

ORDINANCE NO. 2018-4059

AN ORDINANCE AMENDING APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 6, "USE REGULATIONS", SECTION 6.5, "ACCESSORY USES", SUBSECTION B. "ACCESSORY STRUCTURES;" ARTICLE 7, "GENERAL DEVELOPMENT STANDARDS", SECTION 7.3.H, "NUMBER OF OFF-STREET PARKING SPACES REQUIRED", AND ARTICLE 11, "DEFINITIONS", SECTION 11.2, "DEFINED TERMS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO ACCESSORY LIVING QUARTERS; 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 6, "Use Regulations", Section 6.5, "Accessory Uses", Article 7, "General Development Standards", Section 7.3.H, "Number Of Off-Street Parking Spaces Required", and Article 11, "Definitions", Section 11.2, "Defined Terms" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A," Exhibit "B," and Exhibit "C"** attached hereto and made a part of this Ordinance for all purposes relating to accessory living quarters.
- 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 19th day of November, 2018.

ATTEST:



City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

EXHIBIT A

That Appendix A, "Unified Development Ordinance," Article 6, "Use Regulations", Section 6.5, "Accessory Uses, " Subsection B "Accessory Structures" of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

"Sec. 6.5. - Accessory Uses.

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B. Accessory Structures.

1. In combination, all accessory uses shall contain no more square footage than twenty-five (25) percent of the habitable floor area of the principal structure or 400 square feet, whichever is greater. Garage or carport areas devoted to the storage of vehicles shall not be included in the calculation of the twenty-five (25) percent restriction.
2. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a Building Permit.
3. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots rear setbacks shall be measured from the rear property line. In no event shall more than thirty (30) percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
4. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters.
 - a. A minimum rear setback of fifteen (15) feet; and,
 - b. A maximum building eave height of eight (8) feet.
5. **Garage and Carports.**
 Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of twenty (20) feet. A minimum side yard setback of twenty (20) feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:
 - a. A minimum rear setback of twenty (20) feet; and,
 - b. A minimum side street setback of twenty (20) feet is required for garages or carports that face onto side streets.
6. **Living Quarters.**
 In areas zoned and used for single family residential use, accessory living quarters are allowed subject to the following:
 - a. The property owner resides on-site and uses the subject property as their primary

residence.

- b. There is a limit of one (1) accessory living quarter per building plot.
- c. No more than two (2) unrelated persons live in the accessory living quarters; and
- d. One (1) additional off-street parking space is provided for the living quarters.”

EXHIBIT B

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

“ARTICLE 7. GENERAL DEVELOPMENT STANDARDS.

. . . .

Sec. 7.3 Off-Street Parking Standards.

. . . .

H. Number of Off-Street Parking Spaces Required .

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

1. Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces;
2. Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number. At least one (1) parking space must be provided unless otherwise specified in this UDO;
3. The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the Administrator;
4. Whenever a building or use constructed or established after the effective date of this UDO is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this UDO is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;
5. At the time of construction, redevelopment, or when an addition to the number of existing bedrooms is completed, all single-family and townhouse uses shall come into compliance with the minimum off-street parking requirements. Garages that meet minimum dimensional standards may be counted towards parking requirements;
6. Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the Building Official;
7. Where a manufacturing/industrial use has more than one (1) working shift of employees, parking shall be provided to accommodate overlap requirements during transition periods; and
8. The Design Review Board may waive parking space requirements in the Northgate and Wolf Pen Creek districts if the development meets the goals of the master plan for the respective district.

MINIMUM OFF-STREET PARKING REQUIREMENTS

Use	Unit	Spaces/Unit	Plus Spaces For:
Assisted Living/Residential Care Facility	As determined by the Administrator *****		
Airport	As determined by the Administrator *****		
Banks	250 s.f.	Floor area over 500 s.f.: 1.0	
Bowling Alley	As Determined by the Administrator *****		
Bus Depot	As Determined by the Administrator *****		
Car Wash (Self-Serve)	Wash Bay	1.0	1.0 space per vacuum bay
Church	Seat	0.33 *	
Convalescent Home/Hospital	Bed	0.5	
Duplex Dwelling:			
1 & 2 Bedroom	DU	2.0	
3+ Bedroom	BR	1.0	
Dormitory	Bed	0.75	
Day Care Center	250 s.f.	Floor area over 500 s.f.: 1.0	
Fraternal Lodge	75 s.f.	Floor area over 150 s.f.: 1.0	
Fraternity/Sorority House	Person	1.0	1/30 s.f. meeting room
Freight Station	As Determined by the Administrator *****		
Funeral Parlor	Seat	0.33	
Furniture Sales, Freestanding	350 s.f.	Floor area over 700 s.f.: 1.0	
Golf Driving Range	Tee Station	1.0	
Health Club/Sports Facility	As Determined by the Administrator *****		
Gasoline and Fuel Service	300 s.f.	1.0	
Group Housing	BR	2.0	As Determined by the Administrator
Health Studio	150 s.f.	Floor area over 300 s.f.: 1.0	

