ORDINANCE NO. 2013-3510

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 6.3, "TYPES OF USE," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; 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 Chapter 12, "Unified Development Ordinance," Section 6.3, "Types of Use," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter 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) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED, ADOPTED and APPROVED this 25th day of July, 2013.

APPROVED:

Nancy H. Berry

MAYOR

ATTEST:

Tanya McNutt

City Secretary Deputy

APPROVED:

Liberth B. C

for City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 6.2, "Types of Uses", of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

6.3. Types of Use

A. Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.

B. The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:

1. The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;

2. The relative amount of site area, floor space, and equipment;

3. Relative volumes of sales from each activity;

4. The customer type for each activity;

5. The relative number of employees in each activity;

6. Hours of operation;

7. Building and site arrangement;

8. Vehicles used with the activity and the relative number of vehicle trips generated by the use; and

9. How the use advertises itself.

C. Use Table

Except where otherwise specifically provided herein, regulations governing the use of land and structures with the various zoning districts and classifications of planned developments are hereby established as shown in the following Use Table.

1. Permitted Uses

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

2. Permitted Uses Subject to Specific Standards

A "P*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.2, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

USE TABLE	Residential Districts										Non-Residential Districts								Retired Districts				Design Districts			
Specific Uses	**A-O**	**A-OR**	**R-1**	**R-1B**	**R-2****	**R-3****	**R-4****	**R-6****	**R-7****	**P-MUD****	O	SC	GC	CI	BP	BPI	CU	NAP	**C-3****	**M-1**	**M-2**	**R&D****	WPC**	NG-1**	NG-2**	NG-3**
KEY: **P** = Permitted by Right; **P*** = Permitted Subject to Specific Use Standards; **C** = Conditional Use; ****** = District with Supplemental Standards (Refer to Article 5)																										
RESIDENTIAL																										
Boarding & Rooming House							P	P		P																P
Extended Care Facility/Convalescent/Nursing Home							P	P		P			P	P									P			
Dormitory							P	P		P														P	P	P
Duplex					P		P	P		P																
Fraternity/Sorority							P	P																P	P	P
Manufactured Home	P*	P*							P*																	
Multi-Family							P	P		P													C[1]	P	P	P
Multi-Family built prior to January 2002							P	P															P	P	P	P
Single-Family Detached	P	P	P	P	P	P				P																
Townhouse						P	P	P		P																P
PUBLIC, CIVIC AND INSTITUTIONAL																										
Educational Facility, College and University																	P									
Educational Facility, Indoor Instruction										P	P	P	P	P					P				P	P	P	P
Educational Facility, Outdoor Instruction	P	C								P			P	P												
Educational Facility, Primary & Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Educational Facility, Tutoring										P	P	P	P	P									P	P	P	P
Educational Facility, Vocational/Trade										P	P		P	P	P	P				P	P					
Governmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P*	P	P	P	P	P	P*	P	P	P	P	P	P	P	P*
Health Care, Hospitals													P	P												
Health Care, Medical Clinics											P	P	P	P					P					P	P	
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
Places of Worship	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
COMMERCIAL, OFFICE AND RETAIL																										
Agricultural Use, Barn or Stable for Private Stock	P	P																								
Agricultural Use, Farm or Pasturage	P	P																								
Agricultural Use, Farm Product Processing	P																									
Animal Care Facility, Indoor										P	P		P	P					P				P	P	P	
Animal Care Facility, Outdoor	P*													P												

