

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: November 18, 2014		DATE SUBMITTED: October 21, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Martin Zimmermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend the text of Bryan Code of Ordinance Chapter 62, Land and Site Development, and Chapter 2, Administration, enacting minimum building design standards for commercial and multi-family residential construction on properties along certain major thoroughfares, and establishing a review process and a Design Review Board.			
SUMMARY STATEMENT: During its regular meeting on July 8, 2014, the City Council held public hearings to consider ordinances adopting building design standards for commercial and multi-family residential construction and as well as establishing an exterior color palette for commercial buildings. Following the public hearings, the City Council voted to approve the first reading of the building design standards ordinance. The motion to approve the first reading of that ordinance included a change to composition of a Design Review Board, which would be charged with hearing appeals to administrative decisions regarding a proposed design, or to authorize variances from the adopted design standards. The Design Review Board also will make recommendations to and advise the City Council on matters involving building design standards. The duties and functions of the Design Review Board are proposed to be included in a new section of Code of Ordinances Chapter 2, which specifies purpose, duties and functions of all city commissions, committees, boards and agencies.			
<p>The Planning and Zoning Commission had previously recommended that this new citizen board be comprised of seven (7) members:</p> <ol style="list-style-type: none"> 1. Two (2) members currently serving as Planning and Zoning Commissioners; 2. Three (3) registered architects; 3. One (1) contractor or builder; and 4. One (1) commercial developer. <p>The City Council's amendment to the ordinance on July 8, 2014, changed the membership of that board to four (4) members:</p> <ol style="list-style-type: none"> 1. Two (2) members currently serving as Planning and Zoning Commissioners; 2. One (1) registered architect; and 3. One (1) contractor, builder, or commercial developer. <p>After discussion, the City Council voted to refer the proposed ordinance amendment to the Planning and Zoning Commission for its recommendation and feedback.</p> <p>During its regular meeting on August 7, 2014, the Planning and Zoning Commission considered the proposed ordinance amendment and recommended that the Design Review Board be composed of five (5) board members:</p> <ol style="list-style-type: none"> 1. One to two (1-2) registered architects; 2. Two (2) Planning and Zoning Commission members; and 			

3. One to two (1-2) contractors, builders, or developers.

Commissioners discussed the need for an odd number of members on the board to avoid tie votes. The attached draft ordinance for City Council's consideration includes the Planning and Zoning Commission's recommended membership of five (5) positions on the Design Review Board with the adoption of the proposed building design standards.

Building Design Standards Background

The idea of establishing building design guidelines for commercial and multi-family residential construction was first discussed during a joint meeting of the Planning and Zoning Commission and the City Council in November 2009. The Commission discussed the issue in-depth between March 2010 and March 2012. As part of that process, Commissioners sought input in focus group meetings from members of the Bryan-College Station Home Builders Association, the Brazos Valley Contractors Association, and the Brazos Valley Chapter of the American Institute of Architects. Commissioners sought to craft a set of regulations that may help encourage more aesthetically pleasing building construction, increase community pride, and increase property values, but that are not so rigid as to curtail architectural freedom.

The proposed building design standards will not affect every commercial building in the City of Bryan. The standards will only apply to development on properties fronting the following major corridors in Bryan: Texas Avenue, William Joel Bryan Parkway, Boonville Road, F.M. 158, Harvey Mitchell Parkway/F.M. 2818, Earl Rudder Freeway/State Highway 6, South College Avenue/State Highway 308, East 29th Street, Villa Maria Road, Beck Street, State Highway 21, F.M. 1179, Briarcrest Drive, State Highway 47, Wellborn Road, College Main Street, Tabor Road/F.M. 974, University Drive East/State Highway 60, Leonard Road, Groesbeck Street, South Bryan Avenue, 800 block of South Sims Avenue, and the 800 – 1100 blocks of South Main Street. More specifically, the building design guidelines are proposed to apply only to:

1. new commercial structures;
2. multi-family residential construction of three (3) stories or more in height;
3. existing commercial structures where the floor area is proposed to be increased by more than 50%; and
4. existing commercial structures where more than 50% of the structure is proposed to be altered.

Existing structures on properties along the same corridors that are not undergoing major improvements or expansion will not be affected by the new proposed standards.

The building design guidelines set out a point system, based on the floor area of existing or proposed buildings. The standards also include a menu of design options from which developers may choose for earning required points. Alternatives are provided for large single-story buildings and businesses with drive-through facilities.

These same building design standards now proposed to apply along major Bryan corridors were adopted by the City Council as part of a Planned Development – Business District (PD-B) for a 50+ acre retail development at the intersection of West Villa Maria Road and F.M. 2818 in August 2012 (the west side Super Wal-Mart). Several buildings have been permitted for construction and/or have been completed on that property with these design standards applied.

Procedurally, building design review is proposed to be an administrative review process that will become part of the building permit plan review. Applicants will submit a list of proposed building façade materials and a design point scoring sheet to show compliance with the adopted standards. At this time, no additional fees are proposed as part of this new process.

The attached draft ordinance amends Bryan Code of Ordinances Chapter 62, Land and Site Development, and Chapter 2, Administration, to incorporate the proposed building design standards and review processes into these existing ordinances. Since building design standards will form a new part of development review, these regulations are proposed to be included within a new article and division of the Land and Site Development Ordinance.

These building design guidelines were first recommended to the City Council for adoption during the Planning and Zoning Commission's regular meeting on December 1, 2011, by a vote of 5 to 2. A change to the required design points for buildings with 4,999 square feet or less in floor area (from 2 points to 1 point) was then unanimously recommended for approval during the Commission's regular meeting on March 1, 2012. During its workshop meeting on April 3, 2014, by consensus, Commissioners directed staff to proceed with scheduling the previously-recommended ordinance amendments for City Council consideration. City Council had previously been briefed on the concept and work progress regarding building design guidelines during a joint meeting with the Planning and Zoning Commission on November 8, 2011, and during a City Council workshop meeting on January 24, 2012.

