

ORDINANCE NO. 2585

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE TEXT OF THE BRYAN CODE OF ORDINANCES CHAPTER 130 – ZONING, BY REORGANIZING CERTAIN SECTIONS WITHIN ARTICLE II, ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS 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, which provides regulations and districts made in accordance with adopted guiding principles for the purpose of promoting health, safety, morals, and the general welfare of the city; and

WHEREAS, the Bryan City Council recognizes the need from time to time to amend these regulations in order to organize information in a way that promotes consistent interpretation; and

WHEREAS, the City Council desires to create opportunities to add new zoning districts in accordance with land use policies adopted with the City’s Future Land Use Plan; and

WHEREAS, the creation of new zoning districts necessitates renumbering of sections in Article II, Zoning Districts, of the City of Bryan Code of Ordinances Chapter 130 – Zoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed ordinance text amendments for which notice was published at least fifteen (15) days prior to the hearing date.

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

1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

2.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-13, “C-1, Office District” is repealed and replaced to read as follows:

Sec. 130-13. – R-NC, Residential Neighborhood Conservation District

(a) *General purpose and description.* The R-NC, residential-neighborhood conservation district, is intended to be composed of detached dwelling units on lots of not less than 5,000 square feet. Dwellings are designed primarily for residential use and do not easily lend themselves to other types of nonresidential uses or rental property. Other uses may be permitted in this district which are compatible to residential uses and occupy structures designed for their intended use and do not infringe upon the residential uses.

(b) *Permitted uses.*

- Accessory structures;

- Detached dwelling units w/ no more than two unrelated persons;
- Essential municipal uses;
- Group home/community home;
- Government (federal or state) owned structures, facilities, and uses;
- Home occupations;
- Place of worship;
- Private utilities (no storage yards);
- Real estate sales offices during the development of residential subdivisions, but not to exceed three years;
- Schools;
- Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.

(c) *Conditional uses.*

- Accessory dwelling unit;
- Accessory structure if greater than the standards set forth in section 130-34(a);
- Bed and breakfast;
- Boarding (lodging) house;
- Child care—Class B;
- Community center/recreation center;
- Country club or golf course;
- Detached dwelling units with no more than four unrelated people;
- Duplex;
- Funeral home/mortuary;
- Municipal services support facilities;
- Neighborhood services;
- Nursing home (retirement home);
- Patio home (zero lot line dwelling);
- Police station;
- Professional offices (In the Eastside Historic District, the building must also be used as a primary dwelling by the owner, managing partner or majority shareholder of the business occupying the building);
- Townhouses;
- Twin homes.

(d) *Lot area, height, and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(f) *Other regulations.*

- (1) As established by all other applicable sections and/or ordinances.
- (2) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35.
- (3) Foster children residing in licensed foster care homes shall not be included in the calculation of the number of unrelated individuals living together in a single dwelling unit. Licensed foster care homes shall comply with any state mandated restrictions on the number of children permitted to reside in the dwelling unit.
- (4) Any dwelling unit permitted in this zoning district may have a second family according to this chapter residing therein on a temporary basis for a period not exceeding six months in any consecutive 12-month period.
- (5) Personal care homes are prohibited.

(g) *Special requirements.*

- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes
- (2) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the nonresidential and multifamily development in article III of chapter 62 Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
- (3) Patio home townhouse and duplex dwellings permitted conditionally in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.
- (4) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.
- (5) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

3.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-14, “C-2, Retail District” is repealed and replaced to read as follows:

Sec. 130-14. – C-1, Office District

- (a) *General purpose and description.* The C-1, office district is established to create a flexible district for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted. Permitted uses should be compatible with adjacent residential areas by limiting heights to 2 stories and utilizing buffers and landscape materials. Adaptive reuse of existing structures is encouraged. Sites zoned office may be built over 2 stories, subject to certain restrictions, if located such that they will not adversely impact any properties zoned or used for a single-family use. Buildings and structures in this district should strive for architectural compatibility.

(b) *Permitted uses.*

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Accessory structure (See section 130-34(a));
- Assisted living facilities;
- Banks, savings and loans or credit union offices;
- Charitable uses
- Child care—Class B;
- Child care—Class C;
- Essential municipal uses;
- Recreational/community center;
- Fraternal/service organization;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, or uses;
- Hospital;
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Pharmacies;
- Photography studio;
- Place of worship;
- Police station;
- Private utility office (no repair or outdoor storage);
- Radio or television broadcasting studio (without tower);
- Nursing home (retirement home);
- Schools;
- Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work;
- Veterinary services (no outdoor pens or runs).

