

**ORDINANCE NO. 2018-3999**

**AN ORDINANCE AMENDING APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 5, “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS”, SECTION 5.3 “NON-RESIDENTIAL ZONING DISTRICTS” AND SECTION 5.4 “NON-RESIDENTIAL DIMENSIONAL STANDARDS”; ARTICLE 6, “USE REGULATIONS”, SECTION 6.3 “TYPES OF USES” AND SECTION 6.4 “SPECIFIC USE STANDARDS”; ARTICLE 7, “GENERAL DEVELOPMENT STANDARDS”, SECTION 7.2 “GENERAL PROVISIONS”, SECTION 7.3 “OFF-STREET PARKING”, SECTION 7.7 “BUFFER REQUIREMENTS”, SECTION 7.10 “NON-RESIDENTIAL ARCHITECTURAL STANDARDS”, AND SECTION 7.11 “OUTDOOR LIGHTING STANDARDS”; AND ARTICLE 11 “DEFINITIONS”, SECTION 11.2 “DEFINED TERMS” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO SC SUBURBAN COMMERCIAL ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

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

**PART 1:** That Appendix A, “Unified Development Ordinance,” Article 2, “Development Review Bodies”, Article 5, “District Purpose Statements and Supplemental Standards”, Section 5.3 “Non-Residential Zoning Districts” and Section 5.4 “Non-Residential Dimensional Standards”, Article 6, “Use Regulations”, Section 6.3 “Types Of Uses” and Section 6.4 “Specific Use Standards”, Article 7, “General Development Standards”, Section 7.2 “General Provisions”, Section 7.3 “Off-Street Parking”, Section 7.7 “Buffer Requirements”, Section 7.10 “Non-Residential Architectural Standards”, and Section 7.11 “Outdoor Lighting Standards”, and Article 11 “Definitions”, Section 11.2 “Defined Terms”, of the Code of Ordinances of the City of College Station, Texas, be 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”, and Exhibit “K”** attached hereto and made a part of this Ordinance for all purposes.

**PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

**PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00)

or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

**PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

**PASSED, ADOPTED and APPROVED this 12th day of April, 2018.**

**ATTEST:**

  
\_\_\_\_\_  
**City Secretary**

**APPROVED:**

  
\_\_\_\_\_  
**Mayor**

**APPROVED:**

  
\_\_\_\_\_  
**City Attorney**

**Exhibit A**

That Appendix A, “Unified Development Ordinance,” Article 5, “District Purpose Statements and Supplemental Standards”, Section 5.3, “Non-Residential Zoning Districts”, Subsection 5.3.C “Suburban Commercial (SC).”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“C. Suburban Commercial (SC).**

This district is intended to provide for limited commercial uses that are compatible with nearby neighborhoods. The district allows for a range of uses, with the impacts mitigated through minimum distance and buffering requirements from adjacent single-family use. The gross floor area of a single structure in this district shall not exceed 15,000 square feet in area.”

**Exhibit B**

That Appendix A, “Unified Development Ordinance,” Article 5, “District Purpose Statements and Supplemental Standards”, Section 5.4, “Non-Residential Dimensional Standards”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“Sec. 5.4. Non-Residential Dimensional Standards.**

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

	<b>Non-Residential Zoning Districts</b>							
	<b>O</b>	<b>SC</b>	<b>WC</b>	<b>GC</b>	<b>CI</b>	<b>BP</b>	<b>BPI</b>	<b>NAP</b>
Min. Lot Area	None	None	None	None	None	None	None	N/A
Min. Lot Width	24'	50'	50'	24'	24'	100'	100'	N/A
Min. Lot Depth	100'	100'	100'	100'	100'	200'	200'	N/A
Min. Front Setback	25'	25'	25'	25'	25'	25'(E)	25'(E)	N/A
Min. Side Setback	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	(A)(B)	N/A
Min. St. Side Setback	15'	15'	15'	15'	15'	15'(E)	15'(E)	N/A
Min. Rear Setback	15'	15'	20'	15'	15'	15'(E)	15'(E)	N/A
Max. Height	(C)(F)	2 Stories/ 35'(D)(F)	2 Stories/ 35'(D)(F)	(C)(F)	(C)(F)	(C)(F)	(C)(F)	(F)

**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 7.2.H, Height.
- (D) Maximum building height is two (2) stories and thirty-five (35) feet, measured at the highest point of the roof or roof peak. Section 7.2.H, Height applies to buildings over one-story.
- (E) Buildings shall be setback a minimum of fifty (50) feet from all public streets adjacent the perimeter of the business park development, as shown on the approved Preliminary Plan document.
- (F) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.”

### **Exhibit C**

That Appendix A, “Unified Development Ordinance,” Article 6, “Use Regulations”, Section 6.3, “Types of Use”, Subsection 6.3.C, “Use Table”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

#### **“C. Use Table.**

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

##### **1. Permitted Uses.**

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

##### **2. Permitted Uses Subject to Specific Standards.**

A "P\*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.4, 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 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	W	E	W	R	G	T	D	M	M	M	P	P	O	S	W	G	C	B	B	C	N	R	R	R	C	M	M	R	W	N	N	N				
<p><b>KEY: P</b> = Permitted by Right; <b>P*</b> = Permitted Subject to Specific Use Standards  <b>C</b> = Conditional Use; <b>**</b> = District with Supplemental Standards (refer to Article 5)</p>																																					
<b>RESIDENTIAL</b>																																					
Assisted Living/Residential Care Facility														P	P		P																				
Boarding and Rooming House									P			P														P	P										P
Extended Care Facility/Convalescent/Nursing Home									P			P		P		P	P								P	P					P						
Dormitory									P	P		P													P	P								P	P	P	
Duplex								P				P													P	P											
Fraternity/Sorority									P																P	P						P	P	P			
Manufactured Home	P*		P*									P*																									
Mixed-Use Structure									P	P		P																				P	P	P	P		
Multi-Family									P	P		P													P	P					C <sub>1</sub>	P	P	P			
Multi-Family built prior to January 2002									P	P															P	P					P	P	P	P			
Northgate High-Density Dwelling Unit																																		P	P	P	
Single-Family Detached	P	P	P	P	P	P	P	P				P												P													
Single-Unit Dwelling									P																												
Townhouse								P	P			P													P	P										P	









- <sup>1</sup> Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.
- <sup>2</sup> Hotels only allowed when accessory to a Country Club development and are limited to a maximum of fifteen (15) rooms.
- <sup>3</sup> Refer to Section 6.4.Z "Recreational Vehicles Park Standards (RV Parks)" for Specific Use Standards.
- <sup>4</sup> Refer to Section 6.4. AC "Mobile Food Courts" for Specific Use Standards."

## Exhibit D

That Appendix A, “Unified Development Ordinance,” Article 6, “Use Regulations”, Section 6.4, “Specific Use Standards”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

### “Sec. 6.4. Specific Use Standards.

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.3, Types of Use, with a "P\*." A site plan review, as required by Section 3.6, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.7, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

#### A. **Animal Care Facilities.**

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of 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.

#### B. **Car Wash.**

Vacuums shall be located a minimum of one hundred (100) feet from any adjacent residential use.

