

Sec. 5.11. - Single-Family Overlay Districts.

A. **Purpose.**

~~Single-Family Overlay Districts create an additional zoning district that is superimposed over the underlying zoning district. Single-Family Overlay Districts are intended to provide additional standards for demolitions, new construction, additions, and redevelopment in established College Station neighborhoods. These standards promote residential development patterns and are intended to protect and enhance desirable neighborhood characteristics, livability, and harmonious, orderly, and efficient growth and development. College Station's older, established neighborhoods provide a unique living environment that contributes to the stability and livability of the City as a whole. These standards are intended to promote development that is compatible with the existing character of the neighborhood and preserve the unique characteristics of College Station's older neighborhoods while balancing the need for the redevelopment of vacant or underutilized property. The underlying zoning district establishes the permitted uses and standards and shall remain in effect. The requirements of the overlay district are to be applied in addition to the underlying zoning district standards.~~

~~The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.~~

B. **Applicability.**

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

C. **General Provisions.**

1. The yard, lot, building height, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, building height and open space regulations in the Residential Dimensional Standards and Required Yards sections of this UDO. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The City Council may approve a Single-Family Overlay District for the boundaries of original subdivisions.
3. An application for a Single-Family Overlay District may be accepted by the City for review once a petition is signed by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision.
- ~~4. Single-Family Overlay Districts may not apply to neighborhoods originally platted in the last ten (10) years.~~

D. **Districts.**

1. Restricted Occupancy Overlay District (ROO).

a. Purpose.

The Restricted Occupancy Overlay District (ROO) is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods. ROO is intended to preserve the single-family character of residential neighborhoods.

b. Applicability.

The regulations of the ROO apply to each individual single-family dwelling and accessory living quarter within the district.

c. General Provisions.

- 1) The standards set forward in a ROO must be based on findings of the Petition Committee.
- 2) The Petition Committee may consist of property owners of platted single-family development from the original subdivision.
- 3) To be eligible to apply for a ROO, improvements must exist on at least 51 percent of the platted single-family lots in the original subdivision.

d. Standards.

Occupancy of either, a detached single-family dwelling or accessory living quarter, shall not exceed two unrelated persons per single-family dwelling or accessory living quarter. Related persons are specified in UDO section 11.2 "Defined Terms" in the definition of "Family."

e. Legacy Clause.

- 1) Occupancy levels in individual single-family dwellings and accessory living quarters within an original subdivision, existing at the time a ROO is adopted, are permitted to continue, not to exceed a maximum of four unrelated persons for single-family dwellings and two unrelated persons for accessory living quarters, and shall be considered a nonconforming use. The provisions of UDO Section 9.2 "Nonconforming Uses" shall apply, with the exception of 9.2.A.1. "Expansion."
- 2) The structure containing the nonconforming use may be enlarged or expanded up to a maximum of ten (10) percent of the heated square footage of the structure existing at the time the ROO was adopted.
- 3) Enlargement or expansion of the structure containing the nonconforming use beyond ten (10) percent and up to a maximum of twenty-five (25) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such an enlargement or expansion based on the following criteria:
 - a) That granting the enlargement or expansion will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b) That granting the enlargement or expansion will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and
 - c) That granting the enlargement or expansion will be generally consistent with the purposes and intent of this UDO.
- 4) The structure containing the nonconforming use may be structurally altered or renovated, up to a maximum of fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted, provided that the structural alteration or renovation does not enlarge or expand the structure.
- 5) Structurally altering or renovating the structure containing the nonconforming use beyond fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment.

The Zoning Board of Adjustment may authorize such structural alterations or renovations based on the following criteria:

- a) That granting the structural alternation or renovation will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b) That granting the structural alternation or renovation will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and
 - c) That granting the structural alternation or renovation will be generally consistent with the purposes and intent of this UDO.
- 6) The use shall come into compliance with the ROO standards at such time that any of the following occur:
- a) The single-family dwelling or accessory living quarter is demolished;
 - b) The subdivision of land occurs creating an additional lot or building plot;
 - c) The nonconforming use changes or occupancy increases; or
 - d) The structure containing the nonconforming use is enlarged, expanded, structurally altered or renovated beyond the standards provided in 5.11.D.1.e.2 through 5.11.D.1.e.5.