Hospital	As Determined by the Administrator *****		
Hotel/Motel	DU	1.0	1/200 s.f. meeting room
HUD-Code Manu. Home	DU	2.0	
Laundry	150 s.f.	Floor area over 300 s.f.: 1.0	
Live-Work Unit	250 s.f. of non-residential portion of structure	Floor area over 250 s.f.: 1.0	1/BR, Residential DU
Motor Vehicle Sales/Service:			
Office/Sales Area	250 s.f.	1.0	
Service Area	200 s.f.	1.0	
Medical or Dental Clinic			
< 20,000 s.f.	200 s.f.	Floor area over 400 s.f.: 1.0	
Mixed-Use Structure *****	250 s.f. of non-residential portion of structure	Floor area over 500 s.f.: 1.0	1/BR, including residential DU and hotel/motel DU
Multi-Family Dwelling:			
1 Bedroom	BR	1.5	
2+ Bedroom	BR	1.0	
Night Club	50 s.f.	1.0	
Office Building	250 s.f.	Floor area over 500 s.f.: 1.0	
Personal Service Shop	250 s.f.	Floor area over 500 s.f.: 1.0	
Priv. School or Comm. Studio	100 s.f.	Floor area over 200 s.f.: 1.0	
Retail Sales & Service:			
GC, SC, WC, C-3	250 s.f.	Floor area over 500 s.f.: 1.0	
CI	350 s.f.	Floor area over 700 s.f.: 1.0	
Restaurant (w/o drive-through)	65 s.f.	Floor area over 130 s.f.: 1.0	

Restaurant (w/drive-through)	100 s.f.	Floor area over 200 s.f.: 1.0	
Rooming/Boarding House	Person	1.0	
Sales Display	250 s.f.	Floor area over 500 s.f.: 1.0	
Single-Family Dwelling ***	BR	1.0 *** Minimum of 2, Maximum of 4	1.0/Accessory Living Quarter
Single-Unit Dwelling	BR	1.0	
Shopping Center ** :			
GC, SC, WC, C-3	250 s.f.	1.0	
CI	350 s.f.	1.0	
Townhouse ***	BR	1.0 *** Minimum of 2, Maximum of 4	
Theater	Seat	0.25	
Truck Terminal	As Determined by the Administrator *****		
Two-Dwelling Unit	BR	1.0	
Veterinary Clinic	300 s.f.	Floor area over 600 s.f.: 1.0	
Warehouse	1,000 s.f.	1.0	

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

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

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

*** For areas designated Neighborhood Conservation on the Comprehensive Plan's Future Land Use and Character Map there shall be no maximum number of parking spaces.

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

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

EXHIBIT C

EXHIBIT C

That Appendix A, "Unified Development Ordinance," Article 11, "Definitions", Section 11.2, "Defined Terms" of the Code of Ordinances of the City of College Station, Texas, is hereby amended by modifying the following definition:

“ARTICLE 11. DEFINITIONS.

For the purpose of this UDO, certain words as used herein are defined as follows:

. . . .

Accessory Use or Structure, or Building:

- (1) A building, structure, or use which is subordinate to and serves a primary use or principal structure;
- (2) A building, structure, or use which is subordinate in area, extent, or purpose to the primary use served;
- (3) A building, structure, or use which contributes to the comfort, convenience, or necessity of occupants of the primary use served;
- (4) A building, structure, or use which is located within the same zoning district as the primary use; and
- (5) A building, structure, or use which in residential districts is not used for commercial purposes other than legitimate home occupations.

Examples of accessory buildings, structures, or uses include, but are not limited to, private garages, greenhouses, living quarters, tool sheds, radio or television antennae, or bathhouses.”