

ORDINANCE NO. 2456

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H) SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 29.99 ACRES OF LAND ADJOINING THE SOUTH SIDE OF SIEGERT DRIVE BETWEEN OLD HEARNE AND TABOR ROADS IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH SAID ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130 are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural – Open District (A-O) to Planned Development – Housing District (PD-H) on 29.99 acres of land adjoining the south side of Siegert Drive between Old Hearne and Tabor Roads in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on September 3, 2020 (case no. RZ20-18).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from Agricultural – Open District (A-O) to Planned Development – Housing District (PD-H) on 29.99 acres of land adjoining the south side of Siegert Drive between Old Hearne and Tabor Roads in Bryan, Brazos County, Texas, and subject to development requirements specified in attached Exhibits “A” and “C” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance, and said tract being described more particularly by metes-and-bounds on attached Exhibit “B”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end, the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED AND APPROVED the 13th day of October 2020, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of 7 yeases and 0 noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

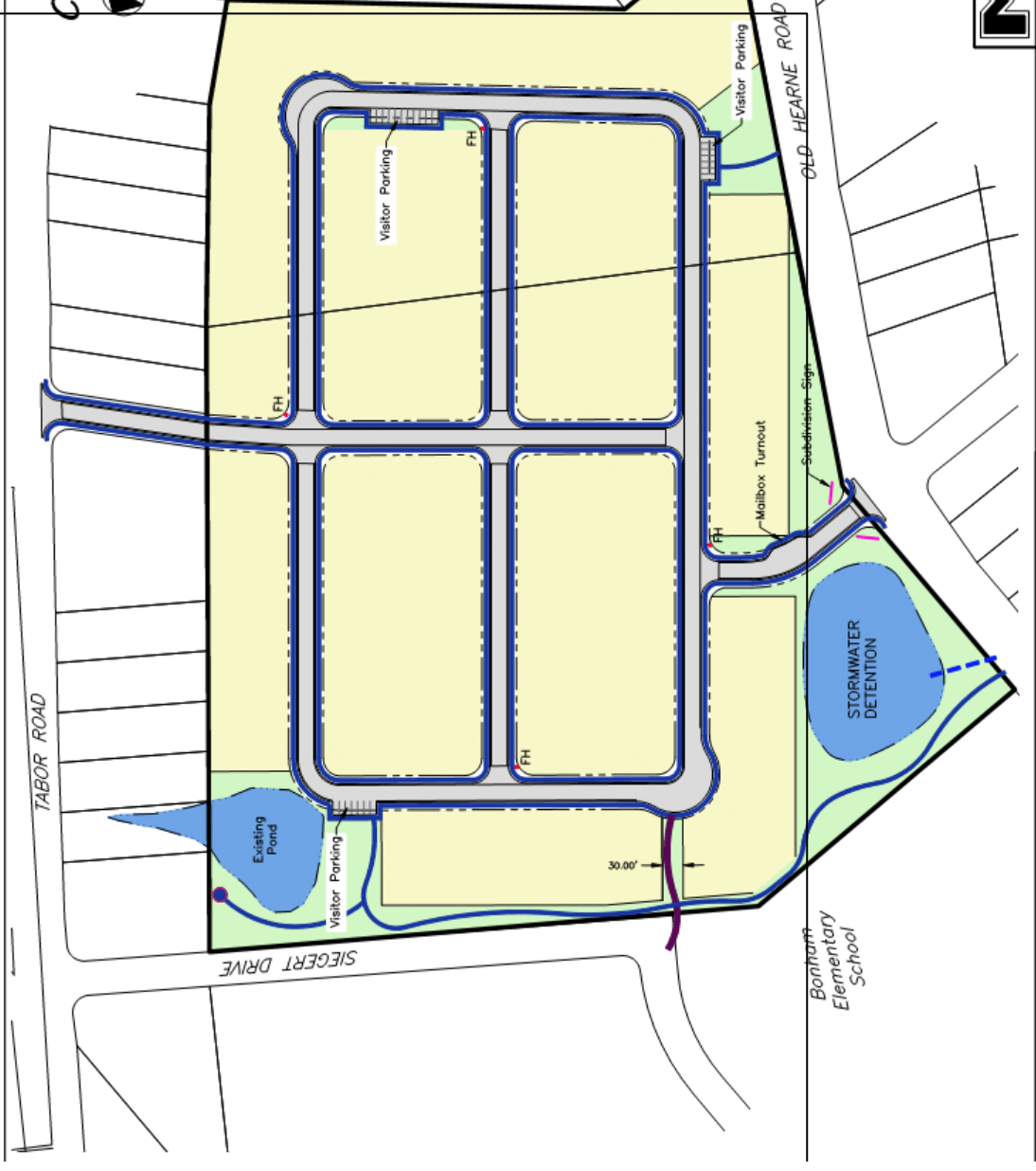


Exhibit "B":

**METES AND BOUNDS DESCRIPTION
OF A
29.988 ACRE TRACT
S. F. AUSTIN LEAGUE NO. 10, A-63
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE S. F. AUSTIN LEAGUE NO. 10, ABSTRACT NO. 63, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 7.735 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ROBERT W. SIEGERT, JR. AND DOROTHY C. SIEGERT RECORDED IN VOLUME 239, PAGE 321 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS AND THE REMAINDER OF A CALLED 79.75 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO R. W. SIEGERT RECORDED IN VOLUME 117, PAGE 16 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF SIEGERT DRIVE (60' R.O.W., TRACTS 3 & 4 - 188/454), SAID IRON ROD SET MARKING THE NORTH CORNER OF SAID REMAINDER OF 79.75 ACRE TRACT AND THE WEST CORNER OF THE REMAINDER OF LOT 8, BLOCK 2, SIEGERT SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 