2. Neighborhood Conservation Overlay Districts (NCO).

a. Purpose.

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve **established** single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. The NCO is intended to provide additional standards to demolitions, new construction, additions, and redevelopment to promote development that is compatible with the existing character of the neighborhood while balancing the need for redevelopment of vacant or underutilized properties. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. ~~Conservation-NCO~~ districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect.

b. Applicability.

The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

c. General Provisions.

- 1) The standards set forward in a Neighborhood Conservation Overlay must be based on findings of the Petition Committee.
- 2) The petition committee may consist of property owners of platted single-family development from the original subdivision.
- 3) Neighborhood Conservation Overlay districts may not apply to neighborhoods originally platted in the last ten (10) years from the date of application submittal

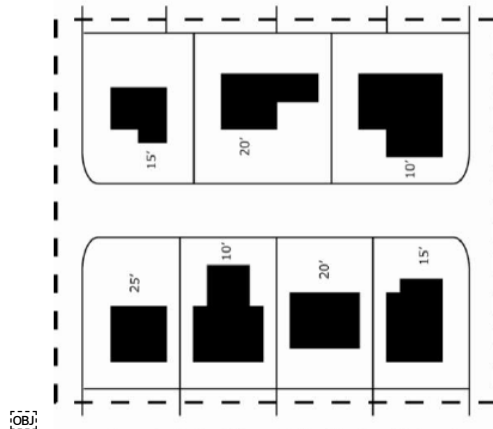
d. **Options for Inclusion.**

In applying for a Neighborhood Conservation District Overlay, the following items may be included as standards in the overlay. All single-family development within the district shall be subject to the standards set forth in the rezoning ordinance.

1) **Minimum Front Setback.**

If minimum front setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum front setback based on research of the subject neighborhood:

- a) Contextual front setbacks as provided for in Required Yards (Setbacks) section of this UDO; or
- b) Contextual front setbacks as provided for in the General Provisions of this Single-Family Overlay Districts section of the UDO; or
- c) Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.



2) **Minimum Side Street Setback.**

If minimum side street setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum side street setback based on research of the subject neighborhood:

- a) Contextual side street setbacks as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) **Minimum Lot Size (Area, Width, and Depth).**

If minimum lot size is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining the minimum size of new lots based on research of the subject neighborhood:

- a) Lot size (area and width) as provided for in the Platting and Replatting in Older Residential Neighborhoods subsection in Article 8, Subdivision Design and Improvements; or

- b) Contextual lot size as provided for in Section 5.2 Residential Dimensional Standards; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) **Maximum Building Height.**

If maximum building height is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining maximum building height based on the research of the subject neighborhood:

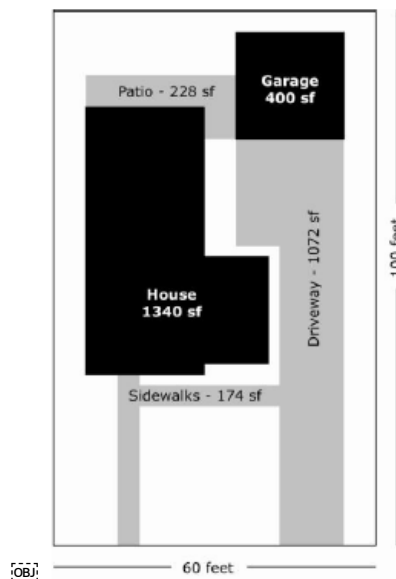
- a) Contextual building height as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) **Tree Preservation.**

If tree preservation is selected for inclusion, the Petition Committee may choose to preserve any existing tree with a minimum of eight-inches in caliper or greater. Preserved trees must be in good form and condition and reasonably free of damage by insects and/or disease, and located outside the buildable area. Any preserved tree(s) must be barricaded and preserved during demolition and/or construction. A barricade detail must be provided on the site plan. Trees must be barricaded with a one (1) foot per caliper inch radius measured from the tree trunk. Barricades must be in place prior to any development activity on the property including, but not limited to, grading and equipment on site. Choosing this option allows the Petition Committee to exclude specific tree species from preservation requirements.