(c) *Conditional uses.*

- College or university;
- Duplex;
- Fitness center;

- Funeral home/mortuary;
- Heliport or helistop;
- Micro-assembly;
- Multifamily dwelling;
- Municipal services support facilities;
- Oil and gas well operations;
- Patio home (zero lot line dwelling);
- Personal care homes;
- Restaurant or cafeteria;
- Reception hall;
- Single-family detached dwelling;
- Studios;
- Theater—Indoor;
- Townhouse.

(d) *Height regulations.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Lot area and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(f) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(g) *Other regulations.*

- (1) As established by all other applicable sections and/or ordinances.
- (2) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the City Code.
- (3) Single-family detached dwellings permitted in this district shall conform to standards as specified in the RD-5 district.
- (4) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development in article III of chapter 62 before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
- (5) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
- (6) Patio home, townhouse, and duplex dwellings permitted conditionally in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.
- (7) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-15, “C-3, Commercial District” is repealed and replaced to read as follows:

Sec. 130-15. – C-2, Retail District

- (a) *General purpose and description.* The C-2, retail district is established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. These shopping areas should utilize established landscape and buffering requirements and generally be limited to 2 stories in height. The C-2 district should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes. Under certain conditions, high-rise offices may be permitted if proper buffering and transition treatment is provided from residential districts.
- (b) *Permitted uses.* Any permitted use in the C-1 district with the addition of:
- Automobile service station;
 - Bed and breakfast;
 - Boardinghouse (lodging house);
 - Business or trade school;
 - Commercial amusement (indoor);
 - Dance studio;
 - Fitness center;
 - Funeral home/mortuary;
 - Gaming establishments;
 - Indoor archery and shooting range;
 - Laundromats (self-service washateria);
 - Micro-assembly;
 - Motel or hotel;
 - Nursery (greenhouse);
 - Package liquor store;
 - Parking lots or garages, commercial;
 - Pawnshop that has been licensed to transact business by the state consumer credit commissioner under V.T.C.A., Finance Code ch. 371;
 - Reception hall;
 - Retail services (including incidental uses);
 - Restaurant;
 - Studio;
 - Tattoo/piercing studio (see section 130-34(n));

- Theater—Indoor.

(c) *Conditional uses.* Any conditional use allowed in the C-1 district with the addition of:

- Automobile repair/sales/rental;
- Boat repair/sales/rental;
- Commercial amusement (outdoor);
- Credit access business (see section 130-34(o));
- Heating or air conditioning sales or service;
- Heliport or helistop;
- Ice company sales—Wholesale;
- Mini-warehouse or self-storage;
- Motorcycle sales/rental/service;
- Moving company;
- Night club or tavern($\leq 5,000$ square feet);
- Office—Showroom/warehouse;
- Theater—Outdoor;
- Printing company;
- Recycling collection point;
- Trailer rental;
- Truck rental.

(d) *Height regulations.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Lot area and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(f) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(g) *Other regulations.*

- (1) As established by all other applicable sections and/or ordinances.
- (2) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the City Code.
- (3) Single-family detached dwelling permitted in this district shall conform to standards as specified in the RD-5 district. Patio home, townhouse, and duplex dwellings permitted conditionally in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.
- (4) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development in article III of chapter 62 before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

- (5) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
- (6) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:
 - a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.
 - b. Vibration is discernible beyond the property line.
 - c. Noise above the average intensity of street traffic is discernible beyond the property line.
 - d. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.
- (7) Wireless telecommunications facilities shall be allowed only as provided for in section 130-35.

