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Summary of Service Levels. 303



Mayor

Nancy Berry

Mayor Pro Tem

Karl Mooney

Interim City Manager

Kathy Merrill

Council members

Blanche Brick

Jess Fields

John Nichols

Julie M. Schultz

James Benham

Agenda
College Station City Council
Regular Meeting
Thursday, September 12, 2013 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:

- August 19, 2013 Budget Workshop
- August 20, 2013 Budget Workshop
- August 21, 2013 Budget Workshop
- August 22, 2013 Workshop
- August 22, 2013 Regular Council Meeting

b. Presentation, possible action, and discussion on an ordinance amending Chapter 10, Section 10-4, Subsection G of the code of ordinances, establishing two-hour parking on Church Avenue, near its intersection with University Drive.

- c. Presentation, possible action and discussion on approving a contract for the grant of federal HOME CHDO Set-Aside funds with Brazos Valley Community Action Agency (BVCAA) in the amount of \$1,448,868 for acquisition and possible rehabilitation of ten (10) existing dwelling units to be used as affordable rental housing for income-eligible households.
- d. 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 2014. FY14 premiums for all lines of coverage total \$408,039.66.
- e. Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code", Section 10-2., "Traffic Control Devices," Subsection D "Intersections Controlled by Stop Signs", Traffic Schedule III – Stop Signs, of the Code of Ordinances of the City of College Station, Texas, by implementing a three-way stop controlled operation at the new intersection of Church Avenue East-bound and Church Avenue North-bound and the South-bound public way exiting the Stack property.
- f. Presentation, possible action, and discussion of the first renewal of Service Contract 12-278 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. d/b/a Professional Floor Service & Janitorial LLC in the amount of \$142,534 for the purpose of Annual Janitorial Maintenance Service of City buildings.
- g. Presentation, possible action, and discussion of the first renewal of Service Contract 12-291 between the City of College station and JNA Painting and Contracting in the amount of \$57,931 for the purpose of Various Interior/ Exterior Painting of City buildings.
- h. Presentation, possible action, and discussion regarding approval of amending the Resolution Determining Need and Necessity for the Barron Road East Extension Project.
- i. Presentation, possible action, and discussion regarding approval of a purchase between the City of College Station and SHI Government Solutions in the amount of \$143,531.20 for the purposes of buying half of the Microsoft Office 2013 software licenses to upgrade the city suite of applications.
- j. Presentation, possible action and discussion regarding ratification of an amendment to the Interlocal Agreement for Joint Use of Facilities between the College Station Independent School District (CSISD) and the City of College Station to Transition Kids Klub operations.

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 regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Sections 12-8.3.E, "Streets," and 12-8.3.G, "Blocks," of the Code of Ordinances of the City of College Station, Texas to amend street network and block length requirements.
2. Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.009 acre portion of right-of-way and a 0.008 acre portion of right-of-way on Lots 1 and 10, respectively, of Block 5 of the W.C. Boyett Estate Partition according to the plat recorded in Volume 100, Page 440 of the Deed Records of Brazos County, Texas.
3. Public Hearing, presentation, possible action, and discussion on an ordinance amending the College Station Comprehensive Plan by adopting the Economic Development Master Plan.
4. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the following chapters of the Code of Ordinances of the City of College Station, Texas: Chapter 2 "Animal Control," Chapter 6 "Fire Protection," Chapter 7 "Health and Sanitation," Chapter 10 "Traffic Code," Chapter 12 "Unified Development Ordinance," and Chapter 15 "Impact Fees" related to the creation and amendment of one- and two-family residential zoning districts in compliance with the Comprehensive Plan.
5. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Articles 3, "Development Review Procedures," 7, "General Development Standards," and 8, "Subdivision Design and Improvements," of the Code of Ordinances of the City of College Station, Texas by the creation and amendment of single-family parking requirements.
6. Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2013-2014 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.
7. Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2013-2014 ad valorem tax rate of \$0.425958 per \$100 assessed valuation, the debt service portion being \$0.193053 per \$100 assessed valuation and the operations and maintenance portion being \$0.232905 per \$100 assessed valuation.
8. Presentation, possible action, and discussion on an ordinance amending Chapter 11, Utilities" Section 5, "Solid Waste Collection Regulations", of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for commercial solid waste services by fifteen percent (15%).
9. Adjourn.

City Council Regular Meeting
Thursday, September 12, 2013

Page 4

The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion.

APPROVED:

Kathleen Memeo
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 12, 2013 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 6th day of September, 2013 at 5:00 p.m.

Angela Antlett
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 6, 2013 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 _____, 2013 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2013.

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 12, 2013
City Council Consent Agenda Item No. 2a
City Council Minutes

To: Kathy Merrill, Interim City Manager

From: Sherry Mashburn, City Secretary

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

- August 19, 2013 Budget Workshop
- August 20, 2013 Budget Workshop
- August 21, 2013 Budget Workshop
- August 22, 2013 Workshop
- August 22, 2013 Regular Council Meeting

Attachments:

- August 19, 2013 Budget Workshop
- August 20, 2013 Budget Workshop
- August 21, 2013 Budget Workshop
- August 22, 2013 Workshop
- August 22, 2013 Regular Council Meeting

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 19, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Budget Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:04 p.m. on Monday, August 19, 2013 in the CSU Meeting/Training Facility, 1603 Graham Road, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2013-2014 Proposed Budget.

Jeff Kersten, Executive Director of Fiscal Services, provided a review of the proposed FY13-14 budget. The transmittal letter identified some key budget points. He reported the City is moving forward after several years of reductions and realigning the organization. We have experienced continued economic recovery and continued growth in major areas, such as education, health care, Northgate, and housing. There are some new opportunities ahead, such as TAMU facility access. We are also planning ahead for new power supply opportunities. The proposed budget provides for competitive and sustainable pay and benefits. It also maintains priority service levels and enhances certain priority service levels. Another important part of the budget is to continue to invest in the capital infrastructure needed for a growing community. Upcoming key policy decisions the Council must consider include the selection if a new City Manager, the creation of two new Municipal Management Districts, and consideration of a 2015

General Obligation Bond election for infrastructure projects. The proposed budget contains a 3% pay increase and to continue the Police step plan and the Fire and Electric plans. The budget maintains employee health insurance and retirement with TMRS. There are no proposed changes.

The base budget funds our current service levels and assumes an effective tax rate of 42.5958 cents. There are no electric, water, wastewater, drainage or residential sanitation rate increases. There is a commercial sanitation rate increase proposed.

GENERAL FUND REVENUE

Sales tax makes up 40.81% of the General Fund revenues. The FY13 sales tax forecast is 6.5% higher than FY12 due to a better than anticipated economic recovery. The FY14 estimate is \$23.5 million, or 2.6% over the FY13 year end estimate.

Property values have been certified at \$6.23 billion for an overall 4.8% increase over last year. There was \$197 million in new value, and existing values increased by 1.5%. Property tax revenue is generated by a current tax rate of 43.0687 cents. The effective tax rate is 42.5958 cents and will generate about the same revenue as last year. The rollback rate is 45.8758 cents. Staff is recommending the effective tax rate. Each cent on the tax rate generates approximately \$576,000. Property tax revenues make up 25.2% of the proposed General Fund revenue stream. The Debt Service portion is \$12 million. Proposing the effective tax rate does not require additional public hearings and publications. If Council wishes to consider a rate higher than the effective rate, there are several things that must be done, such as a discussion on the tax rate, a vote to increase tax revenues, call and hold two Public Hearings, and public notice require.

A total transfer of \$9,226,925 from utilities (Electric, Water, Wastewater, and Sanitation) accounts for 16.03% of General Fund revenues.

Other General Fund revenues are projected in the amount of \$10,333,799. There were minimal changes in these other revenue categories (franchise fees/mixed drink tax, licenses/permits, Parks and Recreation, Municipal Court fines, etc.) and account for 18% of General Fund revenues.

GENERAL FUND EXPENDITURES

Salaries and Benefits: A 3% Pay Plan proposal is included, in the amount of \$800,000. There are no increases in benefits and has a neutral impact on the budget. Due to the organizational restructuring, six positions were eliminated in the General Fund and Recreation Fund. Three vacant Cemetery positions were outsourced, and three vacant Conference Center positions were removed from the FTE count. It was noted that departments continue to streamline processes and reduce costs.

Departmental SLAs and proposed projects include:

- * Police: \$270,389 for four additional personnel; \$97,377 for miscellaneous, such as retention of four patrol fleet vehicles, equipment, Northgate satellite office, etc.
- * Fire: \$140,108 for one Safety Officer/EMS Supervisor

* Public Works: \$150,000 for proposed projects (building repairs from facility assessment); \$318,981 in SLAs for a facilities maintenance tech, street rehab, roof replacements, equipment, traffic system studies, etc.

* Parks and Recreation: \$410,000 in SLAs for parks operations, court resurfacing, athletic field maintenance, TAAF Games of Texas, tournament crew part-time staff.

* Library: There is a 7.11% increase in the budget for supplies, maintenance, purchased services, and capital outlay (books).

* Planning and Development Services: \$175,000 in SLAs for the Neighborhood Plan implementation, a five-year Comprehensive Plan update, and a portion of the ADA transition evaluation.

* Information Technology: \$176,587 for proposed projects, such as Council Chambers audio/video upgrade (split with PEG Fund) and a teleworks upgrade. \$47,057 in SLAs for a Technology Services Specialist and Advanced Authentication software.

* Fiscal Services: \$33,474 in SLAs for Municipal Court certification pay, and to update/replace the City's online bidding system.

* Human Resources: \$33,837 in SLAs for organizational training and a Benefits Specialist position (split with Benefits Fund).

3. Presentation, possible action and discussion on the 2013-2014 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2013-2014

There was no discussion on this item.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 7:34 p.m. on Monday, August 19, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 20, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, arrived after roll call
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Budget Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:08 p.m. on Tuesday, August 20, 2013 in the CSU Meeting/Training Facility, 1603 Graham Road, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2013-2014 Proposed Budget.

Jeff Kersten, Executive Director of Fiscal Services, continued with the review of the proposed FY13-14 budget. Additional proposed projects funded by the General Fund include:

- * Transfer to Streets CIP Fund in the amount of \$389,549.
- * Transfer to General Government CIP Fund in the amount of \$200,000.
- * Transfer to the PEG Fund in the amount of \$233,840.

Non-departmental expenditures were briefly reviewed.

There are some projects contingent on our future resources from the pending First Street real estate transaction, which is anticipated to net \$2.4 million. Identified capital projects are the Francis Drive Rehab Phases 1 and 2, and the Graham Road Rehab. These capital projects, along

with several Service Level Adjustments contingent on future resources, total \$2,333,072. Staff recommended these be brought back in a mid-year Budget Amendment when proceeds are received.

The financial forecast for revenue continues to be conservative, based on a slight sales tax increase, modest property value increases, and maintaining the tax rate. There are limited new expenditures. The forecast includes the Pay Plan as proposed and the estimated O&M on CIP projects.

OUTSIDE AGENCY FUNDING

From the General Fund:

Research Valley Partnership	\$ 350,000
ACBV - O&M	\$ 75,000
Noon Lions Club	\$ 10,000
Aggieland Humane Society	\$ 194,939
Brazos County Health District	\$ 326,500
Brazos County Appraisal District	\$ 260,607

From the Sanitation Fund:

Keep Brazos Beautiful	\$ 46,240
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From the Hotel Tax Fund:

ACBV - Affiliate Funding	\$ 300,000 (add \$65,000 for George Bush Library=\$365,000)
Convention & Visitors Bureau	\$1,379,340
CVB - Grant Program	\$ 100,000 (add \$53,000 for Chamber, BVB and Northgate=\$153,000)
George Bush Library	\$ 65,000 (move to ACSV-Affiliate Funding=\$0)
BCS Chamber of Commerce	\$ 25,000 (move to CVB-Grant Funding=\$0)
Brazos Valley Bowl	\$ 25,000 (move to CVB-Grant Funding=\$0)
Northgate District Association	\$ 3,000 (move to CVB-Grant Funding=\$0)

RECREATION FUND

The Recreation Fund is designed to identify revenues and total costs associated with recreation programs and facilities. It allows decisions to be made on subsidy levels and funding priorities. There are four levels of support: Full Fee (80%-100%); Partial Fee I (50%-80%); Partial Fee II (20%-50%); and Minimum Fee (0%-20%). Revenue is estimated at \$1,037,750 with expenditures in the amount of \$3,253,310. The FY14 subsidy is \$2,215,560 including a one time SLA for Adamson Lagoon repairs in the amount of \$13,600.

DEBT SERVICE FUND

The Debt Service Fund addresses aging infrastructure and future infrastructure needs due to growth. The proposed FY14 rate is 19.3053 cents for a property tax revenue of \$12,041,492 to satisfy the FY14 debt service requirement. 75% of the Cemetery debt service will be paid from the tax rate in FY14.

ECONOMIC DEVELOPMENT FUND

There is a transfer from the General Fund in the amount of \$400,000. This was increased to meet future commitments. The FY14 expenditure budget is \$998,900 to satisfy current obligations.

CHIMNEY HILL FUND

Revenue derived from rents and royalties from the tenants at Chimney Hill is budgeted at \$410,327. FY14 expenditures are \$80,000 for facilities maintenance and \$48,983 for property taxes.

GENERAL GOVERNMENT CAPITAL PROJECTS

The policy issue related to capital infrastructure is to consider if we should continue to invest in capital infrastructure for a growing community, and where possible, address the needs of existing infrastructure. In 2008, a Bond Authorization for \$76,950,000 was approved by the voters for Streets and Transportation; Library; Parks and Recreation; and Fire Station.

- * Streets: \$15,729,902 is budgeted for street rehabilitation projects, street extension projects, TXDOT projects, traffic projects, and sidewalks/trails.

- * Other General Government capital projects include \$4.2 million for Parks and Recreation; \$3 million for park land; \$448,955 for facilities; and \$4.6 million for technology.

ENTERPRISE FUNDS

- * Electric Fund: No rate increase has been proposed in the FY14 proposed budget. Assuming a 2% growth in residential and commercial, revenue has been budgeted at \$98,170,676. Expenditures in the amount of \$99,937,295 are proposed for operations and maintenance, purchased power and wheeling costs (biggest component of the budget at \$76 million), and transfers. There are proposed SLAs for a new Assistant Director position, the Siemens SiPass System Support Agreement, and the Network Firewall Maintenance Agreement. Debt service is \$5.8 million, and there is a transfer to the General Fund for about \$5.8 million. \$6,342,188 is estimated for FY14 Electric Capital expenditures. Key capital projects include a general plant, overhead system improvements, underground system improvements, residential street lighting, thoroughfare street lighting, etc. The construction of the Northgate Substation is scheduled for completion by December 2013.

3. Presentation, possible action and discussion on the 2013-2014 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2013-2014

There was no discussion on this item.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 8:00 p.m. on Tuesday, August 20, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 21, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Budget Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:08 p.m. on Wednesday, August 21, 2013 in the CSU Meeting/Training Facility, 1603 Graham Road, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2013-2014 Proposed Budget.

Carla Robinson, City Attorney, briefed the Council on the use of HOT funds to pay Arts Council administrative costs.

Jeff Kersten, Executive Director of Fiscal Services, continued with the review of the proposed FY13-14 budget.

ENTERPRISE FUNDS

* Water Fund: Revenue is projected at \$14.7 million and is derived from the user fees from water customers. There is no rate increase for FY14, but there is a proposed water tap fee adjustment. Expenditures are estimated to be \$16.2 million and include the Pay Plan proposal and several SLAs. The budget for Water Capital Projects is \$2.3 million.

* Wastewater Fund: Revenue is projected at \$14.1 million and will also be derived from the user fees from water customers. Again, there is no rate increase for FY14; however, the forecast shows future rate increases. Expenditures are estimated at \$16.6 million and includes the Pay Plan proposal. The budget for Wastewater Capital Projects is \$3.7 million.

* Sanitation Fund: Revenue is projected at \$8.2 million and includes a 15% rate increase in FY14 for commercial customers. This includes \$400,960 from BVSWMMA to offset the Debt Service payment. Expenditures are estimated to be \$8.2 and include some SLAs and a transfer to the General Fund.

* Drainage Utility Fund: Revenue is projected at a little over \$2 million. Expenditures are estimated at \$2.9 million and includes some SLAs and the Pay Plan proposal. The O&M for drainage improvement projects is \$1.2 million.

* Northgate Parking Fund: Revenue is projected at \$1.4 million and reflects the updated parking fee schedule to be implemented in August. It is assumed that parking fines will remain relatively flat. There is a one time transfer from the General Fund in the amount of \$60,000. Expenditures are estimated at \$1.4 million and includes the Pay Plan proposal.

SPECIAL REVENUE FUNDS

* HOT Tax Fund: Revenue is projected at \$4.2 million and expenditures for City operations are estimated to be a little under \$1 million. Outside Agency Funding is budgeted at \$1.8 million.

* Court Funds and Police Seizure Fund: These funds are set up as: Court Technology Fee Fund; Court Security Fee Fund; Juvenile Case Manager Fee Fund; and the Police Seizure Fund

* Cemetery Fund: These are set up as: Memorial Cemetery Fund; Memorial Cemetery Endowment Fund; and the Texas Avenue Cemetery Endowment Fund.

* Other Special Revenue Funds: Wolf PenCreek TIF; West Medical District TIRZ No. 18; East Medical District TIRZ No. 19; and the Public, Educational and Government (PEG) Channel Access Fee Fund.

INTERNAL SERVICES FUND

* Self-Insurance Fund: This provides the insurance needs for the City, including property casualty; employee benefits; workers compensation; and unemployment.

* Equipment Replacement Fund: Funds are set aside on an annual basis for future replacements. Revenues are projected at \$3.6 million and expenditures are estimated at \$6.1 million.

* Utility Customer Service: Revenue is projected at \$2.2 million and is charged to the Electric, Water, Wastewater, Sanitation, and Drainage utilities. Expenditures are estimated at \$2.2 million. SLAs in the amount of \$24,789 are included in the expenditure total.

* Fleet Maintenance Fund: Revenue is projected at \$1.8 million, and expenditures are estimated at \$1.9 million, which includes SLAs in the amount of \$79,931.

3. Presentation, possible action and discussion on the 2013-2014 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2013-2014

Staff is proposing the effective tax rate. If the Council wishes to go higher than the effective tax rate, two Public Hearings must be noticed and held. The proposed effective tax rate of 42.5958

cents will provide funding for debt service and operations and maintenance. The rate breaks down at 19.3053 cents for debt service and 23.2905 cents for operations and maintenance.

Council gave direction to proceed with the effective tax rate.

Council also directed Chuck Gilman to visit with the City Manager and Finance Director regarding department position priorities and to allocate \$125,000 for a possible Traffic Engineer in Public Works (dependent upon the Director's priorities) and a part-time Code Officer in Planning and Development Services.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 7:29 p.m. on Wednesday, August 21, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
AUGUST 22, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim 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 Berry at 7:20 p.m. on Thursday, August 22, 2013 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.

Citizen Comments

Donald Deere, 1500 Frost Drive, signed up but did not speak.

CONSENT AGENDA

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

- **August 8, 2013 Workshop**
- **August 8, 2013 Regular Council Meeting**
- **August 13, 2013 Joint Meeting with CSISD**

2b. Presentation, possible action, and discussion on Ordinance 2013-3513, authorizing a General Election to be held on November 5, 2013, for the purpose of electing a Mayor and a City Councilmember, Place 2, by the qualified voters of the City of College Station, establishing early voting locations, polling places for this election and making provisions for conducting the election. Presentación, posible acción y discusión sobre una ordenanza autorizando Elecciones Generales para celebrarse el 5 de noviembre de 2013, con el propósito de elegir a un Alcalde y a un Miembro del Consejo, Puesto número 2, por medio de los votantes calificados de la Ciudad de College Station, estableciendo los puestos de votaciones tempranas, los centros de votaciones para estas elecciones e indicando las estipulaciones para dirigir las elecciones.

2c. Presentation, possible action and discussion on an interlocal government agreement with Brazos County for the conduct and management of the City of College Station General Election that will be held on Tuesday, November 5, 2013. Presentación, posible acción y discusión de un acuerdo gubernamental interlocal con el Condado de Brazos para dirigir y administrar las Elecciones Generales de la Ciudad de College Station que se celebrarán el martes 5 de noviembre de 2013.

2d. Presentation, possible action and discussion regarding approval of four Railroad Crossing Agreements with Union Pacific Railroad for the installation of electric conduits at three locations under the railroad tracks at Wellborn and Patricia, Louise, Maple and an overhead crossing at Wellborn and F&B Road for a one-time licensee and administration fee of \$70,300 for all agreements and locations.

2e. Presentation, possible action, and discussion regarding approval of Resolution 08-22-13-2e, adopting the first restatement of the interlocal agreement with the City of Bryan, City of Brenham, Brazos County, Washington County, and Texas A&M University to provide for the construction, acquisition, implementation, operation, and maintenance of the Brazos Valley Wide Area Communications System (BVWACS).

2f. Presentation, possible action, and discussion regarding Resolution 08-22-13-2f approving the interlocal agreement with the City of Bryan, City of Brenham, Brazos County, Washington County, Texas A&M University, and Brazos Valley Council of Governments; designating the Brazos Valley Council of Governments as the Managing Entity for the Brazos Valley Wide Area Communications System (BVWACS).

2g. Presentation, possible action, and discussion regarding approval Resolution 08-22-13-2g, for Parks and Recreation Department User Fees for single car and self contained RV camping at W.A. Tarrow Park parking lot.

2h. Presentation, possible action, and discussion regarding ratification of construction contract 13-369 with Elliott Construction to repair the 24-inch water line at Dartmouth and FM-2818 in the amount of \$140,704.

2i. Presentation, possible action, and discussion regarding approval for City Manager to expend up to \$75,000 in FY-13 under the Wellborn SUD Wheeling ILA.

2j. Presentation, possible action, and discussion regarding the renewal of contract 09-268 between the City of College Station and Ingram, Wallis & Co., P.C. in the amount of \$95,000.00 for the purposes of Professional Auditing Services for the fiscal year ending on September 30, 2013.

2k. Presentation, possible action and discussion on approving the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY13 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding.

2l. Presentation, possible action and discussion regarding the renewal of service contract 11-307 with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.00.

2m. Presentation, possible action and discussion regarding the renewal of Contract 12-254 with Brazos Paving Inc. for the Purchase and Installation of Type D Hot Mix Asphalt in the amount of \$944,200.00.

2n. Presentation, possible action, and discussion of Ordinance 2013-3514, amending Chapter 10 "Traffic Code", to create a loading zone on University Drive east of College Main to as much as possible, meet the desires of the area merchants and the Memorandum of Understanding between the City of College Station and the Northgate District Association (NDA).

Item 2k were pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less item 2k. The motion carried unanimously.

(2k)MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY13 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding. The motion carried.

REGULAR AGENDA

1. Public hearing, presentation, possible action, and discussion on the City of College Station FY2013-2014 Proposed Budget.

At approximately 7:26 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:26 p.m.

No action was required.

2. Public hearing, presentation, possible action, and discussion regarding Ordinance 2013-3515, 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 rezoning approximately 59 acres for the property located in the Crawford Burnett League Abstract No. 7, College Station, Brazos County, Texas. Said tract being a portion of the remainder of a called 108.88 acre tract as described by a deed to Heath Phillips Investments, LLC, Recorded in Volume 9627, Page 73 of the Official Public Records of Brazos County, Texas, more generally located at 3100 Haupt Road from PDD Planned Development District to PDD Planned Development District with additional uses and amendments to the previously approved concept plan for the Barracks II.

At approximately 7:30 p.m., Mayor Berry opened the Public Hearing.

Heath Phillips, 2440 Stone Castle Circle, said he was here to answer any questions. He said staff assisted with coming up with solutions. He has visited with the adjacent land owner about the project.

There being no further comments, the Public Hearing was closed at 7:33 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz abstaining, to adopt Ordinance 2013-3515, 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 rezoning approximately 59 acres for the property located in the Crawford Burnett League Abstract No. 7, College Station, Brazos County, Texas. Said tract being a portion of the remainder of a called 108.88 acre tract as described by a deed to Heath Phillips Investments, LLC, Recorded in Volume 9627, Page 73 of the Official Public Records of Brazos County, Texas, more generally located at 3100 Haupt Road from PDD Planned Development District to PDD Planned Development District with additional uses and amendments to the previously approved concept plan for the Barracks II. The motion carried.

3. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 7:38 p.m. on Thursday, August 22, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

September 12, 2013
Consent Agenda Item No. 2b
Two-Hour Parking on Church Avenue

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion on an ordinance amending Chapter 10, Section 10-4, Subsection G of the code of ordinances, establishing two-hour parking on Church Avenue, near its intersection with University Drive.

Relationship to Strategic Goals: Core Services and Infrastructure, and Multi-Modal Transportation.

Recommendation(s): Staff recommends approval.

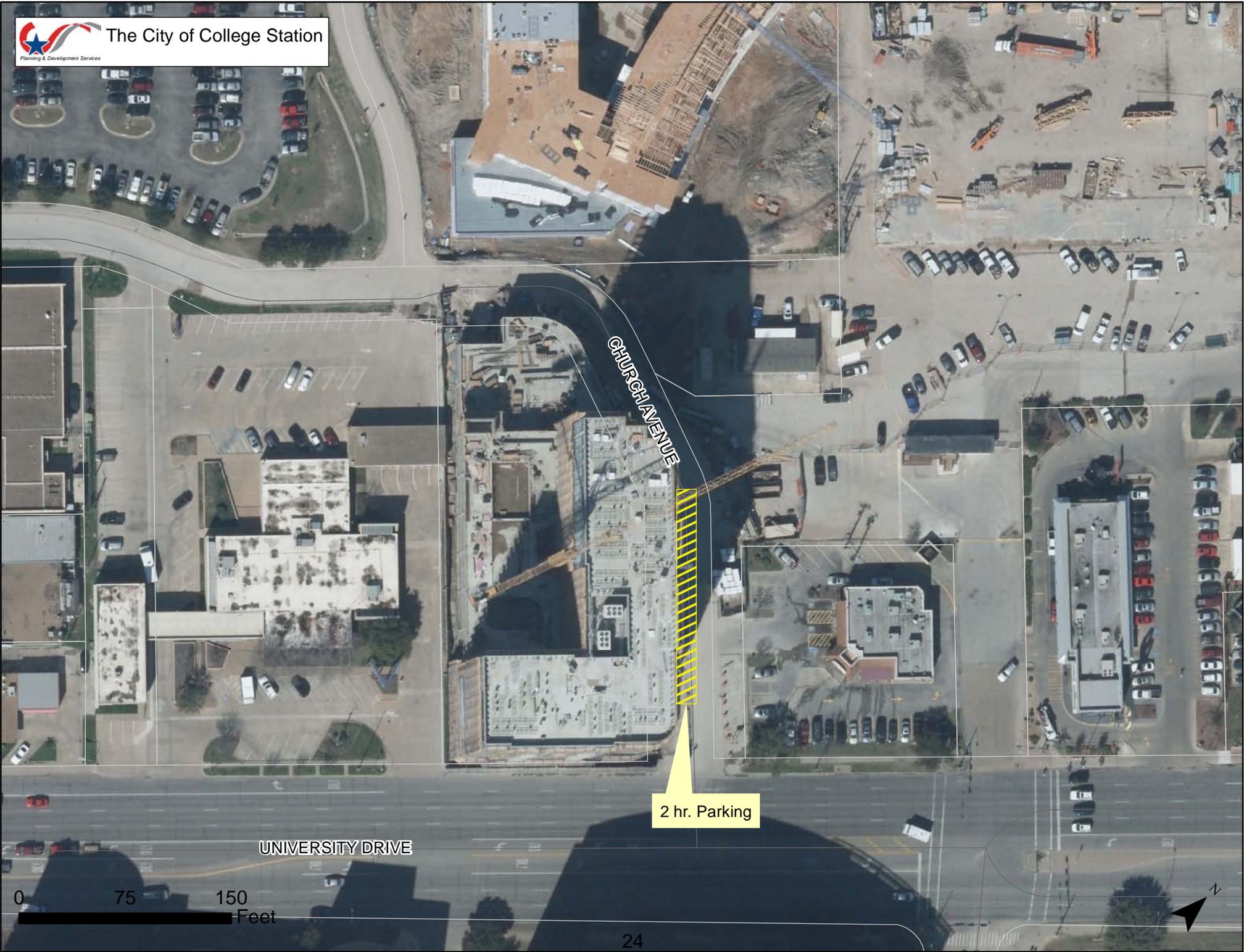
Summary: This ordinance establishes eight two-hour parking spaces on a section of the recently-constructed Church Avenue in Northgate. Church Avenue was reconstructed in this area as a result of a partnership with the Rise, The Stack, and the City. The two-hour parking spaces will be located adjacent to the Rise at Northgate and will ensure turnover for the non-residential uses on the first floor of the building.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Ordinance
2. Map



CHURCH AVENUE

2 hr. Parking

UNIVERSITY DRIVE

0 75 150 Feet



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 10-4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," SUBSECTION G, "TWO-HOUR PARKING – 8:00 A.M. – 5:00 P.M. MONDAY – FRIDAY", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY 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 10, "TRAFFIC CODE", SECTION 10-4, "ADMINISTRATIVE ADJUDICATION OF PARKIGN VIOLATIONS, SUBSECTION G, "TWO-HOUR PARKING – 8:00 A.M. – 5:00 P.M. MONDAY – FRIDAY", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"**, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect 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 liable for a civil offense and/or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

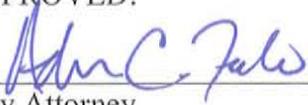
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That **CHAPTER 10, "TRAFFIC CODE", SECTION 10-4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS, SUBSECTION G, "TWO-HOUR PARKING – 8:00 A.M. – 5:00 P.M. MONDAY – FRIDAY"**, is hereby amended by deleting Subsection G in its entirety and substituting a new Subsection G, "Two-Hour Parking", and is to read as follows:

G. Two-Hour Parking

(1) The designated Two-Hour Parking locations for the City of College Station are described in the **Traffic Schedule XV – "Two-Hour Parking"** on file in the office of the City Secretary. This schedule is hereby adopted and incorporated in this Code as is set out at length herein. The schedule may be amended from time-to-time by ordinance of the City Council. A current schedule shall be maintained by the City Secretary at all times.

(2) **8:00 A.M. until 5:00 P.M., Monday through Friday**

The City hereby designates certain areas as two-hour parking from 8:00 A.M. until 5:00 P.M., Monday through Friday as described in the **Traffic Schedule XV – "Two-Hour Parking"**.

(3) **24 Hours a Day, Seven Days a Week**

The City hereby designates certain areas as two-hour parking 24 hours a day, seven day a week. Vehicles may park for a maximum of two-hours at no charge within the designated parking stalls at the following locations as described in the **Traffic Schedule XV – "Two-Hour Parking"**.

West side of Church Avenue beginning 43 feet north of its intersection with University Drive and extending 160 feet to the north.

September 12, 2013
Consent Agenda Item No. 2c
Contract and Grant for HOME Programs, Brazos Valley Community Action Agency

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, discussion and possible action on approving a contract for the grant of federal HOME CHDO Set-Aside funds with Brazos Valley Community Action Agency (BVCAA) in the amount of \$1,448,868 for acquisition and possible rehabilitation of ten (10) existing dwelling units to be used as affordable rental housing for income-eligible households.

Relationship to Strategic Goals: Financially Sustainable City, Core Services and Infrastructure, and Neighborhood Integrity

Recommendation(s): Staff recommends approval of the Contract

Summary: The federal HOME program provides assistance to income qualified persons by funding for a variety of affordable housing activities. The City is required by HUD to make at least 15% of each year's HOME grant allocation available for non-profit agencies that meet the definition of a Community Housing Development Organization (CHDO). CHDO's must have, as one of their goals, the provision of affordable housing. They must also have a board make-up that comply with the HOME Program requirements. The 15% set-aside funds may be used for most HOME eligible activities. If these funds are not made available to an eligible CHDO, or if not eligible CHDO is available to utilize the funding, those funds will be recaptured by HUD. Brazos valley Community Action Agency (BVCAA) is currently the only certified CHDO for the City of College Station.

In addition to the CHDO set-aside funds for FY 13 and FY 14, staff has completed a substantial amendment to the 2012 Annual Action Plan to move funds in the amount of \$1,330,629 from the New Construction program to CHDO Reserve. Funds that had been previously allocated to a senior apartment housing tax credit application that was not funded must be committed to a new project by the end of October or they will be recaptured by HUD.

BVCAA has submitted a proposal to acquire ten (10) existing dwelling units and, if necessary, rehabilitate for use as affordable rental units for income-eligible households. The dwelling units are a mixture of duplexes and single-family home currently listed for sale.

Budget & Financial Summary: HOME funds available from FY 2009 in the amount of \$229,673.98; FY 2010 in the amount of \$539,268.00; FY 2011 in the amount of \$358,632.50; FY 2012 in the amount of \$203,054.52; FY 2013 in the amount of \$61,332.00; and FY 14 in the amount of \$56,907.00 for a total contract amount of \$1,448,868.00.

Reviewed and Approved by Legal: Yes

Attachments:

- 1. Contract and Grant for HOME Programs**

CITY OF COLLEGE STATION, TEXAS

**CONTRACT AND GRANT FOR
HOME PROGRAMS**

Article I. PARTIES

Section 1.01 This HOME CHDO Allocation of Funding Contract (the "Contract") is between the **City of College Station** ("City"), a political subdivision of the State of Texas, and, **Brazos Valley Community Action Agency**, ("Recipient"), a Texas Non-Profit Corporation (collectively referred to as the "Parties").

Article II. CONTRACT PERIOD

Section 2.01 This contract shall commence on September 16, 2013 and shall terminate on September 30, 2015 unless extended by agreement of the Parties in writing. This agreement will remain valid throughout the "Period of Affordability" as defined by 22.02.

Article III. RECIPIENT PERFORMANCE

Section 3.01 Recipient shall administer ten (10) projects in accordance with the HOME INVESTMENT PARTNERSHIPS ACT OF 1990, 42 U.S.C. 12701 ET SEQ. (THE ACT) and the implementing regulations, 24 CFR PART 92, TEXAS GOVERNMENT CODE SECTION 531.001 ET SEQ., and the HOME INVESTMENT PARTNERSHIPS PROGRAM RULES. Recipient shall perform all activities in accordance with the terms of the Performance Statement, ("Exhibit A" attached hereto); the Budget, ("Exhibit B" attached hereto); the Project Implementation Schedule, ("Exhibit C" attached hereto); the Applicable Laws and Regulations, ("Exhibit D" attached hereto); the Certifications, ("Exhibit E" attached hereto); the assurances, covenants, warranties, certifications, and all other statements made by Recipient in its application for the project funded under this contract; and with all other terms, provisions, and requirements set forth in this contract.

Section 3.02 In the event the affordability requirements of 24 CFR 92.254 are not satisfied by Recipient hereunder, Recipient shall bear ultimate responsibility for repayment of HOME funds.

Section 3.03 In the event that there is program income, repayments, and/or recaptured funds, the funds must be used in accordance with the requirements of 24 CFR 92.503, as outlined in the Performance Statement, "Exhibit A".

Section 3.04 Recipient agrees to maintain itself as a CHDO in accordance with Title II of the National Affordable Housing Act (1990), as it may be amended, concerning the HOME Investment Partnership program (HOME) and 24 CFR 92.300.

Contract No. 13-406

HOME CHDO
Funding Contract

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Section 3.05 All HOME assisted units shall comply with the HOME rents as stated in 24 CFR. 92.252. Recipient must annually provide City with information on rents and occupancy of HOME-assisted units. Rents may not exceed the maximum HOME rents published annually by HUD (Exhibit F). Any increase in rents for HOME-assisted units is subject to the provisions of 24 CFR 92.252(f)(3). Tenants of HOME units must receive not less than 30 days prior written notice before implementing any increase in rents. Based upon the HOME portion of the total eligible development cost, eight (8) units will be designated as HOME assisted units and will be floating units. The term floating units means units that are designated as HOME assisted units but may change over time as long as the total number of HOME assisted units within the project remains not less than eight (8) and that these units do not differ over the affordability period in terms of size, amenities and number of bedrooms from other non HOME assisted units. Twenty percent (20%) or two (2) of the HOME assisted units must be designated Low-HOME rent units for residents at or below 50% of area median income.

Section 3.06 Maximum rents and income will be established annually by the U. S. Department of Housing and Urban Development, and the Recipient will be notified in writing of said rates by the Community Development Division of the Planning and Development Services Department, as soon as the Division is made aware of said rates.

Section 3.07 Annually or as tenant occupancy changes, whichever occurs earlier, the Recipient will submit to the City a copy of the lease and proof of income of the tenants occupying the HOME units. This information will be submitted for the duration of the affordability period as noted in the Land Use Restriction Agreement.

Section 3.08 The Recipient agrees not to prohibit a Section 8 tenant from occupying a HOME unit. The Recipient is not prohibited from conducting a background check on credit history or criminal history.

Article IV. CITY OBLIGATIONS

Section 4.01 Measure of Liability. In consideration of full and satisfactory performance of the activities referred to in Article V of this contract, City shall be liable for actual and reasonable costs incurred by Recipient during the contract period for performances rendered under this contract by Recipient, subject to the limitations set forth in this Article IV.

(a) The Parties agree that City's obligations to meet City's liabilities under Article IV of this contract are contingent upon the actual receipt of adequate local and/or federal funds. If adequate funds are not available to make payments under this contract, City shall notify Recipient in writing within a reasonable time after such fact is determined. City shall then terminate this contract and shall not be liable for failure to make payments to Recipient under this contract.

(b) City shall not be liable to Recipient for any costs incurred by Recipient, or any portion

thereof, which have been paid to Recipient or which are subject to payment to Recipient, or which have been reimbursed to Recipient, or are subject to reimbursement to Recipient, by any source other than City or Recipient.

- (c) City shall not be liable to Recipient for any costs incurred by Recipient which are not eligible project costs, as set forth in 24 CFR 92.206(A) and Article VI of this contract. Funds provided under this contract shall not be used nor shall City be liable for payment of costs associated directly or indirectly incurred because of prohibited activities as defined in 24 CFR 92.214.
- (d) City shall not be liable to Recipient for any costs incurred by Recipient or for any performances rendered by Recipient which are not strictly in accordance with the terms of this contract, including the terms of Exhibits A, B, C, D, and E of this contract.
- (e) City shall not be liable for costs incurred or performance rendered by Recipient before commencement or after termination of this contract.

Section 4.02 LIMIT OF LIABILITY. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONTRACT, THE TOTAL OF ALL PAYMENTS AND OTHER OBLIGATIONS INCURRED BY CITY UNDER THIS CONTRACT SHALL UNDER NO CIRCUMSTANCES EXCEED ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY-EIGHT AND 00/100, (\$1,448.868.00), FROM THE FY 2009 (HUD GRANT YEAR 2008) BUDGET, FY 2010 (HUD GRANT YEAR 2009), FY 2011 (HUD GRANT YEAR 2010), FY 2012 (HUD GRANT YEAR 2011), FY 2013 (HUD GRANT YEAR 2012), AND FY 2014 (HUD GRANT YEAR 2013).

Section 4.03 Conversion to Homeownership With the permission of the City, the owner of the HOME-assisted rental unit(s) may convert said units to homeownership pursuant to 24 CFR§92.255.

Article V. DISBURSEMENT OF FUNDS

Section 5.01 City shall pay costs incurred which it determines are eligible and which are properly submitted under this contract in accordance with the requirements of 24 CFR 92.502. Recipient may not request disbursement of funds under this contract until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount of money needed to pay eligible costs actually incurred, and may not include amounts for prospective or future needs.

Section 5.02 Any and all Program Income as defined by 24 CFR 84.21 must be disbursed by Recipient prior to requesting a disbursement of funds from the City. Proceeds from the sale of properties acquired and rehabilitated under this contract are not to be considered program income but may be retained by the CHDO as allowed under 24 CFR 92.300(a)(2) as CHDO Proceeds. All such proceeds retained the Recipient must be used for future affordable housing activities within the jurisdictional boundaries of the City of College Station, subject to approval by the City.

Section 5.03 Thirty percent (30%) of net rental income must be utilized by the Recipient on affordable housing activities within the City of College Station, subject to approval by the City. This amount of net rental income will be determined on an annual basis during the monitoring allowed under Article IX.

Section 5.04 The Parties agree that City's obligations to make payments under this contract is contingent upon Recipient's full and satisfactory performance of its obligations under this contract. City reserves the right to recover, recapture or offset funds paid under this contract in the event City determines that Recipient will be unable to commit or expend funds within the prescribed time, as determined by City. Recipient agrees to refund to the City all funds that the City in its sole discretion determines to have been used for ineligible and/or unapproved purposes. Such refunds will be made within thirty (30) days of notification by the City of the ineligible expenditure.

Section 5.05 The Parties agree that any right or remedy provided for in this Article V or in any other provision of this contract is cumulative, and shall not preclude the exercise of any other right or remedy under this Contract or under any provision of law, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy hereunder shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

**Article VI. UNIFORM ADMINISTRATIVE REQUIREMENTS, COSTS
PRINCIPLES AND PROGRAM INCOME
FOR GOVERNMENT ENTITIES AND NON-PROFITS**

Section 6.01 Recipient shall comply with the requirements of OMB Circulars Number. A-122 "COST PRINCIPALS FOR NON PROFIT ORGANIZATIONS", OMB Circular Number A-110 "UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND OTHER AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON PROFIT ORGANIZATIONS, and 24 CFR Part 84 "UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON PROFIT ORGANIZATIONS", and any other OMB Circulars which may apply either prospectively or retroactively. Recipient nonprofit organization must comply with applicable OMB Circulars pursuant to 24 CFR 92.505 and any other applicable regulations.

Article VII. RETENTION AND ACCESSIBILITY OF RECORDS

Section 7.01 Recipient must establish and maintain sufficient records, including those listed under 24 CFR 92.508. The sufficiency of the records will be determined by City.

Section 7.02 Recipient shall give HUD, the Comptroller General of the United States, the City of College Station Auditor, or any of their duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, and other papers, things, or

property belonging to or in use by Recipient pertaining to this contract. Such rights to access shall continue as long as the records are retained by Recipient. Recipient agrees to maintain such records in a location accessible to the above-named persons and entities.

Section 7.03 All records pertinent to this contract shall be retained by Recipient for five calendar years after the date of termination of this contract or of submission of the final close-out report, whichever is later, with the following exceptions:

- (a) If any litigation, claim or audit is started before the expiration of the five-year period and extends beyond the five-year period, the records will be maintained until all litigation, claims or audit findings involving the records have been finally resolved, including all legal and administrative appeals.
- (b) Records relating to real property acquisition shall be retained for the period of affordability required under 24 CFR 92.254.
- (c) Records covering displacement and acquisitions must be retained for at least five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with 24 CFR 92.353.

Section 7.04 Recipient shall require the substance of this Article VII to be included in all subcontracts.

Section 7.05 Recipient must provide citizens, public agencies, and other interested parties with reasonable access to records consistent with the TEXAS PUBLIC INFORMATION ACT.

Article VIII. REPORTING REQUIREMENTS

Section 8.01 Recipient shall submit to City such reports on the operation and performance of this Agreement as may be required by City including but not limited to the reports specified in this Article VIII. Recipient shall provide City with all reports necessary for City's compliance with 24 CFR 92.508, 92.509 and 24 CFR SUBPART J or any other applicable statute, law or regulation. Additionally Recipient shall provide HUD and City complete access to the property, all books, records, files, reports or other papers as requested by City and HUD.

Section 8.02 In addition to the limitations on liability otherwise specified in this Agreement, it is expressly understood and agreed by the Parties hereto that if Recipient fails to promptly submit to City any report required by this Agreement, City may, at its sole option and in its sole discretion, withhold any or all payments otherwise due or requested by Recipient hereunder. If City withholds such payments, it shall notify Recipient in writing of its decision and the reasons therefore. Payments withheld pursuant to this paragraph may be held by City until such time as Recipient fully cures or performs any and all delinquent obligations which are identified as the reason funds are withheld.

Section 8.03 Verification of Income. Verification of income for HOME assisted unit tenants will be pursuant to 24 C.F.R 5.609.

Section 8.04 Recipient shall submit activity reports to the City on an annual basis, with information on rents and occupancy. The format of such reports shall, at a minimum, consist of a HOME Project Compliance Report – Rental Housing Checklist 6-D (Exhibit G), Financial Summary (Exhibit H), and Program Narrative (Exhibit I). Annual reports will be due no later than October 30th of each year.

Article IX. MONITORING

Section 9.01 The City reserves the right to carry out regular and periodic field inspections to ensure compliance with the requirements of this contract. After each monitoring visit, City shall provide Recipient with a written report of the monitor's findings. If the monitoring reports note deficiencies in Recipient's performances under the terms of this contract, the monitoring report shall include requirements for the timely correction of such deficiencies by Recipient. Failure by Recipient to take action specified in the monitoring report may be cause for suspension or termination of this contract, as provided in Article XVIII and XIX of this contract.

Article X. INDEPENDENT CONTRACTOR

Section 10.01 It is expressly understood and agreed by the Parties hereto that City is contracting with Recipient as an Independent Contractor and not any employee, or agent of City. This contract does not establish or constitute a joint venture or enterprise between City and Recipient.

Section 10.02 By entering into this contract, City and Recipient do not intend to create a joint enterprise.

Article XI. INDEMNIFICATION

Section 11.01. RECIPIENT AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS CITY, ITS PUBLIC OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DEMANDS, JUDGMENTS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER INCLUDING REASONABLE ATTORNEY FEES, COSTS AND EXPERT FEES, WHICH MAY BE ASSERTED BY ANY THIRD PARTY OCCURRING OR IN ANY WAY INCIDENT TO, ARISING OUT OF, OR IN CONNECTION WITH THE SERVICES AND WORK TO BE PERFORMED BY RECIPIENT UNDER THIS CONTRACT.

SECTION 11.02. BY ENTERING INTO THIS CONTRACT THE CITY DOES NOT

WAIVE ITS GOVERNMENTAL IMMUNITY, THE LIMITATIONS AS TO DAMAGES CONTAINED IN THE TEXAS TORT CLAIMS ACT OR CONSENT TO SUIT.

Article XII. SUBCONTRACTS

Section 12.01 Except for subcontracts to which the federal labor standards requirements apply, Recipient may not subcontract for performances of any obligation required or described in this contract without obtaining City's prior written approval. Recipient shall only subcontract for performance obligations required or described in this contract to which the federal labor standards requirements apply after Recipient has submitted a Subcontractor Eligibility form, as specified by City, for each such proposed subcontract and Recipient has obtained City's prior written approval, based on the information submitted, of Recipient's intent to enter into such proposed subcontract. Recipient, in subcontracting for the performance of any obligation required as described in this contract, expressly understands that in entering into such subcontracts, City is in no way liable to Recipient's subcontractor(s).

Section 12.02 In no event shall any provision of this Article XII, specifically the requirement that Recipient obtain City's prior written approval of a subcontractor's eligibility, be construed as relieving Recipient of the responsibility for ensuring that the performances rendered under all subcontracts are rendered so as to comply with all of the terms of this contract, as if such performances rendered were rendered by Recipient. City's approval under Article XII does not constitute adoption, ratification, or acceptance of Recipient's or subcontractor's performance hereunder. City maintains the right to insist upon Recipient's full compliance with the terms of this contract, and by the act of approval under Article XII, City does not waive any rights or remedies which, may exist or which may subsequently accrue to City under this contract.

Section 12.03 Recipient shall comply with all applicable federal, state, and local laws, regulations, and ordinances for making procurement under this contract.

Section 12.04 Recipient shall submit a subcontractor utilization report prior to beginning work and prior to hiring any additional subcontractors.

Article XIII. CONFLICT OF INTEREST

Section 13.01 No person who (a) is an employee, agent, consultant, officer or elected or appointed official of City or of any applicant that receives funds and who exercises or has exercised any functions or responsibilities with respect to activities assisted with funds provided under this contract or (b) who is in a position to participate in a decision-making process or gain inside information with regard to such activities may obtain a personal or financial interest or benefit from a HOME assisted activity, or have an interest in any contract, subcontract or contract (or the proceeds thereof) with respect to a HOME assisted activity either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Recipient shall ensure compliance with applicable

provisions under 24 CFR Sections 84.40 - 84.48 and OMB Circular A-110 in the procurement of property and services.

Article XIV. NONDISCRIMINATION AND SECTARIAN ACTIVITY

Section 14.01 Equal Opportunity. Recipient shall ensure that no person shall on the grounds of race, color, religion, sex, handicap, family status, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds provided under this contract. In addition, funds provided under this contract must be made available in accordance with the requirements of Section 3 of the HOUSING AND URBAN DEVELOPMENT ACT OF 1968 (12USC1701u) that:

- (a) To the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of any project assisted with HOME funds provided under this contract be given to low-income persons residing within the general local government area in which the project is located; and
- (b) To the greatest extent feasible, contracts for work to be performed in connection with any such project be awarded to business concerns, including, but not limited to, individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the same metropolitan area or non-metropolitan City as the project.

Section 14.02 Religious Organizations. Funds provided under this contract may not be provided to primarily religious organizations, such as churches, for any activity, including secular activities. In addition, funds provided under this contract may not be used to rehabilitate or construct housing owned by primarily religious organizations, such as churches, for any activity, including secular activities. In addition, funds provided under this contract may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. The completed housing project must be used exclusively by the owner entity for secular purposes and must be available to all persons regardless of religion. There must be no religious or membership criteria for tenants of the property as specified under 24 CFR 92.257.

Article XV. LEGAL AUTHORITY

Section 15.01 Recipient assures and guarantees that Recipient possesses the legal authority to enter into this contract, to receive funds authorized by this contract, and to perform the services Recipient has obligated itself to perform hereunder.

Section 15.02 The person or persons signing and executing this contract on behalf of Recipient, or representing themselves as signing and executing this contract on behalf of Recipient, do hereby warrant and guarantee that he, she or they have been duly authorized by Recipient to

execute this contract on behalf of Recipient and to validly and legally bind Recipient to all terms, performances, and provisions herein set forth.

Section 15.03 Recipient shall not employ, award contract to, or fund any person that has been debarred, suspended, proposed for debarment, or placed on ineligibility status by U.S. Department of Housing and Urban Development. In addition, City shall have the right to suspend or terminate this contract if Recipient is debarred, suspended, proposed for debarment, or ineligible to participate in the HOME Program.

Article XVI. LITIGATION AND CLAIMS

Section 16.01 Recipient shall give City immediate notice in writing of a) any action, including any proceeding before an administrative agency, brought or filed against Recipient in connection with this contract; and b) any claim against Recipient, the cost and expense of which Recipient may be entitled to be reimbursed by City.

Except as otherwise directed by City, Recipient shall furnish immediately to City copies of all documents received by Recipient with respect to such action, proceeding, or claim.

Article XVII. CHANGES AND AMENDMENTS

Section 17.01 Except as specifically provided otherwise in this contract, any alterations, additions, or deletions to the terms of this contract shall be by amendment hereto in writing and executed by both the Parties to this contract.

Section 17.02 It is understood and agreed by the Parties hereto that any performance under this contract must be rendered in accordance with the Act, the regulations promulgated under the Act, the assurances and certifications made to City by Recipient, and the assurances and certifications made to the United States Department of Housing and Urban Development by the City with regard to the operation of the HOME Program.

Section 17.03 Any alterations, additions, or deletions to the terms of this contract which are required by changes in Federal or state law or regulations are automatically incorporated into this contract without written amendment hereto, and shall become effective on the date designated by such law or regulations. All other amendments to the contract must be in writing and signed by both Parties, except as provided in paragraphs 17.02 and 17.03.

Article XVIII. SUSPENSION

Section 18.01 In the event Recipient fails to comply with any term of this contract, City may, upon written notification to Recipient, suspend this contract in whole or in part and withhold further payments to Recipient, and prohibit Recipient from incurring additional obligations of funds under this contract.

Article XIX. TERMINATION

Section 19.01 The City may terminate this contract in whole or in part, in accordance with 24 CFR 85.43 and this Article or as provided in this contract. In the event Recipient materially fails as determined by City, to comply with any term of this contract, whether stated in a Federal statute or regulation, an assurance, in a City plan or application, a notice of award, or elsewhere, City may take one or more of the following actions:

- (a) Temporarily withhold cash payments pending correction of the deficiency or default by the Recipient.
- (b) Disallow all or part of the cost of the activity or action not in compliance; and require immediate repayment of such disallowed costs.
- (c) Withhold further HOME awards from Recipient.
- (d) Exercise other rights and remedies that may be legally available as determined by the City to comply with the terms of this contract.
- (e) City may terminate this contract for convenience in accordance with 24 CFR 85.44.

Article XX. AUDIT

Section 20.01 Unless otherwise directed by City, Recipient shall arrange for the performance of an annual financial and compliance audit of funds received and performances rendered under this contract, subject to the following conditions and limitations:

- (a) Recipient shall have an audit made in accordance with 24 CFR 92.506, THE SINGLE AUDIT ACT OF 1984, 31 U.S.C. 7501 *et. seq.*, and OMB Circular No.133, "AUDITS OF STATES, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS", for any of its fiscal years included within the contract Period, in which Recipient receives more than \$300,000.00 in federal financial assistance provided by a federal agency in the form of grants, contracts, loans, loan guarantees, property, cooperative contracts, interest subsidies, insurance or direct appropriations, but does not include direct federal cash assistance to individuals. The term includes awards of federal financial assistance received directly from federal agencies, or indirectly through other units of State and local government;
- (b) At the option of Recipient, each audit required by this Article may cover either Recipient's entire operations or each department, agency, or establishment of Recipient which received, expended, or otherwise administered federal funds;
- (c) Notwithstanding paragraphs 4.01(c) and (d), Recipient shall utilize operating expense funds budgeted under this contract to pay for that portion of the cost of such audit

services properly allocable to the activities funded by City under this contract, provided however that City shall not make payment for the cost of such audit services until City has received the complete and final audit report from Recipient;

- (d) Unless otherwise specifically authorized by City in writing, Recipient shall submit the complete and final report of such audit to City within thirty (30) days after completion of the audit, but no later than one (1) year after the end of each fiscal period included within the period of this contract. Audits performed under Subsection A of this Article XX are subject to review and resolution by City or its authorized representative.
- (e) As part of its audit, Recipient shall verify expenditures according to the Budget attached as Exhibit B.

Section 20.02 Notwithstanding Paragraph 20.01 City reserves the right to conduct an annual financial and compliance audit of funds received and performances rendered under this contract. Recipient agrees to permit City or its authorized representative to audit Recipient's records and to obtain any documents, materials, or information necessary to facilitate such audit.

Section 20.03 Recipient understands and agrees that it shall be liable to City for any costs disallowed pursuant to financial and compliance audit(s) of funds received under this contract. Recipient further understands and agrees that reimbursement to City of such disallowed costs shall be paid by Recipient from funds which were not provided or otherwise made available to Recipient under this contract.

Section 20.04 Recipient shall take all necessary actions to facilitate the performance of such audit or audits conducted pursuant to this Article XX as City may require of Recipient.

Section 20.05 All approved HOME audit reports shall be made available for public inspection within 30 days after completion of the audit.

Article XXI. ENVIRONMENTAL CLEARANCE REQUIREMENTS

Section 21.01 Recipient understands and agrees that by the execution of this contract, City shall assume the responsibilities for environmental review, decision making, and other action which would otherwise apply to City in accordance with and to the extent specified in 24 CFR, PART 58. In accordance with 24 CFR 58.77(b), Recipient further understands and agrees that City shall handle inquiries and complaints from persons and agencies seeking redress in relation to environmental reviews covered by approved certifications.

Section 21.02 Funds provided under this contract, may not be obligated and expended before the actions specified in this Article occur.

Section 21.03 City shall prepare and maintain a written Environmental Review Record for this project in accordance with 24 CFR PART 58 to ensure compliance with the NATIONAL ENVIRONMENTAL POLICY ACT (NEPA). Recipient must also maintain a copy of the

Environmental Review Record in Recipient's project file. City must comply with all other applicable environmental requirements as specified in Exhibit D of this contract. City shall document its compliance with such other requirements in its environmental review file.

Article XXII. SPECIAL CONDITIONS

Section 22.01 City shall not release any funds for any costs incurred by Recipient under this contract until City has received certification from Recipient that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of and accounting for funds provided under this contract. City shall specify the content and form of such certification.

Section 22.02 Affordability. Funds provided under this contract must meet the affordability requirement of 24 CFR 92.252 and 24 CFR 92.254 and the HOME rules as applicable. The City shall reduce HOME investment amount to be recaptured on a pro-rata basis for the time the unit is in compliance with 24 CFR 92.254 and the HOME rules as applicable.

Section 22.03 Repayment. Recipient agrees that all repayments, including all interest and any other return on the investment of HOME funds will be made to City pro-rata. The formula for repayment is the funds received which are subject to repayment divided by the number of months in the period of affordability multiplied by the number of months that a home is not operated in accordance with the affordability requirement.

Section 22.04 Housing Quality Standards. Recipient shall ensure that all housing assisted with funds provided under this contract shall meet the requirements of 24 CFR 92.251 for the duration of this contract.

Section 22.05 Affirmative Marketing. Recipient shall adopt Affirmative Marketing procedures and requirements for rental and homebuyer projects containing five (5) or more HOME-assisted housing units. The Affirmative Marketing procedures and requirements shall include, but need not be limited to, those specified in 24 CFR 92.351. City will assess the efforts of the Recipient during the marketing of the units by use of compliance certification. Where a Recipient fails to follow the Affirmative Marketing procedures and requirements, corrective actions shall include extensive outreach efforts to appropriate contacts to achieve the occupancy goals or other sanctions the City may deem necessary. Recipient must provide City with an annual assessment of the Affirmative Marketing program of the development, if and Affirmative Marketing program is required under this section. The assessment must include:

- (a) Method used to inform the public and potential residents about Federal Fair Housing laws and Affirmative Marketing policy. Recipient's advertising of housing must include the Equal Housing Opportunity logo or statement. Advertising media may include newspaper, radio, television, brochures, leaflets, or signage. Recipient may wish to use community organizations, places of worship, employment centers, fair housing groups, housing counseling agencies, social service centers or medical service centers as resources for this outreach.

- (b) Records describing actions taken by the Recipient to affirmatively market housing and records to assess the results of these actions. Recipient must maintain a file containing all marketing efforts (i.e. copies of newspapers ad, memos of phone calls, copies of letters) to be available for inspection at least annually by City.
- (c) Recipient shall solicit applications for housing from persons in the housing market who are least likely to apply for housing without benefit of special outreach efforts. In general, persons who are not of the race/ethnicity of the residents of the neighborhood in which the housing is located shall be considered those least likely to apply.
- (d) Recipient shall maintain a listing of all residents residing in each home through the end of the compliance period.
- (e) The Recipient will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include: Placing qualified small and minority businesses and women's business enterprises on solicitation lists; Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises; Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in the preceding paragraph.

Section 22.06 Enforcement of Affordability. City shall provide a legally enforceable contract consisting of a Land Use Restriction Agreement, containing remedies adequate to enforce the affordability requirements of 24 CFR 92.254, as applicable, for each activity assisted under this contract, to be recorded in the real property records of Brazos County. Funds recaptured because housing no longer meets the affordability requirements under 24 CFR 92.254(a)(5) are subject to the requirements of 24 CFR 92.503.

Section 22.07 Reversion of Assets. Upon termination of this contract, all funds remaining on hand on the date of termination and all accounts receivable attributable to the use of funds received under this contract shall revert to City. Recipient shall return these assets to City within seven (7) days after the date of termination. This section does not refer to CHDO proceeds from the sale of property.

Section 22.08 Flood Hazards. Funds provided under this contract may not be used in connection with acquisition, rehabilitation, or construction of a development located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards.

Section 22.09 Fair Housing. Recipient participating in the HOME program shall use affirmative fair housing marketing practices in determining eligibility and concluding all transactions. These

requirements apply to all projects of five (5) or more units. Each participating entity must affirmatively further fair housing in accordance with 24 CFR 92.350.

Section 22.10 Displacement, Relocation, and Acquisition. Recipient must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, business and nonprofit organizations) as a result of a project assisted with funds provided under this contract. Recipient must comply with the applicable provisions of 24 CFR 92.353.

Section 22.11 Property Standards. Recipient shall ensure that all housing assisted with funds provided under this contract (1) shall meet the lead-based paint requirements in 24 CFR 92.355 upon project completion and (2) shall meet the requirements of 24 CFR 92.251 for the duration of this contract.

Section 22.12 Tenant and Participation Protections. Recipient shall ensure that all tenant and participation protection policies are in accordance with 24 CFR 92.253, and the Recipient shall comply with all other provisions of 24 CFR 92 Subpart F.

Section 22.13 All documents necessary for the conveyance of real property, pursuant to the contract, must be approved, prior to execution, by the City. (i.e. deeds, notes, Deed of Trust, etc.)

Section 22.14 Funding under this contract is contingent upon Recipient meeting all terms, conditions of this contract.

Section 22.15 This contract and the performance hereunder may not be assigned without the express written consent of City.

Section 22.16 This contract is binding on Recipient's assigns and successors-in-interest.

Article XXIII. ORAL AND WRITTEN CONTRACTS

Section 23.01 All oral and written contracts between the Parties relating to the subject matter of this contract that were made prior to the execution of this contract have been reduced to writing and are contained in this contract.

Section 23.02 The attachments enumerated and denominated below are hereby made a part of this contract, and constitute promised performances by Recipient in accordance with Article III of this contract.

- A. Exhibit A. Performance Statement
- B. Exhibit B. Budget
- C. Exhibit C. Project Implementation Schedule
- D. Exhibit D. Applicable Laws and Regulations
- E. Exhibit E. Certifications
- F. Exhibit F. HOME Rents
- G. Exhibit G. Project Compliance Report: Rental Housing Checklist 6-D
- H. Exhibit H. Financial Summary
- I. Exhibit I. Project Narrative
- J. Exhibit J. CHDO Application
- K. Exhibit K. Insurance Requirements
- L. Exhibit L. Insurance Certificates

Article XXIV. VENUE

Section 24.01 For purposes of litigation pursuant to this contract, venue shall lie in Brazos County, Texas

Article XXV. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

Section 25.01 Recipient shall comply with all federal, state and local laws, statutes, ordinances, rules, regulations, orders and decrees of any court or administrative body or tribunal related to the activities and performances of contractor under this contract. Upon request by City, Recipient shall furnish satisfactory proof of its compliance herein.

ARTICLE XXVI. INSURANCE

Section 26.01 The Recipient 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 services performed by the Recipient, its officers, agents, volunteers, and employees.

Section 26.02 The Recipient's insurance shall list the City of College Station, officers, agents, volunteers, and employees as additional insureds. The Required Limits of Insurance are attached in **Exhibit "K"**. Certificates of insurance evidencing the required insurance coverage are attached in **Exhibit "L"**.

**BRAZOS VALLEY COMMUNITY
ACTION AGENCY, INC.**

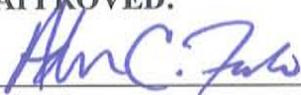
By: _____
Karen M. Garber, Executive Director

Date: _____

CITY OF COLLEGE STATION

By: _____
City Manager

APPROVED:



City Attorney
Date: 8-30-13

Executive Director Business Services
Date: _____

**EXHIBIT A
PERFORMANCE STATEMENT**

BRAZOS VALLEY COMMUNITY ACTION AGENCY, INC.

Recipient is awarded **ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY-EIGHT AND 00/100, (\$1,448,868.00), FROM THE FY 2009 (HUD GRANT YEAR 2008) BUDGET, FY 2010 (HUD GRANT YEAR 2009), FY 2011 (HUD GRANT YEAR 2010), FY 2012 (HUD GRANT YEAR 2011), FY 2013 (HUD GRANT YEAR 2012), AND FY 2014 (HUD GRANT YEAR 2013).** from the City of College Station HOME Investment Partnerships Program – Community Housing Development Organization (CHDO) set-aside funds. These funds must be used for the acquisition and rehabilitation of the following properties:

Brazos Valley Community Action Agency Inc., is proposing to purchase approximately 10 housing units for the purpose of providing affordable rental units for income eligible and disadvantaged tenants. BVCAA intends to target all applicants at or below 60% of the area median income (AMI) and those applicants that are elderly, disabled, or in transition from homelessness

BVCAA will also provide numerous inhouse referrals for case management, transitioning out of poverty, utility assistance, medical referrals and financial budgeting assistance and education.

It is BVCAA's intent to purchase the following properties for the Affordable Rental Program. The properties will be rehabed as needed. A percentage of the units purchased will be converted to handicapped accessible units. If the structure allows, oversized entrance and exit doors and enhanced bathroom amenities will be added. These properties will be located in College Station and available for rent soon after purchase. BVCAA will focus more on 3 and 4 bedrooms due to the demand by families.

Properties for proposed purchase are as follows:

Duplex = 2324-2326 Trace Meadows, College Station, 2 bedroom

Duplex = 929-931 Sun Meadow St. College Station 3 bedroom

Duplex= 2505-2507 Hickory Drive, College Station 3 bedroom

Duplex = 906 Kalanchoe Ct, College Station, 3 bedroom

Duplex = 1009-1010 Crepe Mytle, College Station, 3 bedroom

These properties will be made available for lease to income-eligible households at or below 60% of the Area Median Income.

Recipient shall dedicate all easements required by City including blanket easements which shall be substituted with as-built easements for all City utilities.

All work must be in compliance with current City of College Station Building Codes. All required permits must be obtained prior to any work commencing. All required inspections must be performed by the City of College Station Building Inspectors.

Recipient must provide written notification of all subcontractors to City.

Within six (6) months from issuance of the Certificate of Occupancy, said HOME unit must be occupied by an eligible resident. Recipient is not prohibited from conducting a background check on credit history or criminal history.

The project must be completed no later than September 30, 2015.

Upon completion of such construction Recipient must submit a copy of all receipts paid. At that point, the City will have 30 days to make payment on said receipts, not to exceed maximums established in Exhibit B, Budgets.

Any and all Program Income as defined by 24 CFR 84.21 must be disbursed by Recipient prior to requesting a disbursement of funds from the City. Proceeds from the sale of properties acquired and rehabilitated under this contract are not to be considered program income but may be retained by the CHDO as allowed under 24 CFR 92.300(a)(2) as CHDO Proceeds. All such proceeds retained the Recipient must be used for future affordable housing activities within the jurisdictional boundaries of the City of College Station, subject to approval by the City. The City grants the Recipient the right to maintain all project proceeds. Recipient agrees to utilize thirty (30) % percent of net annual rental profits for future affordable housing activities within the jurisdictional boundaries of the City of College Station, subject to approval by the City. Any/all program income, recaptured funds, repaid funds, project proceeds, etc., are subject to this contract.

**EXHIBIT B
BUDGET**

BRAZOS VALLEY COMMUNITY ACTION AGENCY, INC.

SOURCES OF FUNDS:

Maximum Proceeds of grant under the contract	\$1,448,868.00
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USES OF FUNDS:

Acquisition, Rehabilitation Costs	\$1,303,982.00
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CHDO Developer Fee	\$144,886.00
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EXHIBIT C

PROJECT IMPLEMENTATION SCHEDULE

CONTRACT START DATE: September 16, 2013

CONTRACT END DATE: September 30, 2015

PRODUCTION SCHEDULE:

Month	HOME Amount Expended	# Housing Units Completed	# Housing Units Occupied
October, 2013	500,000.00	4	4
December, 2014	1,000,000.00	4	8
May, 2015	1,300,000.00	2	10
September, 2015	1,448,886.00		

EXHIBIT D

THE APPLICABLE LAWS AND REGULATIONS

Recipient shall comply with all federal, state, and local laws and regulations applicable to the activities and performances rendered by Recipient under this contract including but not limited to the laws, and the regulations specified in Section I through VI of this Exhibit D.

I. CIVIL RIGHTS

THE FAIR HOUSING ACT (42 U.S.C. 3601-20) AND IMPLEMENTING REGULATIONS AT 24 CFR PART 100; EXECUTIVE ORDER 11063, AS AMENDED BY EXECUTIVE ORDER 12259 (3 CFR, 1958-1963 COMP., P. 652 AND 3 CFR, 1980 COMP., P. 307) (EQUAL OPPORTUNITY IN HOUSING) AND IMPLEMENTING REGULATIONS AT 24 CFR, PART 107; AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000D) (NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS) AND IMPLEMENTING REGULATIONS ISSUED AT 24 CFR, PART 1;

EXECUTIVE ORDER 11063, AS AMENDED BY EXECUTIVE ORDER 12259, AND 24 CFR PART 107, "NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063". THE FAILURE OR REFUSAL OF RECIPIENT TO COMPLY WITH THE REQUIREMENTS OF EXECUTIVE ORDER 11063 OR 24 CFR, PART 107 SHALL BE A PROPER BASIS FOR THE IMPOSITION OF SANCTIONS SPECIFIED IN 24 CFR 107.60;

THE PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF AGE UNDER THE AGE DISCRIMINATION ACT OF 1975 (42 U.S.C. 6101-07) AND IMPLEMENTING REGULATIONS AT 24 CFR, PART 146, AND THE PROHIBITIONS AGAINST DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. 794) AND IMPLEMENTING REGULATIONS AT 24 CFR, PART 8;

THE REQUIREMENTS OF EXECUTIVE ORDER 11246 (3 CFR 1964-65, COMP., P. 339) (EQUAL EMPLOYMENT OPPORTUNITY) AND THE IMPLEMENTING REGULATIONS ISSUED AT 41 CFR, CHAPTER 60.

THE REQUIREMENTS OF 24 CFR 92.351 (MINORITY OUTREACH), EXECUTIVE ORDERS 11625 AND 12432 (CONCERNING MINORITY BUSINESS ENTERPRISE), AND 12138 (CONCERNING WOMEN'S BUSINESS ENTERPRISE). CONSISTENT WITH HUD'S RESPONSIBILITIES UNDER THESE ORDERS, RECIPIENT MUST MAKE EFFORTS TO ENCOURAGE THE USE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN CONNECTION WITH HOME FUNDED ACTIVITIES. RECIPIENT MUST PRESCRIBE PROCEDURES ACCEPTABLE TO THE CITY TO ESTABLISH ACTIVITIES TO ENSURE THE INCLUSION, TO THE MAXIMUM EXTENT POSSIBLE, OF MINORITIES AND WOMEN, AND ENTITIES OWNED BY MINORITIES AND WOMEN. THE CONTRACTOR / SUBCONTRACTOR WILL BE REQUIRED TO IDENTIFY CONTRACTS WHICH HAVE BEEN BID BY MINORITY OWNED, WOMEN OWNED, AND/OR SMALL DISADVANTAGED BUSINESSES. THE AGE DISCRIMINATION ACT OF 1975 (42 U.S.C., SECTION 6101 ET SEQ.);

SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C., SECTION 794) AND "NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND

ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT", 24 CFR, PART 8. BY SIGNING THIS CONTRACT, RECIPIENT UNDERSTANDS AND AGREES THAT THE ACTIVITIES FUNDED HEREIN SHALL BE OPERATED IN ACCORDANCE WITH 24 CFR, PART 8; AND THE ARCHITECTURAL BARRIERS ACT OF 1968 (42 U.S.C., SECTION 4151 ET. SEQ.) INCLUDING THE USE OF A TELECOMMUNICATIONS DEVICE FOR DEAF PERSONS (TDDs) OR EQUALLY EFFECTIVE COMMUNICATION SYSTEM.

II. LEAD-BASED PAINT

TITLE IV OF THE LEAD-BASED PAINT POISONING PREVENTION ACT (42 U.S.C. SEC. 4831).

III. ENVIRONMENTAL STANDARDS

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (42 U.S.C. SEC. 4321 ET. SEQ.) AND 40 CFR PARTS 1500-1508;

THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (16 U.S.C. SEC. 470 ET. SEQ.) AS AMENDED; PARTICULARLY SECTION 106 (16 U.S.C. SEC. 470F);

EXECUTIVE ORDER 11593, PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT, MAY 13, 1971 (36 FED. REG. 8921), PARTICULARLY SECTION 2(C);

THE RESERVOIR SALVAGE ACT OF 1960 (16 U.S.C. SEC. 469 ET SEQ.). PARTICULARLY SECTION 3 (16 U.S.C. SEC. 469A-1), AS AMENDED BY THE ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974; FLOOD DISASTER PROTECTION ACT OF 1973, (42 U.S.C. SEC. 4001 ET. SEQ.) AS AMENDED, PARTICULARLY SECTIONS 102(A) AND 202(A) (42 U.S.C. SEC. 4012A (A) AND SEC. 4106(A));

EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT, MAY 24, 1977 (42 FED. REG. 26951), PARTICULARLY SECTION 2(A).

EXECUTIVE ORDER 11990 PROTECTION OF WETLANDS, MAY 24, 1977 (42 FED. REG. 26961), PARTICULARLY SECTIONS 2 AND 5.

THE SAFE DRINKING WATER ACT OF 1974, (42 U.S.C. SEC. 201, 300(F) ET SEQ.) AND (21 U.S.C. SEC. 349) AS AMENDED, PARTICULARLY SECTION 1424(E) (42 U.S.C. SEC. 300H-303(E));

THE ENDANGERED SPECIES ACT OF 1973, (16 U.S.C. SEC. 1531 ET. SQ.) AS AMENDED, PARTICULARLY SECTION 7 (16 U.S.C. SEC. 1536);

THE WILD AND SCENIC RIVERS ACT OF 1968, (16 U.S.C. SEC. 1271 ET SEQ.) AS AMENDED, PARTICULARLY SECTION 7(B) AND (C)(16 U.S.C. SEC. 1278(B) AND (C));

THE CLEAN AIR ACT (41 U.S.C. SEC. 7401 ET SEQ.) AS AMENDED, PARTICULARLY SECTION 176(C) AND (D) (42 U.S.C. SEC. 7506(C) AND (D));

FARMLANDS PROTECTION AND POLICY ACT OF 1981, (7 U.S.C. SEC. 4201 ET SEQ.)

24 CFR PART 51, ENVIRONMENTAL CRITERIA AND STANDARDS.

IV. ACQUISITION/RELOCATION

THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (42 U.S.C., SEC. 4601 ET. SEQ.), 49 CFR PART 24, AND 24 CFR SECTION 570.496A (55 FED. REG. 29309 (JULY 18, 1990))

V. LABOR REQUIREMENTS

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT, AS AMENDED (40 USC 327-333)

COPELAND (ANTI-KICKBACK) ACT (40 USC 276c)

FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED (29 USC 201, ET. SEQ.)

VI. SECTION 3 CLAUSE

ALL SECTION 3 COVERED CONTRACTS MUST INCLUDE THE FOLLOWING CLAUSE:

A. THE WORK TO BE PERFORMED UNDER THIS CONTRACT IS SUBJECT TO THE REQUIREMENTS OF SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED, 12 U.S.C. 1701U (SECTION 3). THE PURPOSE OF SECTION 3 IS TO ENSURE THAT EMPLOYMENT AND OTHER ECONOMIC OPPORTUNITIES GENERATED BY HUD ASSISTANCE OR HUD-ASSISTED PROJECTS COVERED BY SECTION 3, SHALL, TO THE GREATEST EXTENT FEASIBLE, BE DIRECTED TO LOW- AND VERY LOW-INCOME PERSONS, PARTICULARLY PERSONS WHO ARE RECIPIENTS OF HUD ASSISTANCE FOR HOUSING.

B. THE PARTIES TO THIS CONTRACT AGREE TO COMPLY WITH HUD'S REGULATIONS IN 24 CFR PART 135, WHICH IMPLEMENT SECTION 3. AS EVIDENCED BY THEIR EXECUTION OF THIS CONTRACT, THE PARTIES TO THIS CONTRACT CERTIFY THAT THEY ARE UNDER NO CONTRACTUAL OR OTHER IMPEDIMENT THAT WOULD PREVENT THEM FROM COMPLYING WITH THE PART 135 REGULATIONS.

C. THE CONTRACTOR AGREES TO SEND TO EACH LABOR ORGANIZATION OR REPRESENTATIVE OF WORKERS WITH WHICH THE CONTRACTOR HAS A COLLECTIVE BARGAINING AGREEMENT OR OTHER UNDERSTANDING, IF ANY, A NOTICE ADVISING THE LABOR ORGANIZATION OR WORKERS' REPRESENTATIVE OF THE CONTRACTOR'S COMMITMENTS UNDER THIS SECTION 3 CLAUSE, AND WILL POST COPIES OF THE NOTICE IN CONSPICUOUS PLACES AT THE WORK SITE WHERE BOTH EMPLOYEES AND APPLICANTS FOR TRAINING AND EMPLOYMENT POSITIONS CAN SEE THE NOTICE. THE NOTICE SHALL DESCRIBE THE SECTION 3 PREFERENCE, SHALL SET FORTH MINIMUM NUMBER AND JOB TITLES SUBJECT TO HIRE, AVAILABILITY OF APPRENTICESHIP AND TRAINING POSITIONS, THE QUALIFICATIONS FOR EACH; AND THE NAME AND LOCATION OF THE PERSON(S) TAKING

APPLICATIONS FOR EACH OF THE POSITIONS; AND THE ANTICIPATED DATE THE WORK SHALL BEGIN.

D. THE CONTRACTOR AGREES TO INCLUDE THIS SECTION 3 CLAUSE IN EVERY SUBCONTRACT SUBJECT TO COMPLIANCE WITH REGULATIONS IN 24 CFR PART 135, AND AGREES TO TAKE APPROPRIATE ACTION, AS PROVIDED IN AN APPLICABLE PROVISION OF THE SUBCONTRACT OR IN THIS SECTION 3 CLAUSE, UPON A FINDING THAT THE SUBCONTRACTOR IS IN VIOLATION OF THE REGULATIONS IN 24 CFR PART 135. THE CONTRACTOR WILL NOT SUBCONTRACT WITH ANY SUBCONTRACTOR WHERE THE CONTRACTOR HAS NOTICE OR KNOWLEDGE THAT THE SUBCONTRACTOR HAS BEEN FOUND IN VIOLATION OF THE REGULATIONS IN 24 CFR PART 135.

E. THE CONTRACTOR WILL CERTIFY THAT ANY VACANT EMPLOYMENT POSITIONS, INCLUDING TRAINING POSITIONS, THAT ARE FILLED (1) AFTER THE CONTRACTOR IS SELECTED BUT BEFORE THE CONTRACT IS EXECUTED, AND (2) WITH PERSONS OTHER THAN THOSE TO WHOM THE REGULATIONS OF 24 CFR PART 135 REQUIRE EMPLOYMENT OPPORTUNITIES TO BE DIRECTED, WERE NOT FILLED TO CIRCUMVENT THE CONTRACTOR'S OBLIGATIONS UNDER 24 CFR PART 135.

F. NONCOMPLIANCE WITH HUD'S REGULATIONS IN 24 CFR PART 135 MAY RESULT IN SANCTIONS, TERMINATION OF THIS CONTRACT FOR DEFAULT, AND DEBARMENT OR SUSPENSION FROM FUTURE HUD ASSISTED CONTRACTS.

G. WITH RESPECT TO WORK PERFORMED IN CONNECTION WITH SECTION 3 COVERED INDIAN HOUSING ASSISTANCE, SECTION 7(B) OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (25 U.S.C. 450E) ALSO APPLIES TO THE WORK TO BE PERFORMED UNDER THIS CONTRACT. SECTION 7(B) REQUIRES THAT TO THE GREATEST EXTENT FEASIBLE (I) PREFERENCE AND OPPORTUNITIES FOR TRAINING AND EMPLOYMENT SHALL BE GIVEN TO INDIANS, AND (II) PREFERENCE IN THE AWARD OF CONTRACTS AND SUBCONTRACTS SHALL BE GIVEN TO INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES. PARTIES TO THIS CONTRACT THAT ARE SUBJECT TO THE PROVISIONS OF SECTION 3 AND SECTION 7(B) AGREE TO COMPLY WITH SECTION 3 TO THE MAXIMUM EXTENT FEASIBLE, BUT NOT IN DEROGATION OF COMPLIANCE WITH SECTION 7(B).

**EXHIBIT F
HOME Rents
College Station – Bryan MSA
Effective June 1, 2013**

Program	Efficiency	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Low HOME Rent	\$510	\$546	\$655	\$756	\$845	\$931	\$1,018
High HOME Rent	\$643	\$679	\$831	\$950	\$1,041	\$1,130	\$1,219
Fair Market Rent	\$674	\$679	\$837	\$1,210	\$1,451	\$1,669	\$1,886
50% Rent Limit	\$510	\$546	\$655	\$756	\$845	\$931	\$1,018
65% Rent Limit	\$643	\$690	\$831	\$950	\$1,041	\$1,130	\$1,219

Revenue Source	FY Estimate	FY Actual
Rental Income		
Total Rental Income		

Expenses Account		
Personnel:		
Gross Salaries		
Benefits		
Payroll Taxes		
Operations:		
Auto Expense		
Insurance		
Office Supplies		
Postage		
Professional Fees		
Printing		
Rent		
Repairs/Maintenance		
Telephone		
Travel/Training		
Utilities		
Other (Please Specify)		
Total Operating Expenses		
Surplus (Deficit)		
Income/Expenses		

**EXHIBIT I
PROGRAM NARRATIVE**

Reporting Dates:	
Total Units:	
# Occupied:	
# Vacant:	
# of Skips during year:	
# Evictions during year:	
# of Applications Processed:	
# of Applications Denied:	
# Leases Pending:	
# Lease Renewals:	
# of Turn-overs	
Marketing Efforts:	
Other:	

EXHIBIT J

**2013
Community Housing Development Organization (CHDO)
Proposal for Funding**

General Information

Agency: Brazos Valley Community Action Agency, Inc.	Date Submitted:
Name of Proposal Writer: Bryan D. Jones	Position: Housing Administrator
Contact Person: Bryan D. Jones	E-Mail Address: bdjones@bvcaa.org
Mailing Address: 1500 University Drive East, Suite 100 College Station, Texas 77840	Street Address: 3141 Briarcrest Drive, Suite 510, Bryan, Texas 77802
Contact Phone: 979-774-1831	Fax Number: 979-774-0014
Agency Fiscal Year:	

Summary of Funding Request

Project Type	Total No. of Units or Households	No. of HOME-Asst'd Units	Amount Requested	Matching Funds	Other Sources	Total Project Cost	% of HOME Investment
Affordable Rentals	10	10	1,448,868	0	0	1,448,868	100

Part One: Agency Information

Part 1A Non-Profit Status & Board Members:

a.	1. How many members are on the Board?	15
	2. How many Board seats are mandatory (i.e., required by a grant or your charter)?	15
	3. Does the agency have an annual Board orientation? If not, why?	yes
	4. What are the Board terms?	2 years with renewal
	5. How many consecutive terms can a member serve?	2 consecutive 2-year terms
	6. Are the Board seats staggered (i.e., does half of the Board have their seat up for renewal in one year, and the other half the next year, etc.)?	Approximately 1/3 of board members' terms expire annually, so a rotation occurs
	7. How often does the Board meet?	Once a month
	8. What is the average attendance?	There must be 10 members present for a quorum
	9. Are there repercussions for too many missed meetings? Explain.	Immediate removal from the board

b. Is your agency incorporated as a non-profit organization under the laws of the State of Texas? If so, date of incorporation: **May 15, 1972**

c. Is your agency tax exempt under Internal Revenue code Section 501(c)(3)?
 Yes No

Part 1B: Staff Development Experience

a. **Staff classification and documentation:** Provide staff information (including job title/duties) and indicate the number of paid full-time and paid part-time employees. Include payroll report and résumé for listed employees.

Bryan Jones - Housing Administrator – (Full time Administrator) Performs administrative duties for CHDO, Weatherization, Case management and LIHEAP Utility Assistance for BVCAA Inc.

- 6 plus years of Administrative experience with State and Federal funded programs.
- 12 plus years managing budgets in excess 1.6 million dollars
- Accumulative program budgets of 11 million dollars in one Program Year.
- 16 years of CHDO new construction and rehabilitation projects.
- Numerous certifications from the American Recovery and Re-investment Act

(ARRA)

- Managed 30 plus employees during ARRA

Ray Harris – Housing Assessor/Labor Standard Officer/Quality Controls – (Part Time/shared with Weatherization) Performs quality assurance inspections for the weatherization and CHDO affordable housing programs. Provides final inspections for completed weatherization units. Closes out billings and invoices for approvals for payment.

- 10 years experience as property insurance adjuster
- 25 years as owner and operator of construction firm dealing in new construction (commercial and single family) and major rehabilitation projects, as well as large federally funded Government projects.

Gary Bryan - Project Manager – (Full Time –CHDO/Affordable Housing)
Provides oversight of all CHDO projects and new rehabilitation housing projects.

- 20 plus years expertise in residential and commercial construction.
- BVCAA Project Manager for CHDO and ARRA JOBS program for the last 4 years.
- Trained 100 plus trainees in construction for the ARRA JOB program

Rebecca Fortin – Data Specialist – (part –time CHDO, Weatherization and Program reporting) Determines program eligibility; performs local and State program reporting, and billings for all programs in the Energy Housing division.

- 25 plus years of experience at BVCAA Inc.
- Specialized in data processing, typing, accounting and office management
- 25 plus years in State and Federal reporting experience
- 15 plus years as Weatherization Coordinator and Assessor.

Scott Guillory - BVCAA Housing Assessor (Part Time CHDO and Weatherization))

- Performs home assessments and inspections for the weatherization and CHDO Affordable Housing programs.
- Assists in yard maintenance and upkeep of all CHDO properties on an as-needed basis.

b. **Relevant development experience:** Provide details regarding staff experience for both homeownership and rental development projects (acquisition,

rehabilitation/construction, ownership/operation of housing). Indicate previous experience with CHDO projects, if applicable.

Included in (a) above.

Part 1C: Developer Capacity

- a. **Past and current performance:** Provide information on past HOME, CHDO and/or other real estate development activities. Explain the capacity of the organization to take on this additional activity with regard to existing projects.

BVCAA Affordable Housing built its first new CHDO single family home in College Station in June 1998. Since that time, the Affordable Housing program has completed 16 new units, 1 total rehabilitation of a single family home including lead abatement, and purchased two duplexes for rehabilitation as low-income rental units.

All new single family homes were built in the City of College Station and were from the ground up projects. These homes were primarily designed to be energy efficient and incorporated Good Cents Home features. Qualified buyers of these units received down payment assistance through the City of College Station Community Development Unit's Home Investment Partnership (HOME) grant.

BVCAA Affordable Housing responded to an RFP from the City of Bryan, Community Development Services office and was awarded the contract for a comprehensive single family home rehabilitation. This project completely renovated the 1940 style structure from the ground up. The work involved lead abatement, electrical, complete HVAC system, attic, wall and floor insulation, plumbing, cabinets, paints and flooring. The total cost of the project was slightly more than \$80,000.00.

Due to 2013 changes in the HOME Final Rule, BVCAA Affordable Housing recently purchased two duplexes in College Station. Renovations have been partially completed on one duplex and the second duplex, just purchased on August 16, 2013 is still pending improvements and repairs. These units will be rented as soon as possible after renovation.

- b. **Organization/management structure:** Explain how the current corporation structure supports housing development activities. Does the current management have the ability to manage additional development activities? Indicate what policies and procedures are in place to govern development activities.

BVCAA Inc. has supported the Affordable Housing program for the past 16 years. This program has continuously increased its staff and capabilities each year of its existence. The Affordable Housing program is currently housed with the Weatherization department. The weatherization staff along with one full time project manager currently supports this program and employees are paid for actual time worked, not salaried. Also with shared cost on space, telephone, and other basic necessities cost are kept at a minimum.

The CHDO program is currently managed by the BVCAA Inc. Housing Administrator and one Project Manager. These have been the two key employees in the program for the last several years. Due to the current and future growth in this program, BVCAA will add additional staff on an as-needed basis to adjust to the increase of applicants and housing needs. The additional staff will be the Weatherization Quality Assurance Officer, Housing Assessor and Data Specialist. All of these positions will play a specific but minimal role in supporting all activities in the CHDO Rental Program.

The Affordable Housing Program will follow all the current Agency's policies and procedures that are provided by HUD, the Agency's Bylaws, the Board of Directors and overseen by the Executive Director. All policies and procedures for the CHDO program will be managed by the Affordable Housing Administrator and final oversight and compliance will be provided by the City of College Station Community Development Unit.

- c. **Staff/Board capacity and skills:** Describe staff capacity to manage the proposed project. Include strengths/weaknesses/opportunities for growth relating to property management, design and construction management, and marketing and intake. Also discuss the roles of the Board and its relationship to staff.

The Affordable Housing staff has a diverse background of housing experience. With this diversity and many years of experience BVCAA will use this knowledge to build, rehabilitate and provide safe affordable rental properties in the City of College Station. In addition to construction experience, BVCAA has a fiscal division that has over 60 years of combined accounting experience in government contracts, non-profits, OMB circulars and the private sector. Currently the agency is running budgets and financials in excess of 30 million dollars.

