

ORDINANCE NO. 2022-4374

AN ORDINANCE AMENDING APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 5, “DISTRICT PURPOSE STATEMENTS AND SUPPLEMENTAL STANDARDS,” SECTION 5.2 “RESIDENTIAL DIMENSIONAL STANDARDS,” AND ARTICLE 8, “SUBDIVISION DESIGN AND IMPROVEMENTS,” SECTION 8.3, “GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS WITHIN THE CITY LIMITS,” SUBSECTION 8.3.H.4 “CLUSTER DEVELOPMENT”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO CLUSTER DEVELOPMENTS; 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 5, “District Purpose Statements And Supplemental Standards,” Section 5.2 “Residential Dimensional Standards,” And Article 8, “Subdivision Design And Improvements,” Section 8.3, “General Requirements And Minimum Standards Of Design For Subdivisions Within The City Limits,” Subsection 8.3.H.4 “Cluster Development”, Of The Code Of Ordinances Of The City Of College Station, Texas, be amended as set out in **Exhibit “A” and Exhibit “B”** 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 28th day of July, 2022.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That Appendix A, “Unified Development Ordinance,” Article 5, “District Purpose Statements And Supplemental Standards,” Section 5.2 “Residential Dimensional Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 5.2. Residential Dimensional Standards.

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

Residential Zoning Districts												
	R	WE	E(N)(P)	WRS	RS(J)	GS(J)(P)	T	D	MHP	MF	MU	Accessory Structures
Non-Clustered Residential Zoning Districts												
Min. Average Lot Area per Dwelling Unit (DU)	3 Acres Average	2 Acres	1 Acre	20,000 SF	10,000 SF Average	5,000 SF	2,000 SF	3,500 SF	>(L)	None	None	Refer to Section 6.5, Accessory Uses(L)
Absolute Min. Lot Area per Dwelling Unit (DU)	2 Acres	2 Acres	1 Acre	20,000 SF	6,500 SF	5,000 SF	2,000 SF	3,500 SF		None	None	
Min. Lot Width	None	100 (M)	100'(M)	70'	70'	50'	None	35'/DU(E)		None	None	
Min. Lot Depth	None	None	None	None	None	100'	None	100'		None	None	
Min. Front Setback (H)	50'	30'	30'	25'	25'	25'(D)	25'(D)	25'(D)		15'	None	
Max. Front Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	15'(O)	
Min. Side Setback	20'	10'	10'	7.5' (Q)	7.5' (Q)	7.5' (Q)	(A)	7.5'(C)		(A) (B)	None	
Min. Side Street Setback	15'	15'	15'	15'	15'	15'	15'	15'		15'	None	
Max. Side Street Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	15'(O)	
Min. Side Setback between Structures(B)	N/A	15'	15'	15'	15'	15'	7.5'	15'		7.5'	None	
Min. Rear Setback (L)	50'	20'	20'	20'	20'	20'	20'	20'(F)		20'	20'	
Max. Impervious Cover(R)	30%	30%	30%	40%	50%	55%	75%	65%		(S)	(S)	

Max. Height	35' (G)(K)(L)	35' (G)(K)	35' (G)(K)(L)	35' (G)(K)	35' (G)(K)(L)	2.5 Stories/35' (G)(K)(L)	35' (G)(K)(L)	2.5 Stories/35' (G)(K)(L)		(G)(L)	(G)(L)		
Minimum Number of Stories	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	2 Stories		
Max. Dwelling Units/Acre (Subdivision Gross)	0.33	0.5	1.0	2.0	4.00	8.0	14.0	12.0	10.0	30.0	N/A	N/A	
Min. Dwelling Units/Acre	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	N/A		
Clustered Residential Zoning Districts													
Min. Average Lot Area per Dwelling Unit (DU)	N/A	1 Acre	20,000 SF Average	8,000 SF	8,000 SF Average	None	N/A	N/A	N/A	N/A	N/A	N/A	
Absolute Min. Lot Area per Dwelling Unit (DU)		1 Acre	10,000 SF	8,000 SF	6,500 SF	None							
Min. Lot Width		100' (M)	100'(M)	None	None	None							
Min. Lot Depth		None	None	None	None	None							
Min. Front Setback (H)		Refer to Section 8.3.H.4, Cluster Development, Specific District Standards											
Min. Side Setback													
Min. Street Side Setback													
Min. Side Setback between Structures(B)													
Min. Rear Setback (L)													
Max. Impervious Cover(R)		30%	30%	40%	50%	55%							
Max. Height		35'(G) (K)	35'(G) (K)	35'(G) (K)	35'(G) (K)	2.5 Stories/ 35'(G) (K)(L)							
Max. Dwelling Units/Acre (Subdivision Gross)		0.5	1.0	2.0	4.00	8.0							

Notes:

- (A) A minimum side setback of seven and one-half (7.5) feet is required for each building or group of contiguous buildings.