5.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-16, “DT, Downtown Districts” is repealed and replaced to read as follows:

Sec. 130-16. – C-3, Commercial District

- (a) *General purpose and description.* The C-3, commercial district is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical retail or shopping, but generally not with residential environments. Operating characteristics which may be typical of uses permitted in the C-3 district include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores.
- (b) *Permitted uses.* Any permitted use allowed in the C-2 district with the addition of:
 - Amusement arcade (video arcade);
 - Automobile repair;
 - Automobile sales/rental/service;
 - Boat sales/rental/service;
 - Bus terminal/station;
 - Commercial amusement, (indoor);
 - Commercial amusement, (outdoor);
 - Commercial bakery;
 - Farm equipment sales and service;
 - Feed store;
 - Fraternity/sorority house;
 - Gaming establishments;
 - Ice company (sales);

- Ice company (wholesale);
- Indoor archery and shooting range;
- Landscape service;
- Laundries, commercial;
- Lumberyard;
- Manufactured home display and sales;
- Micro-assembly;
- Mini-warehouse/self-storage;
- Motorcycle sales/rental/service;
- Nightclub or tavern;
- Office—Showroom/warehouse;
- Theater—Outdoor (amphitheater);
- Overnight delivery company;
- Paper/chemical suppliers;
- Parking lots (nonpaid for nonresidential use);
- Plumbing service;
- Portable/small commercial structures—Permanent;
- Portable/small commercial structures—Seasonal;
- Printing company;
- Private utility company (with general outdoor storage);
- Recycling collection point;
- Recreational vehicle (RV) park;
- Tool and machinery rental;
- Truck repair/truck stop;
- Veterinary services (no outdoor runs or pens).

(c) *Conditional uses.* Any conditional use allowed in the C-2 district with the exception of credit access business, and the addition of:

- Cabinet shop;
- Cemetery;
- College or university;
- Flea market;
- Golf course or country club;
- Heliport or helistop;
- Manufacturing;
- Machine shop;

- Moving company;
- Multifamily dwelling;
- Recovery facility;
- Refuse systems;
- Rodeo grounds;
- Stable—Commercial.

(d) *Height regulations.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Lot area and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(f) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(g) *Other regulations.*

(1) As established in all other applicable sections and/or ordinances.

(2) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the City Code.

(3) Single-family detached dwelling permitted in this district shall conform to standards as specified in the RD-5 district. Patio home, townhouse, and duplex dwellings permitted conditionally in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.

(4) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development in article III of chapter 62 before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(5) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

(6) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

- a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.
- b. Vibration is discernible beyond the property line.
- c. Noise above the average intensity of street traffic is discernible beyond the property line.
- d. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

(7) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35.

(8) The following regulations pertain to portable/small commercial structures-permanent which are permitted in this district.

- a. See building setbacks and lot standards in article IV of chapter 62.
- b. All fire code requirements must be met.

- c. A written agreement with the property owner for trash pickup must be provided.
 - d. All parking requirements must be met.
 - e. No portable/small commercial structures shall be allowed in parking lots that do not meet current construction standards or do not presently have an excess of parking for the existing structures utilizing the lot.
 - f. The site development review committee must approve vehicle circulation.
 - g. The structure must be properly anchored, either to the surface of the lot or it must be on a permanent foundation.
 - h. Landscaping must front a minimum of ten percent of the building's facade. Acceptable landscaping of portable/small commercial structures includes the following: raised planter boxes and at grade planting beds.
 - i. Restroom facilities for the employer and employees must be provided either inside the structure or via an agreement with the owner of the main structure on the site.
- (9) The following regulations pertain to portable/small commercial structures-seasonal which are permitted in this district. Certificate of occupancies for portable/small commercial structures-seasonal shall be granted for a maximum of 60 days, after which time the structure must be removed from the site. An additional certificate of occupancy shall not be granted for the same business for a minimum of 6 months.

6.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-17(a), DT-N, Downtown – North District, is revised to expand the general purpose and description of the district as follows:

Sec. 130-17. – DT-N, Downtown – North District

- (a) *General purpose and description.* The downtown districts are established to accommodate existing development and to promote future development in the central area of the city, and to protect the character of the downtown area. They recognize the unique characteristics of each section of downtown and its space limitations. The Downtown Bryan Master Plan, adopted in October 2001, recommends that the downtown district be extended from its current boundaries to create a cohesive urban fabric.

The DT-N, downtown - north district is established to accommodate existing developments and to promote new development in an area which provides for various types of residential uses as well as general retail, office, business and service uses. The district encourages high density residential development and retail uses to support a residential community.

7.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-18(a), DT-S, Downtown – South District, is revised to expand the general purpose and description of the district as follows:

Sec. 130-18. – DT-S, Downtown – South District

- (a) *General purpose and description.* The downtown districts are established to accommodate existing development and to promote future development in the central area of the city, and to

protect the character of the downtown area. They recognize the unique characteristics of each section of downtown and its space limitations. The Downtown Bryan Master Plan, adopted in October 2001, recommends that the downtown district be extended from its current boundaries to create a cohesive urban fabric.