180, PAGE 390 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 09° 24' 44" E ALONG THE SOUTHWEST LINE OF SAID BLOCK 2, AT 62.50 FEET PASS A 3/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID LOT 8, CONTINUE ON FOR A TOTAL DISTANCE OF 721.41 FEET (CALCULATED PLAT CALL: S 11° 31' 00" E - 721.10 FEET, 180/390) TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 2 AND THE NORTHWEST CORNER OF AN UNDEVELOPED STREET R.O.W. AS SHOWN ON SAID PLAT, 180/390;

THENCE: S 09° 24' 44" E CONTINUING ALONG THE SOUTHWEST LINE OF SAID SIEGERT SUBDIVISION FOR A DISTANCE OF 174.79 FEET (PLAT CALL: S 11° 31' 00" E - 175.10 FEET, 180/390) TO A 1/2 INCH IRON ROD SET AT AN 8 INCH FENCE POST MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID SIEGERT SUBDIVISION AND THE NORTHWEST CORNER OF LOT 4, QUITTA ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 319, PAGE 3 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 04° 49' 04" E ALONG THE WEST LINE OF SAID QUITTA ADDITION FOR A DISTANCE OF 319.08 FEET (PLAT CALL: S 07° 04' 00" E - 319.80 FEET, 319/3) TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF LOT 1 OF SAID QUITTA ADDITION AND THE NORTHWEST CORNER OF A CALLED 0.8064 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO KRISTA L. DEVRIES AND KENNETH L. DEVRIES RECORDED IN VOLUME 12122, PAGE 35 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 00° 06' 40" E ALONG THE WEST LINE OF SAID 0.8064 ACRE TRACT FOR A DISTANCE OF 158.41 FEET (DEED CALL: S 01° 42' 02" E - 153.76 FEET, 12122/35) TO A CROSS-TIE FENCE CORNER POST FOUND ON THE NORTH LINE OF A CALLED 4.9 ACRE TRACT OF LAND AS DESCRIBED AS THE SECOND TRACT BY A DEED TO TRAVIS B. BRYAN, III RECORDED IN VOLUME 360, PAGE 264 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID FENCE CORNER POST FOUND MARKING THE SOUTHWEST CORNER OF SAID 0.8064 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 7.735 ACRE TRACT. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND BEARS: N 00° 32' 32" E FOR A DISTANCE OF 1.05 FEET;

THENCE: S 83° 09' 05" W ALONG THE COMMON LINE OF SAID 7.735 ACRE TRACT AND SAID 4.9 ACRE TRACT FOR A DISTANCE OF 574.31 FEET (DEED CALL: S 80° 21' 00" W - 574.60 FEET, 239/321) TO A 1/2 INCH IRON ROD SET MARKING THE NORTHWEST CORNER OF SAID 4.9 ACRE TRACT AND THE NORTH CORNER OF THE HEFTI SUBDIVISION, PHASE ONE ACCORDING TO THE PLAT RECORDED IN VOLUME

2729, PAGE 153 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 44° 00' 24" W ALONG THE COMMON LINE OF SAID 7.735 ACRE TRACT AND SAID HEFTI SUBDIVISION, AT 208.62 FEET PASS A FENCE CORNER POST FOUND ON THE NORTHEAST LINE OF OLD HEARNE ROAD (50' R.O.W. EASEMENT, 239/536) MARKING THE SOUTH CORNER OF SAID 7.735 ACRE TRACT AND THE WEST CORNER OF SAID HEFTI SUBDIVISION, CONTINUE ON ALONG THE SOUTHEAST LINE OF SAID REMAINDER OR 79.75 ACRE TRACT FOR A TOTAL DISTANCE OF 264.66 FEET TO A POINT IN THE PAVED ROADWAY OF OLD HEARNE ROAD MARKING THE SOUTH CORNER OF SAID REMAINDER OF 79.75 ACRE TRACT;

THENCE: ALONG THE SOUTHWEST LINE OF SAID REMAINDER OF 79.75 ACRE TRACT AND THROUGH OLD HEARNE ROAD FOR THE FOLLOWING CALLS:

N 18° 48' 00" W FOR A DISTANCE OF 825.33 FEET TO A POINT;

N 48° 33' 37" W FOR A DISTANCE OF 383.01 FEET TO A POINT MARKING THE WEST CORNER OF SAID REMAINDER OF 79.75 ACRE TRACT;

THENCE: N 41° 26' 45" E THROUGH OLD HEARNE ROAD, AT 50.00 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 1, BLOCK 1, BONHAM SCHOOL SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 7820, PAGE 206 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, CONTINUE ON ALONG THE SOUTHEAST LINE OF SAID LOT 1 FOR A TOTAL DISTANCE OF 536.83 FEET (PLAT CALL: N 44° 26' 01" E - 486.68 FEET, 7820/206) TO A 1/2 INCH IRON ROD FOUND BENT;

THENCE: N 76° 53' 13" E CONTINUING ON ALONG THE SOUTHEAST LINE OF SAID LOT 1 FOR A DISTANCE OF 122.43 FEET (PLAT CALL: N 79° 30' 00" E - 124.94 FEET, 7820/206) TO A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE SOUTHWEST LINE OF BONHAM DRIVE AND THE SOUTHEAST LINE OF SIEGERT DRIVE (188/454) MARKING THE EAST CORNER OF SAID LOT 1;

THENCE: N 76° 48' 52" E ALONG THE SOUTHEAST LINE OF SIEGERT DRIVE FOR A DISTANCE OF 676.78 FEET (DEED CALL: N 79° 30' 00" E - 680.00 FEET, 188/454) TO THE **POINT OF BEGINNING** CONTAINING 29.988 ACRES OF LAND, AS SURVEYED ON THE GROUND JANUARY, 2016. SEE PLAT PREPARED FEBRUARY, 2016, 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

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Exhibit “C”:

Bonham Trace - Planned Development District

GENERAL PURPOSE AND DESCRIPTION

Bonham Trace Planned Development, herein called “the District” or “this District” is intended to guide land use and physical development of the subject property. This District development plan is envisioned as a tool to help establish uses of this property, to facilitate appropriate future development of the property, and to strengthen the area’s economy and promote the general welfare of the community. The proposed Planned Development is to provide for development of detached dwelling units on lots of not less than 4,500 square feet. The Developer’s vision is to create a balanced, orderly, convenient, and attractive residential area via an interconnected walk system that provides pedestrian travel throughout the public rights-of-ways and common spaces in the community. The eight-foot wide walk system can be tied to the sidewalk along Siegert Drive that connects directly to Bonham Elementary School, as well as Bonham Park.