In reference to Board oversight and relationships in this organization, the Board has a committee that is called the Compliance and Continuous Improvement Committee. This committee provides in-depth monitoring and performance evaluations of all the agency programs to ensure that all contractual requirements are followed. In addition, the Strategic Planning Committee made up of Board members provides foresight and direction to the agency and its programs.

- d. **Development team capacity:** Explain how the development team roles are defined. Include prior experience working together on previous projects.

To initiate the Affordable Rental Program, BVCAA merged the Affordable Housing and the Weatherization employees to perform the necessary job functions to develop and grow this program. The duties detailed in the following team roles mirror consistently the primary functions of the staff's day to day activities.

The Development Team roles are defined as follows:

The Housing Administrator: Provides administrative oversight to the Project Manager, Quality Assurance Officer and Data Specialist. The Administrator also provides guidance on property purchases, client eligibility, Rental Deposit Assistance, program budgeting, payroll approval and all other duties and program guidance. (Actual Time Charged)

Project Manager: Works closely with the Housing Administrator on property selection, rehabilitation, building maintenance, yard and grounds upkeep and any other field related duties. This position also provides assistance in maintaining the properties and regulation of tenants' move-ins and move-outs. (Full Time)

Quality Assurance Officer/Assessor: Works with the tenants to ensure that the properties are maintained and kept in an acceptable manner. This position also concentrates on the annual unit inspections ensuring that tenants are aware of any evictions, problems or complaints. (Part Time)

Data Specialist: This position supports the program in taking rental applications, determining eligibility, maintaining the apartment waiting list, program reporting and any other duties assigned by the Housing Administrator. (Part Time)

Housing Assessor: Provides any program support from lawn care to small maintenance items.
(Part Time as needed only)

Part 1D: Fiscal Soundness

- a. **Financial Management:** Discuss budgeting operations, internal controls, and financial reporting measures for the organization.

Budgeting is prepared for each funding source at the program level. This is then input into the financial software to be used in the financial reports. Fiscal internal controls are extensive and documented in our Accounting Policies Manual. Financial reports are generated from our financial software and given to our board of directors on a monthly basis.

- b. **Audit:** Indicate if the organization has an annual audit. Provide a copy of the most recent annual audit.

See attached.

- c. **Financial stability:** Explain whether the organization maintains a stable funding base for operations and offers sufficient funds to carry out current and proposed activities.

BVCAA has been in continuous operations since 1972. At this time there are no anticipated changes or reductions in funding expected in the foreseeable future. We are currently paid on a reimbursement basis and pay all obligations within 10 days of receipt.

Part 1E: Community Relations

- a. **Community support:** Discuss the organization's relationship to the local community, with consideration given to the proposed project. Also indicate relationships with local government and lenders.

BVCAA partners with numerous organizations and groups to assist in providing service through our 12 county service area. In the community services portion of the agency, Meals on Wheels has community volunteers which deliver meals to needy clients throughout our whole service area.

The Comprehensive Energy Assistance Program (bill pay) uses volunteers from Churches, Community Service providers and private individuals that take applications for utility assistance.

In the Head Start Program, the use of parent volunteers is used to assist in the class rooms.

The following are services offered and partnerships through the BVCAA Inc.:

- Affordable Housing
- Behavioural Health
- Case Management
- Dental Clinics
- Head Start/Early Head Start
- Health Centers
- Health Education
- Individual Development Accounts (IDA)
- Meals On Wheels
- Utility Assistance
- Weatherization
- Women, Infants and Children (WIC)
- The Med-Contracts
- St. Joseph's Health Care-contracts
- Pre-Natal Clinic-contract
- Project Unity
- United Way-211
- MHMRA-BV- MOU
- NAMI-BV, Brenham Chapter- MOU
- BV Center for Independent Living
- BCS Mayors' Committee on Persons with Disabilities
- Texas A&M University-Health Science Center
- Blinn College Psychology Program and Disability Service

- Sam Houston State University-Nursing Interns, MOU
- BCS Chamber
- Deposit Assistance Program (City of College Station)

- **Collaborating Entities:**
- The Texas Association of Community Health Centers www.tachc.org
- Community Action Partnership - National Association
www.communityactionpartnership.com
- National Head Start Association www.nhsa.org
- Project Unity www.projectunitytx.org
- United Way of the Brazos Valley www.projectunitytx.org
- NAMI Texas www.namitexas.org

End of Agency Information

Part Two: Project Information

Part 2A: Narrative

Provide a brief narrative description of your project(s).

Brazos Valley Community Action Agency Inc., is proposing to purchase approximately 10 housing units for the purpose of providing affordable rental units for income eligible and disadvantaged tenants. BVCAA intends to target all applicants at or below 60% of the area median income (AMI) and those applicants that are elderly, disabled, or in transition from homelessness. BVCAA will also provide numerous inhouse referrals for case management, transitioning out of poverty, utility assistance, medical referrals and financial budgeting assistance and education.

It is BVCAA's intent to purchase the following properties for the Affordable Rental Program. These properties will be located in College Station and will be available for rent soon after purchase. BVCAA will focus more on 3 and 4 bedroom homes due to the demand from families.

Properties for proposed purchase are as follows:

Duplex = 2324-2326 Trace Meadows, College Station, 2 bedroom

Duplex = 929-931 Sun Meadow St. College Station 3 bedroom

Duplex = 2505-2507 Hickory Drive, College Station 3 bedroom

Duplex = 906 Kalanchoe Ct, College Station, 3 bedroom

Duplex = 1009-1010 Crepe Mytle, College Station, 3 bedroom

Part 2B: Activity Type

a. Is the proposed project an eligible CHDO set-aside activity?

Yes No

b. Please select the activities that best relate to your project (s)

Homebuyer Activity

Acquisition and New Construction

Rental Activity

Acquisition and Rehabilitation

Acquisition only

Mixed Use – Retail/Residential

Construction only

Other

Part 2C: Project Location

All projects must be located within the city limits of College Station. Is the project located in College Station?

Yes No

Part 2D: Market Analysis

a. Develop a brief need statement that clearly states the purpose for the project.

Discuss the causes of the problem, the resulting need within the community, and the significance of the project to the beneficiaries of the community.

The BVCAA Affordable Housing Program will provide safe, decent, affordable rental units for persons at or slightly below 60% of the AMI. It will also provide and promote positive public awareness of the need for affordable rental housing.

Currently the City of College Station is faced with unusual housing and rental markets. These markets are greatly influenced by Texas A&M University and the vast growing Health Industry in the Brazos Valley area. The housing and rental markets fluctuate dramatically each year due to the ever increasing student population and City internal growth. The large population of students places a high demand on affordable rental properties and affordable housing in the City of College Station as well as the whole Brazos Valley. In the City of College Station, there is expected to be a 48% growth in the City's population between 2007-2027, averaging approximately 2.4% per year. Although the rate of growth is expected to gradually decline over the next twenty years, overall population growth is expected to increase. This will have a large effect on the need to grow and maintain the local housing stock.

In addition to the University student populations, Texas A&M's entrance into the SEC last year is greatly affecting the economic development and housing market as well. Although studies on the change of the conference have shown contradicting results of impact, it may bring growth in many areas of employment to the Brazos Valley. This also will place pressure on the available affordable housing and rental markets due to the demand of new jobs and market growth. Currently, home ownership rate in the City is 31%, which is lower than the 64% homeownership rate in Texas and the 68% homeownership rate nationwide. The low rate of ownership is directly tied to the large numbers of students in the City (Source: U.S. Census). This in turn increases demand on the rental market.

The new Medical District and the One Health Plus BioCorridor are additional factors that may affect the housing market. These projects are expecting extreme growth in employment to the area and working into the longest term economic factors in the Brazos Valley.

With the ever growing population in College Station, other factors play a role in keeping housing affordable. A strong demand for new single family homes has been increasing over last past 8 years due to the student pressures and City growth. The current student population is approximately 50,000; about half of the City's estimated total population. Another factor that affects the housing market is the economy and the rise in cost of materials; property values and availability of properties have left the average home age being 21 years of age. An aging housing market leads to the demand for more housing stock. Also the demand of newer, larger and more expensive housing is increasing.

- b. Affirmative Marketing Activities: Outline the proposed marketing plan (*Homeownership and Rental Housing projects only*) such that it describe the methods for informing the public, owners, and potential tenants about federal fair housing laws. Describe procedures to be used to inform and solicit applications for persons in the housing market area who are not likely to apply for housing without

special outreach. Applicant records must describe actions to be taken to affirmatively market units and assess the results of those actions.

This is a first come, first served program to all persons which meet the HUD, City of College Station and BVCAA Inc. requirements. BVCAA will use social media, agency collaborative partnerships and print media to promote housing opportunities. Furthermore it is the prospective tenants' responsibility to locate and contact BVCAA and provide the required documentation to the City and/or BVCAA. When those prerequisite items are complete, they are then welcome to be placed on the waiting list for affordable rental.

By no means will BVCAA discriminate on the rental unit of choice or race of renter in the Affordable Rental Program. Please review the Affirmative Action /Equal Opportunity Employment policy provided in the section that refers to all employees and their actions.

c. Targeted Income Group

Indicate the number of units or households to be served in each Target Population.

Target Population	Number of Units or Households
0-30% of the Area Median Income	1
31-50% of the Area Median Income	1
51-60% of the Area Median Income	8
61-80% of the Area Median Income	0
Market rate income	0
Total	0

d. Special Needs Population

- | | |
|---|--|
| <input checked="" type="checkbox"/> Elderly | <input type="checkbox"/> Developmentally Disabled |
| <input checked="" type="checkbox"/> Frail Elderly | <input type="checkbox"/> Persons w/HIV/AIDS |
| <input type="checkbox"/> Severe Mental Illness | <input type="checkbox"/> Persons w/Alcohol/Other Drug Addictions |
| <input checked="" type="checkbox"/> Physically Disabled | <input checked="" type="checkbox"/> Victims of Domestic Violence |
| <input type="checkbox"/> Other | |

Part 2E Project Development Details:

a. Do you have site control? (Or Option Contract executed if applying to acquire)

- Yes (Date acquired: _____) No

If no, explain how you intend to secure site control prior to the start of this project.

BVCAA currently searches local listings and internet resources for properties for sale.

When a property is found that meets all criteria for purchase, BVCAA uses an option

contract between buyer and seller to hold the property for an agreed amount of time. During this time, a physical inspection, environmental review, historical review, and property values are researched and evaluated for real market value.

If and when the environmental review is approved, an offer is made and an earnest money contract is established.

BVCAA has identified the proposed properties for this rental project agreement. (Listed in program narrative) Should this funding agreement receive approval, then the site control procedures will be enforced.

b. Will your project involve temporary or permanent relocation of residents or businesses?

No.

c. Will your project involve the construction or rehabilitation of 12 or more HOME-assisted units?

No.

d. Provide a brief description of the following information.

- Property Analysis
 - property description, including amenities and unit features
 - current property condition/inspection
 - appraisal information. provide a statement and include as an attachment a recent property appraisal, if available.
- Proposed Improvements to Property

Property Analysis

Property Description, including amenities and unit features:

The properties for acquisition for the CHDO rental will consist of two, three and four bedroom units. These units will consist of duplexes, and fourplexes. The units will have all the basic amenities, including a minimum of one bathroom, washer and dryer hook ups, cook stove, water heater and heating and cooling appliances. A percentage of the units purchased will be converted to handicapped accessible units. If the structure allows, oversized entrance and exit doors and enhanced bathroom amenities will be added. Units will be purchased on market availability.

Current property description/inspection

Units purchased will be in fair to good condition. Units needing excessive rehabilitation will not be purchased. Minimal repairs such as roof replacement, sheetrock repair, new heating and cooling appliances, refrigerators, water heaters, and all other make ready items will be addressed prior to purchase and included in the overall cost of rehabilitation.

Appraisal information, provide a statement and include as an attachment a recent property appraisal, if available.

Currently no appraisals are available. All properties being addressed for CHDO rental

projects will be reviewed on County tax rolls and compared on current market rates and values for comparable pricing.

Proposed Improvements to Property

All properties purchased will be move in ready prior to applicant moving in. All units will have inspections performed to ensure all flooring, ceilings, walls and appliances are in good working order. Should units need minor rehabilitation and repair; those items will be repaired prior to renting. Units with yards will be clean of all debris and the shrubbery trimmed. All hazardous items inside or outside of units will be addressed and repaired.

e. Indicate the number of HOME-assisted and market rate units and the proposed monthly rent/sales price by the following bedroom sizes.

Bedroom Size	HOME-assisted	Market	Proposed monthly rent or sales price for unit
0	0	0	0
1	0	0	0
2	2	0	1310.00
3	8	0	9680.00
4	0	0	0
Other	0	0	0
Total	10	0	10,990.00

Describe the project timeline from acquisition through final sale or lease of units. Include the following, as applicable:

- timelines for the entire project and each phase;
- flow of all activities; and
- recruitment/marketing plan for potential residents/home buyers.

Time line of Activities is September 1, 2013 through September 31, 2015

These properties will meet all HUD requirements as far as habitability and standards for prompt rental possibilities. All properties will have met all HUD mandated requirements completed prior to purchase, such as environmental review, Texas Historical review, and lead testing if required.

August 20, 2013 to October 31, 2013, BVCAA Affordable Housing will locate and purchase at a minimum four or more properties to expend or obligate at least \$500,000 of funding.

Start taking applications and determine eligibility for prospective renters.

November 1, 2013 through December 31, 2013.

Locate, purchase, and/or obligate an additional \$250,000 of contract funds on

prospective rental properties.

Continue taking applications and determining eligibility for prospective renters.
Start building waiting list of applicants.

January 1, 2014 through December 31, 2014

Expend/obligate approximately \$500,000 contract funds on prospective rental properties.

Continue taking applications and determining eligibility for prospective renters.
Start building waiting list of applicants

January 1, 2015 through September 31, 2015

Close out and expend/obligate the remaining contract funds on prospective rental properties.

Continue taking applications and determining eligibility for prospective renters.
Start building waiting list of applicants

BVCAA will actively perform outreach activities in conjunction with all its community services programs. Rental information will be distributed in local newspapers and by radio and television advertisements. Along with those resources, the agency web page will be a vital resource for information. This web page will have eligibility criteria, applications and availability of the properties for rent. In addition BVCAA will attend community partnership events to promote the rental units and is a new member of the B/CS Apartment Association.

- a. Production Schedule: Please complete the following schedule (add additional months, as necessary).

Month	HOME Amount Expended	# Housing Units Completed	# Housing Units Occupied
December, 2013	500,000.00	4	4
December, 2014	1,000,000.00	4	8
May, 2015	1,300,000.00	2	10
September, 2015	1,448,886.00		

End of Project Information

Part Three: Financial Information

Part 3A: Budget Expense Detail

Complete the development budget expense detail for pre-acquisition through construction. Do not include operating revenues or expenses other than for initial reserves.

Development Budget Cost Items	Amount
Acquisition Costs	
Land	\$ 0
Existing Structures	\$ 1,125,050.00
Other Acquisition Costs	\$ 0
Site Work Costs	
Demolition/Clearance	\$ 0
Site Remediation	\$ 0
Improvements	\$ 0
Other Site Work Costs	\$ 0
Construction / Rehabilitation Costs (construction contract costs)	
Other Site Work	\$ 0
New Construction	\$ 0
Rehabilitation	\$ 33,332.00
General Requirements	\$ 0
Performance & Payment Bond Premiums	\$ 0
Construction Contingency	\$ 0
Other Construction / Rehabilitation Costs	\$ 3,000
Lead Abatement	
Architectural and Engineering Fees	
Architect Fee -- Design	\$ 0
Architect Fee -- Construction Supervision	\$ 0
Engineering Fees	\$ 0
Other Architectural and Engineering Fees	\$ 0
Other Owner Costs	
Project Consultant Fees	\$ 0
Legal and Organizational Expenses	\$ 0
Syndication Fees (If utilizing Housing Tax Credits)	\$ 0
Market Study	\$ 0
Survey	\$ 4,000
Appraisal Fees	\$ 4,000

Soil Boring/Environmental Survey/Lead-Based Paint Evaluation	\$	0
Tap Fees and Impact Fees	\$	0
Permitting Fees	\$	0
Real Estate Attorney Fees	\$	0
Construction Loan Legal Fees	\$	0
Other Owner Costs	\$	0
Tenant Relocation Costs	\$	0
Project Administration and Management Costs (during construction only)		
Developer fee	\$	144,886.80
Marketing/Management	\$	0
Operating Expenses	\$	123,600.00
Taxes	\$	0
Insurance	\$	10,000
Other Project Administration & Management Costs	\$	1,000
Total Development Costs	\$	1,448,868.00

Part 3B: Development Operating Revenue Budget (Rental Development)

For rental developments, complete the table for each unit type rent. Utilize the published HOME rents and applicable utility allowances attached.

Rental Unit Characteristics						
High HOME Units: Capped at 60% AMI Low HOME Units Capped at 50% AMI (Low HOME required for 20% of units if total units greater than 5.)	Number of Units	Gross HOME Rent, per unit, per month	Monthly Utility Allowance (Compute from Utility Allowance Table)	Net Rent After Utilities, per unit, per month	Monthly Rent After Utilities	Annual Rent After Utilities (Monthly Rent After Utilities x No. Units Each Type X 12)
0 BR High HOME Units		\$	\$	\$	\$	\$
0 BR Low HOME Units		\$	\$	\$	\$	\$
0 BR Market Rate Units		\$	\$	\$	\$	\$
1 BR High HOME Units		\$	\$	\$	\$	\$
1 BR Low HOME Units		\$	\$	\$	\$	\$
1 BR Market Rate Units		\$	\$	\$	\$	\$
2 BR High HOME Units		\$	\$	\$	\$	\$
2 BR Low HOME Units	2	\$ 655	\$ 203	\$ 452	\$ 904	\$10,848.00
2 BR Market Rate Units		\$	\$	\$	\$	\$
3 BR High HOME Units	8	\$ 1210	\$ 229	\$ 981	\$7848	94,176.00
3 BR Low HOME Units		\$	\$	\$	\$	\$
3 BR Market Rate Units		\$	\$	\$	\$	\$
4 BR High HOME Units		\$	\$	\$	\$	\$
4 BR Low HOME Units		\$	\$	\$	\$	\$
4 BR Market Rate Units		\$	\$	\$	\$	\$
5 BR High HOME Units		\$	\$	\$	\$	\$
5 BR Low HOME Units		\$	\$	\$	\$	\$
5 BR Market Rate Units		\$	\$	\$	\$	\$
Total	0	NA	NA	NA	NA	\$ 105,024.00

Part 3C Development Operating Expense Budget (Rental Development):
 For rental developments, complete the operating expense table.

Operating Expense Pro-Forma (Rental Developments)	Annual Cost
Management Expenses	
Management Fee	\$
Management Administrative Payroll Costs	\$ 15,000.00
Legal Fees	\$ 1000
Accounting / Audit Fees	\$ 0
Advertising / Marketing	\$ 1000
Telephone	\$ 1200
Office Supplies	\$ 1500
Other Administrative Expenses	\$ 500
Other Management Expenses	\$ 500
Operations and Maintenance Expenses	
Security	\$ 0
Operations and Maintenance Administrative Payroll Costs	\$ 45,000
Other Mechanical Equipment	\$ 1000
Interior Painting	\$ 5500
Routine Repairs and Supplies	\$ 5000
Exterminating	\$ 2200
Lawn and Landscaping	\$ 5000
Garbage Removal	\$ 500
Resident Service Cost	\$ 0
Other Maintenance Costs	\$ 1100
Operations and Maintenance Expenses	\$ 1100
Utilities Paid by the Property	
Electricity	\$ 1000
Natural Gas, Oil, Other Fuel	\$ 0
Sewer and Water	\$ 1000
Other Utilities Paid by the Property	\$ 0
Taxes / Insurance / Reserves / Other Expenses	
Real Estate Taxes	\$ 18,000.00
Other Taxes and Licenses	\$ 0
Property Insurance	\$ 4000
Reserve for Replacement	\$ 4,500.00
Operating Reserve	\$ 4,000.00
Other Operating Expenses (List)	
	\$ 0
TOTAL	\$ \$119,600.00

End of Financial Information

**EXHIBIT K
INSURANCE REQUIREMENTS**

Throughout the term of this Agreement the Contractor (Recipient) must comply with the following:

I. Standard Insurance Policies Required:

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

II. General Requirements Applicable to All Policies:

- A. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent
- B. Certificates of Insurance and endorsements shall be furnished on the most current State of Texas Department of Insurance-approved forms to the City's Representative at the time of execution of this Agreement; shall be attached to this Agreement as Exhibit L; and shall be approved by the City before work begins
- C. Contractor shall be responsible for all deductibles on any policies obtained in compliance with this Agreement. Deductibles shall be listed on the Certificate of Insurance and are acceptable on a per-occurrence basis only
- D. The City will accept only Insurance Carriers licensed and authorized to do business in the State of Texas
- E. The City will not accept "claims made" policies
- F. Coverage shall not be suspended, canceled, non-renewed or reduced in limits of liability before thirty (30) days written notice has been given to the City

III. Commercial General Liability

- A. General Liability insurance shall be written by a carrier rated "A:VIII" or better under the current A. M. Best Key Rating Guide.
- B. Policies shall contain an endorsement naming the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain
- C. Limits of liability must be equal to or greater than \$500,000 per occurrence for bodily injury and property damage, with an annual aggregate limit of \$1,000,000.00. Limits shall be endorsed to be per project.
- D. No coverage shall be excluded from the standard policy without notification of individual exclusions being submitted for the City's review and acceptance
- E. The coverage shall include, but not be limited to the following: premises/operations with separate aggregate; independent contracts; products/completed operations; contractual liability (insuring the indemnity

provided herein) Host Liquor Liability, and Personal & Advertising Liability.

IV. Business Automobile Liability

- A. Business Automobile Liability insurance shall be written by a carrier rated "A:VIII" or better rating under the current A. M. Best Key Rating Guide.
- B. Policies shall contain an endorsement naming the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain
- C. Combined Single Limit of Liability not less than \$1,000,000 per occurrence for bodily injury and property damage.
- D. The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section in Item 2 of the declarations page
- E. The coverage shall include any autos, owned autos, leased or rented autos, non-owned autos, and hired autos.

V. 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 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 Subcontractors' employees. 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 liability not less than \$500,000 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."*

**EXHIBIT L
CERTIFICATES OF INSURANCE**

September 12, 2013
Consent Agenda Item No. 2d
Property Casualty Insurance Policies for Fiscal Year 2014

To: Kathy Merrill, Interim City Manager

From: Alison Pond, Director of Human Resources and Risk Management

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 2014. FY14 premiums for all lines of coverage total \$408,039.66.

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

Recommendation(s): The City of College Station Human Resources and Risk Management Department recommends approval of these insurance policies for the period October 1, 2013 to September 30, 2014.

Policy Type	FY 2013 Premium	FY2014 Premium	Increase
Excess Liability/Workers' Compensation with Star National Insurance Co.	\$204,373.00		
Excess Workers Comp with Safety National Ins. Co.		\$72,484	
Excess Liability with Starr Indemnity		\$180,000.00	23.20%
Property/Boiler and Machinery with Affiliated FM	\$99,095.00	\$116,494.00	17.50%
Crime Coverage with Great American Insurance	\$2,345.00	2,356.00	0.00%
EMT Liability with Western World Insurance Co.	\$5,932.66	5,932.66	0
Auto Property Damage Insurance with Great American Insurance	\$25,221.00	\$30,773.00	22%
Total Premiums	\$336,966.66	\$408,039.66	21.00%

Summary: Risk Management completed applications to solicit proposals for Excess Liability, Workers' Compensation, Property/Boiler & Machinery, Commercial Crime, Auto Property Damage, Cyber Liability 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 and evaluated all proposals submitted, based on criteria in the RFP.

The City has been self-insured since 2002, with a self-insured retention of \$250,000, grandfathered in by the previous carrier. All proposals for FY2014 policies assume a \$500,000 self-insured retention. Limits of liability have been reduced in the recommended policies from \$5 million/\$15 million aggregate per policy to \$5 million/\$5 million aggregate per line of coverage. Deductibles remain the same as in FY13. The Property Insurance market has seen premium increases between 15 & 20 percent; the City's premium increases 17.5 percent for FY14, with property values increasing approximately 13 percent, including the addition of Fire Station 6 to the schedule of properties. Fleet value increases resulted in a 22-percent increase in the Auto Property Damage premium. EMT liability coverage rate remained the same and is based on exposures (number of ambulances). Commercial crime coverage increased less than one percent. Overall, total insurance premiums increase \$71,073, or approximately 21 percent.

Budget & Financial Summary: Funds are available in the FY14 budget in the Property/Casualty Fund and the Workers' Compensation Fund.

Attachments:

Broker's recommendation for Excess Liability (includes General Liability, Auto Liability, Law Enforcement Liability, Public Officials Liability, and Employee Benefits 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

August 28, 2013

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

Re: RFP #13-082 Property, Mobile Equipment, Boiler & Machinery, Fleet Catastrophic Loss and Employee Dishonesty Insurance Coverage

Dear Retha,

Thank you for the opportunity to assist the City of College Station in the evaluation of proposals submitted in response to RFP # 13-082 Property, Mobile Equipment, Boiler & Machinery, Fleet Catastrophic Loss and Employee Dishonesty Insurance Coverage. The City received three proposals; 1) Affiliated FM (incumbent) and 2) Texas Municipal League Intergovernmental Risk Pool – TML and 3) Great American Insurance Company.

The proposals were evaluated using the City's criteria as set forth in the RFP. Please see attached the comparison of evaluation factors and spreadsheet comparison of coverage.

Regarding the Property, Mobile Equipment, Boiler & Machinery and Fleet Catastrophe Loss, in addition to providing the lowest quote, the Affiliated FM proposal exceeded the TML proposal in meeting the City's requirements for financial stability and coverage form.

It is our recommendation that the City purchase the Affiliated FM policy for Property, Mobile Equipment, Boiler & Machinery, and Fleet Catastrophic Insurance for the premium of \$116,494.

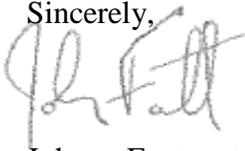
The \$116,494 premium represents a \$17,399 increase over last year's premium with the same terms and conditions as the expiring policy. The City had a 13% increase in insured values over the expiring property policy.

Regarding the Employee Dishonesty Coverage, Great American Insurance Co., and TML both provided quotes for this coverage. Both carriers scored the same on the City's evaluation criteria. The Great American proposal exceeded the TML proposal in meeting the City's requirements for financial stability while the additional premium is only \$389. Great American has written the City's Employee Dishonesty coverage since 2010.

It is our recommendation that the City purchase the Great American policy for Employee Dishonesty Insurance for the premium of \$2,356.

Thank you for the opportunity to work with the City of College Station. Please let us know if you have any questions regarding this evaluation.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny Fontenot". The signature is written in a cursive style with a large initial "J" and "F".

Johnny Fontenot, CPCU, ARM, AIC
Executive Vice President



MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC.

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

August 28, 2013

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

Re: RFP #13-080 Excess Liability and Workers' Compensation Insurance Coverage

Retha,

Thank you for the opportunity to assist the City of College Station in the evaluation of proposals submitted in response to RFP # 13-080 Excess Liability and Workers' Compensation Insurance Coverage. A total of twelve different carriers were approached and five responded to the RFP offering proposals on multiple lines of coverage:

Excess Liability – Starr Indemnity, Safety National
Excess Workers' Compensation – Safety National, Midwest Employers
Auto Physical Damage – Great American
EMT Liability – Western World

The proposals were evaluated using the City's criteria as set forth in the RFP. Please see attached the comparison of evaluation factors and spreadsheet comparisons of coverage.

Excess Liability and Workers' Compensation

The City received quotes from Safety National Corporation and Midwest Employers for the Excess Workers' Compensation. No true package quotes were received. The City also received Excess Casualty quotes from Safety National and Starr Indemnity. The Safety National Casualty quote is contingent upon purchase of the Excess Workers' Compensation from Safety National.

The current Excess Workers' Compensation market has hardened significantly with even more pressure for entities with police officers and fire fighters exposures. The Workers' Compensation quote received from Safety National with a retention of \$500,000 and a Premium of \$72,484 is the most competitive quote received. This policy will raise the City's retention for Workers' Compensation from \$250,000 to \$500,000, which is the lowest retention offered in the current marketplace.

The Starr Indemnity quote for the Excess Casualty Package is the most competitive quote received. This policy has a \$5,000,000 per occurrence limit for each line of coverage (General Liability, Public Officials, Law Enforcement Liability, Employee Benefits Liability and Auto Liability). Unlike the expiring policy, which had a Policy Aggregate of \$15,000,000, this policy will have a per line

aggregate of \$5,000,000. The aggregate is lower per line, but higher for the overall package policy. The quote premium for this package is \$180,000.

It is our recommendation that the City purchase the Safety National Excess Workers' Compensation policy and the Starr Indemnity Excess Casualty policy for total premium of \$252,484.

The \$252,484 premium represents a 23% increase over last year's premium with a higher retention but includes enhanced terms and conditions over the expiring policy. This recommended program is the best and most advantageous available in the current marketplace.

Auto Property Damage

Great American provided the lowest cost proposal for Auto Property Damage Insurance and meets City requirements for this coverage.

It is our recommendation that the City purchase the Great American Insurance policy for Auto Property Damage Insurance for the premium of \$30,773.

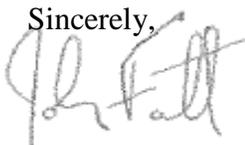
EMT Liability

Western World provided the only proposal for EMT Liability. The proposal is a renewal of the existing policy at the same terms, conditions, and premium as expiring and includes the addition of one ambulance to your fleet.

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

Thank you for the opportunity to work with the City of College Station. Please let us know if you have any questions regarding these evaluations.

Sincerely,



Johnny Fontenot, CPCU, ARM, AIC
Executive Vice President

September 12, 2013
Consent Agenda Item No. 2e
Three-way Stop Sign Controlled Intersection Located
Church Avenue and the Public Way of the Stack Property

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code", Section 10-2., "Traffic Control Devices," Subsection D "Intersections Controlled by Stop Signs", Traffic Schedule III – Stop Signs, of the Code of Ordinances of the City of College Station, Texas, by implementing a three-way stop controlled operation at the new intersection of Church Avenue East bound and Church Avenue North bound and the South bound public way exiting the Stack property.

Relationship to Strategic Goals:

1. Core Services and Infrastructure
2. Improving Transportation

Recommendation(s): Staff recommends approval of the ordinance amendment.

Summary: An intersection was constructed along Church Avenue to correct visibility restrictions along Church Avenue, provide better connectivity into the adjacent Stack development and address safety concerns with access to the Rise development. To ensure the safety of the motoring public as well as bicyclists and pedestrians at the intersection, a three-way stop controlled intersection was planned.

This ordinance allows for the implementation and enforcement of a multi-way stop at this intersection.

Budget & Financial Summary: The "Stop" signs were installed with the construction project.

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 10-2., "TRAFFIC CONTROL DEVICES," SUBSECTION D "INTERSECTIONS CONTROLLED BY STOP SIGNS", TRAFFIC SCHEDULE III – STOP SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AND 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 10, "TRAFFIC CODE", SECTION 10-2., "TRAFFIC CONTROL DEVICES," SUBSECTION D "INTERSECTIONS CONTROLLED BY STOP SIGNS", TRAFFIC SCHEDULE III – STOP SIGNS, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"** and 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 effect 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 liable for a civil offense or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

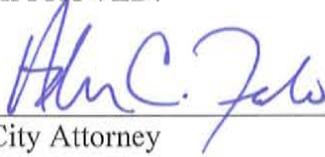
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

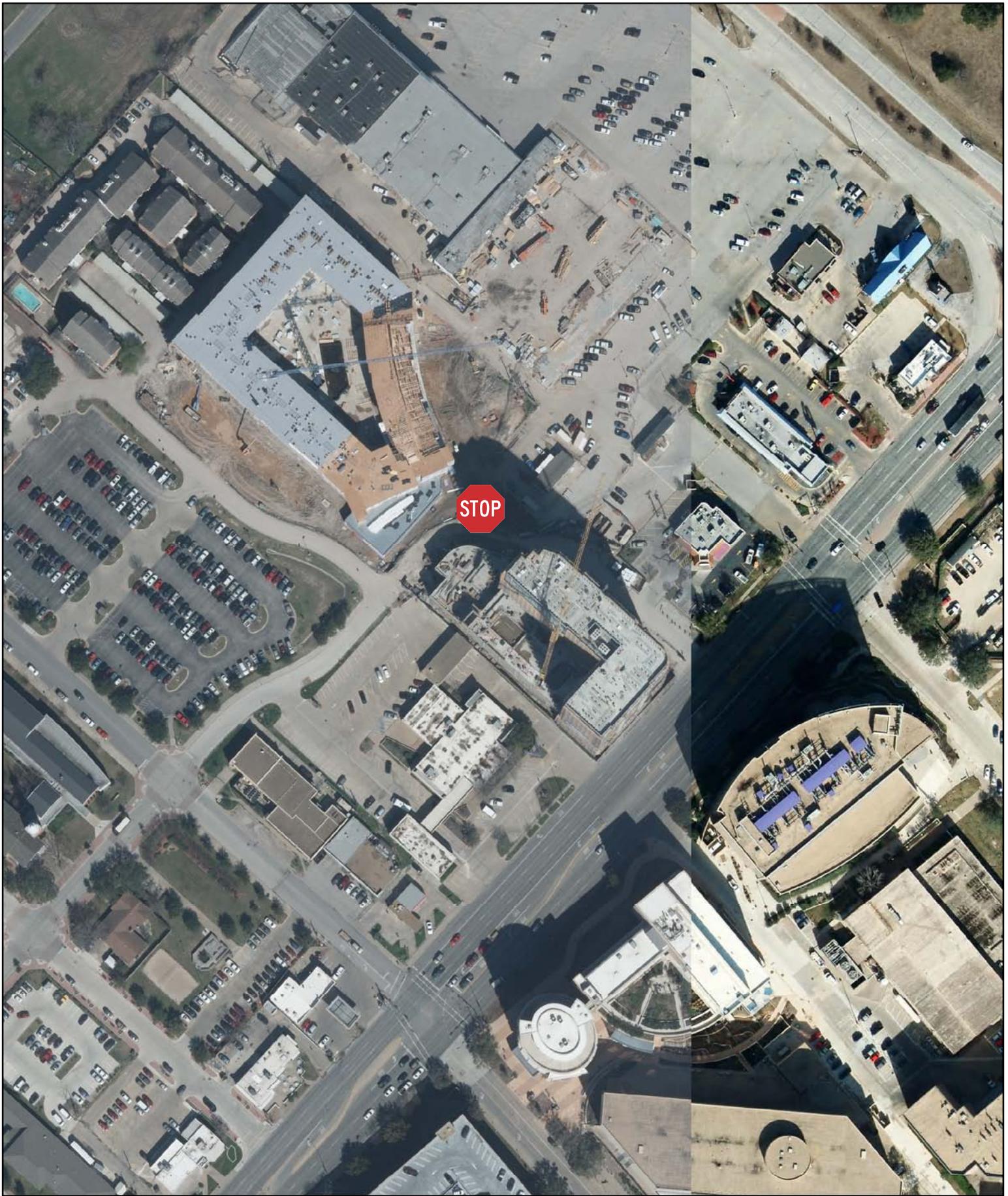


City Attorney

EXHIBIT "A"

CHAPTER 10, "TRAFFIC CODE", SECTION 10-2., "TRAFFIC CONTROL DEVICES," SUBSECTION D "INTERSECTIONS CONTROLLED BY STOP SIGNS", TRAFFIC SCHEDULE III – STOP SIGNS is hereby amended and is to read as follows:

A three way stop sign controlled intersection located at the intersection of Church Avenue North Bound with East Bound Church Avenue and at the South Bound Public Way of the Stack.



Three-way Stop Controlled Intersection 
Church Avenue and the Public Way of the Stack Property

September 12, 2013
Consent Agenda Item No. 2f
Annual Agreement Janitorial Maintenance Services – First Renewal

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion of the first renewal of Service Contract 12-278 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. d/b/a Professional Floor Service & Janitorial LLC in the amount of \$142,534 for the purpose of Annual Janitorial Maintenance Service of City buildings.

Relationship to Strategic Goals:

1. Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the contract renewal.

Summary: The contract is an annual agreement for one (1) year with four (4) additional one year renewals upon mutual consent of the City and the vendor. This action is for the first annual renewal. In 2012, six (6) sealed RFP bids were received and opened at the Purchasing Department (Bid 12-077) with Shelby Building Maintenance & Janitorial, Inc. d/b/a Professional Floor Service & Janitorial LLC being best qualified and the lowest responsible bidder.

This contract is for routine, daily cleaning of all City offices, restrooms, jail and meeting rooms. The contract further calls for periodic window washing, floor stripping/waxing and heavy carpet cleaning. Locations covered under this contract include:

City Hall	Community Development	Central Park Office
Utility Customer Service	Municipal Court Bldg	Public Works
Police Department	Lincoln Center	Dowling Pump Station
Library	Exit Teen Center	College Station Utilities
Carter Creek Waste Water	Arts Council	CSU Meeting Facility
Carter Creek WW Lab	Lick Creek WW Office Bldg	

Budget & Financial Summary: Funds are budgeted and available in the Public Works Facilities Maintenance Budget.

Reviewed and Approved by Legal: Yes

Attachments:

1. Renewal #1 – Contract 12-278

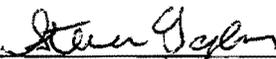
.....
RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Contract 12-278 for Annual Janitorial Maintenance Services and in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed One Hundred Forty Two Thousand Five Hundred Thirty Four and 00/100 Dollars (\$142,534.00).

I understand this renewal term will be for the period beginning October 1, 2013 through September 30, 2014. This is the first of four possible renewals.

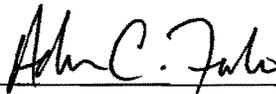
**Shelby Building Maintenance &
Janitorial Inc. d/b/a Professional
Floor Service & Janitorial LLC**

City of College Station

By: 
Printed Name: Steve Taylor
Title: CEO
Date: 8/16/13

By: _____
City Manager
Date: _____

APPROVED:


City Attorney
Date: 8-21-13

Executive Director Business Services
Date: _____

September 12, 2013
Consent Agenda Item No. 2g
Annual Blanket Order for Annual Interior/Exterior Painting - First Renewal

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion of the first renewal of Service Contract 12-291 between the City of College station and JNA Painting and Contracting in the amount of \$57,931 for the purpose of Various Interior/ Exterior Painting of City buildings.

Relationship to Strategic Goals:

1. Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the contract renewal.

Summary: This agreement is for small/individual painting projects that shall be completed on an as-needed basis. The initial agreement term was approved by City Council on September 13, 2012 (Consent Item No. 2L). This is the first of two renewal options and does not include any price increases.

Budget & Financial Summary: Funds are budgeted and available in the Public Works Facilities Maintenance Budget.

Reviewed and Approved by Legal: Yes

Attachments:

1. Renewal #1 – Contract 12-291

RENEWAL 1 ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Contract No. 12-291 (ITB No. 12-084) for Annual Interior/Exterior Painting of City Buildings in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed Fifty-seven Thousand Nine Hundred Thirty-one and No/100 dollars (\$57,931.00).

I understand this renewal term will be for a one year period beginning September 13, 2013 through September 12, 2014. This is the first of two renewal options.

JNA PAINTING AND CONTRACTING

CITY OF COLLEGE STATION

By: [Signature]
Printed Name: OUS Kohler
Title: Secretary
Date: 8-27-13

By: _____
City Manager
Date: _____

APPROVED:

[Signature]
City Attorney
Date: 8-28-13

[Signature]
Executive Director Business Services
Date: 9-2-13

September 12, 2013
Consent Agenda Item No. 2h
Barron Road East Extension Project (ST1101)
Amending Resolution Determining Need and Necessity

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding approval of amending the Resolution Determining Need and Necessity for the Barron Road East Extension Project.

Relationship to Strategic Goals:

1. Improving Mobility
2. Core Services and Infrastructure

Recommendation(s): Staff recommends Council approval of the Resolution Determining Public Need and Necessity.

Summary: The original Resolution Determining Need and Necessity was approved by Council on April 25, 2013, as item 2D.

The amended resolution serves to waive the City's collection of paving assessments against any parcels abutting the Project where the value of the paving assessment is used to offset the just compensation paid by the City to acquire the portion of the Property necessary for the Project.

The Barron Road East Extension Project is currently in the preliminary design report phase. A tract located at the northeast intersection of State Highway 6 and Barron Road is being considered for right-of-way and easement acquisition as part of the extension of Barron Road east of State Highway 6 to the proposed Lakeway Drive. Approval of the Resolution Determining Need and Necessity will authorize staff to negotiate for the possible purchase of right-of-way and a public utility easement needed to complete the project and waive any assessment to the property.

Budget & Financial Summary: Funds in the amount of \$15,135,000 are budgeted for this project in the Streets Capital Projects Fund. Funding source is 2008 general Obligation Bonds. A total of \$75,850 has been expended or committed to date, leaving a balance of \$15,059,150 for remaining expenditures. Not all of the debt for this project has been issued. Additional debt for the project is scheduled to be issued this year and in future fiscal years.

Reviewed and Approved by Legal: Yes

Attachments:

1. Resolution Amending Resolution 04-25-13-2D
2. Project Map

RESOLUTION NO. _____
AMENDING RESOLUTION NO. 04-25-13-2D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING RESOLUTION NO. 04-25-13-2D DETERMINING A PUBLIC NEED TO ACQUIRE AN INTEREST IN CERTAIN PROPERTY FOR THE BARRON ROAD EAST EXTENSION PROJECT, SUCH AMENDMENT TO WAIVE STREET PAVING ASSESSMENTS ON THE PROJECT.

WHEREAS, the City Council of the City of College Station, Texas, adopted Resolution No. 04-25-13-2d on April 25, 2013, to authorize the acquisition of property for the Barron Road East Extension Project; and

WHEREAS, the City Council of the City of College Station, Texas, is authorized pursuant to Chapter 312 of the TEXAS TRANSPORTATION CODE, to assess a portion of the cost of roadway improvements for the Barron Road East Project against property or the owner of property that abuts and benefits from such improvements; and

WHEREAS, the City Council of the City of College Station, Texas, has determined that street paving assessments for the Project should be waived in those cases where the value of the assessment is used to offset the just compensation paid by the City to acquire that portion of the property necessary for the Project; now, therefore,

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

PART 1: That Resolution No. 04-25-13-2d is hereby amended to renumber PART 8 of said Resolution as PART 9.

PART 2: That Resolution No. 04-25-13-2d is hereby amended to add a new PART 8 to read as follows:

“PART 8: That the City Council determines that it will waive the City’s collection of paving assessments against any parcels abutting the Project where the value of the paving assessment is used to offset the just compensation paid by the City to acquire the portion of the Property necessary for the Project.”

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

ADOPTED this _____ day of _____, A.D. 2013.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A Robinson
City Attorney

Barron Road East Extension Project



Barker property

Legend

Thoroughfare Plan

Type, Status

- Grade Separation, Existing
- - - Grade Separation, Future
- ▬ Freeway/Expressway, Existing
- ▬▬ Freeway/Expressway, Future
- ▬ Major Arterial, Existing
- ▬▬ Minor Arterial, Existing
- ▬▬ Minor Arterial, Future
- ▬ Major Collector, Existing
- ▬▬ Major Collector, Future
- ▬ Minor Collector, Existing
- ▬▬ Minor Collector, Future



September 12, 2013
Consent Agenda Item No. 2i
Microsoft Office 2013 Software Purchase

To: Kathy Merrill, Interim City Manager

From: Ben Roper, IT Director

Agenda Caption: Presentation, possible action, and discussion regarding approval of a purchase between the City of College Station and SHI Government Solutions in the amount of \$143,531.20 for the purposes of buying half of the Microsoft Office 2013 software licenses to upgrade the city suite of applications.

Relationship to Strategic Goals: Core Services and Infrastructure

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

Summary: This purchase is to upgrade the city Microsoft Office suite of applications from Office 2007 to the latest version, Office 2013. The purchase of upgrade licenses is split across two fiscal years for budgeting purposes. This purchase is for half of the licenses needed.

Budget & Financial Summary:

Funding for this project is in the 2013 IT Department Operating Budget. This purchase is using Texas Department of Information Resources contract DIR-SDD-2503.