The design guidelines are proposed to become effective on February 2, 2015, to allow time for staff to make preparations for the administration of the new regulations.

STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the proposed text amendments to the Bryan Code of Ordinances concerning the enactment of building design standards. Staff believes adopting the proposed building design standards may help accomplish the Planning and Zoning Commission's stated goals to encourage more aesthetically pleasing building construction, increase community pride, and increase property values. At the same time, the proposed standards are a flexible point system that does not intend to curtail architectural freedom. Staff believes adopting the proposed standards may foster community pride and produce higher quality developments along Bryan's major transportation corridors.

OPTIONS (In Suggested Order of Staff Preference):

1. approve ordinance amendments, as recommended by the Planning and Zoning Commission and staff;
2. approve ordinance amendments with modifications, which may require consideration at a future City Council meeting; or
3. do not approve these ordinance amendments at this time.

ATTACHMENTS:

1. map illustrating corridors where the new standards are proposed to apply;
2. draft ordinance;
3. excerpt from the Planning and Zoning Commission regular meeting minutes of December 1, 2011;
4. excerpt from the Planning and Zoning Commission regular meeting minutes of March 1, 2012;
5. excerpt from the Planning and Zoning Commission workshop meeting minutes of April 3, 2014;
6. excerpt from City Council regular meeting minutes of July 8, 2014; and
7. excerpt from the Planning and Zoning Commission regular meeting minutes of August 7, 2014.

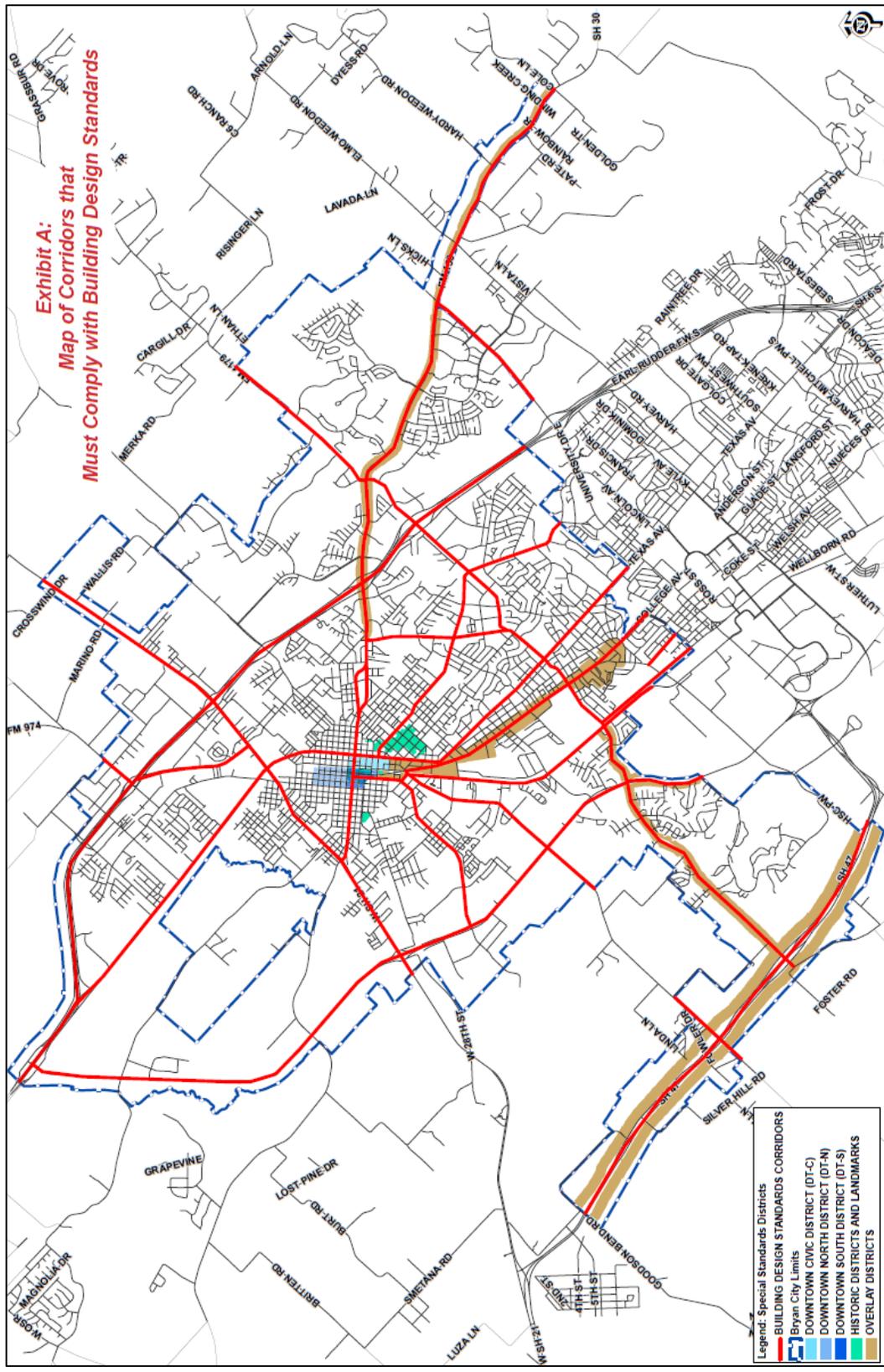
FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 10-21-14; Joey Dunn, 10-21-14; Hugh R. Walker, 10/24/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Joey Dunn for KR, 10-31-14