#### C. **Commercial Amusements.**

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

#### D. **Commercial Garden/Greenhouse/Landscape Maintenance.**

1. Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least fifty (50) feet from all property lines and not closer than one hundred fifty (150) feet from an existing residential use.
2. No processes and business activities associated with Commercial Gardens may be conducted outside of buildings except in BP Business Park.

#### E. **Drive-in/Thru Window.**

1. In all Northgate Zoning Districts, all site designs and elevations for drive-in/thru windows shall be reviewed by the Design Review Board as part of the site plan review process. All outside activities and appurtenances related to drive-in/thru service shall be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.
2. In SC Suburban Commercial, drive-in/thru windows and message boards may not be located on the side of the building adjacent to single-family land use and zoning.
3. In SC Suburban Commercial, restaurants with a drive-in/thru window must be located a minimum of 150 feet from any single-family use or zoning district. Additionally, associated drive-in and drive-thru facilities (speaker box, message board, and pick-up window) may not be located between the restaurant and any single-family use or zoning district; except when the single-family use or zoning district is located across a public street.

**F. Dry Cleaners/Laundry.**

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

**G. Fuel Sales.**

1. Any vehicle repair uses must comply with Section 6.4.P, Vehicular Sales, Rental, Repair and Service.
2. All activities except those associated with fuel pumping must be conducted within an enclosed building.
3. Ice and vending machines must be enclosed in a building.
4. No signage, in addition to the signage allowed in Section 7.5, Signs, may be allowed within view of the right-of-way.
5. No outside storage or display of vehicles for any purpose.
6. A Drive-Thru car wash designed to accommodate one (1) vehicle shall be permitted as an accessory use.
7. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four (4) vehicles obtaining fuel simultaneously.
8. Minimum setback requirements shall be as follows:

	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Side Street</b>
Fuel pumps	50 feet	25 feet	25 feet	25 feet
Canopies	40 feet	15 feet	15 feet	15 feet

9. Storage tanks must be located below grade.
10. In WC Wellborn Commercial, Fuel Sales will be considered a permitted land use on properties with existing Fuel Sales as of April 14, 2011.

**H. Golf Course or Driving Range.**

1. All driving ranges shall be a minimum of ten (10) acres and have a minimum field size of two hundred seventy-five (275) yards.
2. Driving ranges are classified as commercial enterprises and must comply with Section 7.7, Buffer Requirements.
3. For driving ranges, all balls must remain on the property through proper orientation of the tee boxes, adequate buffering or screening, and barrier nets.
4. No building, structure, or outdoor activity of a driving range shall be located within one hundred (100) feet of residentially-zoned property.
5. All ground-level lighting of a driving range's landing area shall be directed away from adjacent properties and screening shall be provided with plantings, berms, or other means to limit nuisances associated with lighting and resulting glare.

**I. Government Facilities and Utilities.**

Activities not wholly contained within a building shall not be located within one hundred (100) feet of a single-family residential use unless buffered by a twenty-five-foot buffer yard and a six-foot privacy fence, in accordance with Section 7.7, Buffer Requirements.

**J. Health Club/Sports Facility (Outdoor) .**

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

**K. Manufactured Homes.**

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

**L. Mobile Home.**

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

**M. Parking as a Primary Use.**

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

**N. Radio/TV Station/Studios.**

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

**O. Recycling Facilities.**

1. Any facility located within five hundred (500) feet of property zoned or developed for residential use shall not be in operation between 7:00 p.m. and 7:00 a.m.
2. Light processing, including compacting, baling, and shredding, must be directly related to efficient temporary storage and shipment of materials. No facility as described in this subsection shall abut property zoned or developed for single-family residential use.
3. A minimum of six (6) parking spaces shall be provided, plus one (1) space per employee and for each vehicle of the facility.
4. Each container shall be clearly marked to specify materials that are accepted. The name and telephone number of the operator and the hours of operations shall be conspicuously displayed. All sign regulations of the district in which the facility is located shall apply.

5. Each facility shall be screened from the public right-of-way by operating in an enclosed building with no outside storage or by operating within an area enclosed by an opaque fence at least eight (8) feet in height.

**P. Retail Sales/Manufactured Homes.**

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

**Q. Restaurant.**

1. In C-3 Light Commercial, and Wellborn Commercial, drive-ins and drive-thrus are prohibited.
2. In SC Suburban Commercial restaurants with a drive-ins/thru must be located a minimum of 150 feet from any single-family use or zoning district. Drive-in and drive-thru facilities (speaker box, message board, and pick-up window) may not be located between the building and any single-family use or zoning district, except when the single-family use or zoning district is located across a public street.
3. In C-3 Light Commercial, the maximum size shall be two thousand five hundred (2,500) square feet.
4. In WC Wellborn Commercial, restaurants (including waiting and outdoor dining areas) may not exceed eight thousand (8,000) square feet and are permitted at the following maximum sizes based on adjacent thoroughfare and access:
  - a. Freeway/Expressway and Four- or Six-Lane Major Arterial: Eight thousand (8,000) square feet;
  - b. Four-Lane Minor Arterial and Four-Lane Major Collector: Seven thousand (7,000) square feet; or
  - c. Two-Lane Major Collector and smaller: Five thousand (5,000) square feet.
5. In SC Suburban Commercial and WC Wellborn Commercial, restaurants shall not locate outdoor seating or playgrounds between the structure and a single-family land use and zoning.

**R. Sales and Service (Retail and Wholesale).**

The following Sales Matrix shall be used to determine the most appropriate zoning district for sales and service uses.

Retail.....SALES.....Wholesale	GC General Commercial	CI Commercial -Industrial
	GC General Commercial	CI Commercial-Industrial
	Minor.....	STORAGE.....Major

1. Storage is allowed in GC General Commercial, if the square feet of storage is less than fifty (50) percent of the total gross building area, exclusive of office areas.
2. Storage is allowed in WC Wellborn Commercial, if the square feet of storage is less than fifty (50) percent of total gross building area.

3. Sales are allowed in CI Commercial Industrial if the square feet of sales is less than fifty (50) percent of the total gross building area, exclusive of office area.
4. Each sales use in a shopping center must meet the storage square-foot criteria above to be permitted in that zoning district.
5. In SC Suburban Commercial, Gross Floor Area of a single structure shall not exceed fifteen thousand (15,000) square feet.
6. In WC Wellborn Commercial, Gross Floor Area of a single structure shall not exceed ten thousand (10,000) square feet.

**S. Salvage Yard.**

1. Salvage or junkyards shall be visually screened on front, rear, and all sides by means of a solid eight-foot high wooden privacy fence.
2. Material that is not salvageable shall not be permitted to accumulate. In no case shall material that is not salvageable be buried or used as fill.
3. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half (1½) cubic feet or more, from which the door has not been removed.

**T. Sexually-Oriented Business.**

**1. General.**

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

A business is not exempt from regulation under this UDO because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages or because it contains one (1) or more coin-operated machines that are subject to regulation or taxation, or both under State law.