SECTION 1: DEFINITIONS

When not inconsistent with the context, words used in the present tense include the future; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to definitions found in the Zoning Ordinance, and failing that, customary usage based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

Construction Field Office – shall mean a temporary building used as an office for supervisory or administrative functions related to the construction of (1) new residential structures within the subdivision in which the construction field office is located or (2) a new commercial development on the tract on which the construction field office is located. A Construction Field Office shall not be used as a residence and shall not be constructed with sleeping facilities. RVs, motor homes, or mobile homes are not permitted or defined as a Construction Field Office.

Model Home – shall mean a detached residential dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Neighborhood Amenity Center – shall mean a private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development. The Neighborhood Amenity Center may also serve as a Real Estate Sales Center or information center during the sales life of the community.

In this specific context, the term “permitted” shall mean all uses permitted by right within the zoning classification specified, as well as other uses defined and described in the Zoning Ordinance of the City of Bryan as being permitted with approval of a Conditional Use Permit. Said uses permitted with approval of a Conditional Use Permit shall be subject to development review procedures of the City of Bryan Zoning Ordinance described for Conditional Use Permits.

SECTION 2: LAND USES

The District is structured to provide for development of detached dwelling units. The schematic site plan is divided into two general areas: common area and residential lots.

Uses permitted by right on residential lots:

- All permitted uses within RD-5 zoning district
- Construction Field Office
- Model homes
- Neighborhood Amenity Center

Conditional Uses on residential lots:

- All conditional uses within RD-5 zoning district

Uses permitted by right in common areas:

- Private Drainage
- Subdivision Drainage Detention

SECTION 3: PHYSICAL DEVELOPMENT

1. Physical development in this District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to development on properties zoned Residential District – 5000 (RD-5), subject to additions, modifications, or exceptions described herein. These development standards and limitations include, but are not limited to, regulations concerning density, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, and signs.
2. The following additional standards or exceptions shall be applicable to the physical development and continued use of land in this District:
 - a. No more than 50% of lots in this subdivision shall have lot widths of less than 50-feet. All lots in this subdivision shall be at least 45-feet wide.
 - b. Only lots with widths reduced to 45 feet shall have a lot area reduced to 4,500 square feet.
 - c. The minimum side building setback adjacent to abutting property shall be 5 feet.
 - d. To mitigate against reduced open space and increased fire danger, the following enhanced fire safety standards shall apply:
 1. Any condenser that is to be installed within a minimum required side building setback area must be in front of any fence enclosing the back yard of any lot.
 2. There shall be no more than one (1) condenser within minimum side building setback areas on adjacent lots.
 3. If condensers are in front of the enclosed rear yard, no fencing shall be allowed between the condenser and the front property line that causes the condenser to be in the enclosed rear yard area. Attractive decorative fencing around condensers shall be allowed.
 4. Condensers are also permitted in the rear yard if they are not within the side building setback.
 5. Only fencing and condensers may be permitted within minimum side building

setback areas.

6. No other permanent structures shall be allowed
7. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with the table below:

WAC Table R302.1(1)
Exterior Walls

| Exterior Wall Element | | Minimum Fire-Resistance Rating | Minimum Fire Separation Distance |
|-----------------------|---|---|----------------------------------|
| Walls | (Fire-resistance rated) | 1-hour tested in accordance with ASTM E 119 or UL 263 with exposure from both sides | < 5 feet |
| | (Not fire-resistance rated) | 0 hours | ≥ 5 feet |
| Projections | (Fire-resistance rated) | 1 hour on the underside ^{a, b} | ≥ 2 feet to 5 feet |
| | (Not fire-resistance rated) | 0 hours | 5 feet |
| Openings in Walls | Not allowed | N/A | < 3 feet |
| | 25% maximum of wall area <u>per story</u> | 0 hours | 3 feet |
| | Unlimited | 0 hours | 5 feet |
| Penetrations | All | Comply with Section R302.4 | < 5 feet |
| | | None required | 5 feet |

For IS: 1 foot = 304.8 mm. N/A = Not Applicable

a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fire blocking is provided from the wall top plate to the underside of the roof sheathing.

b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided no gable vent openings are installed.

SECTION 4: SUBDIVISION OF LAND

The subdivision of land in this District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances and the applicable requirements within this District.

SECTION 5: SIGNS

Regulation of signage in this District shall be in accordance with standards that generally apply to development on properties zoned Residential District – 5000 (RD-5), as specified in Chapter 98, Signs, of the City of Bryan Code of Ordinances.