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11-03-2014

**Exhibit A:
Map of Corridors that
Must Comply with Building Design Standards**



Legend: Special Standards Districts

- BUILDING DESIGN STANDARDS CORRIDORS
- Bryan City Limits
- DOWNTOWN CIVIC DISTRICT (DT-C)
- DOWNTOWN NORTH DISTRICT (DT-N)
- DOWNTOWN SOUTH DISTRICT (DT-S)
- HISTORIC DISTRICTS AND LANDMARKS
- OVERLAY DISTRICTS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, BY ADDING DIVISION 16, SUBSECTIONS 2-410 THROUGH 2-412 AND CHAPTER 62, LAND AND SITE DEVELOPMENT, BY ADDING ARTICLE X, DIVISION 1, SUBSECTIONS 62-670 THROUGH 62-679 AND ARTICLE X, DIVISION 2, OF THE CITY OF BRYAN CODE OF ORDINANCES, PROVIDING FOR THE ESTABLISHMENT OF BUILDING DESIGN STANDARDS AND A DESIGN REVIEW BOARD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the citizens of Bryan voted “community appearance” throughout the city as one of the Top 16 issues for the city to focus on in the 2006 Bryan Comprehensive Plan Update; and

WHEREAS, the purpose of these building design standards are to promote the economic vitality and general welfare of the City of Bryan; and

WHEREAS, these changes will help to safeguard the City's aesthetic and cultural heritage by showcasing and preserving the City of Bryan’s unique identity and increasing the quality, adaptability, and sustainability of the City of Bryan’s building stock; and

WHEREAS, building design standards will stabilize and improve property values and foster community pride in the major corridors of the City of Bryan; and

WHEREAS, the City of Bryan Planning and Zoning Commission recommended approval of this ordinance during its regular meetings on December 1, 2011 and March 1, 2012; and

WHEREAS, the City of Bryan Planning and Zoning Commission recommended approval of an amendment to his ordinance changing the membership of a proposed Design Review Board from seven (7) to five (5) on August 7, 2014;

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 to be true and correct and hereby makes them part of this Ordinance.

2.

That Chapter 2, Article III Commissions, Committees, Boards, Agencies, of the City of Bryan Code of Ordinances is hereby amended to add the following subsections:

Division 16. Design Review Board
Sec. 2-410. Membership.

The Design Review Board is composed of five members appointed by city council for a three year term with a maximum of one reappointment for a total of six continuous years. In the case of vacancies on the board, the city council shall appoint a replacement to serve the remainder of that term. The unexpired term does not apply when calculating service for the maximum service of six years.

Sec. 2-411. Qualifications.

(a) The Design Review Board shall be composed of the following members:

- (1) Two members currently serving as Planning & Zoning Commissioners;
- (2) One registered architect.
- (3) A contractor, builder, or a commercial developer.

(b) All members should be residents of Brazos County, and reside within the City of Bryan if possible. All members must have knowledge of the architectural, cultural, social, economic, ethnic or political history of the city. No one business shall constitute a majority membership on the board.

Sec. 2-412. Duties and functions.

- (a) Hold public hearings, hear appeals, authorize variances, and take other actions concerning design matters as authorized by ordinance;
- (b) Make recommendations to and advise the City Council on matters involving building design standards and building design guidelines; and
- (c) Establish policies and procedures of the Design Review Board.

3.

That Chapter 62, Land and Site Development of the City of Bryan Code of Ordinances is hereby amended by renumbering existing Article X to Article XI, and by adding the following article and division:

Article X. Building Design and Color

Division 1. Building Design

Sec. 62-670. Scope and Purpose.

(a) *Purpose.* The purpose of this division is to set minimum standards for the exterior design and appearance of non-residential buildings, which are recognized as enhancing property values and are in the interest of the general welfare of the city.

(b) *Scope and enforcement.*

- (1) The provisions of this division shall be administered by the director of development services or designee.
- (2) The standards and criteria contained within this division and the Building Design Guidelines are deemed to be minimum standards and shall apply to buildings constructed after the

effective date of this ordinance. Buildings constructed after the effective date of this ordinance shall at all times comply with the provisions of this division and the version of the Building Design Guidelines in force at the time of the building permit application.

(3) After the effective date of this ordinance, when a change is proposed in the uses of a permitted building, the additional design standards apply as follows:

- a. If a certificate of occupancy has previously been issued for the building, the additional provisions of this division and the Building Design Guidelines shall be waived until such time that the structure is expanded or modified. Compliance is required with all other sections of this division and all other applicable ordinances.
- b. If a certificate of occupancy has never been issued for the building, all provisions of this division and the Building Design Guidelines must be met prior to issuance of a certificate of occupancy.
- c. Upon request by an applicant, the Design Review Board may make a recommendation to City Council to approve a waiver of all or part of the provisions of this division, building design, or the Building Design Guidelines. Prior to consideration of the waiver, a public hearing shall be held, with written notice sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within 200 feet of any property affected thereby, not less than ten days before the hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

(4) Provisions of this division and the Building Design Guidelines shall not apply to the following:

- a. Properties not adjoining or located within 200 feet, whichever is greater, of the following major thoroughfares:
 1. Texas Avenue
 2. William Joel Bryan Parkway
 3. Boonville Road
 4. F.M. 158
 5. Harvey Mitchell Parkway/F.M. 2818
 6. Earl Rudder Freeway/State Highway 6
 7. S. College Avenue/State Highway 308
 8. E. 29th Street
 9. Villa Maria Road
 10. Beck Street
 11. State Highway 21
 12. F.M. 1179
 13. Briarcrest Drive
 14. State Highway 47
 15. Wellborn Road
 16. College Main Street
 17. Tabor Road/F.M. 974
 18. University Drive East/State Highway 60
 19. Leonard Road

20. Groesbeck Street
21. S. Bryan Avenue
22. 800 block of S. Sims Avenue
23. 800 – 1100 blocks of S. Main Street

- b. Single family, two-family (duplex), or multi-family residential construction of two stories or less;
- c. Structures in historic preservation or other overlay districts, if applicable design standards exist for those districts and a conflict exists between those standards and this division;
- d. Warehouses or other non-office structures on properties in industrial zoning districts;
- e. Temporary uses lasting no longer than six months; or
- f. Buildings constructed prior to the effective date of this ordinance, which meet any of the following criteria:
 1. Portions of a building proposed to be added to any existing commercial structure, which will not increase the originally approved floor area by 50 percent or more, either by a single expansion or by the cumulative effect of a series of expansions; or
 2. Reconstruction of a commercial building due to damage of any kind that necessitates improving, rehabilitating, or reconstructing not more than 50 percent of the original structure or by the cumulative effect of a series of reconstructive activities.

Sec. 62-671. Conflicts.

- (a) *Conflicts with planned development district ordinances.* Where provisions of a planned development district ordinance specify architectural or site elements requirements for a project, compliance with provisions of the planned development district, this division, and the Building Design Guidelines shall be required. Where a conflict between the provisions of the individual ordinances or guidelines exists, the provisions of the planned development district ordinance shall control.
- (b) *Conflicts with other ordinances.* All applicable provisions of the zoning ordinance, subdivision ordinance, building codes, and other ordinances (except planned development district ordinances) shall apply. Where provisions of other ordinances or guidelines conflict with this division or the Building Design Guidelines, the more restrictive provision shall control.

Sec. 62-672. Design standards application and approval.

(a) *Application.*

- (1) Along with the submission of an application for any building permit necessary for the development or redevelopment of property subject to the provisions of this article, the following must also be submitted to evaluate compliance with this division:

- a. Calculation of points to be awarded for the project, on a scoring sheet provided by the chief building official, and including an original signature of the architect or other designer certifying its accuracy and completeness;
- b. A site plan showing the building footprint and all site elements for which points are to be awarded, in sufficient detail to demonstrate compliance with the Building Design Guidelines;
- c. Elevations, drawn to scale, with finishing materials and paint color information indicated; and
- d. All other information necessary to demonstrate compliance with the evaluation criteria as indicated on the scoring sheet.

(2) If the applicant has not submitted sufficient information to demonstrate conformance with the required standards, the application may be found to be administratively incomplete and the application will not be further reviewed until complete information is submitted.

- (b) *Approval process.* The design standards elements application shall be reviewed within 15 business days unless otherwise noted below.

Sec. 62-673. Appeal of interpretation.

The applicant may appeal staff's interpretation of this division by:

- (a) Submitting a written request to the director of development services for an appeal of interpretation.
- (b) Within 30 days, the Design Review Board will hear the appeal and review all related documentation submitted as part of the design standards application. The applicant may be requested to submit additional information in support of the appeal.
- (c) After hearing the appeal, the Design Review Board will issue a final decision of approval or denial. If the design review board denies the appeal, the applicant may appeal the decision to the City Council. The request for appeal must be made in writing within ten days of the Design Review Board's decision, according to the process listed below regarding appeal of decision.

Sec. 62-674. Meritorious exceptions.

- (a) It is not the intent of this division to discourage innovation. An architectural and site design that does not conform with the specific requirements of this division, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception. Such proposals shall be fairly and seriously considered by the Design Review Board through the approval process outlined below.

(1) An applicant for a meritorious exception shall submit:

- a. All items required for the design standards application;
- b. A written description of the nature of the meritorious exception and the compelling reasons that prevent the applicant from meeting the minimum standards set forth herein;

- c. Color renderings of all elevations; and
 - d. A three-dimensional rendering of all facades visible from public rights-of-way.
- (2) The application for a meritorious exception shall be reviewed by staff and a report of findings shall be prepared and submitted to the Design Review Board. If the applicant disagrees with the decision of the Design Review Board, the applicant may, within 10 days of the Design Review Board action, request in writing to the director of development services that the meritorious exception be appealed to the City Council as outlined below under appeal of decision. Prior to consideration of an application for a meritorious exception, the Design Review Board shall hold a public hearing, with written notice sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within 200 feet of any property affected thereby, not less than ten days before the hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

In considering the request, the Design Review Board shall consider the following factors in determining the extent of any meritorious exception granted:

- a. The extent to which the application meets other specific standards of this division;
 - b. The extent to which the application meets the spirit and intent of this division and the Building Design Guidelines through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;
 - c. The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with standards of this division and the Building Design Guidelines; and
 - d. The extent to which the proposed project accomplishes City goals as stated in the comprehensive plan or other approved document.
- (3) A meritorious exception shall not be granted to serve as a convenience to the applicant, or for reasons related to economic hardship.
- (b) *Findings.* Such findings of the Design Review Board shall be incorporated into the official minutes of the design review board meeting at which such meritorious exception is granted.

Sec. 62-675. Limited waivers for expansion or reconstruction.

- (a) The director of development services may, upon request by the applicant, authorize a waiver from specific requirements for exterior materials or design, if strict compliance with these standards or the Building Design Guidelines would result in significantly inconsistent appearance between existing and proposed sections of the building. The criteria for review will be the same as those for a meritorious exception, as listed above.
- (1) The applicant shall submit detailed information to the director of development services as required above for meritorious exceptions.

- (2) The director of development services may, for any reason, refer the request for a waiver to the Design Review Board for a decision according to procedures outlined above for meritorious exceptions.
- (3) The applicant may appeal the decision of the director of development services to the Design Review Board according to the procedures outlined above for meritorious exceptions.
- (4) The applicant may appeal the decision of the Design Review Board to the city council according to the procedures outlined below under appeal of decision.

Sec. 62-676. Variances.

- (a) When a property owner can show that a strict application of the terms of this division or Building Design Guidelines relating to architectural or site standards will impose upon him unusual and practical difficulties or particular hardship, including instances where an applicant has previously built in strict conformance with approved architectural and site standards plans and such approval was erroneously granted by the chief building official or designee, a variance from the strict application of this division or Building Design Guidelines may be granted by the design review board; provided that:
 - (1) The variance requested is in harmony with the general purpose and intent of this division and the Building Design Guidelines;
 - (2) The Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate a demonstrable and unusual hardship or difficulty; and
 - (3) The Board is satisfied that there will be no adverse impact on surrounding property.
- (b) The applicant may appeal the decision of the Design Review Board to the City Council according to the procedures outlined below under appeal of decision.
- (c) *Findings.* Such findings of the Design Review Board, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Design Review Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.
- (d) *Formal application.* All requested variances from this division shall be made in the form of a formal application prior to consideration by the Design Review Board. Submittal shall be made in the office of Planning and Development services.

Sec. 62-677. Appeal of Design Review Board decision.

- (a) *Request by applicant.* If an applicant disagrees with the final decision of the Design Review Board, the applicant may appeal the decision to the City Council. The request for appeal must be made in writing within ten days of the Design Review Board's decision.
- (b) *City council review.* Following the filing of a notice of appeal, the City Council shall, within 30 days, conduct a review of the decision of the Design Review Board. In its review of the decision of the Design Review Board, the City Council shall utilize the same criteria set forth for the consideration of the Design Review Board for review.

- (c) *Failure of city council to act on appeal of variance decision.* An application for a variance is automatically granted if the City Council does not act on the variance appeal before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive the time deadline established by this subsection.

Sec. 62-678. Permitting and occupancy.

- (a) No development permit of any kind shall be issued for any development subject to the provisions of this division or the Building Design Guidelines until an architectural plan, which meets or exceeds the standards set forth herein and in the Building Design Guidelines has been approved by the chief building official or designee according to the procedure for applications listed above.
- (b) A certificate of occupancy shall not be issued for any development which is required to meet the provisions of this division and the Building Design Guidelines, unless it is constructed in accordance with the approved architectural and site standards plan.

Sec. 62-679. Noncompliance.

- (a) If at any time after the issuance of a certificate of occupancy the building exterior or site is altered in such a manner as to modify any element of the approved architectural and site standards plan, the chief building official shall issue a notice of noncompliance to the owner, citing the violation and describing action required to comply with this division.

(1) The owner, tenant, and/or agent shall, within 30 days of said notice:

- a. Submit revised plans, which meet standards outlined in this division and in Building Design Guidelines; or
- b. Make reasonable progress toward restoring the building and site to its approved form, or, if no progress can be made within 30 days due to weather or other factors, receive a temporary waiver from the chief building official for this requirement.

(2) If, within 90 days of the date of notice of noncompliance, full restoration in compliance with original or revised and approved plans has not been made, the owner, tenant, and/or agent shall be held in violation of this division.

4.

That Chapter 62, Land and Site Development of the City of Bryan Code of Ordinances is hereby amended by adding the following division:

Article X. Building Design and Color

Division 2. Building Design Guidelines

1. Intent

These building design guidelines are intended to:

1.1 Showcase and preserve Bryan's unique identity;

- 1.2 Help buildings function better in Bryan's environment;
- 1.3 Create buildings with appropriate human scale;
- 1.4 Ensure that buildings contribute to the vitality of Bryan's entrances and main corridors;
- 1.5 Increase the quality, adaptability, and sustainability of Bryan's building stock;
- 1.6 Apply to all new commercial structures and certain commercial structures under rehabilitation, situated within 200 feet or the depth of the abutting lot, whichever is less, on either side of the street right-of-way along the following thoroughfares:

1. Texas Avenue
2. William Joel Bryan Parkway
3. Boonville Road
4. F.M. 158
5. Harvey Mitchell Parkway/F.M. 2818
6. Earl Rudder Freeway/State Highway 6
7. S. College Avenue/State Highway 308
8. E. 29th Street
9. Villa Maria Road
10. Beck Street
11. State Highway 21
12. F.M. 1179
13. Briarcrest Drive
14. State Highway 47
15. Wellborn Road
16. College Main Street
17. Tabor Road/F.M. 974
18. University Drive East/State Highway 60
19. Leonard Road
20. Groesbeck Street
21. S. Bryan Avenue
22. 800 block of S. Sims Avenue
23. 800 – 1100 blocks of S. Main Street

2. Best Practices

- 2.1 Projects should be compatible with the scale of adjacent and nearby actual and anticipated development and should provide a sensitive transition to more restrictive zoning districts.
- 2.2 New buildings proposed in areas that have a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of nearby buildings as well as the spatial characteristics of the right-of-way. New buildings proposed in other areas should reinvigorate the area by introducing more desirable features. Features that can be used to integrate new buildings include fenestration patterns, building proportions, roof forms or building materials.
- 2.3 Building design elements, details, and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building with elements and details to achieve a good human scale.

- 2.4 Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, and lend themselves to a high quality of detailing are encouraged. Buildings should avoid large blank walls facing the street.
- 2.5 Convenient, identifiable and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered, especially along the street edge.
- 2.6 Site design should consider opportunities for enhancing personal safety and security, including providing adequate lighting and minimizing visual clutter. Buildings should avoid large blank walls lacking design features, but should preferably allow for visual connection between activities occurring on the interior and exterior of the building.
- 2.7 Where possible, landscaping should reinforce the character of the development and abutting streetscape while enhancing the architecture of the building project. Possibilities include special pavements, trellises, screen walls, fountains, planters and site furniture.

3. Building Frontages

3.1 Applicability:

This section is applicable to any publicly visible building frontage of any commercial land use on any thoroughfare referenced in Section 1.6 above. Building facades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt.

3.2 Exterior Colors:

Please refer to Section 62-680, Building Color, of the City of Bryan's Land and Site Development Ordinance for colors permitted on exterior facades of commercial structures.

3.3 Fabric Awnings:

If used, fabric awnings must be composed of fabric that is guaranteed by the manufacturer to survive in good condition for no less than 10 years from the date of installation.

3.4 Shade and Shelter

Bryan's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity, as well as protect pedestrians from inclement weather. Projects shall meet the following shade and shelter requirements:

- A. If provided, at least one ADA ramp alongside the building must be shaded to a minimum of 2 times the width (as determined by a ramp user) of the contiguous lineal ramp section closest to the building. If a rear ADA ramp is also provided as part of the building design, it shall also meet the requirements of this section. Such shade devices shall have a maximum canopy height of 15 feet.

- B. Principal building entrances shall be located under a shade device such as a building projection or recess in building face with a minimum depth of 6 feet and maximum canopy height of 20 feet.

Figure 1 – Example of awning at building entrance



3.5 Glazing on Building Façades:

Glazing provides interest for the passer-by, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades.

- A. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade, if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade (“zero lot line” structures).
- B. At least one-third of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.4 or higher.
- C. Walls that must be blank for security or other requirements shall be enhanced by the use of plant materials, artwork, canopies, special lighting, or a combination of façade articulation and material changes. Any such alternative plans must be approved by the Design Review Board. Plans submitted for consideration must be sealed by a registered architect or landscape architect, as appropriate, and show reasonable evidence that the requirements set forth in these standards were used as a guide. Evidence of security requirements should be submitted as listed in state or federal law.

4. Options to Improve Building Design

4.1 Applicability

This section is applicable to the development of any commercial use that requires a building permit or is converted to commercial use on any thoroughfare referenced in Section 1.6 above.

Buildings of 5,000 square feet or more are required to meet a higher point minimum than those of 4,999 square feet or less.

4.2 Building Design Options

A. General Requirement

1. Each building of 4,999 square feet or less subject to this section must earn one base point from the table below, and may be required to earn additional points if certain design parameters are present.
2. Each building of 5,000 square feet or more subject to this section must earn four base points from the table below, and may be required to earn additional points if certain design parameters are present.
3. Developments with multiple buildings are required to earn the applicable number of points for each building.

B. Additional Requirements for Certain Types of Development

The following shall earn points as specified below, in addition to the base point required in subsection A. All points in this section shall be earned cumulatively.

1. If the building plan depicts any of the design parameters listed below, an additional point must be earned for each design feature (except as noted):
 - a. Building façade exceeds 200 feet in width without entrances at least every 50 feet.
 - b. Individual use is greater than 50,000 square feet.
 - c. Building is a pad-site building with either of the following features:
 - (i) Drive-in or drive-through;
 - (ii) Building is separated from other buildings by surface parking on at least two sides;
 - d. Concrete block (not including decorative concrete block) is used on more than 25 percent of a façade visible to the public.
 - e. Concrete block (not including decorative concrete block) is used on more than 75 percent of a façade visible to the public (must earn two additional points).
 - f. EIFS is used as a wall system (not including heavy foam moldings) on the ground floor below 10 feet.
 - g. Typical pre-engineered metal building wall panels such as "R" or "M" panels are used on more than 20 percent of a façade visible to the public (must earn two additional points).

C. Table of Design Options

<i>Option</i>	<i>Description / Comments</i>
Group A: Each option worth 1 point	

Provide for liner stores in building façade (1 point each).	A liner store is a commercial use on the ground floor of a building located not more than 30 feet from the street right-of-way with an entrance facing the street.
Provide façade articulation through one method listed below, for at least two facades of the building. May gain up to two points through these methods.	See definition D. 1. below.
Provide primary entrance design.	See definition D. 2. below.
Provide building materials from set “B” below for 60% or more of three most visible building facades, not including window or door area.	See definition D. 4. below.
Provide shelter integrated into building form alongside at least 20 percent of all building frontages adjacent to or facing the principal street or adjacent parking with maximum canopy height of 15 feet.	
Provide glazing on at least 20 percent of wall area between two and ten feet above grade on first floor, for at least two facades of the building.	
100% of glazing on ground-floor facades that face any street or parking lot have a Visible Transmittance (VT) of 0.4 or higher.	
Group B: Each option worth 3 points	
Provide building materials from set “A” below for 60% or more of three most visible building facades, not including window or door area.	See definition D. 4. below.
Provide glazing on at least 40 percent of wall area between two and ten feet above grade on first floor, for at least two facades of the building.	
Design building so that at least 75 percent of the façade facing the principal street consists of storefronts with at least two separate entrances facing the principal street.	See section 3.4, Shade and Shelter, above for entrance area requirements.
Provide shelter integrated into building form alongside at least 40 percent of all building frontages adjacent to or facing the principal street or adjacent parking with maximum canopy height of 15 feet.	
Provide a sustainable roof.	See definition D. 3. below.

Integrate onsite renewable energy into building design.	The specific features and design shall be approved by the Director. Examples may include, but are not limited to, rooftop solar panels or biomass boilers.
---	--



Figure 2 – Examples of façade articulation

D. Definitions of Options

1. Façade Articulation

For purposes of satisfying the requirements in subsections A. and B. above, “façade articulation” shall consist of one of the following design features:

- a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 60 feet;
- b. Changes of texture or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 60 feet;
- c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

2. Primary Entrance Design

For purposes of satisfying the requirements in subsections A. and B. above, “primary entrance design” shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street:

- a. Architectural details such as arches, friezes, tile work, murals, or moldings.
- b. Integral planters or wing walls that incorporate landscape or seating.
- c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

- d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
- e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

Figure 3 – Example of a sustainable roof



3. Sustainable Roof

For purposes of satisfying the requirements in subsections A. and B. above, a “sustainable roof” is roofing that has one of the following:

- a. For a minimum of 75 percent of the total roof surface, a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
- b. For a minimum of 50 percent of the total roof surface, a vegetated roof;
- c. For a minimum of 50 percent of the total roof surface, rainwater collection system, connected to irrigation system or other building system through piping; or
- d. For a minimum of 75 percent of the total roof surface, a combination of a vegetated roof with rainwater collection system and SRI-compliant roof meeting the SRI standards listed in “a” above.

4. Building Materials

For purposes of satisfying the requirements in subsections A. and B. above, “building materials” are defined as:

- a. Set “A” materials: natural stone, unpainted brick, 3-step hard coat cementitious stucco, unpainted integrally colored decorative concrete block, tile, composite metal panels, or smooth zinc panels.
- b. Set “B” materials: cementitious siding, decorative exposed concrete, or wood

- c. Other high-quality, low maintenance materials, or those materials that may be introduced in the future, may be considered based on architectural creativity by the Design Review Board.

4.3 Alternatives to Section 4.2

A. Large Single-Story Buildings

Instead of complying with Section 4.2 above, a single-story commercial building that is 50,000 square feet or more in size on a thoroughfare referenced in Section 1.6 above may elect as a matter of right to comply with the following standards as a set:

1. The building façade shall consist of 60 percent masonry or stucco (not including standard cement utility blocks), excluding the window area and rear service area on sides visible to the public;
2. The building meets the “façade articulation” requirements as defined above;
3. The building has 30 percent glazing on the front façade and 20 percent glazing on each side visible to the public with a Visible Transmittance (VT) of 0.4 or higher; and
4. The building design incorporates a sustainable roof, solar power generation, or similar feature.

B. Pad-site Buildings with Drive-In and/or Drive-Through Services

Instead of complying with Section 4.2 above, a pad-site building with a drive-in and/or drive-through services on a freeway or arterial street, may comply with the following standards as a set:

1. The portion of the building below 12 feet consists of one of the following:
 - a. Any of the materials mentioned in Section 4.2 D.5. above; or
 - b. For a building that occupies a pad or portion of a building within a planned project or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.
2. Pad sites shall not have any parking located between the building and the principal street.

5. Glossary

Façade articulation – The use of details to divide building faces into parts and add interest

Glazing – Glass or plastic fitted into a wall or roof opening to provide light to interior spaces, predominantly windows or glass block

Liner stores – Commercial structures placed at the edge of a shopping center to enhance quality of development and of adjacent street face

On-site renewable energy – The use of energy sources that cannot be easily depleted to reduce energy reliance on fossil fuels; options include solar, wind, geothermal, low-impact hydro, biomass, and bio-gas strategies.

Pad site – A freestanding parcel at the edge of a shopping center, generally leased or sold to financial institutions, fast-food outlets, or chain restaurants; also called an outparcel.

Principal street – The roadway with the highest level of priority adjacent to the lot or site

Publicly visible façade – A building façade visible from a public right-of-way, not including alleys or other public rights-of-way used for utilitarian purposes only. Building facades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt.

Solar Reflectance Index – Measurement of a material’s ability to reflect (or “reject”) heat; the higher the measurement, the less heat that is absorbed by the material

Sustainable roof – A roof that utilizes vegetation, a rainwater collection system, or reduces heat transmittance in order to decrease the amount of energy needed to heat and cool its building and possibly other buildings

Visible Transmittance – Measurement of how much light comes through glazing, or how transparent the glazing is; the higher the measurement, the more light a material transmits from one side to the other

5.

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

6.

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.

7.

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.

8.

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.

9.

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

10.

That a person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code.

11.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date of the ordinance.

11.

That this ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this Ordinance will be February 2, 2015.

PRESENTED AND GIVEN first reading the 11th day of November, 2014, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 18th day of November, 2014, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

**EXCERPT FROM THE PLANNING AND ZONING COMMISSION'S DECEMBER 1, 2011
REGULAR MEETING MINUTES:**

6. Building Design Guidelines

M. Audenaert

A proposal to amend the text of Bryan Code of Ordinances Section 62, adding a new Article X, Division 1, Building Design, and adding Chapter 2, Article III, Section 2-410, establishing a Design Review Board.

Mr. Zimmermann presented background information.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to recommend approval to the City Council for the proposal to amend the text of Bryan Code of Ordinances Chapter 62, adding a new Article X, Division 1, Building Design, and adding Chapter 2, Article III, Division 16, establishing a Design Review Board as presented by staff. Commissioner Bond seconded the motion.

Chairperson Beckendorf asked if there was any discussion.

Commissioner Parks stated that the guidelines gave business owners plenty of options and that the guidelines were fair for the City of Bryan. He stated several other cities have more restrictive guidelines and the changes will be incremental.

Commissioner Gonzalez stated he was opposed to the guidelines and wanted business owners to have more freedom to do what they wanted with their building.

Commissioner Bienski stated that the guidelines will be good for the City of Bryan.

Commissioner Hickle echoed Commissioner Parks, stating the guidelines will beautify the city.

