

**ORDINANCE NO. 2018-4060**

**AN ORDINANCE AMENDING APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 7, "GENERAL DEVELOPMENT STANDARDS", SECTION 7.2.H, "HEIGHT ", 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 SINGLE-FAMILY HEIGHT PROTECTION AND BUILDING HEIGHT; 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 7, "General Development Standards", Section 7.2.H, "Height", 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"** 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 19<sup>th</sup> day of November, 2018.**

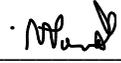
**ATTEST:**

  
\_\_\_\_\_  
**City Secretary**

**APPROVED:**

  
\_\_\_\_\_  
**Mayor**

**APPROVED:**

  
\_\_\_\_\_  
**City Attorney**

## **EXHIBIT A**

That Appendix A, "Unified Development Ordinance," Article 7, "General Development Standards", Section 7.2.H, "Height" of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 7.2. - General Provisions.

### **H. Low-Density Residential Height Protection.**

#### **1. Purpose.**

The purpose of low-density residential height protection is to help mitigate negative visual impacts of higher-density residential and non-residential uses on adjacent, low-density residential uses and districts. This is accomplished by regulating the height of such higher-density residential or any non-residential uses when adjacent to low-density residential uses and districts.

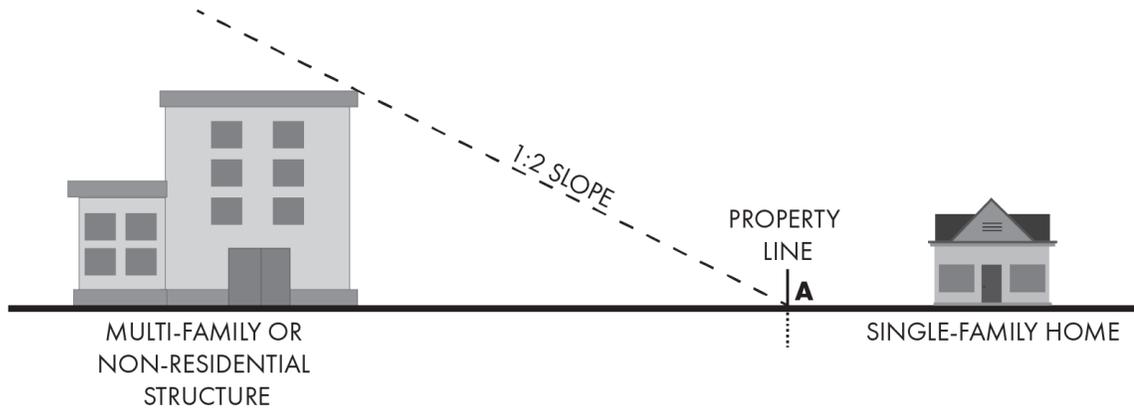
#### **2. Applicability.**

- a. This subsection shall apply to all multifamily and nonresidential structures to be constructed or reconstructed in any way that would increase the building height as defined in Section 11.2 Defined Terms of this UDO, on property adjacent to a detached single-family, manufactured home park, or townhouse use or district.
- b. Unless otherwise stated in this UDO, the regulations herein shall not apply to any of the following:
  - 1) Structures located in NG, RDD, and P-MUD zoning districts;
  - 2) Utility structures such as elevated water storage tanks and electrical transmission lines;
  - 3) Individual architectural structures such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators, or chimney flues; or any other similar structure extending above the roof of any building where such structure does not occupy more than thirty-three (33) percent of the surface area of the roof;
  - 4) Residential radio/television receiving antennas;
  - 5) When the detached single family, manufactured home park or townhome use on the adjacent tract is nonconforming;
  - 6) When the use on the adjacent tract is agricultural; or
  - 7) Developments designed to be mixed use or that are within areas where it has been identified that redevelopment is appropriate, as shown on the Future Land Use and Character Map of the City's Comprehensive Plan. Such developments at the periphery of the mixed use area or area identified as appropriate for redevelopment shall meet the terms of Low-Density Residential Height Protection, when applicable.

**3. Slope Requirement.**

- a. Multi-family and non-residential structures shall remain under an imaginary line formed by a 1:2 slope as illustrated by the inclined plane in the graphic below, where 'A' is located at the property line shared with a detached single-family, manufactured home park or townhouse use or district.

When the adjacent lot is one dedicated by plat for detention or open area and is not buildable for a detached single-family house, townhouse, or manufactured home or residential amenity, the measurement shall be taken from the closest property line shared with a buildable detached single-family, townhouse, or manufactured home lot.



- b. In addition to the height limitations set forth above in this subsection, the following additional height limitations apply in WC Wellborn Commercial zoning:
  - 1) No building may exceed two (2) stories;
  - 2) Maximum eave height shall be twenty-four (24) feet;
  - 3) Maximum overall height to peak of roof shall be thirty-five (35) feet;
  - 4) Any structure with an eave height over fifteen (15) feet will be constructed to resemble a two-story facade;
  - 5) Buildings located closest to detached single-family, manufactured home park or townhouse use or district and that are within fifty (50) feet of the property line are limited to one-story in height with an eave maximum of twelve (12) feet; and
  - 6) An eave maximum of fourteen (14) feet in height is permitted when mechanical equipment is housed within a mezzanine.

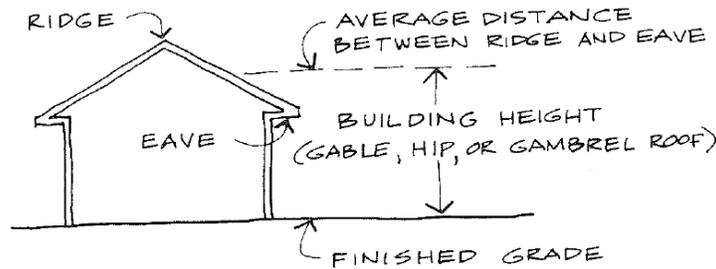
**EXHIBIT B**

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 as follows:

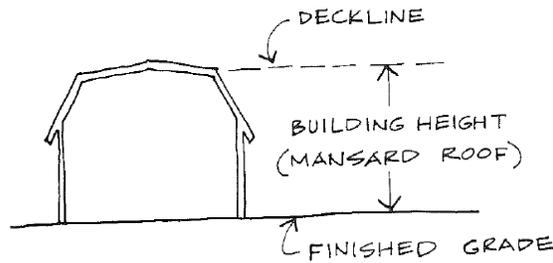
a. That the following definition is added to read as follows:

**Building Height:** Building height refers to the vertical distance measured from the finished grade and the height of the roof as described below. For buildings with multiple roof levels, the highest of the various roof levels must be used to determine the building height. The average height of multiple roof levels is not to be used to determine building height.

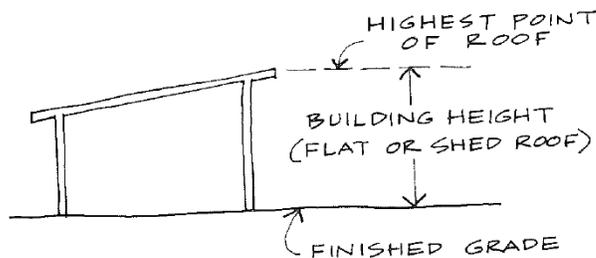
- 1) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;



- 2) The deck line of a mansard roof;



- 3) The highest point of the coping of a flat or shed roof;



- 4) The highest point of equipment located on top of a structure such as satellite dishes, heating and air conditioning units.

b. That the following definition is deleted:

~~**Height:** The vertical distance from the established grade at the center of the front of the structure to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.~~