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

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

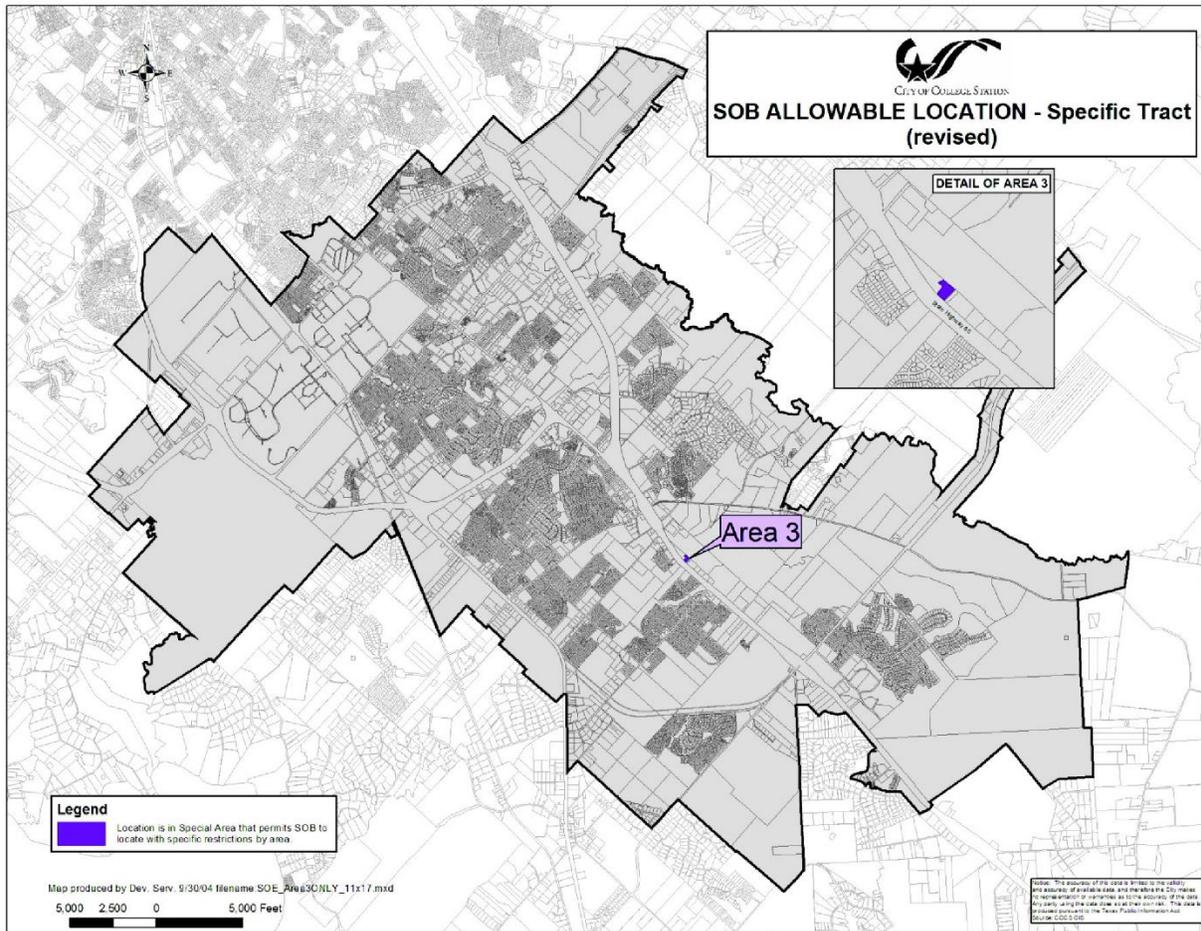
**2. Permitted Locations.**

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

Area 3: State Highway 6 Commercial Tract

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

**Map of the Potential Location:**



**3. Single Adult Use Per Location.**

There shall only be one (1) sexually-oriented business permitted per area.

**4. Measurement.**

**a. Stock in Trade.**

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

**b. Sales and Display Area.**

1. The sales and display area shall be the entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually-oriented materials shall be calculated as a percentage of total sales and display area.

2. Where sexually-oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
3. Where floor area includes a mixture of sexually-oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half ( $\frac{1}{2}$ ) of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

5. **Specific Standards.**

a. **Adult Cabaret or Adult Retail Store.**

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

b. **Adult Arcade, Adult Movie Theater.**

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

c. **Limited Adult Retail Store.**

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

6. **Lighting.**

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

7. **Amortization.**

A sexually-oriented business in operation prior to the effective date of this UDO which does not conform to the regulations listed above shall be considered to be nonconforming. The nonconforming sexually-oriented business shall be permitted to continue for one (1) year after the effective date of this ordinance unless voluntarily discontinued for a period of thirty

(30) days or more. One (1) year after the effective date of this UDO the nonconforming sexually-oriented business shall be illegal and shall terminate, except as provided herein.

a. **Additional Time for Amortization.**

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

b. **Application for Additional Time.**

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

c. **Determination by the City Council.**

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

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

If the City Council grants additional time, the grant shall be for a period not to exceed one (1) year.

d. **Exemption from Amortization Requirements.**

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

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

1. That the location of the sexually-oriented business will not have a detrimental effect on nearby properties or be contrary to the public health, safety or welfare;
2. That the granting of the exemption will not violate the spirit and intent of this UDO;
3. That the location of the sexually-oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
4. That the location of the sexually-oriented business will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
5. That all other applicable provisions of this UDO will be observed.

If an exemption is granted, such exemption shall be valid for a period of one (1) year from the date of the City Council action. Upon expiration of an exemption, a sexually-oriented business shall be in violation of this UDO, shall be illegal, and shall terminate, unless the owner receives another exemption. Additional

applications for exemptions shall be submitted at least sixty (60) days prior to the expiration of the exemption period.

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

**U. Storage (Self-Service).**

1. Accessory uses are prohibited.
2. In SC Suburban Commercial, Self-Service Storage and outdoor storage must be located a minimum of 150 feet from any single-family uses or zoning district; except when the single-family use or district is located across a public street. Additionally, the 150-foot separation is not applicable when only interior access (climate-controlled storage) is provided, subject to other provisions of this UDO.
3. In WC Wellborn Commercial, Self-Service Storage will be considered a permitted land use on properties with existing Self-Service Storage as of April 14, 2011.

**V. Utilities.**

Activities not wholly contained within a building that abuts single-family residential uses shall construct a twenty-foot buffer yard with a six-foot privacy fence, in accordance with Section 7.7, Buffer Requirements.

**W. Vehicular Sales, Rental, Repair and Service.**

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

**X. Wireless Telecommunication Facility (WTF).**

**1. Purpose.**

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

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

**2. WTF Categories.**

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

a. **Unregulated Facilities.**

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

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

b. **Intermediate Facilities.**

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

c. **Major Facilities.**

New transmission tower greater than thirty-five (35) feet (ten and one-half (10.5) meters) in height.

3. **Permitted Locations.**

a. All Intermediate WTFs are permitted by right in the following zoning districts:

R				Rural
M-1		Light		Industrial
M-2		Heavy		Industrial
GC		General		Commercial
CI		Commercial		Industrial
C-3		Light		Commercial
NG				Northgate
City-owned				premises
O				Office
R&D		Research	&	Development
WPC		Wolf	Pen	Creek
PDD	Planned	Development	District	(except PDD-H)
BP		Business		Park
BPI Business Park Industrial.				

b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit:

R				Rural
M-1		Light		Industrial
M-2		Heavy		Industrial
BP		Business		Park
BPI	Business		Park	Industrial
GC		General		Commercial
CI		Commercial		Industrial
C-3		Light		Commercial
O				Office
R&D	Research		&	Development
City-owned premises.				

c. WTFs may locate on City-owned premises without a conditional use permit with approval of the City Council and subject to the requirements of this UDO.

**4. Requirements for Attached WTFs.**

a. WTFs may attach to the exterior of any non-residential building within any zoning district provided the antenna and antenna support structure or equipment are mounted flush with the vertical exterior of the building or project no more than twenty-four (24) inches from the surface of the building to which it is attached and does not raise the height of the building more than ten (10) feet and does not violate the maximum height restriction of that zoning district.

b. Any antenna meeting the stealth antenna definition of this ordinance and locating on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with approval of the Administrator.

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

**d. Application Procedures.**

1. An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.

2. A site plan drawn to scale clearly indicating the location, height, and design of the proposed facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.

3. A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east, and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.

4. Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
5. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

**5. Requirements for Collocation.**

- a. Intermediate facilities shall not exceed thirty-five (35) feet.
- b. If the existing tower has been determined to be stealth, the antenna must be integrated into the tower design as to retain the stealth designation. The Administrator will determine if the antenna is stealth.
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive as possible.
- d. **Application Procedures.**
  1. If not completely locating within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of the existing facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscape areas.
  2. Plans for the antenna shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
  3. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

**6. Requirements for New Transmission Towers.**

**a. Setbacks.**

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

**b. Proximity to Major Thoroughfares.**

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

1. Intermediate WTFs must be one hundred fifty (150) feet from applicable thoroughfares.
2. Major WTFs must setback from applicable thoroughfares by the height of the tower x three (3).

c. **Separation Between Towers.**

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

1. New transmission towers thirty-five (35) feet or less in height shall be separated from existing towers by a minimum distance of one thousand five hundred (1,500) feet.
2. New transmission towers more than thirty-five (35) feet and less than seventy-five (75) feet in height shall be separated from existing towers by a minimum distance of two thousand five hundred (2,500) feet.
3. New transmission towers seventy-five (75) feet or more in height shall be separated from existing towers by a minimum distance of three thousand five hundred (3,500) feet.

d. **Height Limitations.**

1. Intermediate WTFs are subject to the normal height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a conditional use, the requested height may be reduced through the review of the visual impact analysis.
2. In no case shall a proposed transmission tower exceed one hundred fifty (150) feet within the city limits, except where a height variance is granted by the Zoning Board of Adjustments to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating a tower or antenna exceeding such height on a proposed site within the city limits.

e. **Stealth Towers.**

Any tower determined to meet the Stealth Tower definition of this ordinance by the approving authority may be located in any zoning district with a Conditional Use Permit. Approved Stealth Towers do not have to meet the tower separation or thoroughfare setback requirements of this section.

f. **Landscaping, Screening, and Aesthetic Standards.**

The following requirements shall govern any transmission tower or any parabolic antenna larger than two (2) meters.

1. Landscaping: Refer to Section 7.6, Landscaping and Tree Protection. Plant materials and/or fencing that effectively screen the WTF site from view of the public right-of-way will be required.
2. New transmission towers shall maintain a flat (not shiny, reflective, or glossy) finish or be painted in accordance with any applicable standards of the FAA (unfinished galvanized steel is not acceptable).
3. WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.
4. Towers may not be used to exhibit any signage or other advertising.

g. **Application Procedures.**

An application for administrative approval or a Conditional Use Permit for a WTF shall include the following items (in addition to the site plan and other information required for a standard CUP application):

1. An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
2. Site plan drawn to scale clearly indicating the location, height, and design of the proposed tower, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
3. The linear separation distance from other transmission towers within a one-mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures and applicable thoroughfares as outlined in Section 6.4.X.6.b, Proximity to Major Thoroughfares, within five hundred (500) feet of the proposed tower.
4. A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
5. Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
6. All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.
7. Grid plan (propagation map) of the service area for existing and future structures for a period of not less than two (2) years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.
8. No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.
9. No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The Administrator or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:

- a. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including City-owned property.
- b. A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within one-half (½) mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.
- c. A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

**7. Conditional Use Permits.**

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.4.X.3, Permit table Locations, under the procedures set forth in Section 3.16, Conditional Use Permit. In addition to the standard guidelines, the following additional factors shall be considered by the Planning and Zoning Commission when determining whether to grant a CUP for WTFs:

- a. Height of the proposed tower, surrounding topography and surrounding tree coverage and foliage as they relate to:
  1. Skyline impact, examining whether the proportions of the structure appears to dominate or blend in with the surrounding environment.
  2. Shadow impact, whether or not the proposed tower will cast shadows that would prevent the reasonable use or enjoyment of surrounding properties.
- b. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- c. Proximity of the tower to residential structures and residential district boundaries.
- d. Economic impact on adjacent and nearby properties.
- e. Proposed ingress and egress.
- f. Availability of suitable alternatives and/or existing support structures.
- g. All the information submitted as part of the site plan.

**8. Abandonment.**

Any WTF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove same within sixty (60) days of receipt of notice from the City notifying owner of such abandonment. If such facility is not removed within said sixty (60) days, the City may remove such facility at the property owner's expense. If there are two (2) or more users of a single WTF, then this provision shall not become effective until all users cease operations on the tower.

**Y. Places of Worship.**

1. Where the parking lot abuts residential development, a ten-foot buffer yard with buffer plantings and a minimum six-foot privacy fence is required pursuant to Section 7.7, Buffer Requirements.
2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen-foot buffer yard with buffer plantings and a six-foot privacy fence is required pursuant to Section 7.7, Buffer Requirements.