Commissioner Bond stated that the guidelines will not restrict business owners or developers. He stated many will exceed what is required by the guidelines. He thanked the staff and volunteers who worked on the design guidelines.

Commissioner Gutierrez stated he was opposed to the guidelines.

The motion to approve passed with a vote of five (5) in favor and two (2) in opposition. Commissioners Gonzalez and Gutierrez cast votes in opposition.

**EXCERPT FROM THE PLANNING AND ZONING COMMISSION'S MARCH 1, 2012
REGULAR MEETING MINUTES:**

10. Building Design Guidelines

M. Audenaert

A proposal to amend the text of Bryan Code of Ordinances Section 62, adding a new Article X, Division 1, Building Design, and adding Chapter 2, Article III, Section 2-410, establishing a Design Review Board.

Mr. Zimmermann stated that the draft given to the Commission had a single change, as discussed at the February 16th meeting, that buildings 4,999 square feet and under would only be required to obtain a single point instead of two points.

Responding to a question from Chairperson Beckendorf, Mr. Zimmermann stated that a single structure on a lot is not considered a pad-site. A pad-site would be a standalone fast-food restaurant located in the Target shopping center.

Responding to a question from Commissioner Bond, Ms. Audenaert stated that having decorative concrete block on the façade of the building earns the developer points while the plain concrete block would require the developer to earn an additional point to meet the standards.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Hickle moved to recommend approval of the proposed text amendment to the Bryan City Council. Commissioner Bond seconded the motion.

Chairperson Beckendorf asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

**EXCERPT FROM THE PLANNING AND ZONING COMMISSION'S APRIL 3, 2014
WORKSHOP MEETING MINUTES:**

- 5. STAFF PRESENTATION, DISCUSSION, AND POSSIBLE DIRECTION TO STAFF CONCERNING PROPOSED ORDINANCE AMENDMENTS PREVIOUSLY RECOMMENDED BY THE PLANNING AND ZONING COMMISSION ESTABLISHING BUILDING DESIGN GUIDELINES AND A BUILDING COLOR PALETTE.**

By consensus, Commissioners directed staff to proceed with scheduling previously-recommended ordinance amendments establishing building design guidelines and building color palette for Council consideration.

EXCERPT FROM THE CITY COUNCIL REGULAR MEETING MINUTES OF JULY 8, 2014:

8. AMENDMENT TO CHAPTER 2, “ADMINISTRATION,” AND CHAPTER 62, “LAND AND SITE DEVELOPMENT,” OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development,” of the Bryan Code of Ordinances

Planning Manager Martin Zimmermann presented information regarding a proposed ordinance to amend the text of Bryan Code of Ordinances Chapter 2, Administration, by adding Division 16, Subsections 2-410 through 2-412, and also amending Chapter 62, Land and Site Development, by renumbering existing Article X to Article XI and by adding Article X, Division 1, Subsections 62-670 through 62-679, and Article X, Division 2, providing for the establishment of building design standards and a design review board; providing penalties; providing for publication; providing an effective date. Mr. Zimmermann recommended the ordinance go into effect October 1, if approved by Council. Mr. Leo Gonzalez, 407 Crescent, spoke in support of the proposed ordinance but did express concern about the possible impact on older structures. Ms. Eva Read-Warden, 823 South Rosemary, a member of the local chapter of the American Institute of Architects, reported her chapter and a number of architects that work within the city provided input. She said the standards were very practical, not difficult to achieve, and addressed sustainability issues for energy savings. Mr. Robert Person, 900 Florida Street, asked how the proposed ordinance would impact new businesses. The public hearing closed at 7:47 p.m. with no additional comments.

b. First Reading of an Ordinance - Amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development,” of the Bryan Code of Ordinances

Councilmember Konderla moved to approve the first reading of the proposed ordinance to amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development” of the Bryan Code of Ordinances, with the following modification: Chapter 2, Article III, Division 16, Section 2-411 be amended to read that the Design Review Board be comprised of four members – two members of the Planning and Zoning Commission, one registered architect, and one contractor, builder or commercial developer. The motion was seconded by Councilmember Peña. After discussion, Councilmember Konderla moved to refer the proposed ordinance amendment to the Planning and Zoning Commission for its recommendation and feedback. The motion was seconded by Councilmember Peña and carried unanimously.

**EXCERPT FROM THE PLANNING AND ZONING COMMISSION'S AUGUST 7, 2014
REGULAR MEETING MINUTES:**

**8. PROPOSED AMENDMENTS TO THE TEXT OF BRYAN'S CODE OF ORDINANCES – A
PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes
recommendation; City Council has final approval).**

a. Design Review Board Membership

A recommendation to the Bryan City Council concerning the City Council's proposed change regarding the membership of a Design Review Board, which would be authorized to hear appeals and grant variances to proposed building design standards, which were previously recommended by the Planning and Zoning Commission as part of proposed amendments to Bryan Code of Ordinances Chapter 62, Land and Site Development, and Chapter 2, Administration. (M. Zimmermann)

Mr. Zimmermann presented the staff report (on file in the Development Services Department).

The public hearing was opened.

Sharon Anderson, 2304 Cindy Ln., came forward and expressed concerns about an even member board having a hard time with tie votes. Suggested that three was not enough members and five members would be better than four.

The public hearing was closed.

Chairperson Hickle moved to recommend that the Design Review Board be composed of five (5) board members:

- **1-2 registered architects**
- **2 Planning and Zoning Commission members**
- **1-2 Contractors, builders, or developers**

Commissioner Krolczyk seconded the motion.

Commissioners discussed the need for an odd number and more than four members on the board and five was not as hard to fill as seven.

The motion passed with a vote of six (6) in favor and one (1) in opposition, with Commissioner Gonzalez casting a vote in opposition.