Reviewed and Approved by Legal: N/A

Attachments:

1. SHI Document Revision Authorization
2. Select Plus Signature Page



Document Revision Authorization

By signing below, you agree to allow the SHI Microsoft Contracts audit team to make necessary changes and minor revisions to your Microsoft Enrollment including, but not limited to:

- Correcting typographical errors
- Adding/changing enrollment numbers
- Adding/changing amendment numbers

Additionally, you acknowledge and consent that:

- You will be notified of any change the SHI Microsoft Contracts team makes while submitting your Enrollment to Microsoft.
- No alteration by the SHI Microsoft Contracts team will alter your terms and/or pricing for your Enrollment.

Customer Name
City of College Station
Customer Representative Signature
Customer Printed Name and Title
Nancy Berry, Mayor of College Station
Date

Program Signature Form

MBA/MBSA number		Proposal ID
Agreement number	7118883	

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
Select Plus Affiliate Registration Form	X20-04921
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of College Station Signature* _____ Printed First and Last Name* Nancy Berry Printed Title* Mayor, City of College Station Signature Date* _____
Tax ID 74-6000534

* indicates required field

Microsoft Affiliate
Microsoft Licensing, GP
Signature _____ Printed First and Last Name Printed Title Signature Date (date Microsoft Affiliate countersigns)
Effective Date (may be different than Microsoft's signature date)

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)* City of College Station Signature* _____ Printed First and Last Name* Ben Roper Printed Title* IT Director Signature Date* 9/6/2013

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)* Signature* _____ Printed First and Last Name* Printed Title* Signature Date*

** indicates required field*

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Licensing, GP
 Dept. 551, Volume Licensing
 6100 Neil Road, Suite 210
 Reno, Nevada 89511-1137
 USA

Prepared By:Name of Preparer

Email of Preparer



September 12, 2013
Consent Agenda Item No. 2j
Ratification of an Amendment to the Interlocal Agreement between the College Station Independent School District and the City of College Station to Transition Kids Klub Operations

To: Kathy Merrill, Interim City Manager

From: David Schmitz, Director, Parks and Recreation Department

Agenda Caption: Presentation, possible action and discussion regarding ratification of an amendment to the Interlocal Agreement for Joint Use of Facilities between the College Station Independent School District (CSISD) and the City of College Station to Transition Kids Klub operations.

Relationship to Strategic Goals: (Select all that apply)

1. Sustainable City

Recommendation(s): Staff recommends ratification of the CSISD ILA Amendment which substitutes the previous Exhibit "A" for one which transitions the operation of Kids Klub from a joint operation between CSISD and the City, to sole operation by CSISD.

Summary: An Interlocal Agreement exists between the City of College Station and the College Station Independent School District (CSISD) for joint use of facilities, to include the joint administration of the Kids Klub program. The City has made the decision to withdraw from the Kids Klub program following the 2013-2014 school year.

At the August 20, 2013 meeting of the CSISD School Board approved the ILA Amendment, replacing Exhibit "A" of the Interlocal Agreement for Joint Use of Facilities with the attached Exhibit A, allowing for the transition of operations throughout the 2013-2014 school year ("Transition Year"), from joint operation of Kids Klub by CSISD and the City, to CSISD's sole operation.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Amended Exhibit "A" Interlocal Agreement for Joint Use of Facilities between College Station Independent School District and the City of College Station,
2. CSISD's Agenda Item and Resolution approving the same
3. 2009 Interlocal Agreement for Joint Use of Facilities between College Station Independent School District and the City of College Station,

**INTERLOCAL AGREEMENT FOR JOINT USE OF FACILITIES
BETWEEN COLLEGE STATION INDEPENDENT SCHOOL DISTRICT
AND
THE CITY OF COLLEGE STATION, TEXAS**

AMENDED EXHIBIT "A"

**OPERATION OF KIDS KLUB
AFTER SCHOOL CARE PROGRAM**

AGENCY OBLIGATIONS FOR TRANSITION YEAR

The City has made the decision to withdraw from the Kids Klub program following the 2013-2014 school year ("**Transition Year**"). During the Transition Year, the City Kids Klub Assistant Director and CSISD Coordinator of Community Education will work together to transition operation of Kids Klub from joint operation by CSISD and the City to sole operation by CSISD.

Subject to the following specific provisions, the general obligations of the Parties shall be as follows:

Financial administration, participant registration, and provision of **Facilities** are the responsibility of **CSISD**.

Daily operation, staff training, supervision, and curriculum development are the joint responsibility of the **City and CSISD**.

The following specific provisions shall govern the responsibilities of the parties for the Transition year:

A. Staffing to Facilitate Transition Year:

- i. For the 2013-2014 year, the primary focus of the City Kids Klub Assistant Director's job, will be transition of the Kids Klub Operation;
- ii. The City Kids Klub Assistant Director will work out of the CSISD Community Education Office;
- iii. The Community Education Office will provide administrative assistant support to Kids Klub.

B. The City and CSISD will Jointly Manage the Following Obligations:

The following obligations (which were previously the City's sole obligation) will be jointly administered by CSISD and the City throughout the 2013-2014 school year. All obligations of the City will be transferred to CSISD as of June 2, 2014.

- i. Interview, hire, train, evaluate, and when needed, dismiss Program staff.
- ii. Conduct a background check on all potential Program staff employees.
- iii. Plan, carry out, and evaluate the program.

- iv. Insure **CSISD** administrators are provided correct staff attendance records in a timely manner as required by the payroll calendar.
- v. Order supplies and materials deemed appropriate to conduct the program.
- vi. Insure **CSISD Superintendent of Schools or his designee** is provided with an accident report within twenty-four (24) hours for all accidents involving Program staff or students requiring medical assistance.
- vii. Produce an annual program evaluation by December 1st for the previous fiscal year. This evaluation should detail both fiscal and programmatic functions and be submitted to the City Manager and Superintendent of Schools.
- viii. Develop a proposed annual budget in collaboration with the CSISD Director of Career and Technology Education and Community Education. This budget shall be developed no later than April 1st. Budgets will be based on projected enrollment.
- ix. Handle all external public relations, including parent handbooks, enrichment flyers, and parent concerns regarding program operations.
- x. Develop appropriate enrichment registration forms and materials for all activities of Kids Klub.

C. Obligations of CSISD.

- i. Collect and account for all monies according to the accounting principles set forth in the ***Texas Education Agency's Financial Accounting Resource Guide***.
- ii. Provide the facilities for the program. Fees associated in building use shall be waived. Utility costs will be paid as set forth in the agreed budget.
- iii. Pay all bills generated by the activities of the program as verified by both Parties.
- iv. Pay all salaries of the employees of the program, except for the City Program Assistant Director and other city staff. Timesheets and other documents will be maintained for auditing purposes. **CSISD** is to reimburse the City \$20,000 toward the cost of the City Kids Klub Program expenses.
- v. Conduct a background check on all potential staff employees.
- vi. Provide daily snacks for students and staff through the CSISD Food Service Department based on information received from the City Program Director.
- vii. Develop a proposed annual budget with the City Program Assistant Director. This proposed budget shall be developed no later than April 1st. Budgets will be based on projected enrollments. The final approved budget must be reviewed and approved by both the City and CSISD.
- viii. Provide to the **City** monthly financial statements.
- ix. Purchase and administer an accident insurance policy for staff and students in the program.
- x. Communicate in a timely manner with the CSISD Food Service Department, all necessary information concerning the Snack Program.

- xi. Handle all customer concerns regarding individual financial accounts.

D. General Provisions.

- i. The Fiscal Year shall coincide with that of **CSISD**, which is September 1 - August 31.
- ii. After all outstanding obligations have been paid in full, a final accounting of all program expenses and revenues as of June 2, 2014 shall be completed. Any excess Kids Klub Proprietary Fund balance will be used solely to enhance the Kids Klub Program, inasmuch as the fund represents program participation fees.
- iii. No **CSISD** or other school district funds may be used to cover program deficits beyond the existing fund balance in the Kids Klub Proprietary Fund.
- iv. CSISD will be assuming sole responsibility for the program, Non-monetary assets of each Agency will remain the property of the same, except that:
 - 1. Any fungible assets acquired for program use shall become the property of CSISD on June 2, 2014.
The Microsoft Office Suite licenses on the personal computers currently used for the Program shall remain City property. CSISD agrees to limit such personal computers to program use. Upon expiration of each personal computer's actual usage, CSISD shall provide verification to the City of the uninstallation of Microsoft Office Suite, to include computer serial number. Such verification shall be sent to the City, ATTN: Director, Information Technology, P.O. Box 9960, College Station, Tx 77842 within 30 days of the end of the computer's actual useage.
- v. Upon mutual agreement of the Parties, **CSISD** can designate a clerk to handle daily operations of the Financial Director; salary to be paid from the Kids Klub budget.

EXECUTED on this the _____ day of _____, 2013.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT

By: _____
Valerie Jochen, Board President
College Station Independent School District

STATE OF TEXAS §
§ ACKNOWLEDGMENT
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the _____ day of _____ 2013, by **Valerie Jochen**, in her capacity as **Board President** of **College Station Independent School District**, a political subdivision, on its behalf.

Notary Public in and for the State of Texas

My Commission expires on: _____

CITY OF COLLEGE STATION

By: _____
Mayor
City of College Station

Attest: _____
City Secretary

APPROVED:

City Manager

Date

City Attorney

Date

Executive Director, Business Services

Date

September 12, 2013
Regular Agenda Item No. 1
Street Network and Block Length Requirements

To: Kathleen Merrill, Interim 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," Sections 12-8.3.E, "Streets," and 12-8.3.G, "Blocks," of the Code of Ordinances of the City of College Station, Texas to amend street network and block length requirements.

Relationship to Strategic Goals: Core Services and Infrastructure, Improving Mobility

Recommendation(s): The Planning and Zoning Commission considered this item at their September 5th meeting and recommended Denial (5-1).

Summary: There has been discussion regarding street connectivity and block length in College Station for much of the past decade. After years of effort that involved stakeholder meetings and discussions with the Planning & Zoning Commission, revisions to the subdivision regulations were adopted by City Council in January 2011. Changes regarding the street network were a part of many revisions that helped update the subdivision regulations to contemporary practice and legal environment.

The main revision regarding streets was to change the block length requirement from being based solely on use (1,200-foot maximum for single family, 1,500 for rural residential and ETJ, and 800-foot for all other uses) to be based on the intensity of the various land use character designations (i.e. General Suburban, Restricted Suburban, Urban, Estate, Suburban Commercial, etc.) identified for different areas of the city in the Comprehensive Plan. As a result of these changes, block length requirements for some types of development increased, some decreased, and some stayed the same.

Another revision modified the cul-de-sac requirement from a maximum of 24 lots to a maximum of 30 lots though they were limited to half the length of the maximum block length of the land use designation they were located. When the subdivision regulations were adopted in 1970, cul-de-sacs were limited to a maximum length of 600 feet coupled with single-family uses having a maximum block length of 1,200 feet. An ordinance amendment in 1999 changed cul-de-sacs to a maximum of 24 lots without a maximum length limitation.

Over the past year there has been significant discussion regarding General Suburban and its assignment to the 900-foot requirement. General Suburban is designated for higher density single family and in growth areas it also allows townhouses and neighborhood commercial. Staff has had discussions in the City Manager's Office/BCS Home Builders Association monthly meetings and studied hypothetical development scenarios comparing the difference between the previous and current requirements.

As requested by development interests, the proposed revision changes the General Suburban block length requirement from 900 feet to 1,200 feet. If adopted, single family uses will have a 1,200-foot (General Suburban and Restricted Suburban) or 1,500-foot (Estate, Rural, and ETJ) requirement as required by the previous ordinance prior to 2011.

Also, the maximum cul-de-sac length for developments in single-family oriented land use designations is proposed to increase from half of the block length to a maximum equal to the maximum block length. Coupled with the block length change described above, the maximum cul-de-sac length in General Suburban would increase from 450 feet to 1,200 feet, in Restricted Suburban from 600 feet to 1,200 feet, and in Estate and Rural from 750 feet to 1,500 feet. The maximum number of lots would remain at 30 lots (single-family units) as limited by the fire code.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Redlined applicable UDO Sections
2. Signed Ordinance

Proposed Ordinance Revision for Block Length Requirements

Sec. 12-8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

E. Streets.

7. Cul-de-Sac.

- a. The maximum length of a cul-de-sac is based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the cul-de-sac is located. The length of a cul-de-sac is measured along the centerline of the cul-de-sac street from the center of the bulb to the edge of the nearest intersecting through street right-of-way. Cul-de-sac shall not exceed the following lengths:
 - 1) Four hundred fifty (450) feet in ~~General Suburban~~, Suburban Commercial, and General Commercial designations;
 - 2) Six hundred (600) feet in ~~Restricted Suburban and~~ Business Park designations;
 - 3) One thousand two hundred (1,200) feet in General Suburban and Restricted Suburban designations; and
 - 34) ~~Seven hundred fifty (750) feet~~One thousand five hundred (1,500) feet in Estate and Rural designations.
- b. Cul-de-sac are not permitted in the Urban and Urban Mixed Use designations unless the proposed subdivision is surrounded by platted property and where a through street is not possible.
- c. Regardless of length, culs-de-sac shall have no more than thirty (30) lots.

G. Blocks.

1. Blocks for single-family, duplex, and townhouse lots shall be platted to provide two (2) tiers of lots with a utility easement or alley between them. A single tier of lots may be used if the lots back up to a thoroughfare, railroad, or floodplain.
2. In order to provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation to areas intended for similar land use contexts, block length shall not exceed the following dimensions based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the block is located:
 - a. Six hundred sixty (660) feet in Urban and Urban Mixed Use designations;
 - b. Nine hundred (900) feet in ~~General Suburban~~, Suburban Commercial, and General Commercial designations;
 - c. One thousand two hundred (1,200) feet in General Suburban, Restricted Suburban, and Business Park designations; and
 - d. One thousand five hundred (1,500) feet in Estate and Rural designations.
3. If a plat is not bounded by a public through street or other qualifying break to block length then the block length measurement shall continue to extend each way beyond the plat along the public through street until the nearest intersecting through street or qualifying break to the block is reached.
4. Block perimeter shall not exceed the following dimensions based on the land use designation provided in the adopted Comprehensive Plan:
 - a. One thousand six hundred (1,600) feet in Urban Mixed Use designations; and

- b. Two thousand (2,000) feet in Urban designations.
- 5. In lieu of a public street, non-residential and multi-family developments may opt to construct a Public Way to satisfy block length and block perimeter requirements when the Public Way connects two (2) public streets. The plat shall dedicate a public access easement that covers the entire width of the private drive and sidewalks for the Public Way. The private drive and sidewalks may be constructed with the development of the property. A Public Way shall not substitute for a thoroughfare identified on the City's Thoroughfare Plan.
- 6. Block length 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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTIONS 12-8.3.E, "STREETS," AND 12-8.3.G, "BLOCKS," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Sections 12-8.3.E, "Streets," and 12-8.3.G, "Blocks," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect 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. 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.

PASSED, ADOPTED and APPROVED this 12th day of September, 2013.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:


Carla A. Robinson
City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 12-8.3.E, "Streets," of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending subsection 12-8.3.E.7.a to read as follows:

- "a. The maximum length of a cul-de-sac is based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the cul-de-sac is located. The length of a cul-de-sac is measured along the centerline of the cul-de-sac street from the center of the bulb to the edge of the nearest intersecting through street right-of-way. Culs-de-sac shall not exceed the following lengths:
- 1) Four hundred fifty (450) feet in Suburban Commercial and General Commercial designations;
 - 2) Six hundred (600) feet in Business Park designations;
 - 3) One thousand two hundred (1,200) feet in General Suburban and Restricted Suburban designations; and
 - 4) One thousand five hundred (1,500) feet in Estate and Rural designations."

That Chapter 12, "Unified Development Ordinance," Section 12-8.3.G, "Blocks," of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending subsection 12-8.3.G.2 to read as follows:

- "2. In order to provide a public street network that is complimentary to the Thoroughfare Plan and that ensures uniform access and circulation to areas intended for similar land use contexts, block length shall not exceed the following dimensions based on the land use designation on the Future Land Use and Character Map in the adopted Comprehensive Plan in which the block is located:
- a. Six hundred sixty (660) feet in Urban and Urban Mixed Use designations;
 - b. Nine hundred (900) feet in Suburban Commercial and General Commercial designations;
 - c. One thousand two hundred (1,200) feet in General Suburban, Restricted Suburban, and Business Park designations; and
 - d. One thousand five hundred (1,500) feet in Estate and Rural designations."

September 12, 2013
Regular Agenda Item No. 2
Variable Width Right-of-Way Abandonments – 401 Louise Avenue

To: Kathy Merrill, Interim City Manager

From: Bob Cowell, Executive Director of Planning and Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.009 acre portion of right-of-way and a 0.008 acre portion of right-of-way on Lots 1 and 10, respectively, of Block 5 of the W.C. Boyett Estate Partition according to the plat recorded in Volume 100, Page 440 of the Deed Records of Brazos County, Texas.

Relationship to Strategic Initiatives: Core Services and Infrastructure, and a Diverse Growing Economy

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

Summary: This right-of-way abandonment accommodates a future multi-family development on Lots 1 and 10. There are currently public and private utilities in portions of the subject right-of-way to be abandoned. The abandonment will be conditioned upon retaining a 5-foot public utility easement along College Main Street and Second Street as well as removing a small waterline with site development.

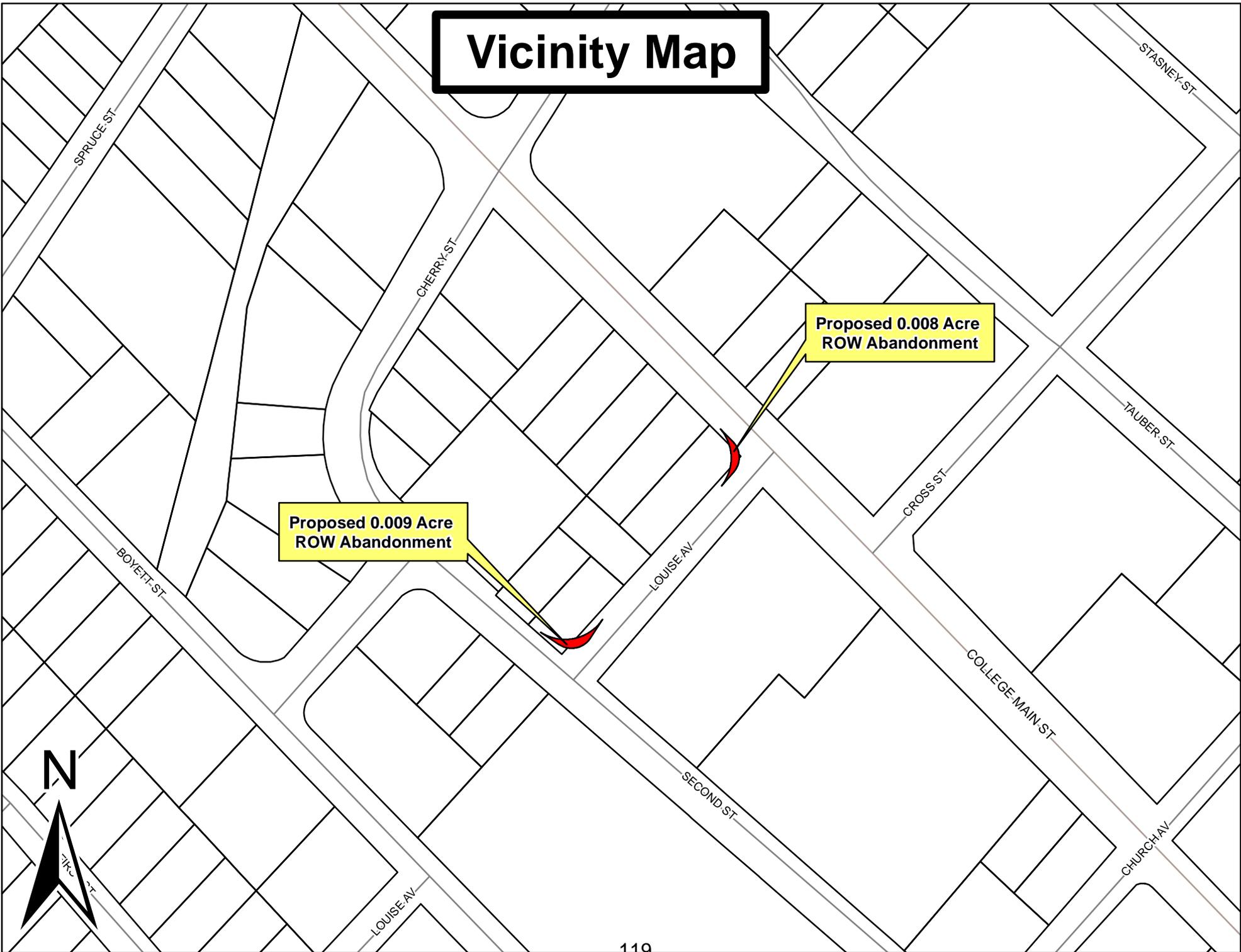
The 0.009 acre and 0.008 acre right-of-way to be abandoned are located on Lots 1 and 10, respectively, of Block 5 of the W.C. Boyett Estate Partition according to the plat recorded in Volume 100, Page 440 of the Deed Records of Brazos County, Texas.

Budget & Financial Summary: N/A

Attachments:

1. Attachment 1 - Vicinity Map
2. Attachment 2 - Location Map
3. Attachment 3 - Ordinance
- Ordinance Exhibit "A"
4. Application for Abandonment (On file at the City Engineer's Office)

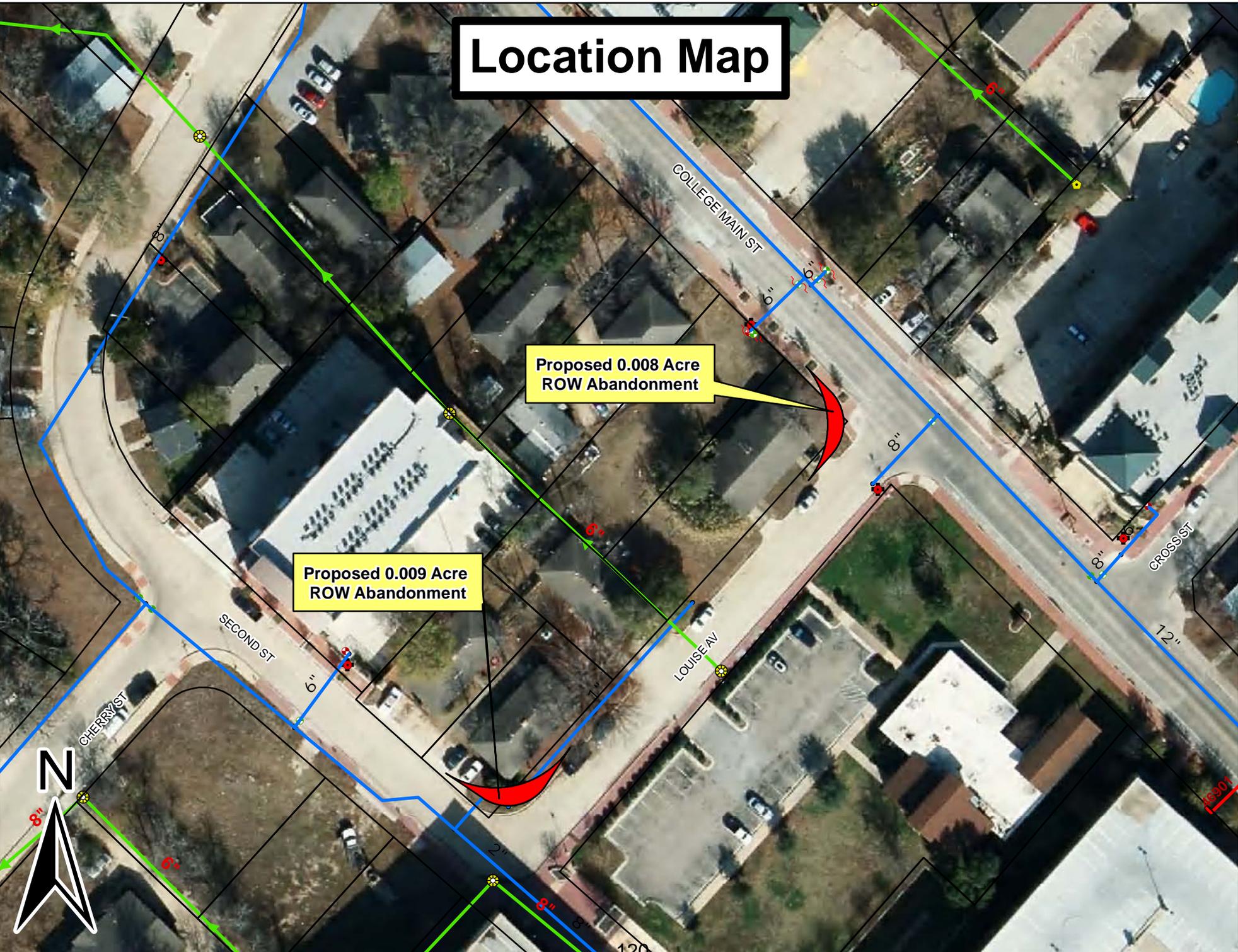
Vicinity Map



Location Map

Proposed 0.008 Acre
ROW Abandonment

Proposed 0.009 Acre
ROW Abandonment



ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 0.009 ACRE PORTION OF RIGHT-OF-WAY AND A 0.008 ACRE PORTION OF RIGHT-OF-WAY LOCATED ON LOTS 1 AND 10, RESPECTIVELY, OF BLOCK 5 OF THE W.C. BOYETT ESTATE PARTITION ACCORDING TO THE PLAT RECORDED IN VOLUME 100, PAGE 440 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

WHEREAS, the City of College Station, Texas, has received an application for the vacation and abandonment of a 0.009 acre portion of right-of-way and a 0.008 acre portion of right-of-way located on Lots 1 and 10, respectively, of Block 5 of the W.C. Boyett Estate Partition according to the plat recorded in Volume 100, Page 440 of the Deed Records of Brazos County, Texas, as described in Exhibit "A" attached and incorporated for all purposes (such portions collectively hereinafter referred to as the "Right-of-Ways"); and

WHEREAS, in order for the Right-of-Ways to be vacated and abandoned by the City Council of the City of College Station, Texas, the City Council must make certain affirmative findings; now therefore,

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

PART 1: That after opening and closing a public hearing, the City Council finds the following pertaining to the vacating and abandoning of the Right-of-Ways in the manner and as described in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

1. Abandonment of the Right-of-Ways will not result in property that does not have access to public roadways or utilities;
2. Other than as set forth herein, there is no public need or use for the Right-of-Ways;
3. Except as may be provided for in this ordinance, there is no anticipated future public need or use for the Right-of-Ways;
4. Utility infrastructure exists within the Right-of-Ways and the City and its franchisees have a continuing need for currently existing public and

private utilities to remain within the Right-of-Ways to serve current and future customers, and said uses are expressly not abandoned herein except in those geographic areas. The City will retain Public Utility Easements as substantially set forth in Exhibit "B" (5 foot Public Utility Easements) attached hereto; and

PART 2: That the 0.009 acre and 0.008 acre portions of Right-of-Way as described in Exhibit "A" be abandoned and vacated by the City contingent upon the following conditions;

1. City shall retain the previously referenced 5-foot public utility easements within the areas to be abandoned, and the City does not abandon such uses;
2. Upon development encroaching into the site triangle, a warrant study be performed for regulatory signage at the Louise Avenue and Second Street intersection and any indicated signage be thereafter installed by the owner;

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

[Handwritten Signature]

City Attorney

Exhibit "A"

METES AND BOUNDS DESCRIPTION
OF A
0.009 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE RIGHT-OF-WAY AT THE INTERSECTION OF LOUISE AVENUE AND SECOND STREET.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF SECOND STREET (R.O.W. VARIES) MARKING THE WEST CORNER OF LOT 1, BLOCK 5, W. C. BOYETT ESTATE PARTITION ACCORDING TO THE PLAT RECORDED IN VOLUME 100, PAGE 440 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF LOT 2 OF SAID BLOCK 5 BEARS: N 47° 32' 29" W FOR A DISTANCE OF 49.83 FEET (PLAT CALL DISTANCE - 50.00 FEET, 100/440);

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88° 53' 18" FOR AN ARC DISTANCE OF 77.57 FEET (CHORD BEARS: N 87° 05' 57" E - 70.02 FEET) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF LOUISE AVENUE (40' R.O.W.) MARKING THE END POINT OF SAID CURVE. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID LOT 1 BEARS: N 41° 44' 24" E FOR A DISTANCE OF 96.24 FEET;

THENCE: S 41° 44' 24" W THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 24.51 FEET TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 43' 07" FOR AN ARC DISTANCE OF 39.58 FEET (CHORD BEARS: S 87° 05' 57" W - 35.58 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

THENCE: N 47° 32' 29" W CONTINUING THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 24.51 FEET TO THE **POINT OF BEGINNING** CONTAINING 0.009 OF AN ACRE OF LAND (414 SQ. FT.), MORE OR LESS, AS SURVEYED ON THE GROUND SEPTEMBER, 2012. SEE PLAT PREPARED MAY, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/13-346

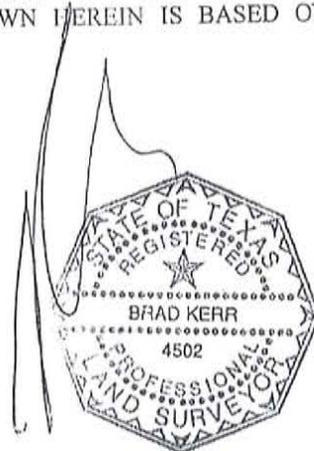


Exhibit "A"

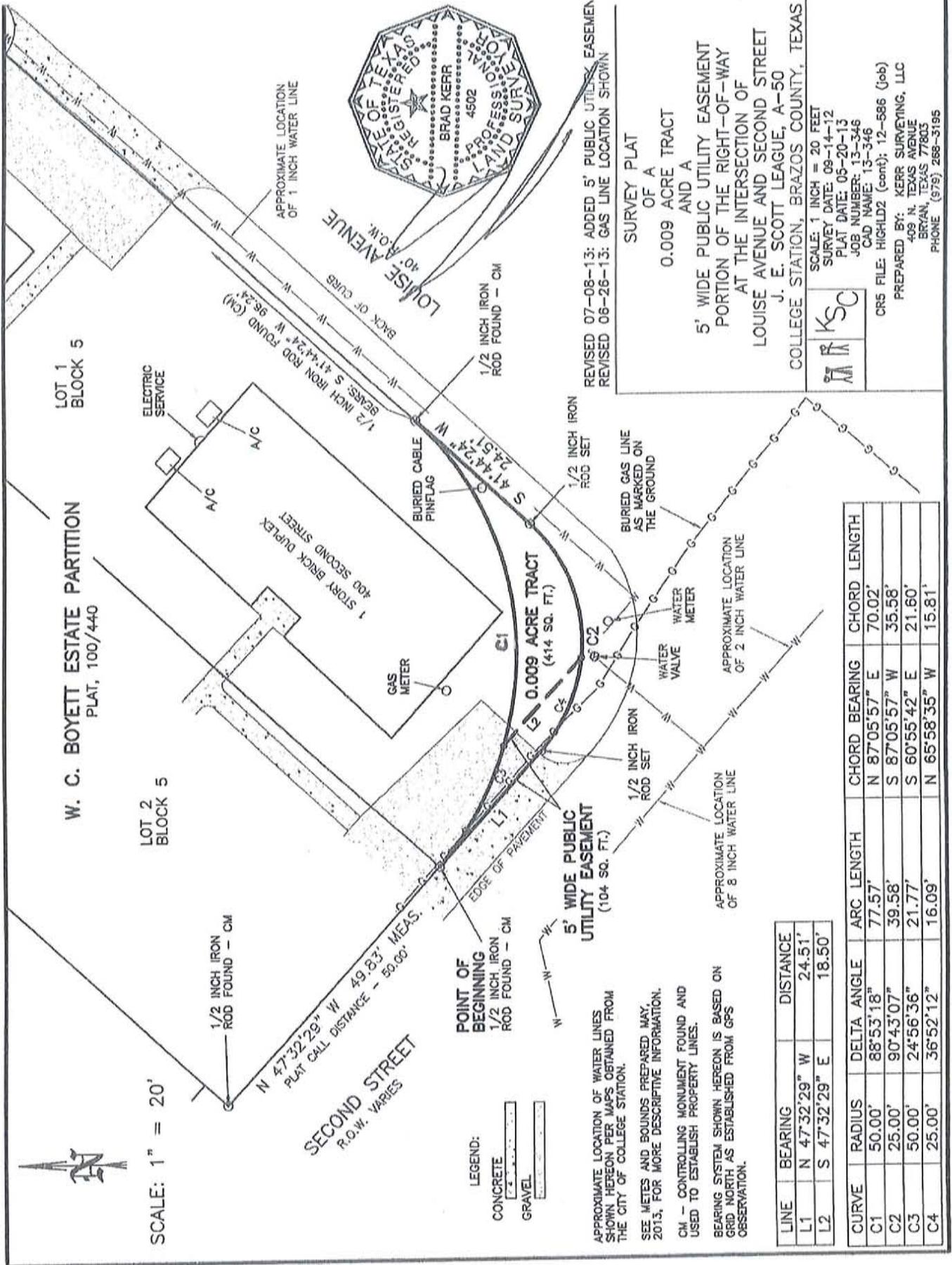


Exhibit "A"

**METES AND BOUNDS DESCRIPTION
OF A
0.008 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE RIGHT-OF-WAY AT THE INTERSECTION OF LOUISE AVENUE AND COLLEGE MAIN.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" SET IN BRICK ON THE SOUTHWEST LINE OF COLLEGE MAIN (50' R.O.W.) AND THE EAST LINE OF LOT 10, BLOCK 5, W. C. BOYETT ESTATE PARTITION ACCORDING TO THE PLAT RECORDED IN VOLUME 100, PAGE 440 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, AN "X" IN BRICK FOUND MARKING THE NORTH CORNER OF SAID LOT 10 BEARS: N 44° 14' 36" W FOR A DISTANCE OF 6.89 FEET FROM WHICH, AN "X" FOUND IN BRICK MARKING THE NORTH CORNER OF LOT 9 OF SAID BLOCK 2 BEARS: N 44° 14' 36" W FOR A DISTANCE OF 49.95 FEET (PLAT CALL DISTANCE - 50.00 FEET, 100/440);

THENCE: S 44° 14' 36" E THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 19.75 FEET TO AN "X" SET IN BRICK MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 59' 00" FOR AN ARC DISTANCE OF 37.52 FEET (CHORD BEARS: S 01° 15' 06" E - 34.09 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

THENCE: S 41° 44' 24" W CONTINUING THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 19.75 FEET TO A 1/2 INCH IRON ROD SET ON THE EAST LINE OF SAID LOT 10 MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF LOUISE AVENUE BEARS: S 41° 44' 24" W FOR A DISTANCE OF 6.89 FEET FROM WHICH, A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID LOT 10 BEARS: S 41° 44' 24" W FOR A DISTANCE OF 96.12 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78° 05' 08" FOR AN ARC DISTANCE OF 68.14 FEET (CHORD BEARS: N 01° 15' 06" W - 62.99 FEET) TO THE **POINT OF BEGINNING** CONTAINING 0.008 OF AN ACRE OF LAND (331 SQ. FT.), MORE OR LESS, AS SURVEYED ON THE GROUND SEPTEMBER, 2012. SEE PLAT PREPARED MAY, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/13-346A

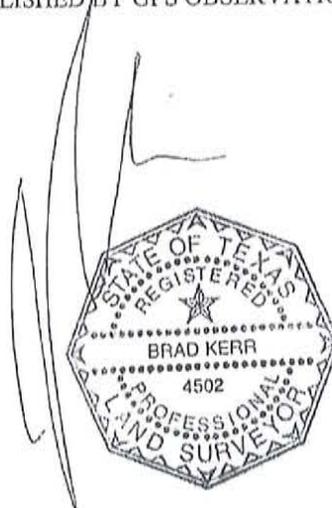


Exhibit "A"

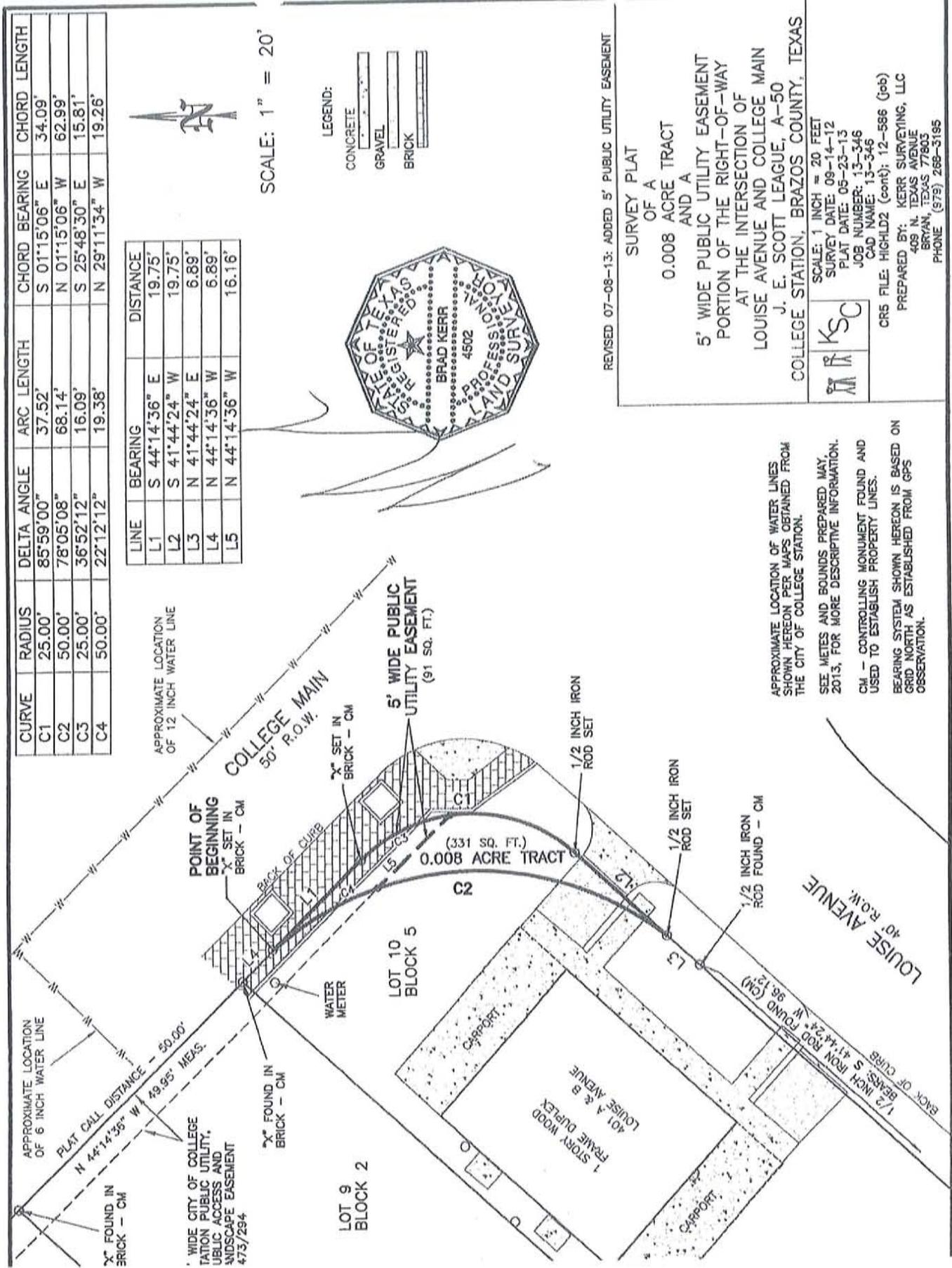


Exhibit "B"

104 SQ. FT. P.U.E.

**METES AND BOUNDS DESCRIPTION
OF A
5' WIDE PUBLIC UTILITY EASEMENT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE RIGHT-OF-WAY AT THE INTERSECTION OF LOUISE AVENUE AND SECOND STREET.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF SECOND STREET (R.O.W. VARIES) MARKING THE WEST CORNER OF LOT 1, BLOCK 5, W. C. BOYETT ESTATE PARTITION ACCORDING TO THE PLAT RECORDED IN VOLUME 100, PAGE 440 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF LOT 2 OF SAID BLOCK 5 BEARS: N 47° 32' 29" W FOR A DISTANCE OF 49.83 FEET (PLAT CALL DISTANCE - 50.00 FEET, 100/440);

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 56' 36" FOR AN ARC DISTANCE OF 21.77 FEET (CHORD BEARS: S 60° 55' 42" E - 21.60 FEET) TO A POINT ON THE SOUTH LINE OF SAID LOT 1 MARKING THE END POINT OF SAID CURVE;

THENCE: S 47° 32' 29" E THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 18.50 FEET TO A POINT MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 52' 12" FOR AN ARC DISTANCE OF 16.09 FEET (CHORD BEARS: N 65° 58' 35" W - 15.81 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

THENCE: N 47° 32' 29" W CONTINUING THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 24.51 FEET TO THE POINT OF BEGINNING CONTAINING 104 SQUARE FEET OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND SEPTEMBER, 2012. SEE PLAT PREPARED JULY, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/13-346E

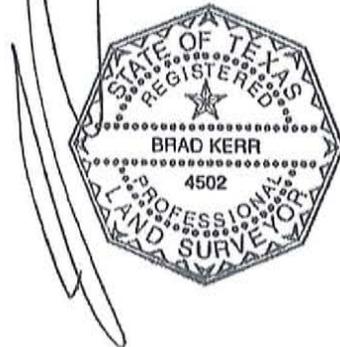
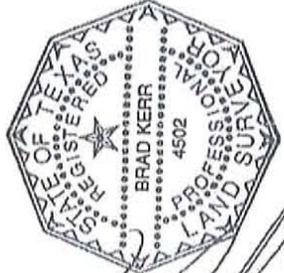
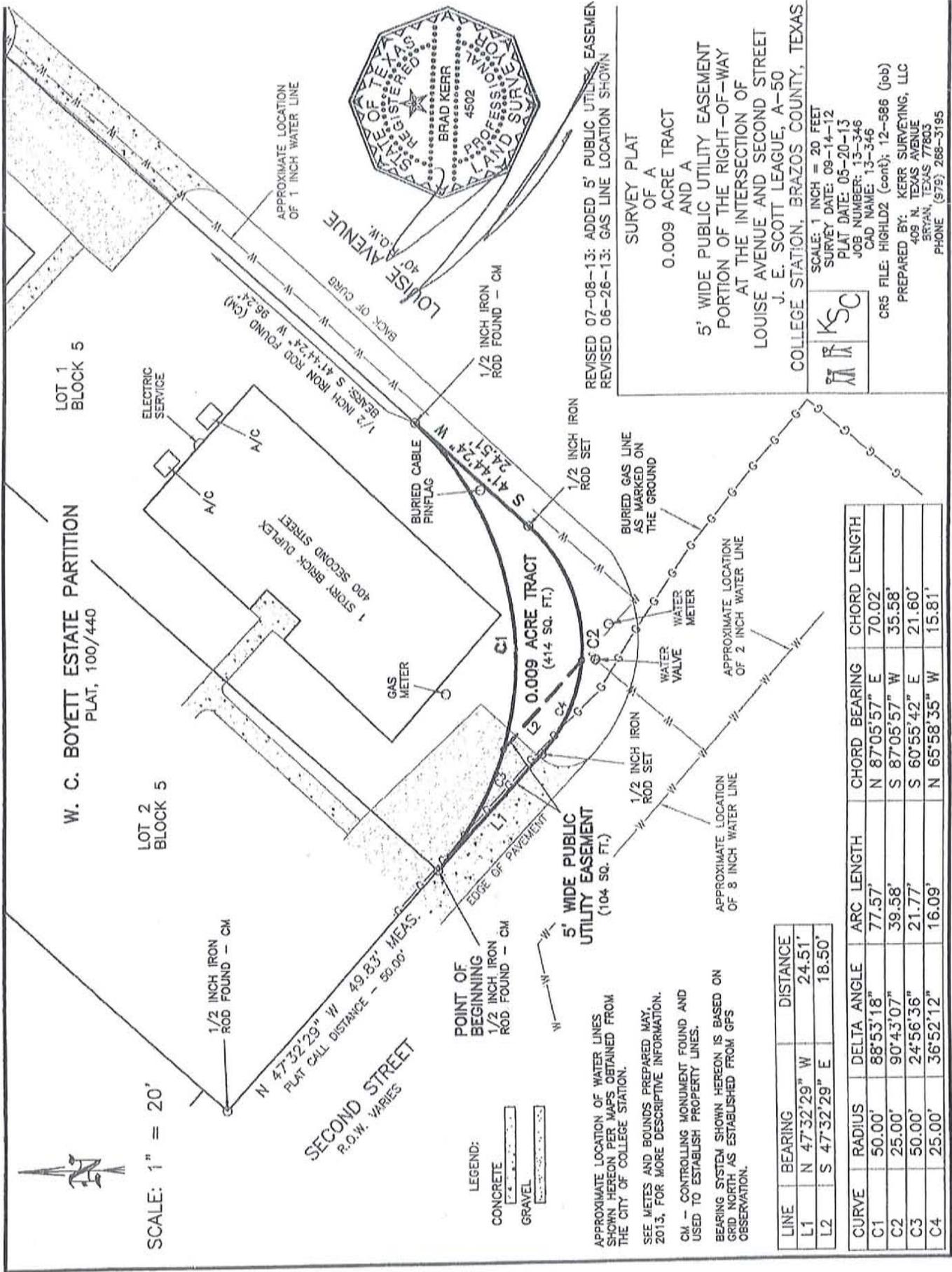


Exhibit "B"



REVISED 07-08-13: ADDED 5' PUBLIC UTILITY EASEMENTS
 REVISED 06-26-13: GAS LINE LOCATION SHOWN

SURVEY PLAT
 OF A
 0.009 ACRE TRACT
 AND A
 5' WIDE PUBLIC UTILITY EASEMENT
 PORTION OF THE RIGHT-OF-WAY
 AT THE INTERSECTION OF
 LOUISE AVENUE AND SECOND STREET
 J. E. SCOTT LEAGUE, A-50
 COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 20 FEET
 SURVEY DATE: 09-14-12
 PLAT DATE: 05-20-13
 JOB NUMBER: 13-346
 CAD NAME: 13-346

PREPARED BY: KERR SURVEYING, LLC
 408 N. TEXAS AVENUE
 SPRING, TEXAS 77783
 PHONE (\$/S): 286-3195

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	50.00'	88°53'18"	77.57'	N 87°05'57" E	70.02'
C2	25.00'	90°43'07"	39.58'	S 87°05'57" W	35.58'
C3	50.00'	24°56'36"	21.77'	S 60°55'42" E	21.60'
C4	25.00'	36°52'12"	16.09'	N 65°58'35" W	15.81'

LEGEND:
 CONCRETE
 GRAVEL

APPROXIMATE LOCATION OF WATER LINES SHOWN HEREON PER MAPS OBTAINED FROM THE CITY OF COLLEGE STATION.
 SEE METES AND BOUNDS PREPARED MAY, 2015, FOR MORE DESCRIPTIVE INFORMATION.
 CM - CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY LINES.
 BEARING SYSTEM SHOWN HEREON IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

W. C. BOYEIT ESTATE PARTITION
 PLAT, 100/440

LOT 1
 BLOCK 5

LOT 2
 BLOCK 5

SCALE: 1" = 20'

SECOND STREET
 R.O.W. VARIES

POINT OF BEGINNING
 1/2 INCH IRON ROD FOUND - CM

5' WIDE PUBLIC UTILITY EASEMENT
 (104 SQ. FT.)