**Z. Recreational Vehicle Park Standards (RV Parks).**

1. RV Parks shall allow for the temporary occupancy of vehicles that are built on a single chassis that are designed to be self-propelled or permanently towable by a light duty truck and are primarily for use as temporary living quarters for recreational, travel, or seasonal use.
2. RV Parks shall be considered a non-residential use and shall meet the buffer requirements as found in Article 7 as a commercial use, regardless of zoning.
3. No person shall operate an RV Park unless they hold valid permits and licenses as required by the State of Texas and the Brazos County Health Department.
4. Development of any RV Park shall comply with the general site plan requirements of Article 3, Site Plan Review, and shall meet the following supplemental criteria:
  - a. The minimum area of an RV Park shall be ten (10) acres and shall consist of two (2) or more recreational vehicle pad sites that are intended for temporary occupancy by recreational vehicles for the purposes of recreation or vacation.
  - b. All RV Parks shall have direct access to a public road and shall include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the site. Internal drives shall have a minimum paved width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic. All internal drives shall be built to City pavement standards and shall be privately maintained.
  - c. All RV Parks shall designate specific pad site locations for recreational vehicles.
    1. Each pad site location shall have a minimum area of one thousand five hundred (1,500) square feet with provisions for wastewater disposal, public water hook-up and electrical supply.
    2. All pad sites shall be sequentially numbered. Reflective site numbers shall be a minimum of four (4) inches in height and placed on a separate post on the site. A map of the site layout with site numbers shall be placed at the entrance to the park in such a manner as to be clearly visible to entrants.
  - d. Recreational vehicle pad sites shall be separated from each other by a minimum of ten (10) feet.
  - e. Recreational vehicle pad sites shall be separated from the recreation area in the park by a minimum of fifteen (15) feet.
  - f. All recreational vehicle pad sites shall be setback a minimum of fifty (50) feet from the right-of-way line of all adjacent public roads and any RV Park boundaries.
  - g. All recreational vehicle pad sites shall be setback a minimum of ten (10) feet from any internal drives in the park.
  - h. A minimum of two (2) parking spaces shall be provided per recreational vehicle pad site. One (1) space shall be located on the RV site, the remainder may be located in an approved parking area. Size and paving of all parking spaces shall conform to the requirements in Article 7 regarding Off-Street Parking Standards.
  - i. In all RV Parks, a recreation area shall be provided that shall be centrally located, free of traffic hazards, and easily accessible to all park residents. Recreation areas shall constitute a minimum of fifteen (15) percent of the gross RV Park site area and shall contain open space for recreational uses. Recreation areas shall also contain benches and landscaping. The area shall be adequately lighted to ensure safety of users.
  - j. RV Parks shall permit only seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in an RV Park for more than one hundred twenty (120) days in any twelve-month period.

Per Ordinance No. 3271 (August 26, 2010)

**AA. Micro-Industrial Uses.**

1. All production activities must be conducted within an enclosed building. No outside storage is allowed.
2. All Micro-Industrial uses are limited in size to no more than five thousand (5,000) gross square feet.
3. Accessory uses are permitted, provided that they are subordinate and incidental to the primary use.
4. In the CI Commercial-Industrial and BPI Business Park Industrial zoning districts an accessory restaurant, nightclub, bar or tavern is not permitted.

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

**AB. Live-Work Unit.**

1. The square footage of the Live-Work Unit may not be greater than as set forth in the City's adopted International Building Code (IBC), as same may from time to time be amended. Currently said maximum size is 3,000 square feet. Further, the non-residential use may not be more than fifty percent (50%) of each Live-Work Unit.
2. Each Live-Work Unit shall not contain more than one (1) dwelling unit. The residential unit must be attached to the non-residential use and may be accessible separately from the non-residential use.
3. In a two-story building, the residential unit must be located on the second floor.
4. If a residential garage is provided, it must be attached and not visible from the public right-of-way.

**AC. Mobile Food Court.**

**Mobile food court** shall mean a land use approved through a Conditional Use Permit (see Unified Development Ordinance) and developed in conformity with an approved site plan (see Unified Development Ordinance), where two or more mobile food vendors congregate to offer edible goods for sale to the public and amenities are provided for all vendors' customers.

**1. Mobile Food Court Categories .**

**a. Short-Term .**

- 1) A short-term food court is temporary in nature, intended to be an interim use on previously developed land where long-term utilization of the property or redevelopment is being investigated and/or pursued. A Conditional Use Permit for a short-term mobile food court may be granted for a period of up to two (2) years.
- 2) A short-term mobile food court may allow for:
  - a) The establishment of a site that provides for the gathering of two (2) to five (5) mobile food vendors.
  - b) The mobile food vendors within the mobile food court to remain on their pad sites overnight. Note: Mobile food vendors are required to leave the mobile food court at least once a year to retain mobile food vendor status.
  - c) Tables, chairs, and canopies for court customers.

- d) Signage for the mobile food court, in accordance with the Signs section of this Unified Development Ordinance.
  - e) Small-scale entertainment and accessory uses for mobile food court customers, such as music (live acoustic or recorded) that is played or broadcast at a reasonable volume inside the court's property boundaries and small playground area as not to disturb other surrounding property owners.
- 3) A short-term mobile food court shall:
- a) Be located a minimum of 100 feet from a single family, duplex, or townhouse zoning district.
  - b) Have a site manager that will remain on property during the hours of operation.
  - c) Have all valid permits and licenses as required by the Brazos County Health Department.
  - d) Allow only mobile food vendors that hold valid permits and licenses as required by the City of College Station and the Brazos County Health Department to operate within the mobile food court.
  - e) At a minimum, not operate between the hours of 3 a.m. and 5 a.m.
  - f) Provide only portable or temporary improvements to a site. Long-term or permanent improvements to a site are not allowed.
  - g) Provide adequately maintained trash receptacles for customer use.
  - h) Comply with general site plan requirements described in the Site Plan Review section of Article 3, Development Review Procedures, the applicable requirements of Article 7 General Development Standards, and the specific use standards below.
- b. **Long-Term .**
- 1) Long-term mobile food courts are intended to have more permanency than short-term mobile food courts and shall be held to the same development standards as restaurant developments, with the exceptions identified in the specific use standards below.
  - 2) A long-term mobile food court may allow for:
    - a) The establishment of a site that provides for the gathering of two (2) or more mobile food vendors.
    - b) The mobile food vendors within the mobile food court to remain on their pad sites overnight. Note: Mobile food vendors are required to leave the mobile food court or move within the court at least once a year to retain mobile food vendor status.
    - c) Mobile food vendors to access potable water and sewage disposal facilities onsite. If these utilities are made available, they shall be located in a manner to necessitate the movement of each mobile food vendor to access the utilities.
    - d) Tables, chairs, and canopies or enclosed seating areas for court customers.
    - e) Signage for the mobile food court, in accordance with the Signs section of this Unified Development Ordinance.
    - f) Small-scale entertainment and accessory uses for mobile food court customers, such as music (live acoustic or recorded) that is played or

broadcast at a reasonable volume inside the court's property boundaries and small playground area as not to disturb surrounding property owners.

- g) Larger-scale entertainment and accessory uses for court customers, such as a volleyball court and bar, at a scale as not to disturb surrounding property owners.
  - h) Accessory structures.
  - i) Alcohol sales with approved permits and licenses from the Texas Alcoholic Beverage Commission.
- 3) A long-term mobile food court shall:
- a) Be located a minimum of 100 feet from a single family, duplex, or townhouse zoning district.
  - b) Have a site manager that will remain on property during the hours of operation.
  - c) Have all valid permits and licenses as required by the Brazos County Health Department.
  - d) Allow only mobile food vendors that hold valid permits and licenses as required by the City of College Station and the Brazos County Health Department to operate within the mobile food court.
  - e) At a minimum, not operate between the hours of 3 a.m. and 5 a.m.
  - f) Comply with general site plan requirements described in the Site Plan Review section of Article 3, Development Review Procedures, the applicable requirements of Article 7 General Development Standards, and the specific use standards below.

**c. Restroom and Hand Washing Facilities for Short-Term and Long-Term Mobile Food Courts .**

- 1) Mobile food courts will provide at least two (2) handicapped accessible porta potties with one (1) mobile handwashing station for every ten (10) mobile food vendors.
- 2) Mobile food courts that are within one hundred (100) feet of a public restroom facility may be exempted from the requirement for porta potties.
- 3) Mobile food vendors shall comply with the Brazos County Health Department's requirements for hand washing facilities.

**2. Specific Use Standards for Mobile Food Courts .**

The following shall apply to all short-term and long-term mobile food courts, unless otherwise noted:

- a. Mobile food courts shall designate pad site locations for mobile food vendors.
- b. Mobile food vendor pad sites and dining areas shall be setback a minimum of one hundred (100) feet from rights-of-way and public ways.
- c. All mobile food vendor pad sites shall be separated from other pad sites, dining areas, and structures by a minimum of ten (10) feet.
- d. Pad sites and dining areas shall not be located within fire lanes, easements, setbacks, buffers, or visibility triangles.
- e. All mobile food vendors located in a mobile food court shall be on an improved, permanent surface as described in the Off-Street Parking Standards of this Unified Development Ordinance.

- f. A minimum of two (2) Off-Street Parking spaces shall be provided per mobile food vendor pad site.
- g. A minimum of a twenty-foot (20') fire apparatus access route is required around a mobile food court.
- h. Mobile food vendors, portable restroom trailers, and other temporary structures shall not be subject to the Non-Residential Architectural Standards section of this UDO.
- i. Electrical connections shall be provided for all mobile food vendors on site. Use of generators shall not be allowed in a mobile food court.
- j. **Short-term mobile food courts only .**
  - 1) Short-term mobile food courts shall not impede vehicular circulation or block fire lanes or sanitation routes through the existing sites upon which they are located,
  - 2) Short-term mobile food courts shall not be subject to the requirements of the Landscaping and Tree Protection section of this Unified Development Ordinance.
  - 3) Short-term mobile food courts shall utilize existing solid waste collection sites on the properties on which they are located, and provide proof of permission to do so.
- k. **Long-term mobile food courts only .**

If water and wastewater facilities are provided to mobile food vendors in a long-term mobile food court, the site shall be designed to require all mobile food vendors to remain mobile to access these amenities. Additional tanks or portable tanks for wastewater are prohibited.”

**Exhibit E**

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.2, “General Provisions”, Subsection 7.2.H.3.b.2, “Height”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“2. Height.**

- a. General height requirements. No multi-family or non-residential structure shall be located to any property line of an adjacent tract of land on which there's a detached single-family, manufactured home park or townhouse use or district unless the height requirements herein are met. No multi-family or non-residential structures shall penetrate the height of an imaginary line, illustrated by the inclined plane in the graphic above, connecting points A and C, which is the hypotenuse of the right triangle formed when calculating the minimum distance requirements set forth above.
- b. Additional height requirements for WC Wellborn Commercial. In addition to the height limitations set forth above in this subsection, the following additional height limitations apply in WC Wellborn Commercial zoning:
  1. No building may exceed two (2) stories;
  2. Maximum eave height shall be twenty-four (24) feet;
  3. Maximum overall height to peak of roof shall be thirty-five (35) feet;
  4. Any structure with an eave height over fifteen (15) feet will be constructed to resemble a two-story façade;
  5. Buildings located closest to detached single-family, manufactured home park or townhouse use or district and that are within fifty (50) feet of the property line are limited to one-story in height with an eave maximum of twelve (12) feet; and
  6. An eave maximum of fourteen (14) feet in height is permitted when mechanical equipment is housed within a mezzanine. ”

**Exhibit F**

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.3, “Off-Street Parking Standards”, Subsection 7.3.H, “Number of Off-Street Parking Spaces Required”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“H. Number of Off-Street Parking Spaces Required .**

In computing the number of parking spaces required, the following rules shall govern:

1. Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces;
2. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number. At least one (1) parking space must be provided unless otherwise specified in this UDO;
3. The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the Administrator;
4. Whenever a building or use constructed or established after the effective date of this UDO is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this UDO is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;
5. 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;
6. Where a manufacturing/industrial use has more than one (1) working shift of employees, parking shall be provided to accommodate overlap requirements during transition periods; and
7. 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:
Assisted Living/Residential Care Facility		As determined by the Administrator*****	
Airport		As determined by the Administrator *****	
Banks	250 s.f.	Floor area over 500 s.f.: 1.0	
Bowling Alley		As Determined by the Administrator *****	
Bus Depot		As Determined by the Administrator *****	
Car Wash (Self-Serve)	Wash Bay	1.0	1.0 space per vacuum bay
Church	Seat	0.33*	
Convalescent Home/Hospital	Bed	0.5	

Duplex Dwelling:			
1 & 2 Bedroom	DU	2.0	
3+ Bedroom	BR	1.0	
Dormitory	Bed	0.75	
Day Care Center	250 s.f.	Floor area over 500 s.f.: 1.0	
Fraternal Lodge	75 s.f.	Floor area over 150 s.f.: 1.0	
Fraternity/Sorority House	Person	1.0	1/30 s.f. meeting room
Freight Station	As Determined by the Administrator *****		
Funeral Parlor	Seat	0.33	
Furniture Sales, Freestanding	350 s.f.	Floor area over 700 s.f.: 1.0	
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As Determined by the Administrator *****		
Gasoline and Fuel Service	300 s.f.	1.0	
Group Housing	BR	2.0	As Determined by the Administrator
Health Studio	150 s.f.	Floor area over 300 s.f.: 1.0	
Hospital	As Determined by the Administrator *****		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	Floor area over 300 s.f.: 1.0	
Live-Work Unit	250 s.f. of non-residential portion of structure	Floor area over 250 s.f.: 1.0	1/BR, Residential DU
Motor Vehicle Sales/Service:			
Office/Sales Area	250 s.f.	1.0	
Service Area	200 s.f.	1.0	
Medical or Dental Clinic			
< 20,000 s.f.	200 s.f.	Floor area over 400 s.f.: 1.0	
Mixed-Use Structure*****	250 s.f. of non-residential portion of structure	Floor area over 500 s.f.: 1.0	1/BR, including residential DU and hotel/motel DU
Multi-Family Dwelling:			
1 Bedroom	BR	1.5	
2+ Bedroom	BR	1.0	
Night Club	50 s.f.	1.0	
Office Building	250 s.f.	Floor area over 500 s.f.: 1.0	

Personal Service Shop	250 s.f.	Floor area over 500 s.f.: 1.0	
Priv. School or Comm. Studio	100 s.f.	Floor area over 200 s.f.: 1.0	
Retail Sales & Service:			
GC, SC, WC, C-3	250 s.f.	Floor area over 500 s.f.: 1.0	
CI	350 s.f.	Floor area over 700 s.f.: 1.0	
Restaurant (w/o drive-through)	65 s.f.	Floor area over 130 s.f.: 1.0	
Restaurant (w/drive-through)	100 s.f.	Floor area over 200 s.f.: 1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	Floor area over 500 s.f.: 1.0	
Single-Family Dwelling	BR***	1.0*** (minimum of 2 with no more than 4 total spaces required per dwelling)	
Single-Unit Dwelling	BR	1.0	
Shopping Center**:			
GC, SC, WC, C-3	250 s.f.	1.0	
CI	350 s.f.	1.0	
Townhouse	BR***	1.0*** (minimum of 2 with no more than 4 total spaces required per dwelling)	
Theater	Seat	0.25	
Truck Terminal	As Determined by the Administrator *****		
Two-Dwelling Unit	BR	1.0	
Veterinary Clinic	300 s.f.	Floor area over 600 s.f.: 1.0	
Warehouse	1,000 s.f.	1.0	

"s.f." = square footage. "DU" = Dwelling Unit. "BR" = Bedroom.

\* Overflow parking above required parking spaces may be grassed rather than paved. All unpaved spaces shall be shown on site plan and organized for efficient traffic circulation using wheel stops and other appropriate measures as required by the Administrator.

\*\* The minimum number of parking spaces for a shopping center shall be calculated at a rate of 1:250 in GC SC, or WC, and 1:350 in CI regardless of the composing uses unless otherwise determined by the Administrator that such composing uses require a modification to the applicable requirements.

\*\*\* 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.

\*\*\*\* Mixed-Use structures in the MU Mixed-Use and MF Multi-Family districts.”

\*\*\*\*\* When determining the required off-street parking requirements for the uses noted above, the Administrator shall consider the anticipated traffic demand, traffic circulation, and surrounding conditions. The Administrator may also consider information provided by the applicant that demonstrates the proposed number of off-street parking spaces is adequate for the proposed use and has been successfully employed in other locations.

**Exhibit G**

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.7, “Buffer Requirements”, Subsection 7.7.F, “Minimum Buffer Standards”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“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 (ii)	Multi-Family Residential (i)	Non-Residential (iii)
Single-family (ii)	N/A	N/A	N/A
Multi-Family (i) (iii)	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'
Wellborn Commercial	20' (1)	N/A	N/A
Business Park	50' (2)	15' (2)	5'
Business Park Industrial	50' (2)	30' (2)	10'**
SOB	50' (2)	50' (2)	50' (2)

(i) Includes duplexes.

(ii) Includes manufactured homes, mobile homes, manufactured home parks, and townhouses.

(iii) Includes commercial and other non-residential uses developed in the MF Multi-Family district.

\* When an abutting parcel is vacant and zoned R Rural, the Administrator shall use the future land use of the property as designated on the Comprehensive Land Use Plan in lieu of the zoning category in determining the buffer requirement.

\*\* When an abutting parcel is zoned BP Business Park or BPI Business Park Industrial, the buffer width shall be reduced to five feet (5').

(1) Fence

(2) Wall

**1. Buffer Yards.**

- a. Buffer yards shall be measured from the common property line and may be located within established building setbacks.
  - b. Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional five (5) feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The Administrator has the discretion to allow a required fence or wall within the easement.
  - c. In WC Wellborn Commercial:
    1. Buffer required plantings shall be doubled along property lines adjacent to single-family residential zoning or land use. In lieu of a fence, plantings may be tripled.
    2. When adjacent to single-family use, zoning, or future Land Use and Character designation, a buffer wall is required for the length of any adjacent parking, loading areas, or dumpster uses (including required maneuvering space).
  - d. In BP Business Park, required buffer plantings shall be doubled along property lines adjacent to single-family residential zoning or development.
  - e. In BPI Business Park Industrial, required buffer plantings shall be doubled along property lines adjacent to any zoning district or use other than BP Business Park or BPI Business Park Industrial.
  - f. In MF Multi-Family and MU Mixed-Use, buffer yards shall only be required along the perimeter of the development, unless otherwise exempted in this Section. No buffer yards are required between uses contained within the development.
2. **Plantings.**
- a. If a fence or wall is not required per the table above, the following plantings shall be installed in the buffer yard:
    1. A minimum of one (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer; and
    2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
  - b. If a fence or wall is required per the table above, the following plantings shall be installed in the buffer yard, unless expressly provided for otherwise in this UDO:
    1. A minimum of one (1) 1.25-inch caliper non-canopy tree per fifteen (15) linear feet of landscaping buffer. The Administrator may allow the substitution of a minimum of one (1) five-gallon shrub at a minimum of three (3) feet in height per three (3) linear feet of landscaping buffer for the non-canopy tree requirement, or may require the substitution to mitigate potential negative impacts of a development; and
    2. A minimum of one (1) two-inch caliper canopy tree per twenty-five (25) linear feet of landscape buffer.
  - c. All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 12-7.6.C.3, Landscaping and Tree Protection.
  - d. Fifty (50) percent of all required shrubs within the buffer yard shall be evergreen.
  - e. Plant materials shall show a variety of texture, color, shape, and other characteristics. Recommended buffer materials can be found in the College Station Plant List or in those listed as appropriate for Zone 8 on the USDA Hardiness Zone Map.

- f. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect.
- g. Irrigation is required for all new plantings.
- h. Existing vegetation may count toward the planting requirement if:
  - 1. The vegetation is in good health and the landscaping plan verifies that it will meet the plantings criteria listed above (non-point trees may count towards a natural buffer); and
  - 2. The vegetation is protected in accordance with Section 12-7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
- i. Plantings will not be allowed to encroach into a required visibility triangle for a public or private right-of-way except as provided for in Section 12-7.2.C, Visibility at all Intersections in All Districts.

### 3. Fences and Walls.

- a. Fences may be solid wood or solid wood accented by masonry, stone, EFIS (Exterior Finish Insulation System), or concrete columns. Walls may be masonry, stone, EFIS, concrete, or a combination of these materials, and shall be finished on both sides (framing not visible). Walls and masonry columns for fences must meet the footing standards prescribed by the Building Code for such structures.
- b. Fences and walls shall be a minimum of six (6) feet in height and a maximum of eight (8) feet. Walls over six (6) feet must obtain a building permit. When the adjacent property and the buffer yard are at different elevations, the Administrator may require a greater fence or wall height to ensure adequate buffering.
- c. Fences and walls shall be placed within one (1) foot of the common boundary line when physically possible. In the event that there is a physical constraint that will not allow the construction of a fence on the common boundary line (including, but not limited to, the existence of a creek, access easement, or existing vegetation), the Administrator may authorize an alternative fence location.
- d. Fences or walls will not be allowed to encroach into a required visibility triangle for a public or private right-of-way.

### 4. Substitutions.

- a. Existing natural vegetation may be used in lieu of plantings and a fence or wall under the following circumstances:
  - 1. The existing vegetation consists of canopy and non-canopy trees which are shown through a tree survey to meet the minimum buffer planting requirements (non-point trees may be considered) and is of sufficient density to provide one hundred (100) percent opacity to a height of six (6) feet; and
  - 2. The vegetation is protected in accordance with Section 12-7.6.C.2.c, Landscaping and Tree Protection, of this UDO.
- b. Fences and walls may be substituted with a solid plant or hedge wall that is greater than six (6) feet in height with approximately one hundred (100) percent opacity. All shrubs planted for a hedge wall must be a minimum of fifteen (15) gallons each. The solid plant or hedge wall must be evergreen and may not be counted towards meeting the buffer planting requirement.
- c. Fences and walls may be substituted with a landscaped earthen berm if the combination of berm and landscaping is not less than six (6) feet in height from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement. Berms must be a minimum of four (4) feet in height with a maximum slope of 3:1. Berms in excess

of six (6) feet in height shall have a maximum slope of 4:1 as measured from the exterior property line.