The DT-S, downtown - south district is established to accommodate existing developments and to promote new development in an area which traditionally provided for various types of general retail, office, business and service uses while encouraging secondary residential uses on the upper floors of buildings.

8.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-19(a), DT-C, Downtown – Civic District, is revised to expand the general purpose and description of the district as follows:

Sec. 130-19. – DT-C, Downtown – Civic District

- (a) *General purpose and description.* The downtown districts are established to accommodate existing development and to promote future development in the central area of the city, and to protect the character of the downtown area. They recognize the unique characteristics of each section of downtown and its space limitations. The Downtown Bryan Master Plan, adopted in October 2001, recommends that the downtown district be extended from its current boundaries to create a cohesive urban fabric.

The DT-C, downtown-civic district is established to accommodate existing developments and to promote new development in an area which provides for various types of civic uses as well as general retail, office, business and service uses.

9.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-20, MT, Midtown Districts, is repealed and replaced to read as follows:

Sec. 130-20. – MU-2, Mixed Use District

- (a) *General purpose and description.* The MU-2, mixed use district is a mixed land use area which was primarily a residential area at one time but has evolved into an area which has numerous nonresidential uses. The district is intended as an interim zoning classification to aid in transition of certain areas of the city to a permanent zoning district classification in the future. Many of the nonresidential uses which now exist are in structures which were at one time used for residential purposes. It is the intent of this district to allow certain uses which are compatible with existing land uses.

- (b) *Permitted uses.*

- Accessory buildings;
- Bed and breakfast;
- Beer and wine sales;
- Boardinghouse (lodginghouse);
- Child care—Class B;

- Convenience store;
- Community center or recreational center;
- Department store;
- Duplex;
- Essential municipal uses;
- Fitness center;
- Fraternity and sorority houses;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, and uses;
- Hardware store;
- Home occupations;
- Hospital;
- Landscape service;
- Laundromats (self-service washateria);
- Motorcycle sales;
- Moving company;
- Multifamily dwellings;
- Nursery (greenhouse);
- Paper and chemical suppliers;
- Patio home (zero lot line dwelling);
- Pawnshop that has been licensed to transact business by the state consumer credit commissioner under V.T.C.A., Finance Code ch. 371;
- Personal care homes;
- Place of worship;
- Printing company;
- Research labs;
- Roofing and siding company;
- Schools;
- Servant's quarters;
- Single-family detached dwelling;
- Sporting goods;
- Stadium;
- Tool rental;
- Townhouses;
- Trade or business school;

- Welding shop;
- Wholesale distributor.

(c) *Conditional uses.*

- Amusement arcade (video arcade);
- Auto repair/rental/sales;
- Bank and savings and loan;
- Building materials and hardware;
- Bus terminal/station;
- Cabinet shop;
- Cemetery;
- College or university;
- Country club;
- Feed store;
- Golf course;
- Greenhouse, commercial;
- Hotel or motel;
- Machine shop;
- Medical laboratory;
- Manufactured housing land lease community;
- Municipal services support facilities;
- Police station;
- Produce sales;
- Restaurant;
- Shopping center.

(d) *Lot area, height, and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(f) *Other regulations.*

- (1) As established by all other applicable sections and/or ordinances.
- (2) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the City Code.
- (3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development in article III of chapter 62 before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

- (4) Single-family units constructed in this district shall conform to RD-5 district standards.
- (5) Patio home townhouse and duplex dwellings permitted in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.
- (6) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35.

(g) *Special requirements.*

- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes, may be used for on-site dwelling purposes.

10.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-21(a), MT-C, Midtown – Corridor District, is revised to expand the general purpose and description of the district as follows:

Sec. 130-21. – MT-C, Midtown – Corridor District.

- (a) *General purpose and description.* The midtown districts are established to implement the recommendations of the midtown area plan, adopted by the Bryan City Council on May 12, 2020. This plan sets goals and guidelines for development of all types within the midtown area. Not all parts of the midtown study area are included in the midtown districts described below. Each district serves a different purpose towards the plan's envisioned goals in midtown, but both encourage walkability and diversity of business and housing types.