- (B) Lot line construction on interior lots with no side yard or setback is allowed only where the building is covered by fire protection on the site or by dedicated right-of-way or easement.
- (C) Zero lot line construction of a residence is allowed where property on both sides of a lot line is owned and/or developed simultaneously by single party. Development under lot line construction requires prior approval by the Zoning Official. In no case shall a single-family residence or duplex be built within fifteen (15) feet of another primary structure. See Article 8, Subdivision Design and Improvements, for more information.
- (D) Minimum front setback may be reduced to fifteen (15) feet when approved rear access is provided, or when side yard or rear yard parking is provided.
- (E) The minimum lot width for a duplex dwelling may be reduced to thirty (30) feet per dwelling unit when all required off-street parking is provided in the rear or side yard.
- (F) Minimum rear setback may be reduced to fifteen (15) feet when parking is provided in the front yard or side yard.
- (G) Shall abide by Section 7.2 H., Height.
- (H) Reference Section 7.2 D.1.e for lots created by plat prior to July 15, 1970 and designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- (I) Reference Section 7.2 D.1.b for lots with approved rear access.
- (J) For areas within a Single-Family Overlay District, reference the Neighborhood Prevailing Standards Overlay Districts Section in Article 5 or the Ordinance authorizing the rezoning for Neighborhood Conservation Overlay Districts.
- (K) Public, civic, and institutional structures shall have a maximum building height of fifty (50) feet in these districts.
- (L) Reference Easterwood Field Airport Zoning Ordinance regarding height limitations.
- (M) In subdivisions built to rural street standards, lots shall be a minimum of one hundred (100) feet in width. There is no minimum lot width in cluster subdivisions built to urban street standards.
- (N) Estate lots that are part of a subdivision existing on or before September 12, 2013 are not permitted to use Cluster Development Standards without rezoning approval, which incorporates the entire subdivision.
- (O) For MU zoned properties, maximum side street and front setbacks may be measured from the edge of a public easement when it is in excess of the maximum setback. Maximum setbacks may be increased to up to eighty-five (85) feet to accommodate a parking lot between the structure and the street. Maximum setback requirements may be fulfilled through the use of plazas, outdoor dining, and bicycle parking.
- (P) Reference Section 8.3 H.4.e when using the cluster option in the Wellborn Community Plan area.
- (Q) Minimum side setback may be reduced to five (5) feet where property on both sides of a lot line is owned and/or developed simultaneously by a single party. Development under reduced side setbacks requires prior approval by the Zoning Official, and must be established by plat. In no case shall a single-family residence be built within fifteen (15) feet of another primary structure. When reduced side setbacks are approved, sills, belt courses, cornices, buttresses, chimneys, flues, eaves, and other architectural features are prohibited from extending into the required side yard setback
- (R) Maximum impervious cover is to be defined by the applicable zoning district designation unless otherwise mitigated by an on-site or regional drainage facility and associated drainage study as approved by the City Engineer or his/her designee.

Work being performed by the homeowner and/or resident that does not require a building permit, that is less than 120 square feet, and that does not cause the lot to exceed the applicable maximum impervious cover, does not require an Impervious Coverage Permit.

- (S) Maximum impervious cover for MF and MU zoning districts shall be determined by an engineered drainage analysis performed in conjunction with the BCS Unified Stormwater Design Guidelines and as approved by the City Engineer or his/her designee.