USE TABLE	Residential Districts										Non-Residential Districts								Retired Districts				Design Districts			
Specific Uses	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	O	SC	GC	CI	BP	BPI	CU	NAP	C-3**	M-1	M-2	R&D**	WPC**	NG-1**	NG-2**	NG-3**
KEY: **P** = Permitted by Right; **P*** = Permitted Subject to Specific Use Standards; **C** = Conditional Use; ** = District with Supplemental Standards (Refer to Article 5)																										
COMMERCIAL, OFFICE AND RETAIL (continued)																										
Art Studio/Gallery										P	P	P	P						P				P	P	P	P
Car Wash													P*													
Commercial Garden/Greenhouse/Landscape Maint.	P*												P*	P*	P*	P*					P*					
Commercial Amusements										P		P	P*	P*					C				P	P	P	
Conference/Convention Center										P			P	P									P	P	P	
Country Club	P	P	P	P						P			P	P												
Day Care, Commercial							C	C	C	P	P	P	P						P					P	P	P
Drive-in/thru window												P*	P										C		P*	
Dry Cleaners & Laundry										P*	P*	P	P	P					P*				P*	P*	P*	P*
Fraternal Lodge										P			P	P										P	P	P
Fuel Sales										P*		P*	P*						P*		P					
Funeral Homes													P	P	P						P					
Golf Course or Driving Range	P*									P*			P*	P*												
Health Club/Sports Facility, Indoor										P		P	P						P				P	P	P	P
Health Club/Sports Facility, Outdoor										P			P										P	P*	P	
Hotels	C[2]	C[2]								P			P										P	P	P	
Night Club, Bar, or Tavern										C			C										C	P	P	
Offices										P	P	P	P	P	P	P			P	P	P	P	P	P	P	P
Parking as a Primary Use										P	C		P	P									P		P*	
Personal Service Shop										P	P	P	P						P				P	P	P	P
Printing/Copy Shop										P	P	P	P	P	P	P			P				P	P	P	
Radio/TV Station/Studios										P	P		P	P	P	P			P	P	P				P*	
Recreational Vehicle (RV) Park	C[3]												C[3]													
Restaurants										P		P*	P						P*				P	P	P	P*
Retail Sales - Single Tenant over 50,000 SF													P												P	
Retail Sales and Service										P		P*	P*	P*					P				P	P	P	P
Retail Sales and Service - Alcohol										P			P*	P*					P				C	P	P	
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor										P			P	P		P							P			

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COMMERCIAL, OFFICE AND RETAIL (continued)																										
Theater										P			P			P							P	P	P	P
Retail Sales, Manufactured Homes																P					P*					
Storage, Self Service												P*	P	P		P			P*		P					
Vehicular Sales, Rental, Repair, and Service													P*	P*		P					P*					
Wholesales/Services													P*	P*	P	P				P	P					
INDUSTRIAL AND MANUFACTURING																										
Bulk Storage Tanks/Cold Storage Plant														P		P					P					
Micro-Industrial													P*	P*		P								P*	P*	
Industrial, Light														P	P	P				P	P	P				
Industrial, Heavy																P					P					
Recycling Facility - Large														P*		P					P					
Salvage Yard																P*					P*					
Scientific Testing/Research Laboratory														P	P	P				P		P				
Storage, Outdoor - Equipment or Materials														P	P*	P				P	P					
Truck Stop/Freight or Trucking Terminal																P					P					
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing/Distribution														P	C	P				P	P					
Waste Services																P					P					
Wireless Telecommunication Facilities - Intermediate	P*									P*	P*		P*	P*	P*	P		P*	P*	P*	P*	P*	P*	P*	P*	P*
Wireless Telecommunication Facilities - Major	C										C		C	C	C	P		C	C	C	P*	C				
Wireless Telecommunication Facilities - Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		P	P	P

** *District with Supplemental Standards (Refer to Article 5).*

[1] *Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.*

[2] *Hotels only allowed when accessory to a Country Club development and are limited to a maximum of 15 rooms.*

[3] *Refer to Section 6.3.Z " Recreational Vehicle Park Standards (RV Parks)" for Specific Use Standards*

Per Ordinance No. 3243 (April 22, 2010)
Per Ordinance No. 3271 (August 26, 2010)
Per Ordinance No. 3280 (September 9, 2010)
Per Ordinance No. 2011-3312 (January 27, 2011)