The midtown-corridor district (MT-C) is established to align with the midtown area plan, adopted May 12, 2020. The intent of the midtown-corridor district is to allow new development and redevelopment to occur within certain design and development expectations established by the adoption of the midtown area plan. The goal of the midtown area plan and the resulting midtown-corridor district is to provide flexibility for mixed-use development to occur seamlessly and to set predictable design and development standards along major corridors within the midtown-corridor district.

11.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-22(a), MT-HD, Midtown – High Density District, is revised to expand the general purpose and description of the district as follows:

Sec. 130-22. – MT-HD, Midtown – High Density District.

- (a) *General purpose and description.* The midtown districts are established to implement the recommendations of the midtown area plan, adopted by the Bryan City Council on May 12, 2020. This plan sets goals and guidelines for development of all types within the midtown area. Not all parts of the midtown study area are included in the midtown districts described below. Each district serves a different purpose towards the plan's envisioned goals in midtown, but both encourage walkability and diversity of business and housing types.

The midtown-high density district (MT-HD) is established to create an area where increased residential and retail development density are encouraged. The demands and opportunities of this area identified in the midtown area plan, adopted by the Bryan City Council on May 12, 2020, show retail and residential growth and their interconnections. The intent of the midtown-high density district is to mandate a more intense pattern of development than is currently present in this area. Creative solutions will be utilized to offer the flexibility necessary for the desired types of development.

12.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-24 through 130-26, are repealed and reserved.

Sec. 130-24. –Reserved.

Sec. 130-25. –Reserved.

Sec. 130-26. - Reserved.

13.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-28, “Reserved” is revised to read as follows:

Sec. 130-28. – West Villa Maria, FM 2818, and FM 158 corridor overlay districts.

- (a) *General purpose and description.* This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. The intent is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop.
- (b) *District boundaries.* The corridor overlay standards apply to the future development and use of all land within 200 feet or the depth of the abutting lot, whichever is less, on either side of the street right-of-way along the following specified thoroughfare segments.
 - (1) West Villa Maria Road from Finfeather Road to SH 47.
 - (2) FM 2818 (southwest side only) from Villa Maria Road southeastward to the city limits.
 - (3) FM 158 from 200 feet west of the intersection of Villa Maria Road to the city limits at Cole Lane.

Note: The depth of the corridor is 200 feet or the depth of the abutting lot, whichever is less.

- (c) *Screening and general appearance standards.*
 - (1) *Building materials.* At least 75 percent of any exterior wall shall be covered by masonry, vinyl/wood siding, glass, or other nonmetallic material, as prescribed by the table below.
 - (2) *Utility equipment.* All heating, ventilation, air-conditioning, and utility equipment located outside of buildings shall be effectively screened from view from any street abutting the property with dense shrubbery having year-round foliage, decorative wall, fence, or architectural element of the building.

- (3) *Vehicle loading.* Vehicle loading and unloading areas shall be screened from view from any street abutting the property by a fence, wall, or architectural element of the building at least six feet in height above the surface of the loading area or dock, as prescribed by the table below.
- (4) *Solid waste.* Solid waste containers that are subject to current screening requirements shall be located such that the enclosure blocks the view of the container from any street abutting the property.
- (5) *Screening.* A decorative wall or landscaped earth berm at least three feet in height, or dense shrubbery having year-round foliage at least four feet in height, is required as a visual buffer along street frontages in the following circumstances.
 - a. Where outdoor parking areas are located within 50 feet of a certain distance from any street right-of-way, except for driveway openings providing access from the street to the parking area.
 - b. Where fuel pumps are located in any parking area, driveway, or maneuvering area between the principal building and any street.
 - c. Where a vehicle drive-up window faces a street.
- (6) *Underground utilities.* All electric, telephone, and cable TV wires shall be buried underground from the property line to all structures being served on private or public property.
- (7) *Screening fences.* All screening fences, whether required or not, that are visible from a street shall be constructed of brick, stone, concrete panels, or a combination of these materials and solid wood (not including plywood or particleboard), with the wood section of fence not exceed 20 feet in length. Chainlink fences and corrugated metal or fiberglass panels are prohibited in all locations.
- (8) *Perimeter fence materials.* Where fencing is to be located along the boundary of a subdivision abutting the corridor overlay district, the style and materials used for all portions of the fence facing the corridor or any street within the boundaries of the corridor, shall be of uniform construction across all lots so situated in the same subdivision.