EXHIBIT B

That Appendix B, “Unified Development Ordinance,” Article 8, “Subdivision Design And Improvements,” Section 8.3, “General Requirements And Minimum Standards Of Design For Subdivisions Within The City Limits,” Subsection 8.3.H.4 “Cluster Development” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

4. Cluster Development.**a. General Purpose.**

A cluster development is intended to provide open space, preserve unique environmental features, or protect the character of rural areas. It is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density of all the lots collectively do not exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the zoning district, though the individual lots within the development can be smaller than required in a conventional subdivision. The average lot size in a cluster development must be less than the minimum lot size of the base zoning district. Smaller lot sizes within a cluster development are required to be offset by the provision of open space as set forth below.

b. Conflict with Other Regulations.

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

c. Where Allowed.

Cluster developments are allowed in residential WE Wellborn Estate, E Estate, RS Restricted Suburban, WRS Wellborn Restricted Suburban, and GS General Suburban zoning districts.

d. Approval Procedure.

Cluster Developments are subject to the subdivision procedures set forth in this UDO. A note shall be provided on the plat that states the subdivision is a cluster development with additional descriptions as necessary.

e. Specific District Standards.**1. Wellborn Estate -**

a. **Lot Size.** The minimum lot size is one (1) acre as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except as noted below.

Subdivisions with all lots over one acre and lot widths of one hundred (100) feet may use rural character roads.

b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

2. Estate -

a. **Lot Size.** The minimum average lot size is twenty thousand (20,000) square feet with an absolute minimum lot size of ten thousand (10,000) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development, except as noted below. Subdivisions with all lots over twenty thousand (20,000) square feet and lot widths of one hundred (100) feet may use rural character roads. Subdivisions containing any lots below twenty thousand (20,000) square feet must use urban street standards.

b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.

- c. In the Wellborn Community Plan area, the cluster option may be used only in the area designated Wellborn Preserve-Open on the Comprehensive Plan Land Use and Character Map.
- 3. **Wellborn Restricted Suburban**
 - a. **Lot Size.** The minimum average lot size is eight thousand (8,000) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
 - b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
- 4. **Restricted Suburban -**
 - a. **Lot Size.** The minimum average lot size is eight thousand (8,000) square feet with an absolute minimum lot size of six thousand five hundred (6,500) square feet as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
 - b. **Setbacks and Building Separations.** The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
- 5. **General Suburban -**
 - a. **Lot Size.** There is no minimum lot size as long as individual lot sizes are adequate to meet all other required density, district, and development standards. There is no set minimum lot width or depth requirement within a cluster development.
 - b. **Setbacks and Building Separations.**

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten (10) feet.
 - c. In the Wellborn Community Plan area as designated on the Comprehensive Plan Future Land Use and Character Map, the cluster option is not permitted.
- f. **Open Space.**
 - 1. **Description of Open Space.**

Any parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of all residents of a proposed project. Open space may include amenities such as private outdoor recreation facilities, natural areas, trails, agricultural lands, or stormwater management facilities designed as a neighborhood amenity. Areas encumbered by right-of-way, easements, or utilized as parking may not be counted towards the Open space requirements. Open spaces must be privately owned and maintained by a Home Owners Association (HOA).

Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Commission may require that up to fifty (50) percent of required common open space be useable recreational space, if deemed necessary by the Commission to ensure adequate recreational amenities for residents of the development.
 - 2. **Common Open Space Required for Cluster Developments.**
 - a. **Minimum Requirement.**
 - 1. Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district.
 - 2. Common open space must be provided in an amount of at least twenty-five (25) percent of the gross area of the development.
 - 3. All proposed lots shall have direct access to the common open space, via access easement, sidewalk, or street. Common open space may be located

at the rear of lots only when the space is designed for active recreation or a design concept is submitted to staff for approval. Examples of active recreation areas may include amenities such as sports fields, hike or bike trails, parks, amenity centers, and golf courses.

4. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. The required common open space must be arranged to provide at least thirty (30) percent of the space in at least one (1) contiguous area. The minimum dimensions of such space must be at least twenty-five (25) feet in depth and width. The remaining required common usable open space may be distributed throughout the proposed subdivision, or subdivision phase if applicable, and need not be in one (1) such area; provided, however, no area containing less than five thousand (5,000) square feet will be considered common usable open space. If the required open space totals less than ten thousand (10,000) square feet all required open space shall be in one (1) contiguous area.
5. The common open space requirement shall not be credited toward the parkland dedication requirements specified in the City subdivision ordinance.