- d. The required height of fences or walls may be reduced if used in combination with an earthen berm or a landscaped earthen berm if the height of the screening is six (6) feet from the elevation at the property line with approximately one hundred (100) percent opacity. The berm plantings must be evergreen and may not be counted towards meeting the buffer planting requirement.
- e. Walls may be substituted with fences if the required buffer yard area and plantings are doubled.
- f. Walls and fences may be omitted if the required buffer yard area and plantings are tripled.”

### Exhibit H

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.10, “Non-Residential Architectural Standards”, Subsection 7.10.C.3.c.10.b, “Qualifying Architectural Relief Elements”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

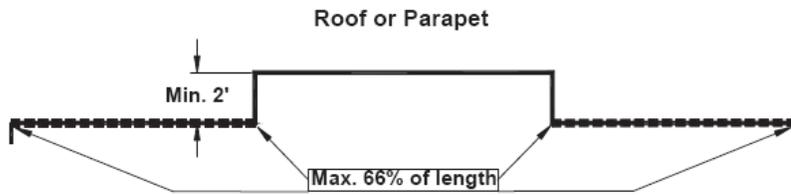
- “b. For all properties zoned SC Suburban Commercial and WC Wellborn Commercial, the following types of architectural relief may be utilized to meet the requirements of this section:
- 1) Decorative or functional window shutters;
  - 2) Covered front porch extending along at least fifty (50) percent of building façade and projecting a minimum of four (4) feet from the face of the building, if used on a façade where this feature is not already required;
  - 3) Eaves in excess of eighteen (18) inches, if used on a façade that does not have a covered front porch;
  - 4) Window planter boxes;
  - 5) Window canopy;
  - 6) Dormers;
  - 7) Transom windows;
  - 8) Decorative façade lighting;
  - 9) Chimneys or cupolas;
  - 10) Cross gables;
  - 11) Entry Portico;
  - 12) Horizontal articulation with a minimum depth of four (4) feet for WC Wellborn Commercial only;
  - 13) Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches for SC Suburban Commercial zoning only;
  - 14) Pitched roof or peaked parapet roof if it gives the appearance of a pitched roof from all sides and has a minimum roof slope of 4:12 for SC Suburban Commercial zoning only; or
  - 15) Other architectural relief elements that provide a visual interest to the affected façade and are of a physical scale to possess architectural significance as may be approved by the Administrator.”

**Exhibit I**

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.10, “Non-Residential Architectural Standards”, Subsection 7.10.C.3.e, “Roof and Roofline Design”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“e. Roof and Roofline Design .**

1. On buildings three (3) stories or less, the horizontal line of a flat roof or parapet along a primary entrance façade, along any façade facing a public right-of-way of a street classified as a minor arterial or greater on the Thoroughfare Plan, and on all façades visible from a public right-of-way for properties that are zoned MU Mixed Use, shall vary by a minimum of two (2) feet up or down so that no more than sixty-six (66) percent of the roofline is on the same elevation, as represented below.



2. For all rooflines that are required to articulate as described above, the parapet roof line shall feature a well-defined cornice or other architectural termination to visually cap the building along the roofline.
3. For all properties zoned WC Wellborn Commercial: Roofs shall be similar to residential roof types. Flat roofs are not permitted. Shed roofs are only permitted as part of a peaked roof network. A peaked parapet is permitted if it gives the appearance of a pitched roof from all sides. Roof slope must be a maximum of 8:12 and a minimum of 4:12.”

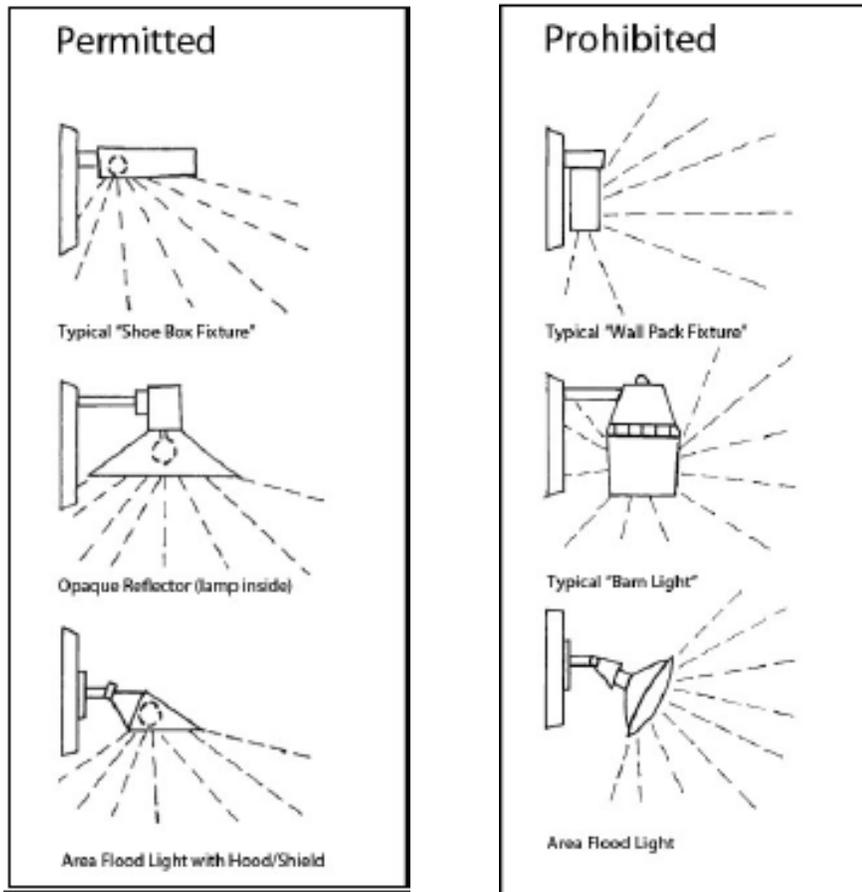
**Exhibit J**

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards”, Section 7.11, “Outdoor Lighting Standards”, Subsection 7.11.C., “Specific Lighting Requirements”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**“C. Specific Lighting Requirements.**

The following specific lighting requirements apply:

1. Façade and flagpole lighting must be directed only toward the façade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use;
2. All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures;
3. For properties zoned SC Suburban Commercial, site and building lighting may not be located within required buffer areas or within required building setbacks adjacent to single-family use or zoning district, except when pedestrian walkways or trails are provided.
4. For properties zoned SC Suburban Commercial and WC Wellborn Commercial, site and parking lot lighting fixtures may not exceed the eave height of the building to which they principally relate, with a maximum height limit of twenty (20) feet; and
5. For properties zoned BP Business Park, site and parking lot lighting fixtures may not exceed the height of the building to which they principally relate, with a maximum height limit of twenty (20) feet.”



### **Exhibit K**

That Appendix A, “Unified Development Ordinance,” Article 11, “Definitions”, Section 11.2, “Defined Terms”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to add the following definitions as follows:

**“Assisted Living/Residential Care Facility:** A building used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are in need of assistance with activities of daily living and/or health care and/or personal care in a homelike setting and duly licensed by the State of Texas for such purpose.

**Live-Work Unit:** A dwelling unit in which a significant portion of the space includes a non-residential use that is operated by the tenant.”