Standard	West Villa Maria, FM 2818, FM 158
Building materials	At least 75 percent nonmetallic
Utility equipment	Screened
Vehicle loading	Screened by an architectural element of at least 6 feet in height
Solid waste containers	Screened
Street frontage screening	Screened by a wall or earth berm of at least 3 feet in height, or shrubbery of at least 4 feet in height
Outdoor parking	Screened when located within 50 feet of any street right-of-way
Fuel pumps	Screened
Vehicle drive-up window	Screened
Utility wires	Underground

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-30, “MU-2, mixed use district” is repealed and replaced to read as follows:

Sec. 130-30. – HP, historic preservation overlay district.

- (a) *General purpose and description.* The City Council of Bryan, Texas hereby declares that as a matter of public policy the preservation, protection, enhancement, and perpetuation of properties of historic and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Bryan represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This section is intended to:
- (1) preserve, protect and enhance the properties which represent distinctive elements of Bryan's historic, architectural, and cultural heritage;
 - (2) foster civic pride in the accomplishments of the past;
 - (3) preserve, protect and enhance Bryan's attractiveness to visitors and the support and stimulus to the economy thereby provided;
 - (4) insure the harmonious, orderly, and efficient growth and development of the city;
 - (5) promote economic prosperity and welfare of the community;
 - (6) encourage stabilization, restoration, and improvements of such properties and their values.
- (b) *Criteria for designation of historic preservation overlay district.* A historic preservation overlay district may be designated if it meets any of the following criteria:
- (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (3) Represents the work of a master designer, builder, or craftsman.
 - (4) Represents an established and familiar visual feature of the city.
 - (5) Meets the criteria established by the National Register of Historic Places.
 - (6) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or nation;
 - (7) Location as the site of a significant historical event; and
 - (8) Identification with a person or persons who significantly contributed to the culture and development of the city, state or nation.
- (c) *Designation of historic preservation overlay district.*
- (1) These provisions pertain to the designation of historic property/properties by creating the historic preservation overlay district, a part of this zoning ordinance.
 - (2) Eligible applicants are:
 - a. Property owner or 60 percent of property owners in a proposed district consisting of more than one property (one vote per property);
 - b. Historic landmark commission, planning and zoning commission, or city council.
 - c. Historic preservation officer.
 - (3) Applications to increase, decrease or establish boundaries of a historic preservation overlay district must include:
 - a. A legal description of the boundaries of the district;
 - b. A photograph or photographs of each contributing building, structure, site, area or land.
 - c. A description of all buildings, structure, site, area or land showing the condition, color, and architectural style of each and:

1. Date of construction, if known;
 2. Builder or architect, if known;
 3. Chain of uses and ownership;
 4. Building materials;
 5. Construction technique;
 6. Summary of recognition of state or national government including reason designated, if applicable.
- d. A statement of reasons for recommending designation or changes to the district, including a list of contributing buildings, structures, sites, areas or lands of importance and a description of the particular importance of each contributing building, structure, site, area or land.
 - e. Findings supporting establishment of or change to the district according to the criteria in this section and indicating the particular importance or value of the district;
 - f. Signature of applicant. Eligible applicants are: property owner [or 60 percent of owners (one vote per property) in a proposed district of more than one property]; historic landmark commission (as established in chapter 2); or historic preservation officer.
- (4) The historic landmark commission shall conduct a public hearing on the proposed historic preservation overlay district. At the historic landmark commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic preservation overlay district. The historic landmark commission shall prepare a recommendation on the proposed change stating its findings, and evaluation within 45 days subsequent to the hearing on the proposed designation.
 - (5) Upon recommendation of the historic landmark commission, the proposed historic preservation overlay district shall be submitted to the planning and zoning commission within 45 days from the date of the historic landmark commission's recommendation. After a recommendation by the historic landmark commission, all proposed historic preservation overlay districts shall follow procedures set forth in section 130-42.
 - (6) Upon designation of a historic preservation overlay district, the city council shall cause the designation to be recorded in the official zoning maps of the City of Bryan.
- (d) *Certificate of appropriateness affecting historic preservation overlay districts.* Construction, reconstruction, alteration, restoration, rehabilitation, relocation, demolition, or any change visible from a public right-of-way of any historic property within a historic preservation overlay district shall not occur without prior approval of a certificate of appropriateness from the historic landmark commission. The building official, historic preservation officer, or his/her designee shall not issue a building permit without a certificate of appropriateness having been granted.
 - (e) *Criteria for approval of a certificate of appropriateness.* In considering an application for a certificate of appropriateness, the historic landmark commission shall be guided by any adopted design guidelines, and where applicable, the following from the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings. Any adopted design guidelines and Secretary of the Interior's Standards shall be on file within the planning and development services department and made available to the public.
 - (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
 - (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept when possible.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - (10) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
 - (11) Any design guidelines adopted by the historic landmark commission or city council.
- (f) *Certificate of appropriateness application procedure.*
- (1) Prior to the commencement of any work in the historic preservation overlay district requiring a certificate of appropriateness the owner shall file an application for such a certificate with the historic landmark commission. The application shall contain:
 - a. Name, address, telephone number of applicant.
 - b. Detailed description of proposed work.
 - c. Location and photograph of the property, including historic photographs, if available.
 - d. Elevation drawings of the proposed changes, if applicable.
 - e. Samples of materials to be used.
 - f. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
 - (2) Building permits shall not be issued for such proposed work until a certificate of appropriateness has first been issued by the historic landmark commission. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Bryan.

- (3) The historic landmark commission shall review the application during a public meeting within 45 days from the date the application is received. The historic landmark commission shall act upon the certificate of appropriateness within 45 days after the meeting. In the event the historic landmark commission does not act within 90 days of the receipt of the application, a certificate of appropriateness shall be deemed granted. The historic landmark commission's decision is limited to approve, approve with modifications; suspension of action for a specified time or deny.
- (4) All decisions of the historic landmark commission shall be in writing and shall state its findings pertaining to the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on the subject property.
- (5) An applicant for a certificate of appropriateness may appeal the decision of the historic landmark commission to the city council within ten days after such action.
- (6) Certificate of appropriateness' are valid for a period of one year. Any work not completed within a one year period shall require a new certificate of appropriateness to be issued by the historic landmark commission.

(g) *Economic hardship application procedure.*

- (1) After receiving written notification from the historic landmark commission of the denial of certificate of appropriateness, an applicant may commence the hardship process to obtain necessary building or demolition permits. No building permit or demolition permit shall be issued unless the historic landmark commission makes a finding that hardship exists. When a claim of economic hardship is made due to the effect of this chapter, the owner must demonstrate to the Historic landmark commission that:
 - a. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b. the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - c. efforts to find a purchaser interested in acquiring the property and preserving it have failed.
 - (2) The applicant shall consult with the historic landmark commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the historic landmark commission.
 - (3) The historic landmark commission shall hold a public hearing on the application within 60 days from the date the application is received by the building official, historic preservation Officer, or his/her designee. Following the hearing, the commission has 30 days in which to prepare a written recommendation to the building official, historic preservation officer, or his/her designee. In the event that the historic landmark commission does not act within 90 days of the receipt of the application, a permit may be granted.
 - (4) All decisions of the historic landmark commission shall be in writing. A copy shall be sent to the applicant by mail and a copy filed with the city for public inspection. The historic landmark commission's decision shall state the reasons for granting or denying the hardship application.
 - (5) Hardships shall not be granted if they are a result of the owner's actions.
- (h) *Ordinary maintenance in a historic preservation overlay district.* Nothing in this ordinance shall be construed to prevent the ordinary maintenance, in-kind replacement, and repair of any exterior architectural feature of a property within a historic preservation overlay district which does not involve a change in design, material, or outward appearance. When the building official, historic

preservation officer, or his/her designee determines work has progressed beyond ordinary maintenance, the commission shall review a request for a certificate of appropriateness.

- (i) *Demolition by neglect.* Owners or persons with an interest in real property included within a historic preservation overlay district shall not permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior feature which would produce a detrimental effect upon the character of the historic preservation overlay district as a whole or the life and character of the property itself. Examples of such deterioration may include, but shall not be limited to:
 - (1) Deterioration of exterior walls or other vertical supports.
 - (2) Deterioration of roof or other horizontal members.
 - (3) Deterioration of exterior chimneys.
 - (4) Deterioration or crumbling of exterior stucco or mortar.
 - (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
 - (6) Deterioration of exterior architectural features.
 - (7) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
- (j) *Sign regulations.* See chapter 98.

15.

That Bryan Code of Ordinances, Chapter 130, Zoning, Article II – Zoning Districts, Section 130-31, “R-NC, Residential – Neighborhood Conservation” is repealed and replaced to read as follows:

Sec. 130-31. – PD, planned development district.