0.009 ACRE TRACT
 (414 SQ. FT.)

1/2 INCH IRON ROD FOUND (CM)
 BEARS: S 41°44'24" W 98.24'

APPROXIMATE LOCATION OF 1 INCH WATER LINE

LOUISE AVENUE
 40' R.O.W.

BACK OF CURB

1/2 INCH IRON ROD FOUND - CM

BURIED CABLE PINFLAG

1/2 INCH IRON ROD SET

BURIED GAS LINE AS MARKED ON THE GROUND

WATER VALVE

WATER METER

APPROXIMATE LOCATION OF 2 INCH WATER LINE

1/2 INCH IRON ROD SET

APPROXIMATE LOCATION OF 8 INCH WATER LINE

1/2 INCH IRON ROD SET

Exhibit "B"

91 SQ. FT. P.U.E.

**METES AND BOUNDS DESCRIPTION
OF A
5' WIDE PUBLIC UTILITY EASEMENT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE RIGHT-OF-WAY AT THE INTERSECTION OF LOUISE AVENUE AND COLLEGE MAIN.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" SET IN BRICK ON THE SOUTHWEST LINE OF COLLEGE MAIN (50' R.O.W.) AND THE EAST LINE OF LOT 10, BLOCK 5, W. C. BOYETT ESTATE PARTITION ACCORDING TO THE PLAT RECORDED IN VOLUME 100, PAGE 440 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, AN "X" IN BRICK FOUND MARKING THE NORTH CORNER OF SAID LOT 10 BEARS: N 44° 14' 36" W FOR A DISTANCE OF 6.89 FEET FROM WHICH, AN "X" FOUND IN BRICK MARKING THE NORTH CORNER OF LOT 9 OF SAID BLOCK 2 BEARS: N 44° 14' 36" W FOR A DISTANCE OF 49.95 FEET (PLAT CALL DISTANCE - 50.00 FEET, 100/440);

THENCE: S 44° 14' 36" E THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 19.75 FEET TO AN "X" SET IN BRICK MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

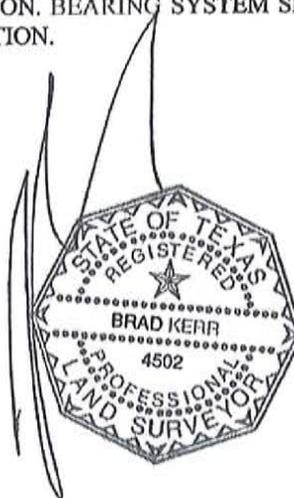
THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 52' 12" FOR AN ARC DISTANCE OF 16.09 FEET (CHORD BEARS: S 25° 48' 30" E - 15.81 FEET) TO A POINT MARKING THE END POINT OF SAID CURVE;

THENCE: N 44° 14' 36" W CONTINUING THROUGH SAID RIGHT-OF-WAY FOR A DISTANCE OF 16.16 FEET TO A POINT ON THE EAST LINE OF SAID LOT 10 MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 12' 12" FOR AN ARC DISTANCE OF 19.38 FEET (CHORD BEARS: N 29° 11' 34" W - 19.26 FEET) TO THE POINT OF BEGINNING CONTAINING 91 SQUARE FEET OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND SEPTEMBER, 2012. SEE PLAT PREPARED JULY, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/13-346D



September 12, 2013
Regular Agenda Item No. 3
Economic Development Master Plan

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Public Hearing, presentation, possible action, and discussion on an ordinance amending the College Station Comprehensive Plan by adopting the Economic Development Master Plan.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission held a public hearing for this item at their September 5th meeting and unanimously recommended approval.

Summary: The City initiated the development of an economic development master plan with the Comprehensive Plan. For a variety of reasons, that effort was put on hold for a number of years. The process of developing an economic development master plan was again initiated in late 2012 under the direction of the Planning & Development Services Department with assistance from the City Manager's Office.

The Economic Development Master Plan represents the City's first such effort and joins the many other Master Plans, Neighborhood, Corridor, and District Plans created to aid in successful implementation of the Comprehensive Plan. The Master Plan defines the goals and objectives of the City's economic development efforts and lays out strategies and detailed actions to achieve these goals and objectives. Further, the Plan includes guidance for the City's use of incentives and details how the plan should be monitored and updated over time.

The Economic Development Master Plan was created over the course of nearly one year through the collaboration of City leadership, City staff, local business leaders, a consultant team, and regional economic development partners. The Plan involved the collection and analysis of economic and demographic data, interviews of local business leaders, surveys of elected officials, business owners, and residents, and discussions with other economic development partners in the area. The resulting plan is one that positions College Station to move forward, together, with its many partners to take advantage of the economic opportunities that lie ahead, for the betterment of the residents of College Station.

As you review the Plan you are encouraged to consult the supplemental information provided with the Plan, as this information provides the data used to develop the strategies and action items. Should you have any questions about this memo, the Executive Summary, or any of the materials contained in or accompanying the Master Plan, please do not hesitate to contact any of us.

Budget & Financial Summary: Costs will vary dependent upon initiative pursued and incentives granted

Reviewed and Approved by Legal: Yes

Attachments:

1. The Economic Development Master Plan is on file at the City Secretary's Office and is available on the City's website at <http://www.cstx.gov/index.aspx?page=3875>
2. The supplemental information referenced in the Plan is available on the City's website at <http://www.cstx.gov/index.aspx?page=3875>
3. Executive Summary
4. Ordinance

EXECUTIVE SUMMARY

The Purpose

The Goal

The Strategy

Keeping It Current and Relevant

Aggieland holds dear the spirit of the tradition of the 12th Man; that is a spirit of readiness, desire to support, and enthusiasm. It is in this spirit that City leaders, local businesses, and economic development partners have come together to chart out a path for economic success for College Station.

This Master Plan has been developed consistent with the City's on-going effort to implement its Comprehensive Plan and to maximize the economic opportunities of its residents. It is fitting that as the City celebrates its 75th year as a municipality, it takes this first-ever step to focus its efforts in economic development. This Executive Summary provides a brief overview of the Master Plan, its purpose, its goals, and the strategies the City intends to undertake to ensure the community's opportunities for economic prosperity remain strong.

THE PURPOSE

The Purpose of the Economic Development Master Plan is to identify the City's current economic conditions (strength, weaknesses, opportunities, challenges, and barriers), its desired future, and to lay out general strategies and specific actions. This effort has been achieved through the dedicated work of the City Council, the City Manager, local business representatives, City staff, and various regional economic development partners.

THE GOAL

The City seeks ***a diversified economy generating quality, stable, full-time jobs; bolstering the sales and property tax base; and contributing to a high quality of life.*** To put it simply, the City seeks to attain economic success by doing its part to keep College Station a great place to live and conduct business, to focus on new job creation, especially through partnerships with our major medical providers and the University, and to attract as many people to our community as possible to bolster sales in our local market. To achieve this, the City has defined six strategic initiatives for continued economic success:

THE STRATEGY

Sustain and Enhance High Quality of Life – A great place to live, conduct business, learn, and visit will help the University and businesses recruit and retain a leading workforce and enable increased sales opportunities as people from throughout the region and nation visit College Station to shop, participate in events, or seek specialized services and unique experiences.





Support and Partner with Texas A&M University and the Texas A&M University System – The local economy is what it is, due primarily, to the presence of Texas A&M University and the University System. Working in partnership with the University and System on a variety of initiatives helps ensure they remain strong entities and in turn, continue their contributions to the local economy.

Support Retail Development – Ensuring there are opportunities to establish or expand retail businesses, businesses that attract expenditures by residents, students, and visitors remains a critical component of the local economy. The City should continue its role supporting College Station as a regional destination for basic shopping needs and various goods and services.



Support and Stimulate Biotechnology Research and Advanced Manufacturing – Building upon the world-class research performed at Texas A&M University and the skills of the local workforce, there exists a unique opportunity to diversify the local economy and stimulate significant job creation. It is reasonable to expect that a significant portion of this century’s job creation will be in the fields of biotechnology and advanced manufacturing and College Station is poised to capitalize on such opportunities.

Support and Stimulate Health and Wellness Market – Building upon the presence of three major medical providers and a growing and aging regional population, there exists a unique opportunity to position the City as a regional center for health and wellness and stimulate significant job creation. One of the fastest growing segments of the national economy is health and wellness and College Station is poised to capitalize on this growth.



Support and Stimulate Sports, Entertainment, and Hospitality Market – Already a national destination for college athletics, the opportunity exists to continue to expand the local entertainment and hospitality market. Additionally, capitalizing on many of the athletic and recreation facilities associated with the City’s high quality of life may be used to stimulate new opportunities to bring additional visitors to the local community, who in turn further contribute to the success of the local entertainment and hospitality market.



The City will implement each of these strategic initiatives and thereby realize the stated goal through a series of detailed actions identified in the Master Plan. Additionally, the City will perform these actions by focusing on what it does best and through continued strategic partnerships with its many economic development partners and the local business community. Where appropriate the City will engage in incentives which will vary from initiative to initiative, but will all be guided by a deliberate and established policy detailed in the Master Plan.

KEEPING IT CURRENT AND RELEVANT

Perhaps most important, the City recognizes that the economy is very dynamic and ever-changing, requiring the City to be nimble, while remaining strategic. As such, the Master Plan proposes an annual review of the current economic conditions and the Master Plan as well as an update to the specific actions anticipated for the following few years. Further, the Master Plan proposes a major review of the goals, assumptions, strategic initiatives, actions, partnerships, and guidelines contained in the Master Plan every five years.

Through the efforts detailed in the Master Plan and the hard work of the many business leaders in the community, the future of College Station’s economy does indeed look very promising! As the City celebrates its 75th Anniversary, reaching a population of 100,000 and making the top of numerous “best of” lists, this moment represents a perfect opportunity to see where we are, set a course for success and charge forward! This Master Plan embodies that effort and provides the course for the City to do its part to help its citizens succeed in building the strongest and most competitive economy possible; ***to move forward, together.***

College Station – Nationally Recognized

- [No. 3, 10 Great Places to Live](#) (Kiplinger's)
- [No. 4 Best Places to Retire](#) (USA Today)
- [Top 10 College Towns in America, 2013](#) (Livability.com)
- [No. 1 College Town in America, 2012](#) (Livability.com)
- [Finalist for America’s Friendliest Small Town](#) (USA Today/Rand McNally)
- [10 Great Cities to Raise Your Kids](#) (Kiplinger's)
- [No. 4 Best-Performing Small Metro in U.S.](#) (Milken Institute)
- [No. 6 Small U.S. City for Business and Careers](#) (Forbes)
- [No. 4 U.S. City for Military Retirement](#) (USAA)
- [5 U.S. Cities in Full Blown Economic Expansion](#) (MSNBC)
- [No. 7 Small U.S. City for Job Growth](#) (Forbes)
- [No. 21 Small U.S. City for Education](#) (Forbes)
- [25 Best Places to Retire](#) (Forbes)
- [Top 25 U.S. Cities for Working Retirement](#) (Forbes)
- [Fifth lowest property tax rate in Texas](#)
- [Lowest foreclosure rate in the U.S.](#) (Foreclosure-Response.org)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING THE COLLEGE STATION COMPREHENSIVE PLAN BY ADOPTING THE ECONOMIC DEVELOPMENT MASTER PLAN; PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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

PART 1: That the College Station Comprehensive Plan is hereby amended by adding a new section B.17, the Economic Development Master Plan, as duly adopted herein and as incorporated into such Comprehensive Plan by reference thereto as if recited in full and as set forth in Exhibit "A" attached hereto and made a part hereof.

PART 2: That the City Council of the City of College Station hereby adopts the Economic Development Master Plan as set out in Exhibit "B" attached hereto and made a part hereof.

PART 3: 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 4: That this ordinance shall take effect immediately from and after its passage.

PASSED, ADOPTED and APPROVED this 12th day of September, 2013.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

A. Comprehensive Plan

The College Station Comprehensive Plan (Ordinance 3186) is hereby adopted and consists of the following:

1. Existing Conditions;
2. Introduction;
3. Community Character;
4. Neighborhood Integrity;
5. Economic Development;
6. Parks, Greenways & the Arts;
7. Transportation;
8. Municipal Services & Community Facilities;
9. Growth Management and Capacity; and
10. Implementation and Administration.

B. Master Plans

The following Master Plans are hereby adopted and made a part of the College Station Comprehensive Plan:

1. The Northgate Redevelopment Plan dated November 1996;
2. The Revised Wolf Pen Creek Master Plan dated 1998;
3. Northgate Redevelopment Implementation Plan dated July 2003;
4. East College Station Transportation Study dated May 2005;
5. Parks, Recreation and Open Space Master Plan dated May 2005;
6. Park Land Dedication Neighborhood Park Zones Map dated January 2009;
7. Park Land Dedication Community Park Zones map dated April 2009;
8. Bicycle, Pedestrian, and Greenways Master Plan dated January 2010;
9. Central College Station Neighborhood Plan dated June 2010;
10. Water System Master Plan dated August 2010;
11. Wastewater Master Plan dated June 2011;
12. Eastgate Neighborhood Plan dated June 2011;
13. Recreation, Park and Open Space Master Plan dated July 2011;
14. Southside Area Neighborhood Plan dated August 2012;
15. Medical District Master Plan dated October 2012;
16. Wellborn Community Plan dated April 2013; and
17. Economic Development Master plan dated August 2013.

C. Miscellaneous Amendments

The following miscellaneous amendments to the College Station Comprehensive Plan are as follows:

1. Text Amendments:
 - a. Chapter 2 "Community Character," "Growth Areas" by amending the text regarding Growth Area IV and Growth Area V – Ordinance 3376, dated October 2011.
2. Future Land Use and Character Map Amendment:
 - a. 301 Southwest Parkway – Ordinance 3255, dated July 2010.
 - b. Richards Subdivision – Ordinance 3376, dated October 2011.
 - c. Medical District area – with this Ordinance, dated October 2012.
3. Concept Map Amendment:
 - a. Growth Area IV – Ordinance 3376, dated October 2011.
 - b. Growth Area V – Ordinance 3376, dated October 2011.
4. Thoroughfare Pan Map Amendment:
 - a. Raintree Drive – Ordinance 3375, dated October 2011.
 - b. Birkdale Drive – Ordinance 3375, dated October 2011.
 - c. Corsair Circle – Ordinance 3375, dated October 2011.
 - d. Deacon Drive – Ordinance 3375, dated October 2011.
 - e. Dartmouth Drive – Ordinance 3375, dated October 2011.
 - f. Farm to Market 60 – Ordinance 3375, dated October 2011.
 - g. Southwest Parkway – Ordinance 3375, dated October 2011.
 - h. Medical District area – with this Ordinance, dated October 2012.
5. Thoroughfare Plan Context Class Map Amendment:
 - a. Medical District area – with this Ordinance, dated October 2012.

D. General

1. Conflict. All parts of the College Station Comprehensive Plan and any amendments thereto shall be harmonized where possible to give effect to all. Only in the event of an irreconcilable conflict shall the later adopted ordinance prevail and then only to the extent necessary to avoid such conflict. Ordinances adopted at the same city council meeting without reference to another such ordinance shall be harmonized, if possible, so that effect may be given to each.
2. Purpose. The Comprehensive Plan is to be used as a guide for growth and development for the entire City and its extra-territorial jurisdiction ("ETJ"). The College Station Comprehensive Plan depicts generalized locations of proposed future land-uses, including thoroughfares, bikeways, pedestrian ways, parks, greenways, and waterlines that are subject to modification by the City to fit local conditions and budget constraints.
3. General nature of Future Land Use and Character. The College Station Comprehensive Plan, in particular the Future Land Use and Character Map found in A.3 above and any adopted amendments thereto, shall not be nor considered a

zoning map, shall not constitute zoning regulations or establish zoning boundaries and shall not be site or parcel specific but shall be used to illustrate generalized locations.

4. General nature of College Station Comprehensive Plan. The College Station Comprehensive Plan, including the Thoroughfare Plan; Bicycle, Pedestrian, and Greenways Master Plan; Central College Station Neighborhood Plan; Water System Master Plan and any additions, amendments, master plans and subcategories thereto depict same in generalized terms including future locations; and are subject to modifications by the City to fit local conditions, budget constraints, cost participation, and right-of-way availability that warrant further refinement as development occurs. Linear routes such as bikeways, greenways, thoroughfares, pedestrian ways, waterlines and sewer lines that are a part of the College Station Comprehensive Plan may be relocated by the City 1,000 feet from the locations shown in the Plan without being considered an amendment thereto.
5. Reference. The term College Station Comprehensive Plan includes all of the above in its entirety as if presented in full herein, and as same may from time to time be amended.

EXHIBIT "B"
ECONOMIC DEVELOPMENT MASTER PLAN

EXECUTIVE SUMMARY

The Purpose

The Goal

The Strategy

Keeping It Current and Relevant

Aggieland holds dear the spirit of the tradition of the 12th Man; that is a spirit of readiness, desire to support, and enthusiasm. It is in this spirit that City leaders, local businesses, and economic development partners have come together to chart out a path for economic success for College Station.

This Master Plan has been developed consistent with the City's on-going effort to implement its Comprehensive Plan and to maximize the economic opportunities of its residents. It is fitting that as the City celebrates its 75th year as a municipality, it takes this first-ever step to focus its efforts in economic development. This Executive Summary provides a brief overview of the Master Plan, its purpose, its goals, and the strategies the City intends to undertake to ensure the community's opportunities for economic prosperity remain strong.

THE PURPOSE

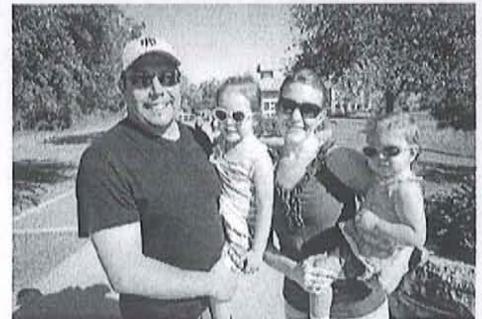
The Purpose of the Economic Development Master Plan is to identify the City's current economic conditions (strength, weaknesses, opportunities, challenges, and barriers), its desired future, and to lay out general strategies and specific actions. This effort has been achieved through the dedicated work of the City Council, the City Manager, local business representatives, City staff, and various regional economic development partners.

THE GOAL

The City seeks ***a diversified economy generating quality, stable, full-time jobs; bolstering the sales and property tax base; and contributing to a high quality of life.*** To put it simply, the City seeks to attain economic success by doing its part to keep College Station a great place to live and conduct business, to focus on new job creation, especially through partnerships with our major medical providers and the University, and to attract as many people to our community as possible to bolster sales in our local market. To achieve this, the City has defined six strategic initiatives for continued economic success:

THE STRATEGY

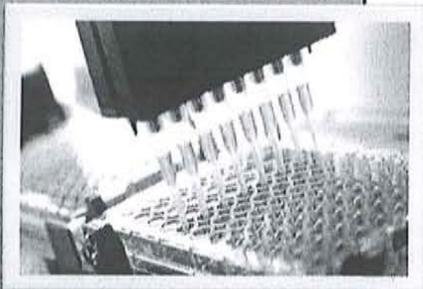
Sustain and Enhance High Quality of Life – A great place to live, conduct business, learn, and visit will help the University and businesses recruit and retain a leading workforce and enable increased sales opportunities as people from throughout the region and nation visit College Station to shop, participate in events, or seek specialized services and unique experiences.





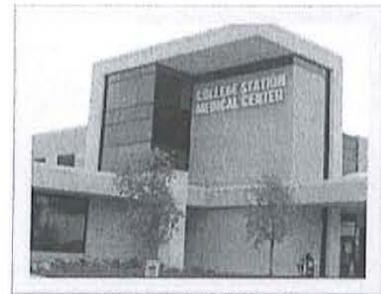
Support and Partner with Texas A&M University and the Texas A&M University System – The local economy is what it is, due primarily, to the presence of Texas A&M University and the University System. Working in partnership with the University and System on a variety of initiatives helps ensure they remain strong entities and in turn, continue their contributions to the local economy.

Support Retail Development – Ensuring there are opportunities to establish or expand retail businesses, businesses that attract expenditures by residents, students, and visitors remains a critical component of the local economy. The City should continue its role supporting College Station as a regional destination for basic shopping needs and various goods and services.



Support and Stimulate Biotechnology Research and Advanced Manufacturing – Building upon the world-class research performed at Texas A&M University and the skills of the local workforce, there exists a unique opportunity to diversify the local economy and stimulate significant job creation. It is reasonable to expect that a significant portion of this century’s job creation will be in the fields of biotechnology and advanced manufacturing and College Station is poised to capitalize on such opportunities.

Support and Stimulate Health and Wellness Market – Building upon the presence of three major medical providers and a growing and aging regional population, there exists a unique opportunity to position the City as a regional center for health and wellness and stimulate significant job creation. One of the fastest growing segments of the national economy is health and wellness and College Station is poised to capitalize on this growth.



Support and Stimulate Sports, Entertainment, and Hospitality Market – Already a national destination for college athletics, the opportunity exists to continue to expand the local entertainment and hospitality market. Additionally, capitalizing on many of the athletic and recreation facilities associated with the City’s high quality of life may be used to stimulate new opportunities to bring additional visitors to the local community, who in turn further contribute to the success of the local entertainment and hospitality market.



The City will implement each of these strategic initiatives and thereby realize the stated goal through a series of detailed actions identified in the Master Plan. Additionally, the City will perform these actions by focusing on what it does best and through continued strategic partnerships with its many economic development partners and the local business community. Where appropriate the City will engage in incentives which will vary from initiative to initiative, but will all be guided by a deliberate and established policy detailed in the Master Plan.

KEEPING IT CURRENT AND RELEVANT

Perhaps most important, the City recognizes that the economy is very dynamic and ever-changing, requiring the City to be nimble, while remaining strategic. As such, the Master Plan proposes an annual review of the current economic conditions and the Master Plan as well as an update to the specific actions anticipated for the following few years. Further, the Master Plan proposes a major review of the goals, assumptions, strategic initiatives, actions, partnerships, and guidelines contained in the Master Plan every five years.

Through the efforts detailed in the Master Plan and the hard work of the many business leaders in the community, the future of College Station's economy does indeed look very promising! As the City celebrates its 75th Anniversary, reaching a population of 100,000 and making the top of numerous "best of" lists, this moment represents a perfect opportunity to see where we are, set a course for success and charge forward! This Master Plan embodies that effort and provides the course for the City to do its part to help its citizens succeed in building the strongest and most competitive economy possible; *to move forward, together.*

College Station – Nationally Recognized

- No. 3, 10 Great Places to Live (Kiplinger's)
- No. 4 Best Places to Retire (USA Today)
- Top 10 College Towns in America, 2013 (Livability.com)
- No. 1 College Town in America, 2012 (Livability.com)
- Finalist for America's Friendliest Small Town (USA Today/Rand McNally)
- 10 Great Cities to Raise Your Kids (Kiplinger's)
- No. 4 Best-Performing Small Metro in U.S. (Milken Institute)
- No. 6 Small U.S. City for Business and Careers (Forbes)
- No. 4 U.S. City for Military Retirement (USAA)
- 5 U.S. Cities in Full Blown Economic Expansion (MSNBC)
- No. 7 Small U.S. City for Job Growth (Forbes)
- No. 21 Small U.S. City for Education (Forbes)
- 25 Best Places to Retire (Forbes)
- Top 25 U.S. Cities for Working Retirement (Forbes)
- Fifth lowest property tax rate in Texas
- Lowest foreclosure rate in the U.S. (Foreclosure-Response.org)

September 12, 2013
Regular Agenda Item No. 4
One- & Two-Family Residential Districts

To: Kathleen Merrill, Interim 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 the following chapters of the Code of Ordinances of the City of College Station, Texas: Chapter 2 "Animal Control," Chapter 6 "Fire Protection," Chapter 7 "Health and Sanitation," Chapter 10 "Traffic Code," Chapter 12 "Unified Development Ordinance," and Chapter 15 "Impact Fees" related to the creation and amendment of one- and two-family residential zoning districts in compliance with the Comprehensive Plan.

Relationship to Strategic Goals: Neighborhood Integrity

Recommendation(s): The Planning and Zoning Commission held a public hearing for this item at their September 5th meeting and unanimously recommended approval.

Summary: Staff has worked with a sub-committee of the Planning and Zoning Commission to develop ordinance language for one and two family residential zoning 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. Districts have been renamed to simplify the nomenclature. Retired districts will remain effective for properties, but will not be available for future rezoning proposals. The districts to be created and renamed through this process include:

New Districts

- "RS Restricted Suburban"

Changed & Renamed Districts

- "A-O Agricultural Open" to "R Rural"
- "A-OR Rural Residential Subdivision" to "E Estate"

Renamed Districts

- "R-1 Single-Family Residential" to "GS General Suburban"
- "R-3 Townhouse" to "T Townhouse"
- "R-2 Duplex" to "D Duplex"
- "R-7 Manufactured Home Park" to "MHP Manufactured Home Park"

Retired Districts

- "R1-B Single Family Residential"

A public meeting was held on Tuesday, April 9, 2013 to present the one- and two-family zoning district concepts to the community for consideration and comment. Stakeholders were given an additional review period after this meeting in order to submit any recommended changes. Specific ordinance language was then developed and stakeholders were again asked to provide comments.

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 multi-family residential districts and growth areas.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Zoning District Summary Sheets
2. Redline of applicable UDO Sections
3. Signed Ordinance

R Rural Concepts

Purpose Statement

This district is generally for areas that, due to public service limitations, inadequate public infrastructure, or a prevailing rural or agricultural character, should have very limited development activities. These areas will tend to include a mix of large acreages (ranches and farmsteads) and large-lot residential developments. Open space is the dominant feature of these areas.

Comprehensive Plan

This zoning is appropriate in areas designated Rural in the Comprehensive Plan.

Subdivision Design

Lot Area

Average minimum lot size: 3 acres

Absolute minimum lot size: 2 acres

Clustering is not permitted

Dimensional Standards

Minimum width: none

Minimum depth: none

Front setback: 50'

Side setback: 20'

Street side setback: 15'

Rear setback: 50'

Max. height: 35'*

Max du/acre: 1 unit/ 3 acres

**Public, civic, and institutional structures shall have a 50' maximum height*

Permitted Uses

Agricultural Use, Barn or Stable for Private Stock

Agricultural Use, Farm or Pasturage

Agricultural Use, Farm Product Processing

Animal Care Facility Outdoor (P*)

Commercial garden, Greenhouse, Landscape

Maintenance (P*)

Manufactured Home (P*)

Single-Family Detached

Educational Facility, Outdoor Instruction

Educational Facility, Primary & Secondary

Government Facilities (P*)

Parks

Places of Worship (P*)

Golf Course and /or driving range (P*)

Hotel (C)

RV Park (C)

Country Club

SOB (P*)

Utility (P*)

WTF – Intermediate (P*)

WTF- Major (C)

WTF – Unregulated

E Estate Concepts

Purpose Statement

This district is intended for developments that are to be subdivided into low-density single-family lots and allows rural infrastructure to be used. These areas will tend to consist of residential lots averaging 20,000 square feet when clustered around open space or large lots with a minimum of one acre.

Comprehensive Plan

This zoning is appropriate in areas designated Estate in the Comprehensive Plan.

Subdivision Design

Property owners would have the option of developing either a clustered or non-clustered subdivision.

Option 1 – Non-clustered Development

Lot Area

Minimum lot area: 1 acre

May use rural design standards

Additional provisions to ensure minimum size is maintained in existing subdivisions

Dimensional Standards

Minimum width: 100'

Minimum depth: none

Front setback: 30'

Side setback: 10'

Street side setback: 15'

Rear setback: 20'

Max. height: 35'*

Max du/acre: 1 unit/acre

**Public, civic, and institutional structures shall have a 50' maximum height*

Option 2 – Clustered Development

Lot Area

Average minimum lot size: 20,000 square feet

Absolute minimum lot area: 10,000 square feet

Subdivisions with all lots 20,000+ square feet and lot widths exceeding 100' may use rural character roads

Subdivisions with any lots below 20,000 square feet and with lots less than 100' wide must use curb and gutter

Dimensional Standards

Minimum width: none

Minimum depth: none

Minimum setback standards of the district apply (see Option 1 Dimensional Standards) along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of 10 feet.

E Estate Concepts

Open Space (Required for Option 2)

Open space is required to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.

- The amount of open space provided should be at least 10 percent of the gross area of the development.
- Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas.

Permitted Uses

Agricultural Use, Barn or Stable for Private Stock

Agricultural Use, Farm or Pasturage

Manufactured Home (P*)

Single-Family Detached

Educational Facility, Primary & Secondary

Educational Facility, Outdoor Instruction (C)

Government Facilities (P*)

Parks

Places of Worship (P*)

Country Club

SOB (P*)

Utility (P*)

WTF – Unregulated

RS Restricted Suburban Concepts

Purpose Statement

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

Comprehensive Plan

This zoning is appropriate in areas designated Restricted Suburban in the Comprehensive Plan.

Subdivision Design

Property owners would have the option of developing either a clustered or non-clustered subdivision.

Option 1 – Non-clustered Development

Lot Area

Average minimum lot size: 10,000 square feet
Absolute minimum lot size: 6,500 square feet

Dimensional Standards

Minimum width: 70'
Minimum depth: none
Front setback: 25'
Side setback: 7.5'
Street side setback: 15'
Rear setback: 20'
Max. height: 2.5 stories/35'*
Max du/acre: 4 unit/acre

**Public, civic, and institutional structures shall have a 50' maximum height*

Option 2 – Clustered Development

Lot Area

Average minimum lot size: 8,000 square feet
Absolute minimum lot size: 6,500 square feet

Dimensional Standards

Minimum width: none
Minimum depth: none

Minimum setback standards of the district apply (see Option 1 Dimensional Standards) along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of 10 feet.

Open Space

Open space is required to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.

- The amount of open space provided should be at least 10 percent of the gross area of the development.

RS Restricted Suburban Concepts

- Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas.

Design Criteria

Parking standards will meet City-wide requirements

Permitted Uses

Single-Family Detached
Educational Facility, Primary & Secondary
Government Facilities (P*)
Parks
Places of Worship (P*)
Country Club
SOB (P*)
Utility (P*)
WTF – Unregulated

GS General Suburban Concepts

Purpose Statement

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

Comprehensive Plan

This zoning is appropriate in areas designated General Suburban in the Comprehensive Plan.

Subdivision Design

Lot Area

Minimum lot size: 5,000 square feet

Dimensional Standards

Minimum width:	50'
Minimum depth:	100'
Front setback:	25'*
Side setback:	7.5'
Street side setback:	15'
Rear setback:	20'
Max. height:	2.5 stories/35' **
Max du/acre:	8 unit/acre

**May be reduced to 15' when approved rear access is provided, or when side yard or rear yard parking is provided*

***Public, civic, and institutional structures shall have a 50' maximum height*

Design Criteria

- Parking standards will meet City-wide requirements

Permitted Uses

Single-Family Detached
Educational Facility, Primary & Secondary
Government Facilities (P*)
Parks
Places of Worship (P*)
Country Club
SOB (P*)
Utility (P*)
WTF – Unregulated
Utility (P*)
WTF – Unregulated

Article 1 – General Provisions

Sec. 12-1.10. Transitional Provisions.

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:

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

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.

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>M-1</u>	<u>Light Industrial</u>	<u>June 13, 2003</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>R-6</u>	<u>High Density Multi-Family</u>	<u>June 13, 2003</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>NG-2</u>	<u>Transitional Northgate</u>	<u>April 2, 2006</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>O</u>	<u>Office</u>	<u>October 7, 2012</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>GC</u>	<u>General Commercial</u>	<u>October 7, 2012</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>CI</u>	<u>Commercial Industrial</u>	<u>October 7, 2012</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>R</u>	<u>Rural</u>	<u>September 22, 2013</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>E</u>	<u>Estate</u>	<u>September 22, 2013</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>GS</u>	<u>General Suburban</u>	<u>September 22, 2013</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>D</u>	<u>Duplex</u>	<u>September 22, 2013</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>T</u>	<u>Townhouse</u>	<u>September 22, 2013</u>

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

<u>District</u>	<u>New name</u>	<u>Effective Date</u>
<u>MHP</u>	<u>Manufactured Home Park</u>	<u>September 22, 2013</u>

3. Combined Districts.

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

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

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

<u>Combined Districts</u>	<u>Name</u>	<u>Effective Date</u>

<u>C-B</u>	<u>Business Commercial</u>	<u>June 13, 2003</u>
<u>C-1</u>	<u>General Commercial</u>	

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

<u>Combined Districts</u>	<u>Name</u>	<u>Effective Date</u>
<u>C-3</u>	<u>Planned Commercial</u>	<u>June 13, 2003</u>
<u>C-N</u>	<u>Neighborhood Business</u>	

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.

<u>Retired District</u>	<u>Name</u>	<u>Effective Date</u>
<u>R-1B</u>	<u>Single-Family Residential</u>	<u>September 22, 2013</u>
<u>C-3</u>	<u>Light Commercial</u>	<u>October 7, 2012</u>
<u>R&D</u>	<u>Research & Development</u>	<u>October 7, 2012</u>
<u>M-1</u>	<u>Light Industrial</u>	<u>October 7, 2012</u>
<u>M-2</u>	<u>Heavy Industrial</u>	<u>October 7, 2012</u>

5. New Districts.

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

<u>New District</u>	<u>Name</u>	<u>Effective Date</u>
<u>RDD</u>	<u>Redevelopment District</u>	<u>June 13, 2003</u>

<u>P-MUD</u>	<u>Planned Mixed Use Development</u>	<u>June 13, 2003</u>
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The following districts are hereby created and added to those in effect at the time of this amendment of the UDO.

<u>New District</u>	<u>Name</u>	<u>Effective Date</u>
<u>NAP</u>	<u>Natural Areas Protected</u>	<u>October 7, 2012</u>
<u>SC</u>	<u>Suburban Commercial</u>	<u>October 7, 2012</u>
<u>BP</u>	<u>Business Park</u>	<u>October 7, 2012</u>
<u>BPI</u>	<u>Business Park Industrial</u>	<u>October 7, 2012</u>

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

<u>New District</u>	<u>Name</u>	<u>Effective Date</u>
<u>RS</u>	<u>Restricted Suburban</u>	<u>October 6, 2013</u>

6. **Redesignated District.**

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

<u>Previous District</u>	<u>Name</u>	<u>Effective Date</u>
<u>A-OX</u>	<u>Existing Rural Residential</u>	<u>June 13, 2003</u>
<u>Redesignated District</u>	<u>Name</u>	
<u>A-O</u>	<u>Agricultural-Open</u>	

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.

<u>Previous District</u>	<u>Name</u>	<u>Effective Date</u>
<u>PUD</u>	<u>Planned Unit Development</u>	<u>June 13, 2003</u>
<u>Redesignated District</u>	<u>Name</u>	
<u>PDD</u>	<u>Planned Development Districts</u>	

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

<u>Previous District</u>	<u>Name</u>	<u>Effective Date</u>
<u>R-1A</u>	<u>Single-Family Residential</u>	<u>June 13, 2003</u>
<u>Redesignated District</u>	<u>Name</u>	
<u>R-1</u>	<u>Single-Family Residential</u>	

7. Deleted Districts.

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

<u>Deleted District</u>	<u>Name</u>	<u>Effective Date</u>
<u>C-PUD</u>	<u>Commercial Planned Unit Dev.</u>	<u>June 13, 2003</u>
<u>C-NG</u>	<u>Commercial Northgate</u>	<u>June 13, 2003</u>

(Ord. No. 2012-3450, Pt. 1(Exh. A), 9-27-2012)

Article 3. Development Review Procedures

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

- a. **Preliminary Plans.**

When submitting preliminary plans, the following information is required:

- 1) The preliminary plan shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in [Chapter 12, Article 8](#) Subdivision Design and Improvements;
- 2) Provide the preliminary plan on sheets twenty-four (24) inches by thirty-six (36) inches to a scale of one hundred (100) feet per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five hundred (500) feet per inch or larger;
- 3) The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan in letters one-half (½) inch 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 subdividers, engineers, and surveyors;
- 7) The legal description by metes and bounds of the subdivision or development which shall close within accepted land survey standards. An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, City of College Station horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
- 8) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 9) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
- 10) The following existing features shall be shown:
 - (a) The location, dimension, name and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel,

the approximate location, size of line, design pressure and product transported through the line shall be shown;

- (b) The location, dimension, description and name of all existing or recorded lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision or development;
- (c) The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision, development or contiguous thereto;
- (d) The location of the one hundred-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 intervals, flow line elevation of streams, and wooded areas;
- 13) The location, approximate dimensions, description and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;
- 14) A number or letter to identify each lot and each block. Lots and blocks shown on a preliminary plan should be numbered sequentially;
- 15) Location of current City limits line, and current zoning district boundaries;
- 16) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 17) Show number of residential lots and average lot size when applicable;
- 18) Provide a note to identify a Cluster Subdivision when applicable;
- ~~4819)~~ Provide any oversize participation requests that will be sought;
- ~~4920)~~ Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
- ~~2021)~~ Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO; and
- ~~2422)~~ Eleven-inch by seventeen-inch copies of the preliminary plan (not necessarily to scale) will be requested by the Administrator when the preliminary plan has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration.

b. Final Plats and Other Plats to be Recorded.

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

- 1) The plat shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Chapter 12, Article 8 Subdivision Design and Improvements unless expressly provided for otherwise;
- 2) Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
- 3) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;

- 4) Provide the plat on sheets twenty-four (24) inches by thirty-six (36) inches to a scale of one hundred (100) feet per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five hundred (500) feet per inch or larger;
- 5) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 6) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
- 7) Date of preparation, scale in feet, and north arrow;
- 8) The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
- 9) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 10) For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
- 11) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
- 12) The location of the one hundred-year floodplain and floodway according to the most recent best available data;
- 13) A number or letter to identify each lot and each block. Lots and blocks shown on a plat should be numbered sequentially;
- 14) Provide the number of lots and average lot size when applicable;
- 15) Provide a note to identify a Cluster Subdivision when applicable;
- ~~45~~16) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO;
- ~~46~~17) The Plat shall also include the following, based on field survey and marked by monuments and markers:
 - (a) The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, and length of all curves, where applicable;
 - (b) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, and length of curves, where applicable;
 - (c) Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of College Station horizontal control monuments;
 - (d) The following, when applicable, shall appear on the face of the plat: (See examples in [Chapter 12, Article 8](#) Subdivision Design and Improvements.)

- i. Certificate of Ownership and Dedication;
- ii. Certificate of Surveyor and/or Engineer;
- iii. Certificate of City Engineer;
- iv. Certificate of Planning and Zoning Commission;
- v. Certificate of the County Clerk;
- vi. Certificate of City Planner; and
- vii. Certificate of Approval.

~~4718~~) The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer. All shall be in accordance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and shall include the following:

- (a) Construction plans shall be provided on twenty-four-inch by thirty-six-inch sheets;
- (b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;
- (c) Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;
- (d) Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;
- (e) Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;
- (f) Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and
- (g) Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.

~~4819~~) Eleven-inch by seventeen-inch copies of the plat (not necessarily to scale) will be requested by the Administrator when the plat has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration.

Article 4. Zoning Districts

Sec. 12-4.1. Establishment of Districts.

Residential Zoning Districts	
A-OR	Agricultural-OpenRural
A-ORE	Rural-Residential-SubdivisionEstate
RS	Restricted Suburban
R-1GS	Single-Family-ResidentialGeneral Suburban
R-1B	Single-Family-Residential
R-2D	Duplex Residential
R-3 I	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
R-7MHP	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	
<u>R-1B</u>	<u>Single-Family Residential</u>
C-3	Light Commercial
R&D	Research & Development
M-1	Light Industrial
M-2	Heavy Industrial

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 [Chapter 12, Article 5](#) and the use regulations are designated in [Chapter 12, Article 6](#) of this UDO.

(Ord. No. 2012-3450, Pt. 1(Exh. B), 9-27-2012)

Sec. 12-4.5. - Application of District Regulations.

B. Newly Annexed Territory.

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

1. Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the ~~A-O, Agricultural-Open~~ R Rural District.
2. Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair or demolition

within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.

3. No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:
 - a. Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
 - b. Beginning to use land in the area in the manner that was planned for the land before the ninetieth (90th) day before the effective date of the annexation if:
 - 1) One (1) or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - 2) A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.
4. In accordance with § 43.002. Continuation of Land Use, of the Texas Local Government Code, the City may apply the following regulations within newly annexed territory:
 - a. A regulation relating to the location of sexually-oriented businesses;
 - b. A regulation relating to preventing imminent destruction of property or injury to persons;
 - c. A regulation relating to public nuisances;
 - d. A regulation relating to flood control;
 - e. A regulation relating to the storage and use of hazardous substances;
 - f. A regulation relating to the sale and use of fireworks; or
 - g. A regulation relating to the discharge of firearms.
5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and upon the relevant decisions of State and Federal courts. The applicant may submit any written evidence to the Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

Article 5. District Purpose Statements and Supplemental Standards

Sec. 12-5.1. Residential Zoning Districts.

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

A. Rural (R).

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

~~A. Agricultural-Open (A-O).~~

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

B. Estate (E).

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

~~B. Rural Residential Subdivision (A-OR).~~

~~This district allows different infrastructure standards from the more urbanized developments within the City, and is intended for developments of a minimum of fifty (50) acres that are to be subdivided into single-family tracts no smaller than one (1) acre each. Generally, locations are intended to be at the periphery of the City where infrastructure may not yet be available and not within the urbanized core. In the developed area of the City, where infrastructure is available for extension, there may be locations where a rural subdivision would be appropriate depending on surrounding land uses and the existing road system.~~

C. Restricted Suburban (RS).

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

~~C.D. Single-Family Residential (R-1). General Suburban (GS).~~

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

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

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

E. **Duplex Residential (R-2D).**

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

The following supplemental standards shall apply to this district:

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

F. **Townhouse (R-3T).**

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

The following supplemental standard shall apply to this district:

Single-family dwellings shall conform to ~~R-1, Single-Family Residential~~ GS General Suburban standards.

G. **Multi-Family (R-4).**

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

The following supplemental standards shall apply to this district:

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

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

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

The following supplemental standards shall apply to this district:

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

I. **Manufactured Home Park (R-7MHP).**

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

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

Sec. 12-5.2. Residential Dimensional Standards.

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

Residential Zoning Districts										
	R	E (N)	RS (J)	GS (J)	T	D	MHP	R-4	R-6	Accessory Structures
Non-Clustered Residential Zoning Districts										
Average Lot Area per Dwelling Unit (DU)	3 Acres Average	1 Acre	10,000 SF Average	5,000 SF	2,000 SF	3,500 SF	(L)	None	None	Refer to Section 12-6.5, Accessory Uses (L)
Absolute Min. Lot Area per Dwelling Unit (DU)	2 Acres	1 Acre	6,500 SF	5,000 SF	2,000 SF	3,500 SF		None	None	
Min. Lot Width	None	100'(L)	70'	50'	None	35'/DU(E)		None	None	
Min. Lot Depth	None	None	None	100'	None	100'		None	None	
Min. Front Setback (H)	50'	30'	25'	25'(D)	25'(D)	25'(D)		25'(D)	25'(D)	
Min. Side Setback	20'	10'	7.5'	7.5'	(A)	7.5'(C)		(A)(B)	(A)(B)	
Min. Side Street Setback	15'	15'	15'	15'	15'	15'		15'	15'	
Min. Side Setback between Structures (B)	N/A	15'	15'	15'	7.5'	15'		7.5'	7.5'	
Min. Rear Setback (I)	50'	20'	20'	20'	20'	20'(F)		20'	20'	
Max. Height	35' (G)(K)(L)	35' (G)(K)(L)	35' (G)(K)(L)	2.5 Stories/ 35' (G)(K)(L)	35' (G)(K)(L)	2.5 Stories/ 35' (G)(K)(L)		(G)(L)	(G)(L)	
Max. Dwelling Units/Acre (Subdivision Gross)	0.33	1.0	4.00	8.0	14.0	12.0	10.0	20.0	30.0	N/A
Clustered Residential Zoning Districts										
Average Lot Area per Dwelling Unit (DU)	N/A	20,000 SF Average	8,000 SF Average	3,750 SF	N/A	N/A	N/A	N/A	N/A	N/A
Absolute Min. Lot Area per Dwelling Unit (DU)		10,000 SF	6,500 SF	3,750 SF						
Min. Lot Width		100' (M)	None	None						
Min. Lot Depth		None	None	None						
Min. Front Setback (H)		Refer to Section 12.8.3.H.4, Clustered Development, Specific District Standards								
Min. Side Setback										
Min. Street Side Setback										
Min. Side Setback between Structures (B)										
Min. Rear Setback (I)										
Max. Height		35' (G) (K)	35' (G) (K)	2.5 Stories/ 35' (G) (K)						
Max. Dwelling Units/Acre (Subdivision Gross)	1.0	4.00	8.0							

	Residential Zoning Districts									
	A-O	A-OR	R-1(J)	R-1B	R-2	R-3	R-4	R-6	R-7	Accessory Structures
Min. Lot Area per Dwelling Unit (DU)	5 Acres	1 Acre	5,000 SF	8,000 SF	3,500 SF	2,000 SF	None	None		Refer to <u>Section 12-6.5</u> Accessory Uses (L)
Min. Lot Width	None	None	50'	None	35'/DU(E)	None	None	None		
Min. Lot Depth	None	None	100'	None	100'	None	None	None		
Min. Front Setback (H)	50'	50'	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)	25'(D)		
Min. Side Setback	20'	20'	7.5'	7.5'(C)	7.5'(C)	(A)	(A)(B)	(A)(B)		
Min. Side Street Setback	15'	15'	15'	15'	15'	15'	15'	15'	(L)	

	A-O	A-OR	R-1(J)	R-1B	R-2	R-3	R-4	R-6	R-7	Accessory Structures
Min. Side Setback between Structures (B)			15'	15'	15'	7.5'	7.5'	7.5'		
Min. Rear Setback (I)	50'	50'	20'	20'	20'(F)	20'	20'	20'		
Max. Height	35' (G) (K) (L)	35' (G) (K) (L)	2.5' Stories/ 35' (G)-(K) (L)	2.5' Stories/ 35' (G)-(K) (L)	2.5' Stories/ 35' (G)-(K) (L)	35' (G) (K) (L)	(G) (L)	(G) (L)		
Max. Dwelling Units/Acre	0.2	1.0	8.0	6.0	12.0	14.0	20.0	30.0	10.0	N/A

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Notes:

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within fifteen (15) feet of another primary structure. See [Chapter 12, Article 8](#), Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 12-7.2.H, Height.
- (H) Reference Section 12-7.1.D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- (I) Reference Section 12-7.2.D.1.b for lots with approved rear access.
- (J) For areas within a Single-Family Overlay District, reference the Neighborhood Prevailing Standards Overlay Districts Section in [Article 5](#) or the Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.

(K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.

(L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.

(M) In subdivisions built to rural street standards, lots shall be a minimum of one hundred (100) feet in width. There is no minimum lot width in cluster subdivisions built to urban street standards.

(N) Estate lots that are part of a subdivision existing on or before September 12, 2013 are not permitted to use Cluster Development Standards without rezoning approval, which incorporates the entire subdivision.

(Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012; Ord. No. 2012-3458, Pt. 1(Exh. A), 11-8-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), 1-10-2013)

Sec. 12-5.5. Retired Districts.

Retired Districts include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect but these districts are not available for any new Zoning Map Amendment proposals.

~~D.~~ **A. Single-Family Residential (R-1B).**

This district is designed to provide land for detached single-family residential suburban development. This district contains lots that are larger than the minimum R-4-GS lot, but smaller than the minimum A-ORE.

AB. 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 (5) acres in area.

BC. 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 seventy (70) percent.
- b. **Floor Area Ratio (FAR):** The maximum FAR in this district shall not exceed fifty (50) percent.
- c. **Building Materials:** All main buildings shall have not less than ninety (90) percent of the total exterior walls, excluding doors, windows and window walls, constructed or faced with brick, stone, masonry, stucco or precast concrete panels.
- d. **Signs:** Any detached or freestanding signage shall meet the criteria for low-profile signs established in [Section 12-7.5](#), Signs. Materials shall match building façade 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 7:00 p.m. and 6:00 a.m. must meet all the performance criteria established in this section, as well as limit vehicular access into the site through a designated access point that mitigates any adverse impacts of the traffic on surrounding residential areas.

2. 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 (1) or both shall so advise the Planning and Zoning Commission in writing.

- b. In such cases, the Planning and Zoning Commission shall hold a hearing to determine whether a professional investigation or analysis should be performed to identify and establish additional reasonable standards. If so determined, based on the information presented at the hearing, the Planning and Zoning Commission will identify the areas to be investigated and analyzed and will direct the staff to conduct the appropriate research necessary to develop standards for 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.

CD. 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.

DE. 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.

(Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. C), 1-10-2013)

Sec. 12-5.6. Retired Dimensional Standards.

A. Retired Residential Zoning Districts

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

	<u>Retired Residential Zoning Districts</u>
	<u>R-1B</u>
<u>Min. Lot Area per Dwelling Unit (DU)</u>	<u>8,000 SF</u>
<u>Min. Lot Width</u>	<u>None</u>
<u>Min Lot Depth</u>	<u>None</u>
<u>Min. Front Setback (H)</u>	<u>25'(D)</u>
<u>Min. Side Setback</u>	<u>7.5' (C)</u>
<u>Min. Side Street Setback</u>	<u>15'</u>
<u>Min. Side Setback between Structures (B)</u>	<u>15'</u>
<u>Min. Rear Setback (I)</u>	<u>20'</u>
<u>Max. Height</u>	<u>2.5 Stories/35'(G)(K)(L)</u>
<u>Max. Dwelling Units/Acre</u>	<u>6.0</u>

Notes:

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within fifteen (15) feet of another primary structure. See Chapter 12, Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 12-7.2.H, Height.

(H) Reference Section 12-7.1.D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.

(I) Reference Section 12-7.2.D.1.b for lots with approved rear access.

(J) Reference Section 12-5.12 for areas in Neighborhood Prevailing Standards Overlay Districts and reference Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.

(K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.

(L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.

(Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012; Ord. No. 2012-3458, Pt. 1(Exh. A), 11-8-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), 1-10-2013)

A.B. Retired Non-Residential Zoning Districts

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

	Retired Non-Residential Zoning Districts			
	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 seven and one-half (7.5) feet shall be required for each building or group of contiguous buildings.
 - (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
 - (C) See Section 12-7.2.H, Height.
 - (D) When abutting non-residentially zoned or used land, the rear setback may be reduced to twenty (20) feet.
 - (E) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations. (Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), (Exh. C), 1-10-2013)
- (Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), (Exh. C), 1-10-

Article 6. Use Regulations

Sec. 12-6.3. Types of Use.

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 12-6.4](#), Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses.

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in [Section 12-6.4](#), Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

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

USE TABLE	Residential Districts										Non-Residential Districts							Retired Districts					Design Districts					
	R	E	RS	GS	T**	D**	R-4**	R-6**	MHP**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	R-1B	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**	NG-3**	
COMMERCIAL, OFFICE AND RETAIL (continued)																												
Art Studio/Gallery										P	P	P	P								P				P	P	P	P
Car Wash													P*															
Commercial Garden/Greenhouse/Landscape Maint.	P*												P*	P*	P*	P*							P*					
Commercial Amusements										P		C	P*	P*								C			P	P	P	
Conference/Convention Center										P			P	P											P	P	P	
Country Club	P	P	P	P						P			P	P							P							
Day Care, Commercial							C	C	C	P	P	P	P									P				P	P	P
Drive-in/thru window												P*	P												C		P*	
Dry Cleaners & Laundry										P*	P*	P	P	P								P*			P*	P*	P*	P*
Fraternal Lodge										P			P	P												P	P	P
Fuel Sales										P*		P*	P*									P*		P				
Funeral Homes													P	P	P								P					
Golf Course or Driving Range	P*									P*			P*	P*														
Health Club/Sports Facility, Indoor										P		P	P									P			P	P	P	P
Health Club/Sports Facility, Outdoor										P			P												P	P*	P	
Hotels	C ²									P			P												P	P	P	
Night Club, Bar, or Tavern										C			C												C	P	P	
Offices										P	P	P	P	P	P	P						P	P	P	P	P	P	P
Parking as a Primary Use										P	C		P	P											P		P*	
Personal Service Shop										P	P	P	P									P			P	P	P	P
Printing/Copy Shop										P	P	P	P	P	P	P						P			P	P	P	
Radio/TV Station/Studios										P	P		P	P	P	P						P	P	P			P*	
Recreational Vehicle (RV) Park	C ³												C ³															
Restaurants										P		P*	P									P*			P	P	P	P*
Retail Sales - Single Tenant over 50,000 SF													P														P	
Retail Sales and Service										P		P*	P*	P*								P			P	P	P	P
Retail Sales and Service - Alcohol										P			P*	P*								P			C	P	P	
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*				P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor										P			P	P		P									P			

USE TABLE	Residential Districts										Non-Residential Districts							Retired Districts				Design Districts						
	R	E	RS	GS	T**	D**	R-4**	R-6**	MHP**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	R-1B	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**	NG-3**	
COMMERCIAL, OFFICE AND RETAIL (continued)																												
Theater										P			P												P	P	P	P
Retail Sales, Manufactured Homes																P							P*					
Storage, Self Service												P*	P	P		P					P*		P					
Vehicular Sales, Rental, Repair, and Service													P*	P*		P							P*					
Wholesales/Services													P*	P*	P	P							P	P				
INDUSTRIAL AND MANUFACTURING																												
Bulk Storage Tanks/Cold Storage Plant														P		P								P				
Micro-Industrial													P*	P*		P												
Industrial, Light														P	P	P							P	P	P			
Industrial, Heavy																P							P					
Recycling Facility - Large														P*		P								P				
Salvage Yard																P*								P*				
Scientific Testing/Research Laboratory														P	P	P							P		P			
Storage, Outdoor - Equipment or Materials														P	P*	P							P	P				
Truck Stop/Freight or Trucking Terminal																P								P				
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing/Distribution														P	C	P							P	P				
Waste Services																P								P				
Wireless Telecommunication Facilities - Intermediate	P*									P*	P*		P*	P*	P*	P		P*		P*	P*	P*	P*	P*	P*	P*	P*	P*
Wireless Telecommunication Facilities - Major	C										C		C	C	C	P		C		C	C	P*	C					
Wireless Telecommunication Facilities - Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			P	P	P

** 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 fifteen (15) rooms.
- ³ Refer to Section 12-6.4.Z "Recreational Vehicles 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)
 (Ord. No. 2012-3449, Pt. 1(Exh. G), 9-27-2012; Ord. No. 2012-3450, Pt. 1(Exh. D), 9-27-2012)

Sec. 12-6.4. - Specific Use Standards.

The following specific use standards shall apply to those uses listed below and identified in the Use Table in [Section 12-6.3](#), Types of Use, with a "P*." A site plan review, as required by [Section 12-3.6](#), Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with [Section 12-7.7](#), Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

A. Animal Care Facilities.

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

X. Wireless Telecommunication Facility (WTF).

3. Permitted Locations.

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

~~A-O Agricultural Open~~ [R Rural](#)

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

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

~~A-O Agricultural Open~~ [R Rural](#)

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

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

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-1GS~~, R-1B, or ~~R-2D~~ zone boundary.

Article 7 General Development Standards

Sec. 12-7.5. - Signs.

C. Summary of Permitted Signs.

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

	A-OR	A-ORE	R-1B	R-1GS	R-2D	R-3T	R-4	R-6	R-7MHP	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	X
Attached Signs							X	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	X
Development Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Directional Traffic Control Signs										X	X	X	X	X	X	X	X	X	X	X
Freestanding										*	**	X	X					X	X	

Signs																			
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 (1) 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 12-7.5.N "Freestanding Commercial Signs" for additional standards.

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-rural~~ zoning districts shall comply with Section 12-7.5.F, Sign Standards, "Low Profile Signs."

Y. Signs for Permitted Non-residential Uses in Residential or ~~Agricultural-Rural~~ Districts.

Signs for non-residential permitted uses in residential or ~~agricultural-rural~~ zoning districts shall comply with Section 12-7.5.F, Sign Standards, "Low Profile Signs." Signs for government facilities in residential or ~~agricultural-rural~~ zoning districts shall comply with Section 12-7.5.I, Sign Standards, "Attached Signs."

Sec. 12-7.7. Buffer Requirements.

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
DEVELOPING USE (Classification)	ABUTTING PARCEL* (Use more restrictive of the zoning or the developed use.)		
	Single-Family Residential ■	Multi-Family Residential ✓	Non-Residential
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~~ R Rural, 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

Sec. 12-7.13. Traffic Impact Analyses.

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-7MHP	Determined by Administrator			
P-MUD	Determined by Administrator			

C. Applicability.

1. Zoning TIA.

Any zoning request, except for certain "redevelopment" areas, requests for ~~A-OR, A-ORE, R-4GS, R-1B, R-2D, or R-3I~~ zoning classifications which is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period requires a TIA. Where the

Comprehensive Plan designates a property as "Redevelopment" a TIA is required if the zoning request is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period more than those generated by the currently approved use(s) on the property. A zoning request involving multiple zoning districts is required to have a TIA based on the total traffic generated for all the proposed districts. A TIA may be required for a zoning request that generates less than one hundred fifty (150) trips in the peak hour, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed rezoning request. In cases where a TIA is required, the rezoning application will be considered incomplete until the TIA is submitted.

Article 8. Subdivision Design and Improvements

Sec. 12-8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

H. Lots.

4. Cluster Development.

a. General Purpose.

A cluster development is intended to provide open space, preserve unique environmental features, or protect the character of rural areas. ItA-cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density of all the lots collectively do not exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the zoning district, though the individual lots within the development can be smaller than required in a conventional subdivision. The average lot size in a cluster development must be less than the minimum lot size of the base zoning district. Smaller lot sizes within a cluster development are required to be offset by the provision of open space as set forth below.

b. Conflict with Other Regulations.

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

c. ~~1)~~Where Allowed.

Cluster developments are allowed in ~~all residential~~residential E Estate, RS Restricted Suburban, and GS General Suburban zoning districts.

d. ~~2)~~Approval Procedure.

Cluster Developments are subject to the subdivision procedures set forth in this UDO. A note shall be provided on the plat that states the subdivision is a cluster development with additional descriptions as necessary.

e. Specific District Standards

1. Estate –

a. Lot Size. The minimum average lot size is 20,000 square feet with an absolute minimum lot size of 10,000 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except as noted below. Subdivisions with all lots over 20,000 square feet and lot widths of 100 feet may use rural character roads. Subdivisions containing any lots below 20,000 square feet must use urban street standards.

b. Setbacks and Building Separations. The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten feet.

2. Restricted Suburban –

- a. Lot Size. The minimum average lot size is 8,000 square feet with an absolute minimum lot size of 6,500 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
- b. Setbacks and Building Separations. The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten feet.

3. General Suburban –

- a. Lot Size. The minimum lot size is 3,750 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.

b. 3) Lot Size.

~~There is no set minimum lot width or depth requirement within a cluster development; however, the lot size may be reduced by up to twenty-five (25) percent as long as individual lot sizes are adequate to meet all other required density, district, and development standards.~~

4) Setbacks and Building Separations.

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

f. Open Space.

1. Description of Open Space.

~~Any parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of all residents of a proposed project. Open space may include amenities such as private outdoor recreation facilities, natural areas, trails, agricultural lands, or stormwater management facilities designed as a neighborhood amenity. Areas encumbered by right-of-way, easements, or utilized as parking may not be counted towards the Open space requirements. Open spaces must be privately owned and maintained by a Home Owners Association (HOA).~~

~~Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty (50) percent of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.~~

2. 5) Open Space.

(a) Amount of Open Space.

~~Cluster developments shall be subject to the minimum lot coverage and on-site open space standards of the base zoning district, if applicable.~~

~~(b)~~ **Common Open Space Required for Cluster Developments.**

~~a.~~ ~~i.~~ **Minimum Requirement.**

- ~~1.~~ Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.
- ~~2.~~ Common open space must be provided in an amount of at least ten (10) percent of the gross area of the development, or fifteen (15) percent of the gross area if the development is located in a Growth Area.
- ~~3.~~ All proposed lots shall have direct access to the common open space, via access easement, sidewalk, or street. Common open space may be located at the rear of lots only when the space is designed for active recreation or a design concept is submitted to staff for approval. Examples of active recreation areas may include amenities such as sports fields, hike or bike trails, parks, amenity centers, and golf courses.
- ~~4.~~ All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. The required common open space must be arranged to provide at least 30 percent of the space in at least one contiguous area. The minimum dimensions of such space must be 25 feet by 25 feet. The remaining required common usable open space may be distributed throughout the building site and need not be in one such area; provided, however, no area containing less than 1000 square feet will be considered common usable open space.
- ~~5.~~ massed together in areas to benefit the majority of property owners as well as protecting natural amenities. The minimum common open space area must be at least equal to the difference between:
 - a. The actual, average lot area per dwelling unit within the cluster development; and
 - b. The required lot area per dwelling unit for conventional development within the underlying base zoning district.

~~6.~~ ~~ii.~~ **Use of Common Open Space.**

~~Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty (50) percent of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.~~

The common open space requirement shall not be credited toward the parkland dedication requirements specified in the City subdivision ordinance.

K. Sidewalks.

3. Sidewalk Exceptions.

Sidewalks are not required:

- d. Along new or existing streets within a ~~rural~~ Rural residential ~~Residential~~ subdivision constructed to the rural section; or

- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

Article 9. - Nonconformities

Sec. 12-9.4. - Nonconforming Lots of Record.

C. Regulations for Certain Nonconforming Lots Zoned ~~A-O (Agricultural-Open)~~R Rural.

1. A single-family dwelling and accessory structure(s) in areas zoned ~~A-O, Agricultural-Open~~R Rural, may be erected or structurally altered on a nonconforming lot of record, that is not less than five thousand (5,000) square feet in area and not more than one (1) acre in area, so long as the structure or the addition to the structure complies with the setbacks established by the ~~Single-Family Residential (R-1)~~GS General Suburban zoning district.
2. A single-family dwelling or accessory structure located on property within the area annexed by Ordinance No. 3331, adopted by the City Council on April 14, 2011, may be erected or structurally altered on a nonconforming lot of record provided the proposed construction complies with the setback requirements established by the ~~Single-Family (R-1)~~GS General Suburban zoning district.

(Ord. No. 2011-3355, § 1(Exh. B), 6-23-2011; Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012)

Article 11. Definitions

Sec. 12-11.2. Defined Terms.

For the purpose of this UDO, certain words as used herein are defined as follows:

Density: The number of dwelling units per ~~net-gross~~ acre.

(Ord. No. 2012-3450, Pt. 1(Exh. F), 9-27-2012)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, "ANIMAL CONTROL," DIVISION 4 "LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS" SECTION 2-51 "KEEPING OF DOMESTIC LIVESTOCK"; CHAPTER 6, "FIRE PROTECTION," SECTION 6-1 "FIRE PREVENTION CODE," SECTION B "AMENDMENTS TO THE INTERNATIONAL FIRE CODE"; CHAPTER 7, "HEALTH AND SANITATION," SECTION 7-1 "STAGNANT WATER, TRASH, WEEDS, AND OTHER VEGETATION PROHIBITED," SECTION C "WEEDS AND OTHER UNSIGHTLY VEGETATION PROHIBITED," SECTION 1 "EXEMPTIONS," AND SECTION 7-2 "UNLAWFUL CONDUCT RELATED TO HEALTH AND SAFETY," SECTION A, SECTION 8; CHAPTER 10, "TRAFFIC CODE," SECTION 10-6 "PARKING, STANDING OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS," SECTION D "EXEMPTIONS"; CHAPTER 12 "UNIFIED DEVELOPMENT ORDINANCE", ARTICLE 1 "GENERAL PROVISIONS", SECTION 1.10 "TRANSITIONAL PROVISIONS", SECTION B "ZONING DISTRICTS"; ARTICLE 3 "DEVELOPMENT REVIEW PROCEDURES", SECTION 3.4 "PLAT REVIEW", SECTION C "APPLICATION REQUIREMENTS", SECTION 3A "PRELIMINARY PLANS"; SECTION 3B "FINAL PLATS AND OTHER PLATS TO BE RECORDED"; ARTICLE 4 "ZONING DISTRICTS", SECTION 4.1 "ESTABLISHMENT OF DISTRICTS"; ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS", SECTION 5.1 "RESIDENTIAL ZONING DISTRICTS", SECTIONS A, B, C, D, E, F, G, H, AND I, AND ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS", SECTION 5.2 "RESIDENTIAL DIMENSIONAL STANDARDS"; ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS", SECTION 5.5 "RETIRED DISTRICTS", SECTIONS A, B, C, D, AND E; ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS", SECTION 5.6 "RETIRED DIMENSIONAL STANDARDS", BY ADDING SECTION A "RETIRED RESIDENTIAL ZONING DISTRICTS"; SECTION B "RETIRED NON-RESIDENTIAL ZONING DISTRICTS", AND ARTICLE 6 "USE REGULATIONS", SECTION 6.3 "TYPES OF USE", SECTION C "USE TABLE"; ARTICLE 6 "USE REGULATIONS" SECTION 6.4 "SPECIFIC USE STANDARDS"; ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.5 "SIGNS", SECTION C "SUMMARY OF PERMITTED SIGNS," SECTION X "SIGNS FOR CONDITIONAL USES,"; SECTION Y "SIGNS FOR PERMITTED NON-RESIDENTIAL USES IN RESIDENTIAL OR AGRICULTURAL DISTRICTS"; ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.7 "BUFFER STANDARDS", SECTION F "MINIMUM BUFFER STANDARDS"; ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.13 "TRAFFIC IMPACT ANALYSES", SECTION B "DEFINITIONS" AND SECTION C "APPLICABILITY;" ARTICLE 8 "SUBDIVISION DESIGN AND IMPROVEMENTS" SECTION 8.3 "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS", SECTION H "LOTS" AND SECTION K "SIDEWALKS," ARTICLE 9 "NONCONFORMITIES" SECTION 9.4 "NONCONFORMING LOTS OF RECORD," SECTION C "REGULATIONS FOR

CERTAIN NONCONFORMING LOTS ZONED A-O (AGRICULTURAL-OPEN)”; ARTICLE 11 “DEFINITIONS”, SECTION 11.2 “DEFINED TERMS” IS HEREBY AMENDED BY ADDING A DEFINITION FOR “DENSITY”; AND CHAPTER 15, “IMPACT FEES,” SECTION 15-1 “GENERAL PROVISIONS,” “ASSESSMENT OF IMPACT FEES,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 2, “Animal Control,” Division 4 “Livestock, Birds, Exotic Animals, and Wild Animals” Section 2-51 “Keeping of Domestic Livestock”; Chapter 6, “Fire Protection,” Section 6-1 “Fire Prevention Code,” Section B “Amendments to the International Fire Code;” ; Chapter 7, “Health and Sanitation,” Section 7-1 “Stagnant Water, Trash, Weeds, and Other Vegetation Prohibited,” Section C “Weeds and Other Unsightly Vegetation Prohibited,” Section 1 “Exemptions,” and Section 7-2 “Unlawful Conduct Related to Health and Safety,” Section A, Section 8; Chapter 10, “Traffic Code,” Section 10-6 “Parking, Standing or Storing of Recreational Vehicles, Trailers or Trucks in Residential Areas,” Section D “Exemptions”; Chapter 12, Article 1 “General Provisions”, Section 1.10 “Transitional Provisions”, Section B “Zoning Districts”; Article 3 “Development Review Procedures”, Section 3.4 “Plat Review”, Section C “Application Requirements”, Section 3a “Preliminary Plans” and Section 3b “Final Plats and Other Plats to be Recorded”; Article 4 “Zoning Districts”, Section 4.1 “Establishment of Districts”, and Article 5 “District Purpose Statements and Supplemental Standards”, Section 5.1 “Residential Zoning Districts”, Section A, B, C, D, E, F, G, H, and I; Article 5 “District Purpose Statements and Supplemental Standards”, Section 5.2 “Residential Dimensional Standards”; Article 5 “District Purpose Statements and Supplemental Standards”, Section 5.5 “Retired Districts”, Section A, B, C, D, and E; Article 5 “District Purpose Statements and Supplemental Standards”, Section 5.6 “Retired Dimensional Standards”, by adding Section A “Retired Residential Zoning Districts” and Section B “Retired Non-Residential Zoning Districts”; Article 6 “Use Regulations”, Section 6.3 “Types of Use”, Section C “Use Table”, and Article 6 “Use Regulations,” Section 6.4 “Specific Use Standards”; Article 7 “General Development Standards”, Section 7.5 “Signs,” Summary of Permitted Signs,” Section X “Signs for Conditional Uses,” and Section Y “Signs for Permitted Non-Residential Uses in Residential or Agricultural Districts,” and Article 7 “General Development Standards”, Section 7.7 “Buffer Standards,” Section F “Minimum Buffer Standards,” and Article 7 “General Development Standards”, Section 7.13 “Traffic Impact Analyses,” Section B “Definitions” and Section C “Applicability”; Article 8 “Subdivision Design and Improvements”, Section 8.3 “General Requirements and Minimum Standards of Design for Subdivisions

Within the City Limits,” Section H “Lots” and Section K “Sidewalks,” and Article 9 “Nonconformities”, Section 9.4 “Nonconforming Lots of Record,” Section C “Regulations for Certain Nonconforming Lots Zoned A-O (Agricultural-Open),” and Article 11 “Definitions”, Section 11.2 “Defined Terms” is hereby amended by adding a definition for density; and Chapter 15, “Impact Fees,” Section 15-1 “General Provisions,” “Assessment of Impact Fees,” of the Code of Ordinances of the City of College Station, Texas, are amended as set out in Exhibit “A”, Exhibit “B”, Exhibit “C”, Exhibit “D”, Exhibit “E”, Exhibit “F”, Exhibit “G”, Exhibit “H”, Exhibit “I”, Exhibit “J”, Exhibit “K”, Exhibit “L”, Exhibit “M”, Exhibit “N”, Exhibit “O” Exhibit “P”, Exhibit “Q”, Exhibit “R”, Exhibit “S”, and Exhibit “T” 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) or 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.

PASSED, ADOPTED and APPROVED this 12th day of September, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

[Signature]

City Attorney

EXHIBIT LIST

A	Chapter 12, Article 1, Section 1.10, Section B
B	Chapter 12, Article 3, Section 3.4, Section C, Section 3A, & 3B
C	Chapter 12, Article 4, Section 4.1
D	Chapter 12, Article 5, Section 5, Sections A, B, C, D, E, F, G, H & I
E	Chapter 12, Article 5, Section 5.2
F	Chapter 12, Article 5, Section 5.5, Sections A, B, C, D, & E
G	Chapter 12, Article 5, Section 5.6, Sections A & B
H	Chapter 12, Article 6, Section 6.3, Section C
I	Chapter 12, Article 6, Section 6.4
J	Chapter 12, Article 7, Section 7.5, Section C, X & Y
K	Chapter 12, Article 7, Section 7.7, Section F
L	Chapter 12, Article 7, Section 7.13, Section B & C
M	Chapter 12, Article 8, Section 8.3, Section H & K
N	Chapter 12, Article 9, Section 9.4, Section C
O	Chapter 12, Article 11, Section 11.2
P	Chapter 2, Division 4 Section 2-51
Q	Chapter 6, Section 6-1
R	Chapter 7, Section 7-1, Section 7-1, Section C, Section 1, Section 7-2
S	Chapter 10, Section 10-6, Section D
T	Chapter 15, Section 15-1

EXHIBIT "A"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 1 "GENERAL PROVISIONS", SECTION 1.10 "TRANSITIONAL PROVISIONS", SECTION B "ZONING DISTRICTS" IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 1 – General Provisions

Sec. 12-1.10. Transitional Provisions.

B. Zoning Districts.

1. Retained Districts.

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

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

2. Renamed Districts.

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

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

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

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

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

District	New name	Effective Date
NG-2	Transitional Northgate	April 2, 2006

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

District	New name	Effective Date
O	Office	October 7, 2012

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

District	New name	Effective Date
GC	General Commercial	October 7, 2012

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

District	New name	Effective Date
CI	Commercial Industrial	October 7, 2012

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

District	New name	Effective Date
R	Rural	September 22, 2013

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

District	New name	Effective Date
E	Estate	September 22, 2013

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

District	New name	Effective Date
GS	General Suburban	September 22, 2013

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

District	New name	Effective Date
D	Duplex	September 22, 2013

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

District	New name	Effective Date
T	Townhouse	September 22, 2013

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

District	New name	Effective Date
MHP	Manufactured Home Park	September 22, 2013

3. Combined Districts.

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

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

R-5	Apartment/Medium Density
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The districts listed below are hereby combined into the single zoning district hereafter designated as GC, General Commercial.

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

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

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

4. Retired Districts.

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

Retired District	Name	Effective Date
R-1B	Single-Family Residential	September 22, 2013
C-3	Light Commercial	October 7, 2012
R&D	Research & Development	October 7, 2012
M-1	Light Industrial	October 7, 2012
M-2	Heavy Industrial	October 7, 2012

5. New Districts.

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

New District	Name	Effective Date
RDD	Redevelopment District	June 13, 2003
P-MUD	Planned Mixed Use Development	June 13, 2003

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

New District	Name	Effective Date
NAP	Natural Areas Protected	October 7, 2012
SC	Suburban Commercial	October 7, 2012
BP	Business Park	October 7, 2012
BPI	Business Park Industrial	October 7, 2012

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

New District	Name	Effective Date
RS	Restricted Suburban	October 6, 2013

6. **Redesignated District.**

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

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

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

Previous District	Name	Effective Date
PUD	Planned Unit Development	June 13, 2003
Redesignated District	Name	
PDD	Planned Development Districts	

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

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

7. Deleted Districts.

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

Deleted District	Name	Effective Date
C-PUD	Commercial Planned Unit Dev.	June 13, 2003
C-NG	Commercial Northgate	June 13, 2003

(Ord. No. 2012-3450, Pt. 1(Exh. A), 9-27-2012)

EXHIBIT "B"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 3 "DEVELOPMENT REVIEW PROCEDURES", SECTION 3.4 "PLAT REVIEW", SECTION C "APPLICATION REQUIREMENTS", SECTION 3A "PRELIMINARY PLANS" AND SECTION 3B "FINAL PLATS AND OTHER PLATS TO BE RECORDED", IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 3. Development Review Procedures

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

- a. **Preliminary Plans.**

When submitting preliminary plans, the following information is required:

- 1) The preliminary plan shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Chapter 12, Article 8 Subdivision Design and Improvements;
- 2) Provide the preliminary plan on sheets twenty-four (24) inches by thirty-six (36) inches to a scale of one hundred (100) feet per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five hundred (500) feet per inch or larger;
- 3) The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan in letters one-half ($\frac{1}{2}$) inch 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 subdividers, engineers, and surveyors;
- 7) The legal description by metes and bounds of the subdivision or development which shall close within accepted land survey standards. An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, City of College Station horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
- 8) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 9) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;

- 10) The following existing features shall be shown:
 - (a) The location, dimension, name and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel, the approximate location, size of line, design pressure and product transported through the line shall be shown;
 - (b) The location, dimension, description and name of all existing or recorded lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision or development;
 - (c) The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision, development or contiguous thereto;
 - (d) The location of the one hundred-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 intervals, flow line elevation of streams, and wooded areas;
- 13) The location, approximate dimensions, description and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;
- 14) A number or letter to identify each lot and each block. Lots and blocks shown on a preliminary plan should be numbered sequentially;
- 15) Location of current City limits line, and current zoning district boundaries;
- 16) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 17) Show number of residential lots and average lot size when applicable;
- 18) Provide a note to identify a Cluster Subdivision when applicable;
- 19) Provide any oversize participation requests that will be sought;
- 20) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
- 21) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO; and
- 22) Eleven-inch by seventeen-inch copies of the preliminary plan (not necessarily to scale) will be requested by the Administrator when the preliminary plan has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration.

b. Final Plats and Other Plats to be Recorded.

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

- 1) The plat shall conform to the general requirements of this UDO and minimum standards of design and improvements as set forth in Chapter 12, Article 8 Subdivision Design and Improvements unless expressly provided for otherwise;

- 2) Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
- 3) Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
- 4) Provide the plat on sheets twenty-four (24) inches by thirty-six (36) inches to a scale of one hundred (100) feet per inch or larger. Smaller scales may be allowed at the discretion of the Administrator. If more than one (1) sheet, provide an index sheet at a scale of five hundred (500) feet per inch or larger;
- 5) Vicinity map which shows general location of subject property to existing streets in College Station and to its City limits. No scale is required but a north arrow is to be included;
- 6) The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
- 7) Date of preparation, scale in feet, and north arrow;
- 8) The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
- 9) Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
- 10) For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
- 11) The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
- 12) The location of the one hundred-year floodplain and floodway according to the most recent best available data;
- 13) A number or letter to identify each lot and each block. Lots and blocks shown on a plat should be numbered sequentially;
- 14) Provide the number of lots and average lot size when applicable;
- 15) Provide a note to identify a Cluster Subdivision when applicable;
- 16) Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this UDO;
- 17) The Plat shall also include the following, based on field survey and marked by monuments and markers:
 - (a) The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, and length of all curves, where applicable;
 - (b) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, and length of curves, where applicable;

- (c) Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of College Station horizontal control monuments;
 - (d) The following, when applicable, shall appear on the face of the plat: (See examples in Chapter 12, Article 8 Subdivision Design and Improvements.)
 - i. Certificate of Ownership and Dedication;
 - ii. Certificate of Surveyor and/or Engineer;
 - iii. Certificate of City Engineer;
 - iv. Certificate of Planning and Zoning Commission;
 - v. Certificate of the County Clerk;
 - vi. Certificate of City Planner; and
 - vii. Certificate of Approval.
- 18) The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer. All shall be in accordance with the Bryan/College Station Unified Design Guidelines and the Bryan/College Station Unified Technical Specifications and shall include the following:
- (a) Construction plans shall be provided on twenty-four-inch by thirty-six-inch sheets;
 - (b) Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;
 - (c) Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;
 - (d) Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;
 - (e) Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate;
 - (f) Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and
 - (g) Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.
- 19) Eleven-inch by seventeen-inch copies of the plat (not necessarily to scale) will be requested by the Administrator when the plat has been reviewed and has the potential to be scheduled for a Planning and Zoning Commission meeting for consideration.

EXHIBIT “C”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 4 “ZONING DISTRICTS” SECTION 4.1 “ESTABLISHMENT OF DISTRICTS” IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 4. Zoning Districts

Sec. 12-4.1. Establishment of Districts.

Residential Zoning Districts	
R	Rural
E	Estate
RS	Restricted Suburban
GS	General Suburban
D	Duplex
R-3 T	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
MHP	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	
R-1B	Single-Family Residential
C-3	Light Commercial
R&D	Research & Development
M-1	Light Industrial
M-2	Heavy Industrial

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 Chapter 12, Article 5 and the use regulations are designated in Chapter 12, Article 6 of this UDO.

(Ord. No. 2012-3450, Pt. 1(Exh. B), 9-27-2012)

Sec. 12-4.5. - Application of District Regulations.

B. Newly Annexed Territory.

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

1. Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the R Rural District.
2. Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair or demolition

within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.

3. No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:
 - a. Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
 - b. Beginning to use land in the area in the manner that was planned for the land before the ninetieth (90th) day before the effective date of the annexation if:
 - 1) One (1) or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - 2) A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.
4. In accordance with § 43.002. Continuation of Land Use, of the Texas Local Government Code, the City may apply the following regulations within newly annexed territory:
 - a. A regulation relating to the location of sexually-oriented businesses;
 - b. A regulation relating to preventing imminent destruction of property or injury to persons;
 - c. A regulation relating to public nuisances;
 - d. A regulation relating to flood control;
 - e. A regulation relating to the storage and use of hazardous substances;
 - f. A regulation relating to the sale and use of fireworks; or
 - g. A regulation relating to the discharge of firearms.
5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and upon the relevant decisions of State and Federal courts. The applicant may submit any written evidence to the Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

EXHIBIT "D"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS" SECTION 5.1 "RESIDENTIAL ZONING DISTRICTS", SECTIONS A, B, C, D, E, F, G, H, AND I ARE HEREBY AMENDED TO READ AS FOLLOWS:

Article 5. District Purpose Statements and Supplemental Standards

Sec. 12-5.1. Residential Zoning Districts.

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

A. Rural (R).

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

B. Estate (E).

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

C. Restricted Suburban (RS).

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

D. General Suburban (GS).

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

E. Duplex (D).

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

The following supplemental standards shall apply to this district:

1. Single-family dwellings shall conform to GS General Suburban Standards.
2. Where parking is provided in the front yard of a duplex, an eight-foot setback shall be required between the property line and the nearest side of the parking pad. This eight-foot setback area must contain a three-foot screen consisting of a continuous berm, hedge, or

wall. In addition, an eight-foot setback shall be required between the dwelling unit and the nearest side of the parking pad.

F. Townhouse (T).

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

The following supplemental standard shall apply to this district:

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

G. Multi-Family (R-4).

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

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

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

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

The following supplemental standards shall apply to this district:

1. Duplex dwelling units shall conform to D Duplex standards.
2. Townhouse dwelling units shall conform to T Townhouse standards.

I. Manufactured Home Park (MHP).

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

1. The construction, reconstruction, alteration, or enlargement of a manufactured home park must be pursuant to an approved site plan.
2. Minimum manufactured home park area is two (2) contiguous acres.
3. Maximum gross density shall be ten (10) dwelling units per acre.
4. Minimum setback for a manufactured home from a public street shall be fifteen (15) feet.
5. Minimum setback for a manufactured home from a lot line shall be fifteen (15) feet.
6. Minimum setback for a manufactured home from a private street, parking, or other common area shall be fifteen (15) feet.
7. Minimum setback between two (2) manufactured homes shall be fifteen (15) feet; except that private accessory storage structures located on an individual manufactured home lot need not maintain a separation from the manufactured home that occupies the same lot.

8. Parking areas may be located within common parking areas or on individual manufactured home lots, provided that the parking required for each manufactured home is located within two hundred (200) feet of each lot.
9. Each manufactured home park lot shall have access to public utilities, and it shall have vehicular access to/from either a public right-of-way or private drive.

EXHIBIT “E”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 5 “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS” SECTION 5.2 “RESIDENTIAL DIMENSIONAL STANDARDS” IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-5.2. Residential Dimensional Standards.

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

Residential Zoning Districts										
	R	E (N)	RS (J)	GS (J)	T	D	MHP	R-4	R-6	Accessory Structures
Non-Clustered Residential Zoning Districts										
Average Lot Area per Dwelling Unit (DU)	3 Acres Average	1Acre	10,000 SF Average	5,000 SF	2,000 SF	3,500 SF	(L)	None	None	Refer to Section 12-6.5, Accessory Uses (L)
Absolute Min. Lot Area per Dwelling Unit (DU)	2 Acres	1Acre	6,500 SF	5,000 SF	2,000 SF	3,500 SF		None	None	
Min. Lot Width	None	100'(L)	70'	50'	None	35'/DU(E)		None	None	
Min. Lot Depth	None	None	None	100'	None	100'		None	None	
Min. Front Setback (H)	50'	30'	25'	25'(D)	25'(D)	25'(D)		25'(D)	25'(D)	
Min. Side Setback	20'	10'	7.5'	7.5'	(A)	7.5'(C)		(A)(B)	(A)(B)	
Min. Side Street Setback	15'	15'	15'	15'	15'	15'		15'	15'	
Min. Side Setback between Structures (B)	N/A	15'	15'	15'	7.5'	15'		7.5'	7.5'	
Min. Rear Setback (I)	50'	20'	20'	20'	20'	20'(F)		20'	20'	
Max. Height	35' (G)(K)(L)	35' (G)(K)(L)	35' (G)(K)(L)	2.5 Stories/ 35' (G)(K)(L)	35' (G)(K)(L)	2.5 Stories/ 35' (G)(K)(L)		(G)(L)	(G)(L)	
Max. Dwelling Units/Acre (Subdivision Gross)	0.33	10	4.00	8.0	14.0	12.0	10.0	20.0	30.0	N/A
Clustered Residential Zoning Districts										
Average Lot Area per Dwelling Unit (DU)	N/A	20,000 SF Average	8,000 SF Average	3,750 SF	N/A	N/A	N/A	N/A	N/A	N/A
Absolute Min. Lot Area per Dwelling Unit (DU)		10,000 SF	6,500 SF	3,750 SF						
Min. Lot Width		100' (M)	None	None						
Min. Lot Depth		None	None	None						
Min. Front Setback (H)		Refer to Section 12.8.3.H.4, Cluster Development, Specific District Standards								
Min. Side Setback										
Min. Street Side Setback										
Min. Side Setback between Structures (B)										
Min. Rear Setback (I)		Refer to Section 12.8.3.H.4, Cluster Development, Specific District Standards								
Max. Height										
Max. Dwelling Units/Acre (Subdivision Gross)	10	4.00	8.0							

Notes:

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within fifteen (15) feet of another primary structure. See Chapter 12, Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 12-7.2.H, Height.
- (H) Reference Section 12-7.1.D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- (I) Reference Section 12-7.2.D.1.b for lots with approved rear access.
- (J) For areas within a Single-Family Overlay District, reference the Neighborhood Prevailing Standards Overlay Districts Section in Article 5 or the Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.
- (K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
- (L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (M) In subdivisions built to rural street standards, lots shall be a minimum of one hundred (100) feet in width. There is no minimum lot width in cluster subdivisions built to urban street standards.
- (N) Estate lots that are part of a subdivision existing on or before September 12, 2013 are not permitted to use Cluster Development Standards without rezoning approval, which incorporates the entire subdivision.

(Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012; Ord. No. 2012-3458, Pt. 1(Exh. A), 11-8-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), 1-10-2013)

EXHIBIT "F"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 5 "DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS" SECTION 5.5 "RETIRED DISTRICTS", SECTIONS A, B, C, D, AND E ARE HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-5.5. Retired Districts.

Retired Districts include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect but these districts are not available for any new Zoning Map Amendment proposals.

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

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

B. 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 (5) acres in area.

C. 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 seventy (70) percent.
- b. **Floor Area Ratio (FAR):** The maximum FAR in this district shall not exceed fifty (50) percent.
- c. **Building Materials:** All main buildings shall have not less than ninety (90) percent of the total exterior walls, excluding doors, windows and window walls, constructed or faced with brick, stone, masonry, stucco or precast concrete panels.
- d. **Signs:** Any detached or freestanding signage shall meet the criteria for low-profile signs established in Section 12-7.5, Signs. Materials shall match building façade 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 7:00 p.m. and 6:00 a.m. must meet all the performance criteria established in this section,

as well as limit vehicular access into the site through a designated access point that mitigates any adverse impacts of the traffic on surrounding residential areas.

2. 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 (1) or both shall so advise the Planning and Zoning Commission in writing.
- b. In such cases, the Planning and Zoning Commission shall hold a hearing to determine whether a professional investigation or analysis should be performed to identify and establish additional reasonable standards. If so determined, based on the information presented at the hearing, the Planning and Zoning Commission will identify the areas to be investigated and analyzed and will direct the staff to conduct the appropriate research necessary to develop standards for 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.

D. 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.

E. 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.

(Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. C), 1-10-2013)

EXHIBIT “G”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 5 “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS”, SECTION 5.6 “RETIRED DIMENSIONAL STANDARDS”, BY ADDING SECTION A “RETIRED RESIDENTIAL ZONING DISTRICTS” AND SECTION B “RETIRED NON-RESIDENTIAL ZONING DISTRICTS”, ARE HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-5.6. Retired Dimensional Standards.

A. Retired Residential Zoning Districts

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

	Retired Residential Zoning Districts
	R-1B
Min. Lot Area per Dwelling Unit (DU)	8,000 SF
Min. Lot Width	None
Min Lot Depth	None
Min. Front Setback (H)	25'(D)
Min. Side Setback	7.5' (C)
Min. Side Street Setback	15'
Min. Side Setback between Structures (B)	15'
Min. Rear Setback (I)	20'
Max. Height	2.5 Stories/35'(G)(K)(L)
Max. Dwelling Units/Acre	6.0

Notes:

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.
- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family

residence or duplex be built within fifteen (15) feet of another primary structure. See Chapter 12, Article 8, Subdivision Design and Improvements, for more information.

- (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 12-7.2.H, Height.
- (H) Reference Section 12-7.1.D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- (I) Reference Section 12-7.2.D.1.b for lots with approved rear access.
- (J) Reference Section 12-5.12 for areas in Neighborhood Prevailing Standards Overlay Districts and reference Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.
- (K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
- (L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.

(Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012; Ord. No. 2012-3458, Pt. 1(Exh. A), 11-8-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), 1-10-2013)

B. Retired Non-Residential Zoning Districts

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

	Retired Non-Residential Zoning Districts			
	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 seven and one-half (7.5) feet shall be required for each building or group of contiguous buildings.

- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or separated by a dedicated public right-of-way or easement of at least fifteen (15) feet in width.
- (C) See Section 12-7.2.H, Height.
- (D) When abutting non-residentially zoned or used land, the rear setback may be reduced to twenty (20) feet.
- (E) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations. (Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), (Exh. C), 1-10-2013)
(Ord. No. 2012-3450, Pt. 1(Exh. C), 9-27-2012; Ord. No. 2013-3471, Pt. 1(Exh. B), (Exh. C), 1-10-13

EXHIBIT "H"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 6 "USE REGULATIONS" SECTION 6.3 "TYPES OF USE", SECTION C "USE TABLE" IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 6. Use Regulations

Sec. 12-6.3. Types of Use.

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 12-6.4, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses.

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 12-6.4, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO

USE TABLE	Residential Districts										Non-Residential Districts										Retired Districts					Design Districts			
	R	F	RS	GS	T*	D*	R-4**	R-6**	MHP**	P-MUD**	Q	SC	GC	CI	BP	BPI	CU	NAP	R-1B	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**	NG-3**		
COMMERCIAL, OFFICE AND RETAIL (continued)																													
Art Studio/Gallery									P	P	P	P								P					P	P	P	P	
Car Wash												P*																	
Commercial Garden/Greenhouse/Landscape Maint.	P*											P*	P*	P*	P*							P*			P	P	P	P	
Commercial Amusements									P			C	P*												P	P	P	P	
Conference/Convention Center									P				P												P	P	P	P	
Country Club	P	P	P	P					P				P						P										
Day Care, Commercial							C	C	C	P	P	P	P																
Drive-in/thru window												P*	P																
Dry Cleaners & Laundry									P*	P	P	P	P																
Fraternal Lodge									P			P	P																
Fuel Sales									P*	P	P	P*	P																
Funeral Homes												P	P																
Golf Course or Driving Range	P*								P*			P*	P*																
Health Club/Sports Facility, Indoor									P	P	P	P													P	P	P	P	
Health Club/Sports Facility, Outdoor									P	P	P	P													P	P*	P	P	
Hotels							C ²		P			P													P	P	P	P	
Night Club, Bar, or Tavern									C			C													C	C	P	P	
Offices									P	P	P	P	P												P	P	P	P	
Parking as a Primary Use									P	C		P	P												P		P*		
Personal Service Shop									P	P	P	P													P	P	P	P	
Printing/Copy Shop									P	P	P	P	P												P	P	P	P	
Radio/TV Station/Studios									P	P	P	P	P												P	P	P	P	
Recreational Vehicle (RV) Park												C ³																	
Restaurants									P			P*	P												P	P	P	P	
Retail Sales - Single Tenant over 50,000 SF									P			P	P												P	P	P	P	
Retail Sales and Service									P			P*	P*												P	P	P	P	
Retail Sales and Service - Alcohol									P			P*	P*												C	P	P	P	
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor									P			P	P												P				

EXHIBIT "I"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 6 "USE REGULATIONS" SECTION 6.4 "SPECIFIC USE STANDARDS", IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-6.4. - Specific Use Standards.

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 12-6.3, Types of Use, with a "P*." A site plan review, as required by Section 12-3.6, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 12-7.7, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

A. Animal Care Facilities.

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

X. Wireless Telecommunication Facility (WTF).

3. Permitted Locations.

- a. All Intermediate WTFs are permitted by right in the following zoning districts:
 - R Rural
 - M-1 Light Industrial
 - M-2 Heavy Industrial
 - GC General Commercial
 - CI Commercial Industrial
 - C-3 Light Commercial
 - NG Northgate
 - City-owned premises
 - O Office
 - R&D Research & Development
 - WPC Wolf Pen Creek
 - PDD Planned Development District (except PDD-H)
 - BP Business Park
 - BPI Business Park Industrial.
- b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit:
 - R Rural
 - M-1 Light Industrial
 - M-2 Heavy Industrial
 - BP Business Park
 - BPI Business Park Industrial
 - GC General Commercial
 - CI Commercial Industrial
 - C-3 Light Commercial
 - O Office
 - R&D Research & Development
 - City-owned premises.

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

6. Requirements for New Transmission Towers.

a. Setbacks.

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

EXHIBIT “J”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS” SECTION 7.5 “SIGNS”, SECTION C “SUMMARY OF PERMITTED SIGNS,” SECTION X “SIGNS FOR CONDITIONAL USES,” AND SECTION Y “SIGNS FOR PERMITTED NON-RESIDENTIAL USES IN RESIDENTIAL OR AGRICULTURAL DISTRICTS,” IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 7 General Development Standards

Sec. 12-7.5. - Signs.

C. Summary of Permitted Signs.

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

	R	E	R-1B	GS	D	T	R-4	R-6	MHP	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 (1) 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 12-7.5.N "Freestanding Commercial Signs" for additional standards.

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 rural zoning districts shall comply with Section 12-7.5.F, Sign Standards, "Low Profile Signs."

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

Signs for non-residential permitted uses in residential or rural zoning districts shall comply with Section 12-7.5.F, Sign Standards, "Low Profile Signs." Signs for government facilities in residential or rural zoning districts shall comply with Section 12-7.5.I, Sign Standards, "Attached Signs."

EXHIBIT “K”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS” SECTION 7.7 “BUFFER STANDARDS”, SECTION F “MINIMUM BUFFER STANDARDS” IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-7.7. Buffer Requirements.

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
DEVELOPING USE (Classification)	ABUTTING PARCEL* (Use more restrictive of the zoning or the developed use.)		
	Single-Family Residential ■	Multi-Family Residential ✓	Non-Residential
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 R Rural, 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

EXHIBIT “L”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS” SECTION 7.13 “TRAFFIC IMPACT ANALYSES”, SECTION B “DEFINITIONS” AND SECTION C “APPLICABILITY,” IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 12-7.13. Traffic Impact Analyses.

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
MHP	Determined by Administrator			
P-MUD	Determined by Administrator			

C. Applicability.

1. Zoning TIA.

Any zoning request, except for certain "redevelopment" areas, requests for R, E, GS, R-1B, D, or T zoning classifications which is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period requires a TIA. Where the Comprehensive Plan designates a property as "Redevelopment" a TIA is required if the zoning request is expected to generate at least one hundred fifty (150) vehicle trips during any peak hour period more than those generated by the currently approved use(s) on the property. A zoning request involving multiple zoning districts is required to have a TIA based on the

total traffic generated for all the proposed districts. A TIA may be required for a zoning request that generates less than one hundred fifty (150) trips in the peak hour, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not necessary for the proposed rezoning request. In cases where a TIA is required, the rezoning application will be considered incomplete until the TIA is submitted.

EXHIBIT "M"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 8 "SUBDIVISION DESIGN AND IMPROVEMENTS" SECTION 8.3 "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS", SECTION H "LOTS" AND SECTION K "SIDEWALKS," IS HEREBY AMENDED TO READ AS FOLLOWS:

Article 8. Subdivision Design and Improvements

Sec. 12-8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

H. Lots.

4. Cluster Development.

a. General Purpose.

A cluster development is intended to provide open space, preserve unique environmental features, or protect the character of rural areas. It is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density of all the lots collectively do not exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the zoning district, though the individual lots within the development can be smaller than required in a conventional subdivision. The average lot size in a cluster development must be less than the minimum lot size of the base zoning district. Smaller lot sizes within a cluster development are required to be offset by the provision of open space as set forth below.

b. Conflict with Other Regulations.

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

c. Where Allowed.

Cluster developments are allowed in residential E Estate, RS Restricted Suburban, and GS General Suburban zoning districts.

d. Approval Procedure.

Cluster Developments are subject to the subdivision procedures set forth in this UDO. A note shall be provided on the plat that states the subdivision is a cluster development with additional descriptions as necessary.

e. Specific District Standards

1. Estate –

- a. **Lot Size.** The minimum average lot size is 20,000 square feet with an absolute minimum lot size of 10,000 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except

as noted below. Subdivisions with all lots over 20,000 square feet and lot widths of 100 feet may use rural character roads. Subdivisions containing any lots below 20,000 square feet must use urban street standards.

- b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten feet.

2. Restricted Suburban –

- a. **Lot Size.** The minimum average lot size is 8,000 square feet with an absolute minimum lot size of 6,500 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
- b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten feet.

3. General Suburban –

- a. **Lot Size.** The minimum lot size is 3,750 square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
- b. **Setbacks and Building Separations.**
The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

f. **Open Space.**

1. **Description of Open Space.**

Any parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of all residents of a proposed project. Open space may include amenities such as private outdoor recreation facilities, natural areas, trails, agricultural lands, or stormwater management facilities designed as a neighborhood amenity. Areas encumbered by right-of-way, easements, or utilized as parking may not be counted towards the Open space requirements. Open spaces must be privately owned and maintained by a Home Owners Association (HOA).

Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty (50) percent of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.

2. **Common Open Space Required for Cluster Developments.**

- a. **Minimum Requirement.**

1. Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.
2. Common open space must be provided in an amount of at least ten (10) percent of the gross area of the development, or fifteen (15) percent of the gross area if the development is located in a Growth Area.
3. All proposed lots shall have direct access to the common open space, via access easement, sidewalk, or street. Common open space may be located at the rear of lots only when the space is designed for active recreation or a design concept is submitted to staff for approval. Examples of active recreation areas may include amenities such as sports fields, hike or bike trails, parks, amenity centers, and golf courses.
4. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. The required common open space must be arranged to provide at least 30 percent of the space in at least one contiguous area. The minimum dimensions of such space must be 25 feet by 25 feet. The remaining required common usable open space may be distributed throughout the building site and need not be in one such area; provided, however, no area containing less than 1000 square feet will be considered common usable open space.
5. The minimum common open space area must be at least equal to the difference between:
 - a. The actual, average lot area per dwelling unit within the cluster development; and
 - b. The required lot area per dwelling unit for conventional development within the underlying base zoning district.
6. The common open space requirement shall not be credited toward the parkland dedication requirements specified in the City subdivision ordinance.

K. Sidewalks.

3. Sidewalk Exceptions.

Sidewalks are not required:

- d. Along new or existing streets within a Rural Residential subdivision constructed to the rural section; or
- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

EXHIBIT "N"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 9 "NONCONFORMITIES" SECTION 9.4 "NONCONFORMING LOTS OF RECORD," SECTION C "REGULATIONS FOR CERTAIN NONCONFORMING LOTS ZONED A-O (AGRICULTURAL-OPEN)" IS HEREBY AMENDED":

Article 9. - Nonconformities

Sec. 12-9.4. - Nonconforming Lots of Record.

C. Regulations for Certain Nonconforming Lots Zoned R Rural.

1. A single-family dwelling and accessory structure(s) in areas zoned R Rural, may be erected or structurally altered on a nonconforming lot of record, that is not less than five thousand (5,000) square feet in area and not more than one (1) acre in area, so long as the structure or the addition to the structure complies with the setbacks established by the GS General Suburban zoning district.
2. A single-family dwelling or accessory structure located on property within the area annexed by Ordinance No. 3331, adopted by the City Council on April 14, 2011, may be erected or structurally altered on a nonconforming lot of record provided the proposed construction complies with the setback requirements established by the GS General Suburban zoning district.

(Ord. No. 2011-3355, § 1(Exh. B), 6-23-2011; Ord. No. 2012-3449, Pt. 1(Exh. M), 9-27-2012)

EXHIBIT "O"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 11 "DEFINITIONS" SECTION 11.2 "DEFINED TERMS" IS HEREBY AMENDED BY ADDING A DEFINITION FOR "DENSITY":

Article 11. Definitions

Sec. 12-11.2. Defined Terms.

For the purpose of this UDO, certain words as used herein are defined as follows:

Density: The number of dwelling units per gross acre.

(Ord. No. 2012-3450, Pt. 1(Exh. F), 9-27-2012)

EXHIBIT "P"

THAT CHAPTER 2, "ANIMAL CONTROL," DIVISION 4 "LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS" SECTION 2-51 "KEEPING OF DOMESTIC LIVESTOCK" IS HEREBY AMENDED TO READ AS FOLLOWS:

Chapter 2 ANIMAL CONTROL

DIVISION 4. LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS

Sec. 2-51. Keeping of domestic livestock.

Keeping of domestic livestock is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter. When allowed pursuant to the zoning land use regulations of the City, the following additional requirements apply for domestic livestock:

(1) Not allowed to be at large.

Domestic livestock shall be kept within structures or enclosures or lawfully tethered and not permitted to run at large;

(2) Avoid creation of health hazard.

An owner of domestic livestock shall be responsible for the proper pickup and disposal of all animal feces. Feces must be removed often enough so that there is no odor or fly attraction which would disturb a person of normal sensibilities or otherwise constitute a health hazard;

(3) Distance requirements.

The structure or enclosure within which the livestock may be confined shall be not less than one hundred (100) feet from any structure used for human occupancy, except the dwelling occupied by the owner of the domestic livestock. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

(4) Contact information.

The owner of the livestock shall post their contact information at all entrances to the livestock enclosure, including their name, address, and telephone numbers.

(5) Proof of vaccinations.

The owner of the domestic livestock shall make available to the animal control authority proof of current vaccinations as may be required pursuant to applicable law, including Brucellosis for all cattle eighteen (18) months of age and over except steers and spayed heifers per Texas Administrative Code Title 4, Part 2, Chapter 35, as amended, and a negative test for Equine Infectious Anemia for horses, mules, and donkeys as required under Texas Administrative Code Title 4, Part 2, Chapter 49, as amended, for horses at an event or gathering, horses in stables or breeding farms, or any horse that has had a change of ownership.

(Ord. No. 2013-3488, Pt. 1(Exh. A, § 4(A)), 3-28-2013)

Sec. 2-52. Fowl.

(1) Keeping allowed without permit.

Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter.

Sec. 2-55. Rabbits.

(1) Keeping allowed without permit.

Keeping of rabbits is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter.

EXHIBIT “Q”

THAT CHAPTER 6, “FIRE PROTECTION,” SECTION 6-1 “FIRE PREVENTION CODE,” SECTION B “AMENDMENTS TO THE INTERNATIONAL FIRE CODE” IS HEREBY AMENDED TO READ AS FOLLOWS:

**Chapter 6 FIRE PROTECTION
Sec. 6-1. Fire Prevention Code.**

B. Amendments to the International Fire Code.

The International Fire Code, as referred to above is hereby amended as follows:

(16) Section 507.5.2 (Inspection, Testing and Maintenance) is amended by deleting the section in its entirety and replacing with the following:

Section 507.5.2 (Inspection, Testing and Maintenance)

Public fire hydrants shall be installed in single-family and duplex districts zoned E Estate, RS Restricted Suburban, GS General Suburban, and D Duplex at such locations that no part of any structure shall be more than five hundred (500) feet from a fire hydrant as measured along the right-of-way of a public street as the fire hose is laid off the fire truck.

EXHIBIT "R"

THAT CHAPTER 7, "HEALTH AND SANITATION," SECTION 7-1 "STAGNANT WATER, TRASH, WEEDS, AND OTHER VEGETATION PROHIBITED," SECTION C "WEEDS AND OTHER UNSIGHTLY VEGETATION PROHIBITED," SECTION 1 "EXEMPTIONS," AND SECTION 7-2 "UNLAWFUL CONDUCT RELATED TO HEALTH AND SAFETY," SECTION A, SECTION 8 IS HEREBY AMENDED TO READ AS FOLLOWS:

Chapter 7 HEALTH AND SANITATION

Sec. 7-1. Stagnant water, trash, weeds, and other vegetation prohibited.

(C) Weeds and other unsightly vegetation prohibited.

It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any real property within the City to permit weeds, brush, or any objectionable or unsightly vegetation to grow due to lack of vegetation management upon any such real property. It shall be the duty of such person to keep the area from the line of his property to the curb line adjacent to it free and clear of matter referred to above. Objectionable or unsightly vegetation includes all weeds and grasses that exceed twelve (12) inches in height.

(1)Exemptions:

- (a) State highway rights-of-way.
- (b) Agricultural areas, agricultural meaning crop production and/or grazing.
- (c) Heavily wooded areas filled with uncultivated underbrush.
- (d) The cultivation of concentrated wildflowers from March 1 until June 15 of each year in areas where grasses and weeds do not exceed eighteen (18) inches in height.
- (e) Areas that are zoned R Rural or E Estate.

Sec. 7-2. Unlawful conduct related to health and safety.

(A)

A person commits an offense if he:

- (8) Allows the open storage of commodities and materials for sale, lease, inventory or private use in areas zoned as residential. Such materials shall be screened by a solid fence and shall not be visible from a public right-of-way.

Commodities are defined as, but not limited to: appliances, automotive parts, building materials, firewood, furniture (excluding patio and lawn furniture), and landscape materials. Firewood stored in rear or side yards, and R Rural and E Estate zoning districts are exempt from the screening requirements,

EXHIBIT "S"

THAT CHAPTER 10, "TRAFFIC CODE," SECTION 10-6 "PARKING, STANDING OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS," SECTION D "EXEMPTIONS," IS HEREBY AMENDED TO READ AS FOLLOWS:

Chapter 10 TRAFFIC CODE

Sec. 10-6 Parking, Standing, or Storing of Recreational Vehicles, Trailers, or Trucks in Residential Areas.

D. Exemptions

Residential properties zoned R Rural or E Estate shall be exempt from the regulations contained in Subsection B of this Section.

EXHIBIT "T"

THAT CHAPTER 15, "IMPACT FEES," SECTION 15-1 "GENERAL PROVISIONS," "ASSESSMENT OF IMPACT FEES," IS HEREBY AMENDED TO READ AS FOLLOWS:

Chapter 15 IMPACT FEES

Sec. 15-1. General provisions.

Assessment of impact fees.

- (1) The approval of any new development shall include as a condition the assessment of the impact fee applicable to such development.

- (2) Assessment of the impact fee for any new development shall be made as follows:
(Ordinance No. 1972 of August 27, 1992)
 - (a) A development which is submitted for approval pursuant to the City's subdivision regulations following the effective date of this chapter, assessment shall be at the time of final plat approval for R Rural, E Estate, RS Restricted Suburban, GS General Suburban, D Duplex , T Townhouse, R-4 Apartment/Low Density, R-5 Apartment Medium Density, R-6 Apartment High Density, and R-7 Mobile Home Park and assessment for all other Zoning Districts shall be at the time of issuance of the building permit, and shall be the amount of the maximum impact fee per service unit then in effect, as set forth in Exhibit C, as computed by the procedures set forth in Subsection H(1). The City, in its sole discretion, may provide the subdivider with a copy of Exhibit C prior to final plat approval, but such shall not constitute assessment within the meaning of this chapter.
(Ordinance No. 22 of May 21, 1997)

September 12, 2013
Regular Agenda Item No. 5
Single-Family Parking Requirements

To: Kathleen Merrill, Interim 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," Articles 3, "Development Review Procedures," 7, "General Development Standards," and 8, "Subdivision Design and Improvements," of the Code of Ordinances of the City of College Station, Texas by the creation and amendment of single-family parking requirements.

Relationship to Strategic Goals: Neighborhood Integrity

Recommendation(s): The Planning and Zoning Commission considered this item at their September 5th meeting and recommended approval (6-0).

Summary: The Joint Neighborhood Parking Task Force of the College Station City Council and Planning and Zoning Commission was created through City Council Resolution on February 9, 2012. The Task Force was created to address community concerns of neighborhood parking issues and emergency access. The scope of the Task Force was to gather and evaluate data related to neighborhood parking issues, solicit input from stakeholders, formulate recommendations, and forward final recommendations to the Planning and Zoning Commission and the City Council for final action.

The City Council's Strategic Plan, updated in 2012, identifies neighborhood parking issues as a problem affecting the City's Neighborhood Integrity. College Station's older neighborhoods were developed when automobiles were less prevalent. Many of these established residential neighborhoods include streets designed as "yield streets," consisting of narrow pavement, often with no curb and gutter. Yield streets contribute greatly to neighborhood character when working as intended. However, many of these streets are in neighborhoods that have converted to high percentages of renter-occupancy. An increase in the number of people per residence has resulted in a high-density of on-street parking. These conditions have caused the yield street design to fail in many instances. A number of neighborhoods are experiencing overcrowding and emergency access concerns due to an increase in on-street parking.

Approach: The City currently uses a limited number of options to alleviate on-street parking problems, which the City Council recommended continuing. These options include:

- land use planning,
- development regulations,
- neighborhood plans,
- code enforcement, and
- parking removal.

Additionally, the following existing options should be expanded:

- Increase the current minimum requirements of off-street parking, increasing the standard to one parking space required for each bedroom in a single-family dwelling, with a maximum of four required spaces.

- Only consider removing parking on one or both sides of a street per a recommendation from the City's Traffic Management Team when there is a safety concern verified by the City.
- Neighborhood initiated parking removal not related to public safety will be addressed through a private process, such as deed restrictions and covenants.

Based on the findings of the Task Force, City Council recommended the following solutions to aid in the reduction of neighborhood parking problems City-wide. These recommendations include:

- refine the current parking removal process to allow parking removal on one or both sides of a street per a recommendation from the City's Traffic Management Team (only if there is a verified safety concern),
- increase the off-street parking requirements based on the number of bedrooms provided, and
- allow no more than 50% of the front portion of the property be used for parking.

In addition, new development would also be required to provide an additional solution, chosen from the following six recommended options in order to prevent future on-street parking issues:

- wide streets,
- narrow streets,
- parking removal with platting,
- visitor alley-fed off-street parking,
- wide lot frontages, or
- visitor parking areas.

Some solutions, such as narrow streets and parking removal with platting, would require the provision of additional off-street parking measures to ensure adequate parking is available.

On February 28, 2013, City Council directed staff to proceed with drafting a single-family parking ordinance for Council's consideration.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Single-Family Parking Options Summary Sheet
2. Redlined applicable UDO Sections
3. Signed Ordinance

Ordinance Amendments for Single-Family Parking Requirements

Background

The City Council's Strategic Plan, updated in 2012, identifies neighborhood parking issues as a problem affecting the City's Neighborhood Integrity. Many of the established residential neighborhoods in College Station include streets designed as "yield streets," consisting of narrow pavement, often with no curb and gutter. Many of the neighborhoods that contain yield streets have converted to high percentages of renter-occupancy. An increase in the number of people per residence has resulted in a high-density of on-street parking, which has caused the yield street design to fail. A number of neighborhoods are experiencing overcrowding and emergency access concerns due to an increase in on-street parking. The single-family parking requirements have been created to maintain emergency access in existing neighborhoods and also prevent on-street parking problems in new developments. In addition, the City will continue current practices of land use planning, development regulations, neighborhood plans, code enforcement, and parking removal, to ensure emergency access.

Parking Removal Program

City Council will only consider parking removal on one or both sides of an existing street per a recommendation from the City's Traffic Management Team. This recommendation must be based on a public safety concern verified by the City. The following is the City's process that must be followed in order to remove parking from public streets:

1. *Concern Initiation* – A citizen informs the City of a potential problem resulting from on-street parking (Citizen Initiated) or the City observes the need to remove on-street parking from a street(s) (City Initiated).
2. *Concern Evaluation* – The City's Traffic Management Team (TMT) will evaluate the citizen initiated request or city initiated concern and analyze the impact existing on-street parking has on public safety. If the existing on-street parking is determined to impact public safety, the TMT will approve a recommendation which will be included on a future City Council Agenda as a public hearing.
3. *Public Notice* – Per the recommendation from the TMT to remove on-street parking on a specific street(s), notices will be mailed to property owners and residents on both sides of the street(s) where parking is proposed to be removed. These notices will provide the date of the City Council meeting when the public hearing for the proposed ordinance will occur.
4. *Public Hearing* – The proposal to remove on-street parking from a specified street(s) will be presented to council, followed by a public hearing where citizens can voice their opinions. Then the City Council can discuss and vote on the proposed parking removal ordinance.

In all other cases, the individual neighborhood must address parking issues through a private process, such as deed restrictions and covenants.

City-wide Requirements

The following are a set of solutions to aid in the reduction of neighborhood parking problems city-wide. These solutions are required for all new construction, redevelopment, or when an addition to the number of bedrooms is completed.

Off-Street Parking Requirements

One parking space will be required for each bedroom in a single-family dwelling, with a maximum of four required parking spaces. Garages that meet minimum parking dimension standards may be counted towards parking requirements.

- ❖ **UDO Section 12-7.3.B.1.a Off-Street Parking Spaces Required**
- ❖ **UDO Section 12-7.3.I Number of Off-Street Parking Spaces Required**

Maximum Front Yard Coverage

No more than 50% of the front area of the property shall be used for parking.

- ❖ **UDO Section 12-7.3.C.3 Dimensions, Access, and Location**
In the event parking is expanded in front of the structure, it shall not exceed 50% of the front area.
- ❖ **UDO Section 12-7.3.C.4 Dimensions, Access, and Location**

New Development Requirements

In addition to city-wide requirements, new developments are required to provide one solution, chosen from the following six recommended options, in order to prevent future on-street parking issues:

Wide Streets

Wide streets, consisting of a minimum 32 and maximum of 38 feet pavement width, are allowed to ensure emergency access is maintained. These streets allow for access through a street, even when high volumes of parked vehicles are present on both sides of the street. Wide streets often induce higher travel speeds and are required to provide traffic calming measures to improve safety.

- ❖ **UDO Section 12-8.3.W.2.a Residential Parking Options – Wide Streets**

Narrow Streets

Narrow streets do not accommodate on-street parking, ensuring that emergency access is maintained. Pavement width for narrow streets must be a minimum of 22 feet, up to a maximum of 24 feet and meet fire service standards. Narrow streets must be accompanied by visitor alley fed off-street parking and/or visitor parking areas in order to provide adequate parking in neighborhoods.

- ❖ **UDO Section 12-8.3.W.2.b Residential Parking Options – Narrow Streets**

Parking Removal with Platting

Parking may be removed on one or both sides of the street upon the City Council approving an ordinance removing parking from the street. This option must be accompanied by other measures, such as visitor alley fed off-street parking and/or visitor parking areas in order to provide adequate parking in neighborhoods.

- ❖ **UDO Section 12-8.3.W.2.c Residential Parking Options – Parking Removal with Platting**

Visitor Alley-Fed Off-Street Parking

Visitor alley-fed off-street parking spaces may be provided at a rate of one parking space per four dwelling units. This requirement is in addition to minimum off-street parking requirements. Residential lots served by an alley should only have driveway access via the alley and provide ample off-street parking.

- ❖ **UDO Section 12-8.3.W.2.d Residential Parking Options – Visitor Alley-Fed Off-Street Parking**

Wide Lot Frontages

This option requires a minimum lot frontage of 70-feet, as measured at the front setback, decreasing the density within neighborhoods and increasing more on-street parking area in front of every lot.

- ❖ **UDO Section 12-8.3.W.2.e Residential Parking Options – Wide Lot Frontages**

Visitor Parking Areas

Visitor parking areas consist of remote parking facilities that are privately maintained and located outside of the right-of-way on private property, such as HOA common areas. These parking areas must be provided in addition to minimum lot-based off-street parking requirements to increase off-street parking within a neighborhood. Visitor parking areas should be designed as part of a site's overall design. To minimize the environmental impact of visitor parking, alternative paving may be used in these areas.

- ❖ **UDO Section 12-8.3.W.2.f Residential Parking Options – Visitor Parking Areas**
- ❖ **UDO Section 12-7.4.B.1.a-c Access Management and Circulation**
- ❖ **UDO Section 12-7.4.C.1.e Driveway Access Location and Design**

Other Related Articles Revised:

- ❖ **UDO Section 12-3.4.C.3.a.18 Plat Review – Application Requirements for Preliminary Plans**
- ❖ **UDO Section 12-3.4.C.3.b.15 Plat Review – Application Requirements for Final Plats**
- ❖ **UDO Section 12-7.3.G.2.c Surfacing – Permeable Surfaces (for single-family parking)**
- ❖ **UDO Section 12-8.3.V.1.g Private Streets (applicability)**

EXHIBIT “A”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 3 “DEVELOPMENT REVIEW PROCEDURES” SECTION 3.4 “PLAT REVIEW”, SECTION C “APPLICATION REQUIREMENTS” SECTION A “PRELIMINARY PLANS” IS HEREBY AMENDED TO ADD ITEM NUMBER 23 TO READ AS FOLLOWS:

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

a. Preliminary Plans.

When submitting preliminary plans, the following information is required:

23) Provide a note on the Preliminary Plan to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable;

EXHIBIT “B”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 3 “DEVELOPMENT REVIEW PROCEDURES” SECTION 3.4 “PLAT REVIEW”, SECTION C “APPLICATION REQUIREMENTS” SECTION B “FINAL PLATS” IS HEREBY AMENDED TO ADD ITEM NUMBER 20 TO READ AS FOLLOWS:

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

b. Final Plats and Other Plats to be Recorded.

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

20) Provide a note on the Final Plat to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable;

EXHIBIT "C"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.3 "OFF STREET PARKING STANDARDS", SECTIONS B, C, F, G, AND I ARE HEREBY AMENDED TO READ AS FOLLOWS:

Article 7. General Development Standards

Sec. 12-7.3. Off-Street Parking Standards.

B. Off-Street Parking Spaces Required.

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

Exception:

a.- In all single-family residential and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed there shall be off-street parking spaces provided for motor vehicles in accordance with the requirements specified herein.

2. Where off-street parking facilities are provided in excess of the minimum amounts specified by this Section, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space as specified in this Section.
3. It shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use, or structure without establishing alternative off-street parking facilities that meet these requirements.

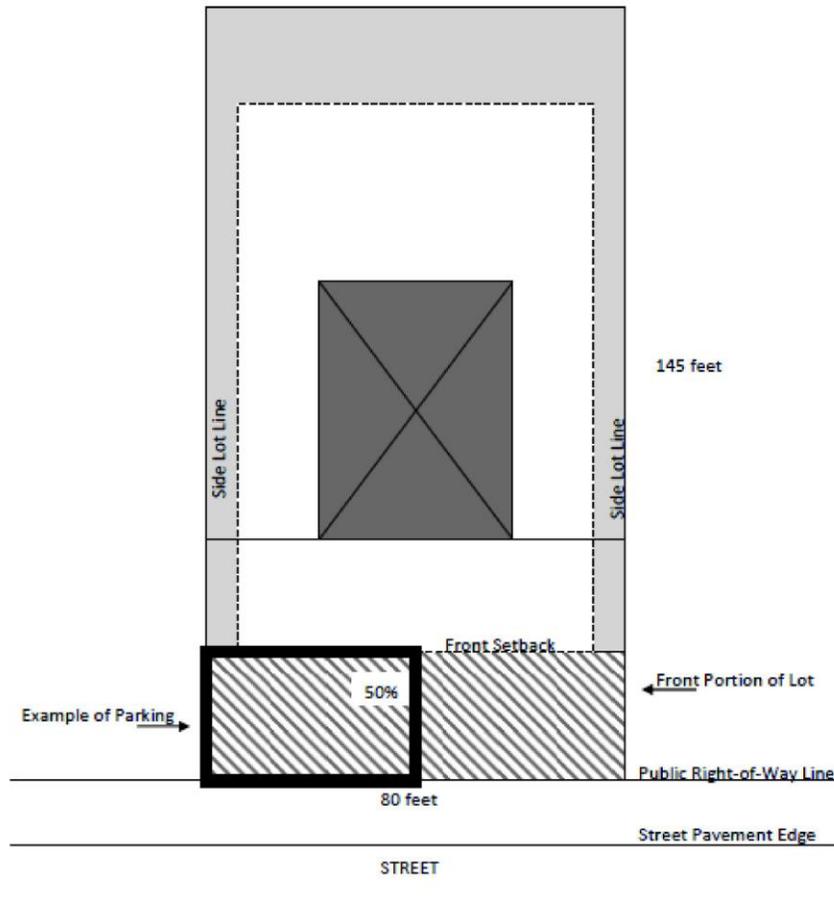
C. ~~Dimensions~~, and Access, and Location.

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

1. Each off-street parking space for automobiles shall have an area of not less than nine (9) feet by twenty (20) feet and each stall shall be striped. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses. Single-family residential and townhouses are not required to stripe parking spaces.
2. For properties located within the area described as "Area V" in the Southside Area Neighborhood Plan, an amendment of the City's Comprehensive Plan (Ordinance No. 2012-3442), a new single-family structure may locate its parking, including both required and additional parking in the areas described below:
 - a. Anywhere on the lot behind the structure with no limit on the size of the area;
 - b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
 - c. An area located in front of the structure not to exceed a size equivalent to fifty (50) percent of the front portion of the property. The front portion of the property is the area of the lot within the side lot lines, the front setback, and the public right-of-way line (see graphic below). The square footage of parking allowed by this calculation may be located within or

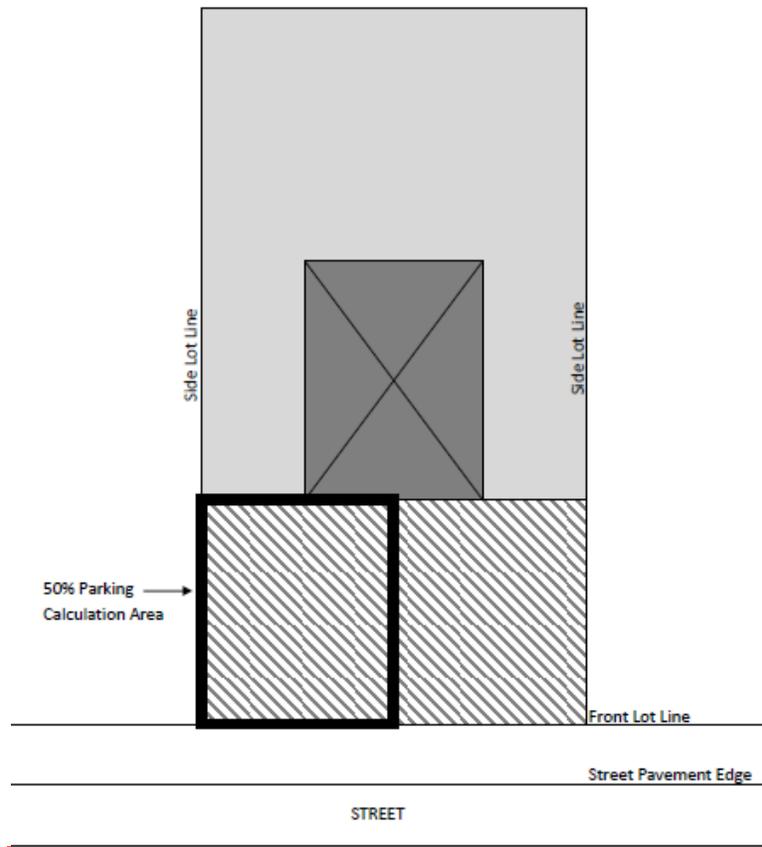
outside the boundary of the area used for calculations (see graphic below). The portion of the driveway located between the front property line and the structure shall be included in the maximum parking area square footage.

AREA V – ALLOWABLE LOCATION FOR PARKING



3. For all single-family and townhouse uses, at the time of construction, reconstruction, or addition to the number of existing bedrooms, parking shall be located in the areas described below:
 - a. Anywhere on the lot behind the structure with no limit on the size of the area. Parking located behind the structure shall be screened by a solid hedge wall, fence, or wall, at least six (6) feet in height. All solid hedge walls shall be one-hundred (100) percent opaque. All shrubs planted for a hedge wall shall be a minimum of 15 gallons each and evergreen;
 - b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
 - c. Any area located in front of the primary structure not to exceed a size equivalent to fifty (50) percent of the front area. The front area is defined as the area of the lot within the side lot lines, the front plane of the primary structure and the public right-of-way (see graphic below). The driveway area shall be included in this calculation.

SINGLE-FAMILY AND TOWNHOUSE USES – ALLOWABLE LOCATION FOR PARKING



4. When existing single-family and townhouse parking is expanded in front of the structure, it shall not exceed a size equivalent to fifty (50) percent of the front area as described above.
5. An eighteen-foot paved space (ninety-degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen-foot space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six (6) feet. This standard shall also apply to off-street parking for single-family residential, duplexes, and townhouses.
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. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
8. 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.
9. 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.
10. Parking lots located within fifteen (15) feet of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot landscaped island. All

parking lots and drive aisles shall be setback a minimum of six (6) feet from any public right-of-way.

11. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
12. 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.

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, visitor parking areas for single-family and townhouse uses, and parcels used for open-air sales lots shall be developed and maintained in accordance with the requirements in this Section and as described in the City of College Station Site Design Standards.

G. Surfacing.

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

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 (1) 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	

Use	Unit	Spaces/ Unit	Plus Spaces For:
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As determined by the Administrator		
Gasoline and Fuel Service	300	1.0	
Group Housing	BR	2.0	As determined by the Administrator
Health Studio	150 s.f.	1.0	
Hospital	As determined by the Administrator		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	1.0	
Motor Vehicle Sales/Service	250 s.f.	1.0	
Office/Sales Area	200 s.f.	1.0	
Service Area			
Medical or Dental Clinic < 20,000 s.f.	200 s.f.	1.0	
Multi-Family Dwelling:			

1 Bedroom	BR	1.5	
2 Bedroom	BR	1.5	
Use	Unit	Spaces/ Unit	Plus Spa ces For:
(ea. BR <130 s.f.) 2 Bedroom	BR	1.25	
3 Bedroom	BR	1.0	
Night Club	50 s.f.	1.0	
Office Building	250 s.f.	1.0	
Personal Service Shop	250 s.f.	1.0	
Priv. School or Comm. Studio	100 s.f.	1.0	
Retail Sales & Service: C <u>4GC</u>	250 s.f.	1.0	
C-2C1	350 s.f.	1.0	
C-3	250 s.f.	1.0	
Restaurant (w/o drive- through)	65 s.f.	1.0	
Restaurant (w/drive- through)	100 s.f.	1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	1.0	
Single-Family Dwelling	BR***DU	<u>1.0*** (minimum of 2 with no more than 4 total spaces</u>	

		<u>required)</u>	
Shopping Center** GC	250 s.f.	1.0	
Use	Unit	Spaces/ Unit	Plus Spaces For:
CI	350 s.f.	1.0	
C-3	250 s.f.	1.0	
SC	250 s.f.	1.0	
Townhouse	BR***DU	<u>1.0*** (minimum of 2 with no more than 4 total spaces required)2.0</u>	
Theater	Seat	0.25	
Truck Terminal	As determined by the Administrator		
Veterinary Clinic	300 s.f.	1.0	
Warehouse	1,000 s.f.	1.0	

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

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

** No more than twenty-five (25) percent of any shopping center square footage shall be utilized for intense uses (uses that, individually, have a parking requirement greater than 1:250 in C-1 or C-3 and 1:350 in C-2) unless additional parking is provided in accordance with the above requirements for that square footage of such uses in excess of twenty-five (25) percent.

~~*** For properties located within "Area V" of the Southside Area Neighborhood Plan, an amendment of the Comprehensive Plan (Ordinance No. 2012-3442). All single-family and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed, shall come into compliance with the minimum off-street parking requirements. Garages that meet minimum dimensional standards may be counted towards parking requirements.~~

EXHIBIT “D”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7 “GENERAL DEVELOPMENT STANDARDS” SECTION 7.4 “ACCESS MANAGEMENT AND CIRCULATION”, SECTIONS B “ EASEMENTS” AND SECTION C “DRIVEWAY ACCESS LOCATION AND DESIGN” ARE HEREBY AMENDED TO READ AS FOLLOWS:

Article 7. General Development Standards

Sec. 12-7.4. Access Management and Circulation.

B. Easements.

1. Street Access.

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

a. Local Streets.

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

b. Minor Collector Streets.

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

c. Major Collector Streets.

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

d. Arterial Streets.

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

e. Shared Driveways.

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

C. Driveway Access Location and Design.

1. General.

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

EXHIBIT “E”

THAT CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 8 “SUBDIVISION DESIGN AND IMPROVEMENTS” SECTION 8.3 “GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS”, SECTION V “PRIVATE STREETS AND GATING OF ROADWAYS” IS HEREBY AMENDED AND BY ADDING SECTION W “SINGLE-FAMILY RESIDENTIAL PARKING REQUIREMENTS FOR PLATTING” IS TO READ AS FOLLOWS:

Article 8. Subdivision Design and Improvements

Sec. 12-8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

V. Private Streets and Gating of Roadways.

1. General Requirements.

The following applies to platting of roadways:

- a. Gating of a public roadway is prohibited.
- b. Streets required to meet block length, block perimeter, or street projection requirements shall not be private or gated.
- c. Private driveways are considered public roadways for the purpose of gating requirements herein.
- d. Vehicular access shall be provided on all private and public roadways at all times for police, fire, City inspection, mail delivery, garbage pickup, dial-a-rides, utility, school buses, and other health and safety related vehicles. Access must not require drivers to exit their vehicle.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the City's Thoroughfare Plan. A private street may not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian and Greenways Master Plan.
- f. The gate design and implementation shall be such that it does not pose a threat to public health, safety and welfare as determined by the City.
- g. Private streets must meet the requirements listed in Single-family Residential Parking Requirements for Platting.

W. Single-Family Residential Parking Requirements for Platting.

1. Purpose.

The purpose of this Section is to establish requirements for new single-family and townhouse parking to aid in reducing neighborhood parking problems and maintain certainty of access for emergency vehicles.

2. General Requirements.

This Section applies to all new single family and townhouse subdivisions.