6) **Landscape Maintenance.**

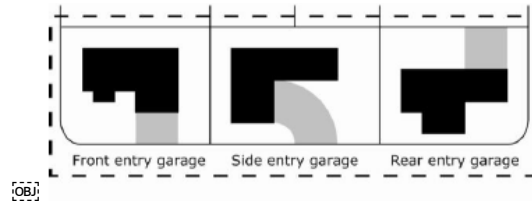
If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.



7) **Maximum Impervious Surface.**

If maximum impervious surface is selected for inclusion, maximum impervious surface may be limited to any number between the calculated neighborhood median and the maximum, as allowed by the UDO.

Impervious surface includes, but is not limited to, buildings, sidewalks, drives, all-weather surfaces, parking, rooftops, patios, decking, masonry, stone, and other alternative pavements. Alternative materials used for landscaping purposes in non-load bearing areas, and the water surface area within the walls of pools are not considered impervious surfaces. An area of gapped decking shall be calculated as fifty percent (50%) of the proposed decked area for the purpose of impervious cover.



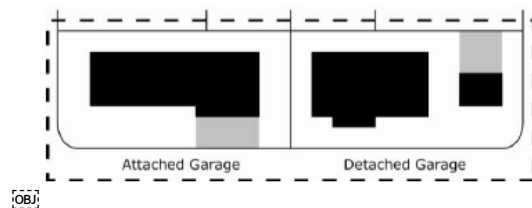
8) **Garage.**

A. **Garage Access.**

If garage access is selected for inclusion, the Petition Committee may choose one (1) of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

- a) Front entry; or
- b) Side entry; or
- c) Rear entry.

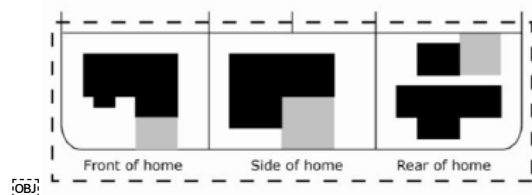
B. **Garage Connection.**



If garage connection is selected for inclusion, the Petition Committee may select one (1) of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.

C. **Garage Location.**



If garage location is selected for inclusion, the Petition Committee may select one (1) of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.

D. Garage Size.

If garage size is selected for inclusion, the Petition Committee may set a minimum garage size of one (1), two (2), or three (3) car garage per residential unit based on the most frequently occurring garage size within the subject neighborhood.

E. Garage Requirement.

If garage requirement is selected for inclusion, the Petition Committee may require that a garage be required on properties within the subject neighborhood.

9) Off-Street Parking.

If off-street parking is selected for inclusion, the Petition Committee may choose one (1) or more of the following off-street parking options within the subject neighborhood, however, it may only be included if including maximum lot coverage, garage access, connection, or location.

- a) Set a minimum off-street parking standard of three (3) spaces per residential unit;
- b) Set a maximum number of off street parking spaces;
- c) Set a maximum parking area and location per yard;
- d) Set a required driveway width between 12 and 25 feet.

10) Building Materials.

If Building Materials is selected for inclusion, the Petition Committee may select required building materials and set a minimum percentage for the use of those materials for façades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The rezoning petition should include a listing of all types of materials used in the district as well as the median percentage on building façades facing a right-of-way. The percentage of use of a required material may only be placed on façades facing a right-of-way and may not exceed the median existing percentage of the materials on building façades facing a right-of-way.

11) Fencing.

If Fencing is selected for inclusion, the Petition Committee may select required materials and maximum height.