- (a) *General description and purpose.* The PD, planned development district accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multifamily or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.
- (b) *Permitted uses.* Any use or combination of uses authorized by the planning and zoning commission and the city council is permitted in a PD district if the use is consistent with the following categories:
 - (1) *Planned development-housing (PD-H).* Any use permitted in the RD-7, RD-5, and MF districts are permitted in a PD-H development.
 - (2) *Planned development-business (PD-B).* Any use permitted in the C-1, C-2, and C-3 districts are permitted in a PD-B development, excluding residential uses.
 - (3) *Planned development-industrial (PD-I).* Any use permitted in the I district is permitted in a PD-I development, excluding adult entertainment.

- (4) *Planned development-mixed use (PD-M)*. Any use permitted in the RD-7, RD-5, MF, C-1, C-2, C-3, and I districts is permitted in a PD-M development, excluding adult entertainment.

(c) *Planned development requirements.*

- (1) Requests for a PD designation shall be processed as a rezoning request and shall follow the procedures stated in section 130-42 unless otherwise specified in this section. A development plan for the proposed planned development shall be required that shows the location of the planned development and the relationship of the various land uses included in the development. The form and content of the development plan shall be in accordance with the provisions of the subdivision ordinance regarding development plans. Development requirements for each separate PD district shall be included as a part of the development plan for each PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the city council and the planning and zoning commission may deem appropriate. The preparation of preliminary and final plats for the development shall be prepared in accordance with the provisions of the subdivision ordinance and with any modifications approved by the planning and zoning commission on the development plan.
- (2) The PD district shall be designated as a zoning district on the zoning map.
- (3) The ordinance granting a PD district shall include a statement as to the purpose and intent of the planned development granted therein.
- (4) Development criteria.
 - a. Each proposed development shall be reviewed to determine the compatibility of the development with surrounding land uses. Open space buffers shall be required to separate land uses within the planned development from land uses adjacent to the planned development unless it is determined by the planning and zoning commission that no incompatibility exists between the land uses. No structure, parking lot, equipment pad, or other manmade construction not approved by the city shall be placed in an open space buffer. The size and location of these buffers shall be determined by the planning and zoning commission upon review of the development plan for the proposed development. The minimum size of an open space buffer shall be 25 feet measured from the exterior property line. Landscaping may be required within the buffer based on the location of existing development, the type of development, topography, or other criteria established by the planning and zoning commission.
 - b. Where structures within the planned development that exceed 35 feet in height are proposed to be erected on lots adjacent to RD-7, RD-5, or A-O districts, such structures shall be located one foot from the boundary of the open space buffer described in section 130-25(c)(4)a for each two feet of height over 35 feet.
 - c. Planned developments designated as PD-B, PD-I, or PD-M shall have frontage along and access to a major arterial street on at least one side of the proposed development. Access through a residential area to a PD-B, PD-I, or PD-M via a local street is prohibited.
 - d. The Planning and zoning commission or the city council shall not approve a planned development if it finds that the proposed planned development:
 - e. Does not conform with applicable regulations and standards established by this chapter:
 1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section;

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section;
 3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
 4. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
 5. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs; or
 6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.
- (5) Unless otherwise specified in the approved development plan the minimum requirements for each development shall be those stated in the subdivision ordinance (chapter 110) and the requirements of the most restrictive standard zoning district in which designated uses are permitted. There are no maximum height restrictions for planned developments except those noted in section 130-25(c). The maximum housing density permitted in any planned development shall be no more than 50 dwelling units per acre.
- (6) The granting of a PD designation shall not relieve the developer from responsibility for complying with all other applicable codes and ordinances of the city unless such relief is specified in the approved development plan.
- (7) An owners association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service and parking areas, common open spaces, and common recreational areas at the time the development plan is submitted. If an owners association is required, the articles of incorporation of an owners association shall be reviewed by the City to assure compliance with the provisions of this chapter.
- (d) *Zoning district map.* All PD districts approved in accordance with the provisions of this chapter in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts, together with the category of uses permitted therein, shall be kept on file in the office of the city secretary or his or her designee.

16.

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

17.

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

18.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

19.

That 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 the time, place and purpose of said meeting was given.

20.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

21.

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

PASSED, ADOPTED and APPROVED the 11th day of October 2022, 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:

Thomas A. Leeper, City Attorney