

ORDINANCE NO. 2259

AN ORDINANCE TO AMEND THE TEXT OF BRYAN CODE OF ORDINANCES CHAPTER 62, LAND AND SITE DEVELOPMENT, AND CHAPTER 130, ZONING, ADDING NEW DEFINITIONS FOR “DETACHED SHARED HOUSING” AND “BEDROOM”, ADDING SPECIFIC USE STANDARDS FOR DETACHED SHARED HOUSING, AND DETERMINING IN WHICH ZONING DISTRICTS SAID USE WILL BE ALLOWED AS A PERMITTED OR CONDITIONAL USE; AND REMOVING “DETACHED DWELLING UNITS WITH NO MORE THAN 4 UNRELATED PERSONS” FROM THE LIST OF USES PERMITTED BY RIGHT IN MULTIPLE-FAMILY (MF) ZONING DISTRICTS AND SPECIFYING THAT CONDITIONAL USE PERMIT APPROVAL BE REQUIRED FOR SUCH USES IN MF DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 62, Land and Site Development, and Chapter 130, Zoning, of the City of Bryan Code of Ordinances, which regulate land uses and their physical development standards in Bryan; and

WHEREAS, the City Council recognizes the need from time to time to amend these regulations to help protect the integrity of Bryan’s residential neighborhoods; and

WHEREAS, the City’s Planning and Zoning Commission appointed a subcommittee to specifically study the issue of land use and structures commonly referred to as “stealth dorms”; and

WHEREAS, said subcommittee reported its findings and recommendations to the full Planning and Zoning Commission during a special meeting on January 18, 2018; and

WHEREAS, the City of Bryan Planning and Zoning Commission voted to recommend to amend Chapter 62, Land and Site Development, and Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by adding new definitions for “Detached Shared Housing” and “Bedroom”, adding specific use standards for detached shared housing, and determining in which zoning districts said use will be allowed as a permitted or conditional use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That the City Council finds and determines the foregoing recitals are true and correct and hereby makes them part of this ordinance.

2.

That Chapter 130, Zoning, of the Bryan Code of Ordinances is hereby amended by adding definitions for “Detached Shared Housing” and “Bedroom” to Section 130-3 to read as follows:

Section 130-3. – Definitions.

Detached Shared Housing (DSH) shall mean a detached dwelling unit on an individual lot, for which an approved building permit was issued after February 13, 2018, with four (4) or more bedrooms which is occupied or intended to be occupied by more than two (2) unrelated persons.

Bedroom shall mean any habitable room 70 sq. ft. or greater in floor area which may be segregated from the remainder of the dwelling unit with a door or similar closure, has more than one means of egress (doorway or window) and is not a kitchen, bathroom (lavatory) or utility room shall be presumed to be a bedroom.

3.

That Chapter 62, Land and Site Development, of the Bryan Code of Ordinances is hereby amended by adding definitions for “Detached Shared Housing” and “Bedroom” to Section 62-1 to read as follows:

Section 62-1. – General definitions.

Detached Shared Housing (DSH) shall have the meaning assigned in Sec. 130-3 of the Zoning Ordinance.

Bedroom shall have the meaning assigned in Sec. 130-3 of the Zoning Ordinance.

4.

That Chapter 130, Zoning, of the Bryan Code of Ordinances is hereby amended by adding a new Subsection 130-34(q) to read as follows:

Section 130-34. – Special and supplementary regulations.

(q) *Detached Shared Housing Standards.* In zoning districts where detached shared housing is permitted with prior approval of a Conditional Use Permit, the following standards shall apply:

(1) Parking and access.

- a. Off-street parking shall be provided at a ratio of one (1) parking space per bedroom.
- b. Each required off-street parking space shall be independently accessible, generally in conformance with design standards in Section 62-297, Parking and Circulation.
- c. Access to any public right-of-way shall be limited to one (1) driveway for each lot and shall be no more than 16 feet in width.

(2) Site standards.