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

- b. Subdivisions may utilize multiple Residential Parking Options so long as each phase meets requirements and all options are listed on the plat.
- c. Replats, Amending Plats, Vacating Plats, and Development Plats are exempt from this section.

3. Residential Parking Options.

In order to provide adequate access for emergency vehicles, new single-family and townhouse subdivisions shall provide one option from the following:

a. Wide Streets

- 1) Pavement width shall be a minimum of thirty-two (32) feet, up to a maximum of thirty-eight (38) feet.
- 2) In order to minimize adverse traffic impacts on residential neighborhoods, subdivisions which choose to incorporate wide streets shall also incorporate one measure from the Neighborhood Traffic Calming Toolbox adopted December 14, 2000. Traffic calming proposals must be approved in accordance with City regulations.

b. Narrow Streets

- 1) Pavement width shall be a minimum of twenty-two (22) feet, up to a maximum of twenty-four (24) feet.
- 2) No parking shall be allowed on Narrow Streets with a pavement width of twenty-two (22) feet. Parking may be allowed on one side of the street where pavement width is twenty-four (24) feet.
- 3) Narrow streets must meet fire service standards as described in the City of College Station Site Design Standards.
- 4) In order to provide adequate parking in residential neighborhoods, subdivisions which choose to incorporate narrow streets shall incorporate additional parking spaces through the provisions of visitor alley-fed parking areas or visitor parking areas. See additional requirements for visitor alley-fed off-street parking and visitor parking areas below.
- 5) All No Parking signs shall be placed along both sides of the street to ensure adequate emergency access. The edge of the sign shall be a minimum distance of two (2) feet from the face of the curb. Signs should be spaced two hundred (200) feet apart and placed at property lines. The developer shall provide and install, at no cost to the City, all No Parking signs and associated poles and hardware.

c. Parking Removal with Platting

- 1) Parking may only be removed on one or both sides of a street upon the City Council approving an ordinance removing parking from the street.
- 2) All No Parking areas shall be depicted on the Preliminary Plan.
- 3) All No Parking signs shall be placed along both sides of the street to ensure adequate emergency access. The developer shall provide and install, at no cost to the City, all No Parking signs and associated poles and hardware.
- 4) In order to provide adequate parking in residential neighborhoods, subdivisions which choose to incorporate parking removal with platting shall incorporate additional parking spaces through the provisions of visitor alley-fed parking areas or visitor parking areas. See additional requirements for visitor alley-fed off-street parking and visitor parking areas below.

d. Visitor Alley-Fed Off-Street Parking

- 1) Visitor ally-fed off-street parking spaces shall be provided at a rate of one (1) parking space per four (4) dwelling units. Visitor alley-fed off-street parking shall be in addition to minimum off-street parking requirements.
- 2) Refer to Alleys Section for additional requirements.

e. Wide Lot Frontages

- 1) All lot widths shall be a minimum of seventy (70) feet, as measured at the front setback.

f. Visitor Parking Areas

- 1) Visitor parking shall:
 - a) be provided at a rate of one (1) parking space per four (4) dwelling units,
 - b) meet requirements of Off-Street Parking Standards and Access Management and Circulation sections, except requirements of Alternative Parking Plans,
 - c) be developed at the same time as public infrastructure,
 - d) be located no farther than five hundred (500) feet from the lot it is meant to serve. This distance shall be measured by a walkable route,
 - e) be located in a common area and maintained by a Homeowners Association,
 - f) be designed to prohibit backing maneuvers onto public streets classified as collector or above.
 - g) not be counted towards common open space requirements for Cluster Developments.
- 2) Visitor parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen.
- 3) Visitor parking areas may be constructed of permeable surfaces as allowed in the Off-Street Parking Standards.
4. Private parking constructed for the use of subdivision amenities, such as a community pool, may be counted toward Visitor Parking if it meets all other requirements listed above. Permeable materials shall not be allowed for private parking areas surfaces.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 “UNIFIED DEVELOPMENT ORDINANCE”, SECTION 3.4(C)(3)(A) “PLAT REVIEW, APPLICATION REQUIREMENTS, PRELIMINARY PLANS”; SECTION 3.4(C)(3)(B) “PLAT REVIEW, APPLICATION REQUIREMENTS, FINAL PLATS AND OTHER PLATS TO BE RECORDED”; SECTION 7.3(B) “OFF-STREET PARKING STANDARDS, OFF-STREET PARKING SPACES REQUIRED”; SECTION 7.3(C) “OFF-STREET PARKING STANDARDS, DIMENSIONS, ACCESS, AND LOCATION”; SECTION 7.3(F) “OFF-STREET PARKING STANDARDS, REQUIREMENTS APPLY TO ALL PARKING AREAS”; SECTION 7.3(G) “OFF-STREET PARKING STANDARDS, SURFACING”; SECTION 7.3(I) “OFF-STREET PARKING STANDARDS, NUMBER OF OFF-STREET PARKING REQUIRED”; SECTION 7.4(B) “ACCESS MANAGEMENT AND CIRCULATION, EASEMENTS”; SECTION 7.4(C) “ACCESS MANAGEMENT AND CIRCULATION, DRIVEWAY ACCESS LOCATION AND DESIGN”; AND SECTION 8.3 “GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12 “Unified Development Ordinance”, Section 3.4(C)(3)(a) “Plat Review, Application Requirements, Preliminary Plans”; Section 3.4(C)(3)(b) “Plat Review, Application Requirements, Final Plats and Other Plats to be Recorded”; Section 7.3(B) “Off-Street Parking Standards, Off-Street Parking Spaces Required”; Section 7.3(C) “Off-Street Parking Standards, Dimensions, Access, and Location”; Section 7.3(F) “Off-Street Parking Requirements, Requirements Apply to All Parking Areas”; Section 7.3(G) “Off-Street Parking Requirements, Surfacing”; Section 7.3(I) “Off-Street Parking Requirements, Number of Off-Street Parking Required”; Section 7.4(B) “Access Management and Circulation, Easements”; Section 7.4(C) “Access Management and Circulation, Driveway Access Location and Design”; and Section 8.3 “General Requirements and Minimum Standards of Design for Subdivisions Within the City Limits,” of the Code of Ordinances of the City of College Station, Texas, are amended as set out in **Exhibit “A”, Exhibit “B”, Exhibit “C”, Exhibit “D” and Exhibit “E”** 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) or 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.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

City Attorney

EXHIBIT "A"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 3 "DEVELOPMENT REVIEW PROCEDURES" SECTION 3.4(C)(3) "PLAT REVIEW, APPLICATION REQUIREMENTS" SUBSECTION (A) "PRELIMINARY PLANS" IS HEREBY AMENDED TO ADD ITEM NUMBER (23) TO READ AS FOLLOWS:

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

- a. **Preliminary Plans.**

When submitting preliminary plans, the following information is required:

- 23) Provide a note on the Preliminary Plan to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable;

EXHIBIT "B"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 3 "DEVELOPMENT REVIEW PROCEDURES" SECTION 3.4(C)(3) "PLAT REVIEW, APPLICATION REQUIREMENTS" SUBSECTION (B) "FINAL PLATS AND OTHER PLATS TO BE RECORDED" IS HEREBY AMENDED TO ADD ITEM NUMBER (20) TO READ AS FOLLOWS:

Sec. 12-3.4. Plat Review.

C. Application Requirements.

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

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

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

- 20) Provide a note on the Final Plat to identify the Residential Parking Option chosen from the Single-Family Residential Parking Requirements for Platting when applicable;

EXHIBIT "C"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.3 "OFF STREET PARKING STANDARDS", SECTIONS (B), (C), (F), (G), AND (I) ARE HEREBY AMENDED TO READ AS FOLLOWS:

Article 7. General Development Standards

Sec. 12-7.3. Off-Street Parking Standards.

B. Off-Street Parking Spaces Required.

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

Exception:

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

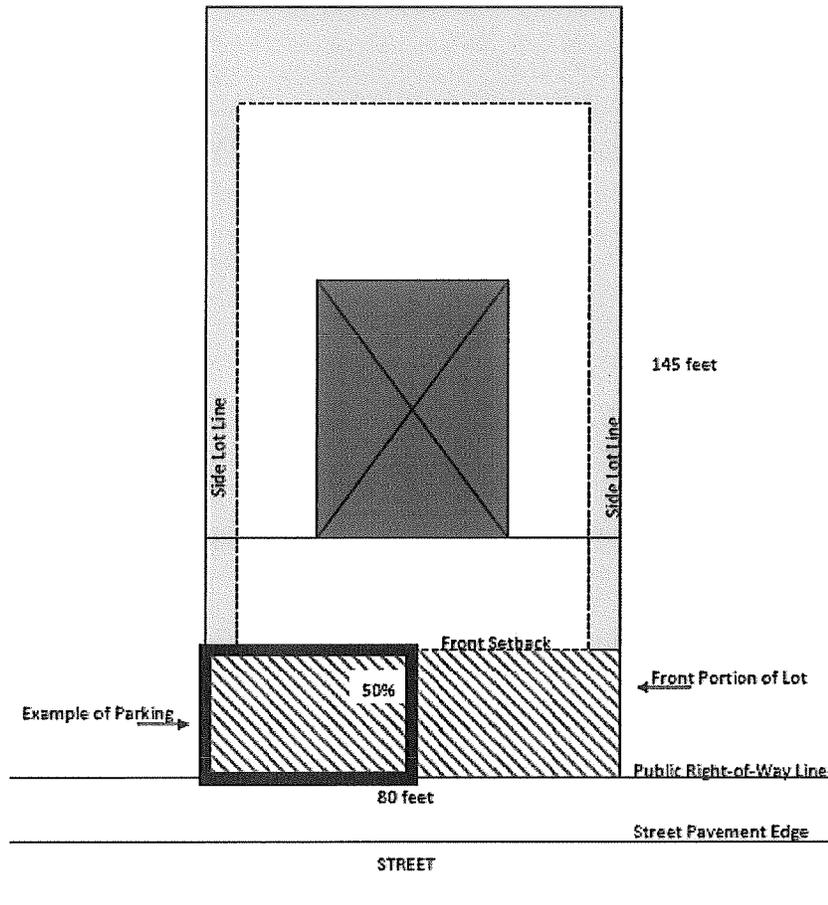
C. Dimensions, Access, and Location.

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

1. Each off-street parking space for automobiles shall have an area of not less than nine (9) feet by twenty (20) feet and each stall shall be striped. This standard shall apply for off-street parking for all uses including single-family residential, duplexes, and townhouses. Single-family residential and townhouses are not required to stripe parking spaces.
2. For properties located within the area described as "Area V" in the Southside Area Neighborhood Plan, an amendment of the City's Comprehensive Plan (Ordinance No. 2012-3442), a new single-family structure may locate its parking, including both required and additional parking in the areas described below:
 - a. Anywhere on the lot behind the structure with no limit on the size of the area;
 - b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
 - c. An area located in front of the structure not to exceed a size equivalent to fifty (50) percent of the front portion of the property. The front portion of the property is the area of the lot within the side lot lines, the front setback, and the public right-of-way line (see graphic below). The square footage of parking allowed by this calculation may be located within or

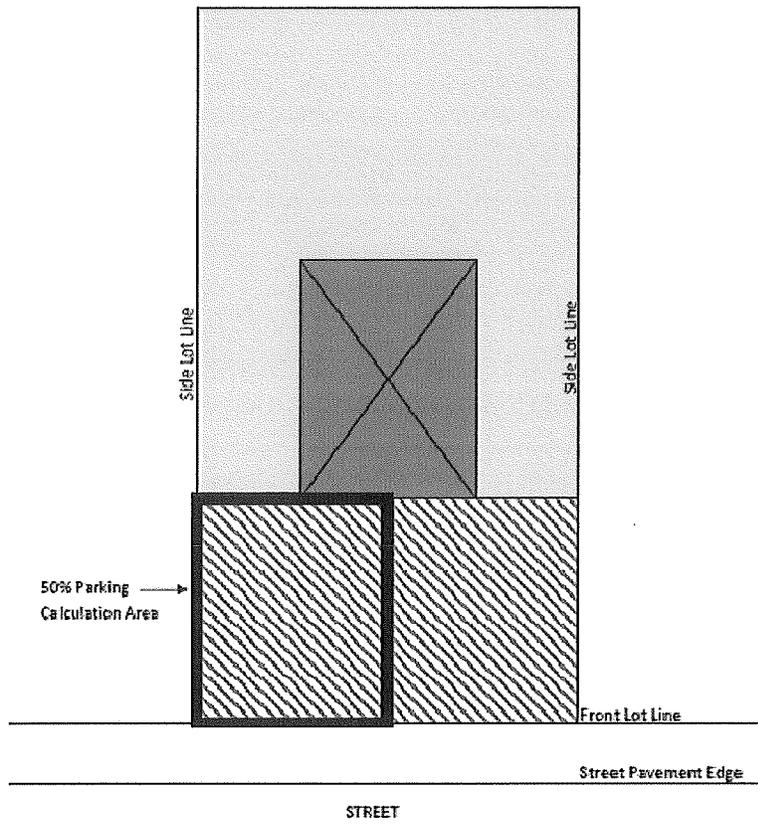
outside the boundary of the area used for calculations (see graphic below). The portion of the driveway located between the front property line and the structure shall be included in the maximum parking area square footage.

AREA V – ALLOWABLE LOCATION FOR PARKING



3. For all detached single-family uses, at the time of construction, reconstruction, or addition to the number of existing bedrooms, parking shall be located in the areas described below:
 - a. Anywhere on the lot behind the structure with no limit on the size of the area. Parking located behind the structure shall be screened by a solid hedge wall, fence, or wall, at least six (6) feet in height. All solid hedge walls shall be one-hundred (100) percent opaque. All shrubs planted for a hedge wall shall be a minimum of 15 gallons each and evergreen;
 - b. Anywhere in the side yards of the lot with no limit on the size of the area; and,
 - c. Any area located in front of the primary structure not to exceed a size equivalent to fifty (50) percent of the front area. The front area is defined as the area of the lot within the side lot lines, the front plane of the primary structure and the public right-of-way (see graphic below). The driveway area shall be included in this calculation.

DETACHED SINGLE-FAMILY USES – ALLOWABLE LOCATION FOR PARKING



4. When existing detached single-family parking is expanded in front of the structure, it shall not exceed a size equivalent to fifty (50) percent of the front area as described above.
5. An eighteen-foot paved space (ninety-degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four (4) feet. An eighteen-foot space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six (6) feet. This standard shall also apply to off-street parking for single-family residential, duplexes, and townhouses.
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. Each parking space intended for use by the handicapped shall be designed in accordance with the standards of the Texas Architectural Barriers Act (TABAA) administered by the Texas Department of License and Regulation.
8. 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.
9. 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.
10. Parking lots located within fifteen (15) feet of a public right-of-way shall have a maximum of seven (7) contiguous spaces separated by an eighteen- by twenty-foot landscaped island. All parking lots and drive aisles shall be setback a minimum of six (6) feet from any public right-of-way.

11. Parking is discouraged along entrance drives and should be limited on major circulation aisles of large developments and major retail centers.
12. 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.

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, visitor parking areas for single-family and townhouse uses, and parcels used for open-air sales lots shall be developed and maintained in accordance with the requirements in this Section and as described in the City of College Station Site Design Standards.

G. Surfacing.

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

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 (1) 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	

Use	Unit	Spaces/ Unit	Plus Spaces For:
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As determined by the Administrator		
Gasoline and Fuel Service	300	1.0	
Group Housing	BR	2.0	As determined by the Administrator
Health Studio	150 s.f.	1.0	
Hospital	As determined by the Administrator		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	1.0	
Motor Vehicle Sales/Service	250 s.f.	1.0	
Office/Sales Area	200 s.f.	1.0	
Service Area			
Medical or Dental Clinic < 20,000 s.f.	200 s.f.	1.0	
Multi-Family Dwelling:			

1 Bedroom	BR	1.5	
2 Bedroom	BR	1.5	
Use	Unit	Spaces/ Unit	Plus Spa ces For:
(ea. BR <130 s.f.) 2 Bedroom	BR	1.25	
3 Bedroom	BR	1.0	
Night Club	50 s.f.	1.0	
Office Building	250 s.f.	1.0	
Personal Service Shop	250 s.f.	1.0	
Priv. School or Comm. Studio	100 s.f.	1.0	
Retail Sales & Service: GC	250 s.f.	1.0	
CI	350 s.f.	1.0	
C-3	250 s.f.	1.0	
Restaurant (w/o drive- through)	65 s.f.	1.0	
Restaurant (w/drive- through)	100 s.f.	1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	1.0	
Single-Family Dwelling	BR***	1.0*** (minimum of 2 with no more than 4 total spaces	

		required per dwelling)	
Shopping Center***: GC	250 s.f.	1.0	
Use	Unit	Spaces/ Unit	Plus Spaces For:
CI	350 s.f.	1.0	
C-3	250 s.f.	1.0	
SC	250 s.f.	1.0	
Townhouse	BR***	1.0*** (minimum of 2 with no more than 4 total spaces required per dwelling)	
Theater	Seat	0.25	
Truck Terminal	As determined by the Administrator		
Veterinary Clinic	300 s.f.	1.0	
Warehouse	1,000 s.f.	1.0	

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

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

** No more than twenty-five (25) percent of any shopping center square footage shall be utilized for intense uses (uses that, individually, have a parking requirement greater than 1:250 in C-1 or C-3 and 1:350 in C-2) unless additional parking is provided in accordance with the above requirements for that square footage of such uses in excess of twenty-five (25) percent.

*** All single-family and townhouse uses, at the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed, shall come into compliance with the minimum off-street parking requirements. Garages that meet minimum dimensional standards may be counted towards parking requirements.

EXHIBIT "D"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 7 "GENERAL DEVELOPMENT STANDARDS" SECTION 7.4(B) "ACCESS MANAGEMENT AND CIRCULATION, EASEMENTS" AND SECTION 7.4(C) "DRIVEWAY ACCESS LOCATION AND DESIGN" ARE HEREBY AMENDED TO READ AS FOLLOWS:

Article 7. General Development Standards

Sec. 12-7.4. Access Management and Circulation.

B. Easements.

1. Street Access.

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

a. Local Streets.

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

b. Minor Collector Streets.

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

c. Major Collector Streets.

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

d. Arterial Streets.

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

e. Shared Driveways.

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

C. Driveway Access Location and Design.

1. General.

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

EXHIBIT "E"

THAT CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 8 "SUBDIVISION DESIGN AND IMPROVEMENTS" SECTION 8.3 "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS", IS HEREBY AMENDED BY ADDING SECTION (W) "SINGLE-FAMILY RESIDENTIAL PARKING REQUIREMENTS FOR PLATTING" TO READ AS FOLLOWS:

Article 8. Subdivision Design and Improvements

Sec. 12-8.3. General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

V. Private Streets and Gating of Roadways.

1. General Requirements.

The following applies to platting of roadways:

- a. Gating of a public roadway is prohibited.
- b. Streets required to meet block length, block perimeter, or street projection requirements shall not be private or gated.
- c. Private driveways are considered public roadways for the purpose of gating requirements herein.
- d. Vehicular access shall be provided on all private and public roadways at all times for police, fire, City inspection, mail delivery, garbage pickup, dial-a-rides, utility, school buses, and other health and safety related vehicles. Access must not require drivers to exit their vehicle.
- e. A private street may not cross an existing or proposed public thoroughfare as shown on the City's Thoroughfare Plan. A private street may not disrupt or cross an existing or proposed public park or pedestrian pathway as shown on the Bicycle, Pedestrian and Greenways Master Plan.
- f. The gate design and implementation shall be such that it does not pose a threat to public health, safety and welfare as determined by the City.
- g. Private streets must meet the requirements listed in Single-family Residential Parking Requirements for Platting.

W. Single-Family Residential Parking Requirements for Platting.

1. Purpose.

The purpose of this Section is to establish requirements for new single-family and townhouse parking to aid in reducing neighborhood parking problems and maintain certainty of access for emergency vehicles.

2. General Requirements.

This Section applies to all new single family and townhouse subdivisions.

- a. Each phase of a multi-phase project shall comply with this Section.
- b. Subdivisions may utilize multiple Residential Parking Options so long as each phase meets requirements and all options are listed on the plat.

- c. Replats, Amending Plats, Vacating Plats, and Development Plats are exempt from this section.

3. Residential Parking Options.

In order to provide adequate access for emergency vehicles, new single-family and townhouse subdivisions shall provide one option from the following:

a. Wide Streets

- 1) Pavement width shall be a minimum of thirty-two (32) feet, up to a maximum of thirty-eight (38) feet.
- 2) In order to minimize adverse traffic impacts on residential neighborhoods, subdivisions which choose to incorporate wide streets shall also incorporate one measure from the Neighborhood Traffic Calming Toolbox adopted December 14, 2000. Traffic calming proposals must be approved in accordance with City regulations.

b. Narrow Streets

- 1) Pavement width shall be a minimum of twenty-two (22) feet, up to a maximum of twenty-four (24) feet.
- 2) No parking shall be allowed on Narrow Streets with a pavement width of twenty-two (22) feet. Parking may be allowed on one side of the street where pavement width is twenty-four (24) feet.
- 3) Narrow streets must meet fire service standards as described in the City of College Station Site Design Standards.
- 4) In order to provide adequate parking in residential neighborhoods, subdivisions which choose to incorporate narrow streets shall incorporate additional parking spaces through the provisions of visitor alley-fed parking areas or visitor parking areas. See additional requirements for visitor alley-fed off-street parking and visitor parking areas below.
- 5) All No Parking signs shall be placed along the street to ensure adequate emergency access. The developer shall provide and install, at no cost to the City, all No Parking signs and associated poles and hardware.

c. Parking Removal with Platting

- 1) Parking only may be removed on one or both sides of a street upon the City Council approving an ordinance removing parking from the street.
- 2) All No Parking areas shall be depicted on the Preliminary Plan.
- 3) All No Parking signs shall be placed along the street to ensure adequate emergency access. The developer shall provide and install, at no cost to the City, all No Parking signs and associated poles and hardware.
- 4) In order to provide adequate parking in residential neighborhoods, subdivisions which choose to incorporate parking removal with platting shall incorporate additional parking spaces through the provisions of visitor alley-fed parking areas or visitor parking areas. See additional requirements for visitor alley-fed off-street parking and visitor parking areas below.

d. Visitor Alley-Fed Off-Street Parking

- 1) Visitor ally-fed off-street parking spaces shall be provided at a rate of one (1) parking space per four (4) dwelling units. Visitor alley-fed off-street parking shall be in addition to minimum off-street parking requirements.

- 2) Refer to Alleys Section for additional requirements.

e. Wide Lot Frontages

- 1) All lot widths shall be a minimum of seventy (70) feet, as measured at the front setback.

f. Visitor Parking Areas

- 1) Visitor parking shall:
 - a) be provided at a rate of one (1) parking space per four (4) dwelling units,
 - b) meet requirements of Off-Street Parking Standards and Access Management and Circulation sections, except requirements of Alternative Parking Plans,
 - c) be developed at the same time as public infrastructure,
 - d) be located no farther than five hundred (500) feet from the lot it is meant to serve. This distance shall be measured by a walkable route,
 - e) be located in a common area and maintained by a Homeowners Association,
 - f) be designed to prohibit backing maneuvers onto public streets classified as collector or above.
 - g) not be counted towards common open space requirements for Cluster Developments.
 - 2) Visitor parking areas adjacent to a right-of-way shall be screened from the right-of-way. Screening is required along one hundred (100) percent of the street frontage (such as ten (10) shrubs for every thirty (30) linear feet of frontage), with the exception of areas within the visibility triangle. Screening may be accomplished using plantings, berms, structural elements, or combinations thereof, and must be a minimum of three (3) feet above the parking lot pavement elevation. Walls and planting strips shall be located at least two (2) feet from any parking area. Where the street and the adjacent site are at different elevations, the Administrator may alter the height of the screening to ensure adequate screening. Fifty (50) percent of all shrubs used for screening shall be evergreen.
 - 3) Visitor parking areas may be constructed of permeable surfaces as allowed in the Off-Street Parking Standards.
4. Private parking constructed for the use of subdivision amenities, such as a community pool, may be counted toward Visitor Parking if it meets all other requirements listed above. Permeable materials shall not be allowed for private parking areas surfaces.

September 12, 2013
Regular Agenda Item No. 6
Fiscal Year 2013 - 2014 Budget Adoption

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2013-2014 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.

Recommendation(s): Staff recommends the City Council approve the ordinance adopting the proposed 2013-2014 budget with any changes the Council wishes to include. A summary of changes the City Council has discussed will be presented to the Council for consideration.

Staff also recommends the City Council ratify the property tax revenue increase reflected in the budget.

Summary: There are two actions in this agenda item.

First is the consideration of the 2013 - 2014 proposed budget. The City Council received the proposed budget on August 8th, 2013 and held budget workshops on August 19th, August 20th, and August 21st. The City Council held a public hearing on the proposed budget on August 22nd. The charter requires that the City Council adopt a budget no later than September 27th.

The City Council will need to include any proposed revisions to the budget in the motion to adopt the budget.

The second action is ratification of the property tax revenue increase reflected in the budget. This action is required due to recently enacted legislation. House Bill 3195 amends the local government code to say the following:

"(c) Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate as required by Chapter 26, Tax Code, or other law."

The proposed budget will result in additional property tax revenues over last year totaling \$789,148 or 3.33%. This is additional tax revenue to be raised from new property added to the tax roll this year.

The proposed tax rate is \$0.425958 per \$100 assessed valuation which is the effective tax rate.

Budgetary and Financial Summary: The following is an overall summary of the proposed budget.

Subtotal Operation and Maintenance:	\$215,769,002
Subtotal Capital:	<u>39,639,259</u>
Total Proposed Budget:	\$255,408,261

Attachments:

1. FY 14 Budget Ordinance with Attachment A

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE 2013-14 FISCAL YEAR AND AUTHORIZING EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, a proposed budget for the fiscal year October 1, 2013, to September 30, 2014, 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, notice of said hearing having first been duly given; and

WHEREAS, the City Council has reviewed and amended the proposed budget and changes as approved by the City Council have been identified and their effect included in the budget; now therefore,

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

- 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.
- PART 2:** That authorization is hereby granted for the expenditure of the same under the respective items contained in said budget with the approved fiscal and budgetary policy statements of the City.
- PART 3:** That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby authorized to approve and execute contracts and documents authorizing the payment of funds and to expend public funds for expenditures that are \$50,000 or less; to approve and execute change orders authorizing the expenditure of funds pursuant to the TEXAS LOCAL GOVERNMENT CODE or as provided in the original contract document. The intent of this section is to provide the ability to conduct daily affairs of the City which involve numerous decisions of a routine nature.
- PART 4:** That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby, authorized to provide for transfers of any unexpended or unencumbered appropriation balance within each of the various departments in the General Fund and within any other fund of the City and to authorize transfers of Contingent Appropriations within a fund up to an amount equal to expenditures that are \$15,000 or less.

PART 5: That the City Council hereby approves the funding and the purchases that are made pursuant to interlocal agreements as provided by CHAPTER 271, SUBCHAPTERS (D) AND (F) of the TEXAS LOCAL GOVERNMENT CODE in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to approve and execute contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and appropriated in this budget for new and replacement equipment as set out in the 2013-14 Fiscal Year Equipment Replacement Fund, and technology related hardware and software as set out in Attachment "A" to this Ordinance.

PART 6: That this ordinance shall become effective immediately after passage and approval.

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

City Attorney

Attachment "A"

Potential Technology Purchases made through a variety of Cooperative Purchasing Interlocal agreements as provided by Chapter 271, Subcaptors (D) and (F) of the Texas Local Government Code.

ITEM	Quantity	Estimated Unit Cost	Projected Total
Scheduled Replacement/Repair/Additions			
Replacement PCs	120	950	114,000
Replacement Monitors	50	145	7,250
Replacement Printers	27	650	17,550
Replacement Laptops	35	800	28,000
Replacement Copiers			20,000
Replacement Scanners			8,000
Printer replacement Parts			5,000
PC Replacement Parts (Video Cards, Hard Drive & Memory)			7,000
Replace virtual servers	1	15,000	15,000
Replace single server	3	7,000	21,000
Server replacement parts			10,000
Server OS replacement/upgrade			7,000
Replacement UPS battery/units			65,000
Estimated Additional Desktop Software			35,000
Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition, Microsoft Publisher, Windows 7/8, Frontpage, Project, Visio, Vstudio.net, AutoCAD, Crystal, Corel Draw, Cognos, Novell ZenWorks and Asset Management			
Computer Network Maint and Equipment Replacement			30,000
Motorola Radio Repair/Replacement			32,000
Telephone Repair/Replacement			25,000
Fiber ring expansion			50,000
Communications Infrastructure Improvements - Wastewater			30,000
Fiber to Lift Stations -Wastewater			64,000
Dowling Road High Service Improvements - Wastewater			388,250
Sandy Point Cooling Tower Expansion - Wastewater			76,000
Professional Services - Wastewater			14,400
Public Safety Toughbook Replacement			250,847
ECitations and printer Replacement			103,133
Subtotal - Scheduled Replacement			1,423,430
Service Level Adjustments			
SLA - new position equipment	10	2,104	21,040
includes desktop pc, extended warranty, network card, added memory, monitor, laptop, printer, standard software, additional phones and radios			
SLA - Brazos Valley Wide Area Communication System (BVWACS)			\$210,732
Capital Infrastructure Improvements			\$73,480
SLA - Microsoft Office Suite Upgrade			\$145,000
SLA- Storage Hardware			\$250,000
Subtotal - Service Level Adjustments			700,252

Attachment "A"

Potential Technology Purchases made through a variety of Cooperative Purchasing Interlocal agreements as provided by Chapter 271, Subcaptors (D) and (F) of the Texas Local Government Code.

ITEM	Quantity	Estimated Unit Cost	Projected Total
Unscheduled Replacements/Additions			
Estimated Additional PC setups not identified specifically in budget includes but not limited to: Monitor, network card, extended warranty, added memory	14	1,500	21,000
Estimated Standard Desktop Software not identified specifically in budget Includes but not limited to: Microsoft Office , Trend, Microsoft Windows client access license, Novell ZenWorks	14	604	8,456
Estimated Additional Desktop Software Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition Microsoft Publisher, Windows 7 Frontpage, Project, Visio, Vstudio.net AutoCAD, ESRI ArcGIS, Crystal Corel Draw, Cognos			15,000
Estimated Additional Printers/Plotters			20,000
Estimated Memory upgrades includes: desktop pcs, printers laptops			3,000
Estimated PC misc parts includes: CD Burners, harddrives modems, network cards, DVD Burner mice, network cables			10,000
Estimated Monitor upgrades includes: Flat Panel and larger than 19" monitor			15,000
Estimated Additional Scanners	10	1,500	15,000
Estimated Additional Laptops/Toughbooks	12	4,000	48,000
Estimated Network Upgrades			20,000
Estimated Motorola Radio Repair/Replacement			15,000
Sub-Total Unscheduled Replacement/Additions			190,456
Phone System Maintenance			
Cisco_SmartNet Maintenance			50,000
Subtotal - Phone System Maintenance			50,000

Attachment "A"

Potential Technology Purchases made through a variety of Cooperative Purchasing Interlocal agreements as provided by Chapter 271, Subcaptors (D) and (F) of the Texas Local Government Code.

ITEM	Quantity	Estimated Unit Cost	Projected Total
Network Software on Master License Agreement (MLA)			
Microsoft Enterprise Agreement			35,000
CommVault			17,000
ZenWorks Configuration Management - 904 nodes			9,700
ZenWorks Asset Management -904 nodes			4,500
ZenWorks Patch Management - 904 nodes			8,000
Subtotal - Network Software on MLA			74,200
PC Hardware and Software Maintenance			
HP Printer Maintenance			5,000
AutoCAD			15,225
Barracuda Spam/Spyware			5,500
Siemens Access Control System			26,000
Subtotal - PC Software Maintenance			51,725
IBM Hardware and Software Maintenance			
Hardware Maintenance (2 power 7's)			2,100
Power 7 Software Subscription and Support	2		7,700
Subtotal - IBM Hardware and Software Maintenance			9,800
		Grand Total	2,499,863

September 12, 2013
Regular Agenda Item No. 7
Ad Valorem Tax Rate Adoption

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2013-2014 ad valorem tax rate of \$0.425958 per \$100 assessed valuation, the debt service portion being \$0.193053 per \$100 assessed valuation and the operations and maintenance portion being \$0.232905 per \$100 assessed valuation.

Recommendation(s): Staff recommends Council adopt the effective tax rate of \$0.425958 per \$100 assessed valuation.

Summary: On August 21st, the City Council discussed the tax rate and decided not to consider a rate higher than the effective rate of \$0.425958. As a result, no additional public hearings or notices were required. The highest tax rate the City Council can consider is the effective tax rate of \$.425958.

The tax rate must be adopted as two separate components – one for Maintenance and Operations and one for debt service.

\$0.232905	M&O
<u>\$0.193053</u>	Debt Service
\$0.425958	Total Tax Rate

The effective tax rate of \$0.425958 per \$100 assessed valuation was used to prepare the proposed budget. If the City Council adopts a tax rate lower than the effective rate, the budget will have to be amended and reduced.

Budgetary and Financial Summary: The effective tax rate of \$0.425958 per \$100 assessed valuation will generate approximately \$26.4 million. The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund.

Attachments:

1. Tax Rate Ordinance - \$0.425958 per \$100 assessed valuation

ORDINANCE NO. _____

AN ORDINANCE LEVYING THE AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF COLLEGE STATION, TEXAS, AND PROVIDING FOR THE GENERAL DEBT SERVICE FUND FOR THE YEAR 2013-14 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of College Station, Texas, and to provide General Debt Service for the 2013-14 fiscal year upon all property, real, personal and mixed within the corporate limits of said city subject to taxation, a tax of forty two and fifty-nine hundredths fifty-eight thousandths cents (\$0.425958) on each one hundred dollar (\$100.00) valuation of property, and said tax being so levied and apportioned to the specific purpose herein set forth:

1. For the maintenance and support of the general government (General Fund), twenty three and twenty-nine hundredths and five thousandths cents (\$0.232905) on each one hundred dollar (\$100.00) valuation of property; and
2. For the general obligation debt service (Debt Service Fund), nineteen and thirty hundredths and fifty-three thousandths cents (\$0.193053) on each one hundred dollars (\$100.00) valuation of property to be used for principal and interest payments on bonds and other obligations of the fund.

SECTION II. All moneys collected under this ordinance for the specific items therein named, shall be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and the Assessor and Collector of Taxes and the Chief Financial Officer shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds. It is hereby made the duty of the Tax Assessor and Collector to deliver a statement at the time of depositing any money, showing from what source such taxes were received and to what account (General Fund or General Debt Service Fund) the funds were deposited.

SECTION III. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION IV. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

*Carla A Robinson*_____
City Attorney

September 12, 2013
Regular Agenda Item No. 8
Sanitation Rate Ordinance

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion on an ordinance amending Chapter 11, Utilities" Section 5, "Solid Waste Collection Regulations", of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for commercial solid waste services by fifteen percent (15%).

Relationship to Strategic Goals:

1. Core Services and Infrastructure

Recommendation(s): Staff recommends approval of this rate ordinance.

Summary: A 15% rate increase is proposed for commercial collection services to cover the city's cost to provide this service. Increasing fuel cost is one of the main factors contributing to the need for the rate adjustment. The commercial collection rate was last increased in 2006. The monetary increase realized by each commercial customer will depend on the level of service that is provided to an individual customer. A table summarizing service levels, the existing rate, and the new rate is attached.

Budget & Financial Summary: It is estimated that the commercial collection rate increase will generate approximately \$350,000 in revenue in FY14, which is needed to provide commercial collection services. It is anticipated that an additional rate increase for commercial users will be proposed in FY15.

Reviewed and Approved by Legal: Yes

Attachments:

1. Rate Ordinance
2. Summary of Service Levels

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 11, "Utilities", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: This amendment is effective October 1, 2013.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

NANCY BERRY, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:



Carla, Robinson, City Attorney

EXHIBIT "A"

That Chapter 11, "Utilities", Section 5, "Solid Waste Collection Regulations", of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by changing subsection E, "Collection Rates" as set out hereafter to read as follows:

"E. COLLECTION RATES

(1) General Rate Provision

Solid waste collection rates are applied based on both the method and number of services provided. Except as otherwise provided in this ordinance, the charges for solid waste collection and disposal shall be assessed according to the following schedule:

- \$14.40. Each single family detached residential unit or residential units in a building with less than a total of four (4) attached residential units in a complex where each residential unit has been assigned a seventy (70) gallon automated solid waste container and provided with garbage, rubbish, brush and recycling collection once weekly.
- \$10.10 Additional monthly fee for each residential unit that has been assigned more than one seventy (70) gallon automated solid waste container. This rate shall be assessed for each additional container utilized.
- \$14.40 Each residential unit in a building with less than a total of four (4) attached residential units in a complex that has been assigned a shared 300 gallon or larger automated solid waste collection container, that has not been identified as a multi-family apartment complex by the City, and provided with twice per week garbage collection, once per week curbside recycling collection and once per week rubbish/brush collection.
- \$6.75 Each residential unit in a building with a total of four (4) or more attached residential units in a complex that has been identified as a multi-family apartment complex by the City, and is assigned a large solid waste container shared by multiple residential units for garbage collection only. Service will be provided twice weekly. Fraternities, Sororities, Privately Owned Student Dorms, and customers within a residential and mixed use location shall not be assessed this rate, and will be charged according to the variable commercial collection rates listed in paragraph (2) below.
- \$14.95 Minimum monthly charge for small businesses that jointly use a commercial-type refuse container without causing a health, sanitation or litter problem.

(2) Commercial Collection Rates

The monthly per container garbage collection and disposal charge for commercial locations shall be based on container size, number of containers utilized and frequency of collection per week.

<u>Container Size</u>	<u>Frequency of Collection</u>	<u>Monthly Rate</u>
90 Gallon Automated	1	\$16.00
	2	32.00
	3	48.00
	4	63.00
	5	78.00
	6	92.00
300/400 Gallon Automated or 2 cubic yard Non-Compactor	1	\$115.00
	2	151.00
	3	184.00
	4	217.00
	5	252.00
	6	292.00
4 cubic yard Non-Compactor	1	\$144.00
	2	191.00
	3	236.00
	4	286.00
	5	336.00
	6	379.00
8 cubic yard Non-Compactor	1	\$177.00
	2	246.00
	3	315.00
	4	382.00
	5	451.00
	6	517.00
2 cubic yard Compactor	1	\$120.00
	2	238.00
	3	358.00
	4	477.00
	5	595.00
	6	715.00
4 cubic yard Compactor	1	\$160.00
	2	322.00
	3	482.00
	4	643.00
	5	804.00
	6	965.00

6 cubic yard Compactor	1	\$216.00
	2	434.00
	3	650.00
	4	867.00
	5	1,083.00
	6	1,299.00

(3) Additional Charges

The following additional charges will be assessed and collected upon the performance of the described service or the occurrence of the described use or condition:

- \$2.75 Per cycle fee for usage of the Northgate Promenade Commercial Compactor. The minimum monthly charge as described in paragraph one above for small businesses that jointly use a commercial-type refuse container will apply until usage exceeds 5 cycles per calendar month.
- \$2.85 Daily rental fee for the use of any city-owned, 20 cubic yard roll-off container.
- \$3.05 Daily rental fee for the use of any city-owned, 30 cubic yard roll-off container.
- \$3.25 Daily rental fee for the use of any city-owned, 40 cubic yard roll-off container.
- \$4.60 Per carcass fee for 1 to 19 animal carcasses collected from a commercial veterinarian, plus a flat rate service charge of \$20.00. Flat rate service charge is waived for 20 or more animal carcasses collected at one time.
- \$11.50 Additional fee for collection service requested by customer in addition to the scheduled service on a 90 gallon container.
- \$17.25 Additional fee for any location (other than residential) where the container was blocked and the collection vehicle must return to provide service.
- \$23.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 300 gallon or 400 gallon container.
- \$28.75 Additional fee for delivery and set-up on any city-owned, roll-off container.
- \$23.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 2 cubic yard container.
- \$28.75 Additional fee for collection service requested by customer in addition to the scheduled service on a 2 cubic yard compactor.
- \$34.50 Additional fee for collection service requested by customer in addition to the scheduled service on a 4 cubic yard container.

- \$40.25 Additional fee for collection service requested by customer in addition to the scheduled service on a 4 cubic yard compactor.
- \$46.00 Additional fee for collection service requested by customer in addition to the scheduled service on an 8 cubic yard container.
- \$51.75 Additional fee for collection service requested by customer in addition to the scheduled service on a 6 cubic yard compactor.
- \$57.50 Unprepared solid waste minimum charge.
- \$133.00 All roll-off container service per load plus current per ton landfill charge."

Commercial	Rates before Increase	15% Rate Increase	Rates after Increase	Monthly Increase Amount	Number of Accounts	
Roll-off Container	116.00	0.15	133.40	17.40	47	Supermarkets/Hospitals (increase is per empty)
90 Gallon						
Frequency						
1	14.00	0.15	16.10	2.10	86	Small Single Office
2	28.00	0.15	32.20	4.20	40	
3	42.00	0.15	48.30	6.30	24	
4	55.00	0.15	63.25	8.25	17	
5	68.00	0.15	78.20	10.20	5	
6	80.00	0.15	92.00	12.00	8	
Additional 90 Collect	10.00	0.15	11.50	1.50		
Blocked 90 Return	10.00	0.15	11.50	1.50		
					180	
300 Gallon						
Frequency						
1	100.00	0.15	115.00	15.00	10	
2	131.00	0.15	150.65	19.65	10	
3	160.00	0.15	184.00	24.00	30	
4	189.00	0.15	217.35	28.35	8	
5	219.00	0.15	251.85	32.85	6	
6	254.00	0.15	292.10	38.10	8	
Additional 300 Collect	20.00	0.15	23.00	3.00		
Blocked 300 Return	20.00	0.15	23.00	3.00		
					72	
2 CY FEL						
Frequency						
1	100.00	0.15	115.00	15.00		
2	131.00	0.15	150.65	19.65		
3	160.00	0.15	184.00	24.00		
4	189.00	0.15	217.35	28.35		
5	219.00	0.15	251.85	32.85		
6	254.00	0.15	292.10	38.10		
Additional 2 CY Collect	20.00	0.15	23.00	3.00		
Blocked 2 CY Return	20.00	0.15	23.00	3.00		
					-	
4 CY FEL						
Frequency						
1	125.00	0.15	143.75	18.75	52	Med Office Complex
2	166.00	0.15	190.90	24.90	35	
3	205.00	0.15	235.75	30.75	24	
4	249.00	0.15	286.35	37.35	9	
5	292.00	0.15	335.80	43.80	6	
6	330.00	0.15	379.50	49.50	3	
Additional 4 CY Collect	30.00	0.15	34.50	4.50		
Blocked 4 CY Return	30.00	0.15	34.50	4.50		
					129	
8 CY FEL						
Frequency						

Commercial	Rates before Increase	15% Rate Increase	Rates after Increase	Monthly Increase Amount	Number of Accounts	
1	154.00	0.15	177.10	23.10	100	Large Office Complex Strip Center (shared) Restaurants
2	214.00	0.15	246.10	32.10	136	
3	274.00	0.15	315.10	41.10	158	
4	332.00	0.15	381.80	49.80	76	
5	392.00	0.15	450.80	58.80	60	
6	450.00	0.15	517.50	67.50	59	
Additional 8 CY Collect	40.00	0.15	46.00	6.00		
Blocked 8 CY Return	40.00	0.15	46.00	6.00		
					589	
Commercial Compactors						
2 CY FEL COMP						
Frequency						
1	104.00	0.15	119.60	15.60		
2	207.00	0.15	238.05	31.05		
3	311.00	0.15	357.65	46.65		
4	415.00	0.15	477.25	62.25		
5	517.00	0.15	594.55	77.55		
6	622.00	0.15	715.30	93.30		
					-	
4 CY FEL COMP						
Frequency						
1	139.00	0.15	159.85	20.85	2	
2	280.00	0.15	322.00	42.00		
3	419.00	0.15	481.85	62.85		
4	559.00	0.15	642.85	83.85		
5	699.00	0.15	803.85	104.85		
6	839.00	0.15	964.85	125.85	1	
					3	
6 CY FEL COMP						
Frequency						
1	188.00	0.15	216.20	28.20		
2	377.00	0.15	433.55	56.55	1	
3	565.00	0.15	649.75	84.75	5	McDonalds
4	754.00	0.15	867.10	113.10	3	High volume restaurant
5	942.00	0.15	1,083.30	141.30		
6	1,130.00	0.15	1,299.50	169.50	3	
					12	