relates to the appointment of a member, representing the City of College Station, to the Aggieland Humane Society board, formerly named the Brazos Animal Shelter.

Relationship to Strategic Goals: Core Services and Infrastructure.

Recommendation(s):

Our staff is recommending the re-appointment of Former Assistant Chief Larry Johnson to the Aggieland Humane Society board.

Summary:

Former Assistant Chief Larry Johnson was appointed to the Brazos Animal Shelter Board by the College Station City Council for a two-year term on September 23, 2010. Former AC Johnson has served well as a member of the Board and represented the interests of the City of College Station during his tenure. He has expressed an interest in serving another term on the Board. Although he recently retired from his position as Assistant Chief, he is still eligible to represent the City of College Station as a member of the Aggieland Humane Society board as mentioned in section 5.02 of the shelter's by-laws.

Section 5.02*. The Board of Directors shall consist of fifteen (15) voting members whose nomination and approval shall be conducted in the following manner:*

A. Six directors shall be appointed as follows:

1. Two members appointed by the City Council of the City of College Station who may be a citizen, employee, officer, or elected official of the City of College Station. This appointment will be automatically removed from the Board of Directors with the position suspended and left vacant if the entity is not contracted with the Aggieland Humane Society, Inc. for animal housing services.

Mrs. Chantal Vasali is the cities other board representative and her term will expire in November of 2013. Our staff recommends the re-appointment of Larry Johnson for a second term on the board.

Budget & Financial Summary: N/A

Attachments: N/A