- a. Two (2) canopy trees of not less than 3 inches in caliper shall be required on the lot with a minimum of one (1) canopy tree located between the structure and any portion of public right-of-way. Replacement of dead landscaping required by this subsection shall follow the standards of Chapter 62 for replacement of dead landscaping.
- b. On all portions of the lot located between the front façade of the structure and the public right-of-way, there shall be a maximum of no more than 50% impervious coverage.

5.

That Chapter 62, Land and Site Development, of the Bryan Code of Ordinances is hereby amended by adding a new Section 62-171 to read as follows:

Section 62-171. – Detached Shared Housing Standards.

See Sec. 130-34(q) of the Zoning Ordinance.

6.

That Chapter 130, Zoning, Article 2, Section 130-10(c) be amended by adding the land use “detached shared housing” as follows:

(c) *Conditional uses.*

- Accessory dwelling unit (See Sec. 130-34(b));
- Accessory structure if greater than the standards set forth in section 130-34(a);
- Bed and breakfast;
- Boarding (lodging) house;
- Child care – Class B;
- Country club or golf course;
- Detached shared housing (See Sec. 130-34(q));
- Duplex;
- Funeral home/mortuary;
- Neighborhood services;
- Nursing home (retirement home);
- Patio home (zero lot line dwelling);
- Police station;
- Professional offices (In the eastside historic district, the building must also be used as a primary dwelling by the owner, managing partner or majority shareholder of the business occupying the building);
- Community center/recreation center;
- Townhouses.

7.

That Chapter 130, Zoning, Article 2, Section 130-22(c) be amended by adding the land use “detached shared housing” as follows:

(c) *Conditional uses.*

- Accessory dwelling unit;
- Accessory structure in excess of 725 square feet;
- Bed and breakfast;
- Boarding (lodging) house;
- Child care – Class B;
- Child care – Class C;
- Community/recreation center;
- Detached shared housing (See Sec. 130-34(q));

- Duplex;
- Fraternity/sorority house;
- Funeral home/mortuary;
- Multifamily dwelling;
- Municipal services support facilities;
- Neighborhood services;
- Nursing home (retirement home);
- Patio home (zero lot line dwelling – minimum of three lots);
- Police station;
- Professional offices;
- Retirement or nursing home;
- Townhouses.

8.

That Chapter 130, Zoning, Article 2, Sections 130-12(b) and 130-12(c) be amended by deleting the land use “detached dwelling units with no more than 4 unrelated persons” from the list of permitted uses and adding the land use “single-family detached dwelling” and “detached shared housing” to the list of conditional uses as follows:

(b) *Permitted uses.*

- Accessory structures (See Sec. 130-34(a));
- Boardinghouse (lodging house)
- Child care – Class B
- Common open space, community center, recreational building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily development;
- Detached shared housing;
- Duplex;
- Essential municipal uses;
- Group home/community home;
- Government (federal or state) owned structures, facilities, and uses;
- Home occupations;
- Laundromats (self-service washateria);
- Multifamily dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nursing home (retirement home);
- Personal Care Homes;
- Place of worship;
- Private utilities (no general outdoor storage yards);
- Real estate sales offices during the development of residential subdivisions, but not to exceed 3 years;
- Schools;
- Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work;
- Townhouses.

(c) *Conditional uses.*

- Accessory dwelling unit;
- Accessory structure in excess of 725 square feet;
- Bed and breakfast;
- Child care – Class C;
- Detached dwelling units with no more than 4 unrelated persons;
- Dormitory;
- Fraternity/sorority houses;
- Funeral home/mortuary;
- Manufactured housing land lease communities;
- Municipal services support facilities;
- Neighborhood services;
- Nonpaid parking for nonresidential uses;
- Patio home (zero lot line dwelling – minimum of three lots);
- Professional offices;
- Police station.

9.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

10.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

11.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

12.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

13.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

14.

That this ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 13th day of February 2018, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of 6 yeses and 0 noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney