

Technical Issues and Proposed Corrections

(Identified Inconsistencies and Technical Errors of a Non-Substantive Nature)

The following list describes errors and inconsistencies that have been identified in the Land and Site Development Ordinance (Chapter 62) and Zoning Ordinance (Chapter 130), as well as the type corrective action recommended to address the issue. The recommended corrections are also identified in the revised ordinances in the form of ~~strike-through~~ text (proposed for deletion) and underlined text (proposed to be added). Footnotes are sometimes used to further explain proposed corrections.

NO.	ISSUE	RECOMMENDATION	STATUS
GENERAL ISSUES			
1	Section numbering is inconsistent within and between the two chapters.	Make numbering more consistent	DONE
2	Misuse of term "criterion."	Change to "regulations" or similar (plural) term throughout	DONE
3	Inconsistent use of capitalization	e.g., "city council," "planning and zoning commission"	DONE—capitalized: "City Council," "Planning and Zoning Commission," "Zoning Board of Adjustment," "Site Development Review Committee," "City Attorney," "Director of Development Services," "City Manager," "Design Review Board," Chief Building Official," "City Secretary," "SDRC Chair," et. al.,
4	Numerical standards and references presented inconsistently. Sometimes word (number) "doublets" [e.g. two (2)]. Sometimes only words. Sometimes only numbers.	Revise to use numerals, which are easier for the reader to quickly identify and follow.	DONE
5	Cross-references in chapter 62 and chapter 130 use the terms "section," "Section," "Sec." and "Sec" interchangeably.	Replace all instances with a single consistent term (e.g., "Sec.")	DONE

NO.	ISSUE	RECOMMENDATION	STATUS
6	Cross-references sometimes include phrases such as "herein," "of this ordinance," or "of this Ordinance of the City of Bryan."	Remove such phrases.	DONE
LAND AND SITE DEVELOPMENT ORDINANCE ISSUES			
7	Section 62-161 contains incorrect cross-reference	Refers to 130-29. Should be 130-34.	DONE
8	Section 62-161 contains incorrect cross-reference	Refers to 130-27. Should be 130-32.	DONE
9	Section 62-161. Note (4) should include cross-reference to relevant provisions	Include cross-reference to 62-165	DONE
10	Section 62-161. Note (8) contains insufficient cross-reference	Refers to 130-16. Should include 130-16, 130-17, 130-18 and 130-19.	DONE
11	Section 62-167(a) (typo in section heading)	Refers to "building setback lines." Should be "building setbacks" or simply "setbacks."	DONE
12	Section 62-169 (Duplex Regulations) is formatted differently than others	Break into separate subsection/paragraphs to match formatting for patio homes and other building types	DONE
13	Section 62-170(a) contains incorrect cross-reference	Refers to 130-24. Should reference all corridors (multiple sections)	DONE
14	Section 62-295(d)(3) contains typo/incorrect cross-reference	Paragraph ends with "that required construction of a sidewalk under subsection or Sec. 62-295(c) is located. Should remove "subsection or" and refer only to Sec. 62-295(c).	DONE
15	Section 62-297 contains a typo	Minimum off street parking requirement for college/university use should be 1 per faculty and staff, plus <u>0.5</u> per resident and commuter student	DONE
16	Section 62-529(c) contains a vague reference "the maps".	Revise to require use of Flood Insurance Rate Maps, City GIS or on-the-ground surveying as basis for "top of bank" determination.	DONE
17	Section 62-559(c) contains a confusing cross-reference (also in editor's note)--Refers to maps in section A.5, which is not a section of ordinance.	Revise to require use of Flood Insurance Rate Maps, City GIS or on-the-ground surveying as basis for "top of bank" determination. Delete editor's note.	DONE

NO.	ISSUE	RECOMMENDATION	STATUS
18	Section 62-593(d) contains a confusing cross-reference (also in editor's note)--Refers to maps in section A.5, which is not a section of ordinance.	Revise to require use of Flood Insurance Rate Maps, City GIS or on-the-ground surveying as basis for "top of bank" determination. Delete editor's note.	DONE
19	Section 62-659 (Wireless Telecommunications Facilities Siting Matrix) contains confusing cross-reference. (i.e., note 1 requires screening from public right-of-way "per Section 23A.3.B.4.")	Should refer to Sec. 62-661(d).	DONE
20	Section 62-661(a) contains incorrect cross-reference	Refers to complying with screening fence standards of 130-36. Should be Sec. 62-661(d).	DONE
ZONING ORDINANCE ISSUES			
21	Section 130 -2 appears to be numbered incorrectly.	Begins with (1). Should begin with (a), which means the cross reference in (b) should be to 130-2(a), rather than 130-2(1)	DONE--Moved all adult use material to 130-34(c)
22	Section 130-2(b)(3)m.1 contains incorrect cross-reference	Refers to 130-23(II). Should be 130-23(b) ¹	DONE, but issue is moot since the referenced provisions are proposed for deletion
23	Section 130-2(b)(3)m.2 contains incorrect cross-reference	Refers to 130-23(III)(C). Should be 130-23(g)(3)	DONE
24	Section 130-3. Definition of "residential district" is missing the R-NC district	Revise to include R-NC district	DONE
25	Section 130-6 contains incorrect cross-reference to penalties section	Refers to 130-42. Should be 130-45	DONE
26	Section 130-14. Credit access business should include cross-reference to applicable use regulations	Include cross-reference to Sec. 130-34(o)	DONE
27	Section 130-17, 130-18 and 130-19. References to "Downtown Zoning Districts" should be "Downtown Districts"	Remove "Zoning" from "Downtown Zoning District" references	DONE
28	Section 130-17(g)(7) contains incorrect reference to special use license provisions of Chapter 62.	Refers to 62-243. Should be 62-251.	DONE

¹ Note: because of reorganization, these provisions are now located in Sec. 130-34(c)3.m.

NO.	ISSUE	RECOMMENDATION	STATUS
29	Section 130-18(g)(6) contains incorrect reference to special use license provisions of Chapter 62.	Refers to 62-243. Should be 62-251.	DONE
30	Section 130-19(g)(7) contains incorrect reference to special use license provisions of Chapter 62.	Refers to 62-243. Should be 62-251.	DONE
31	Section 130-28(c)(5)a. Refers to screening being required within 50 feet of a certain distance from any street right-of-way...	Remove phrase "a certain distance from." It is incorrect and confusing.	DONE
32	Section 130-32 contains two circular cross-references.	Both refer to 130-32. Should be Chapter 62.	DONE
33	Section 130-32(b)(5), 130-32(c)(5), 130-32(d)(5), 130-34(a), 130-37(b)(1)d, et. al., should not list names of "other residential districts"	Remove specific reference to other residential districts (e.g., "[...] when siding or backing on to all other residential districts of less intensity. [RD-7, RD-5, MU-11]) and instead rely on the existing definition of "residential district"	DONE
34	Section 130-33(d)(3) contains an incorrect cross reference to variance provisions	Refers to 130-43. Should be 130-41.	DONE
35	Section 130-33(g) contains an incorrect reference to manuf. housing land lease regulations.	Refers to 130-29. Should be 130-36. (also, remove phrase "new developments"	DONE
36	Section 130-36 (a) contains an incorrect cross-reference in the second to last sentence.	Refers to 130-41. Should be 130-40.	DONE
37	Section heading for 130-36	Remove "new developments" from section head—the fact that it applies going forward does merit mention in section heading	DONE
38	Section 130-36(d)8) contains and incorrect cross-reference	Refers to parkland dedication ordinance 690 and Section 25-12 Parkland dedication requirements of the subdivision ordinance #1074. The correct reference is Section 110-60 (Subdivision Ord. Parkland Dedication Requirements).	DONE
39	Section 130-36 (d)10 contains an incorrect cross-reference.	Refers to 130-41. Should be 130-37.	DONE
40	Section 130-36 (d)11 contains an incorrect cross-reference.	Refers to "criterion" in section 130-30. Should be 130-32	DONE

NO.	ISSUE	RECOMMENDATION	STATUS
41	Section 130-36(d)13 contains an incorrect cross-reference.	Refers to the "criterion" in 130-32 governing public street. Should refer subdivision regulations of Chapter 110	DONE
42	130-36(d)18 contains an incorrect cross-reference.	Refers to Section 46-338. Should be Chapter 46	DONE
43	130-39(c) contains incorrect cross-reference to rezoning procedure	Refers to 130-444. Should be 130-42.	DONE
44	130-40(c)(2) contains incorrect cross-reference	Refers to "exception" in 130-41. Not sure of correct reference.	
45	130-42(c)4 contains an incorrect cross-reference.	Refers to sections 130-41(c)(2) and (3). Should be 130-42(c)(2) and 130-42(c)(3). Note: determination of protest petition sufficiency is more typically performed by legal department.	DONE
46	WTFs	Remove redundant and conflicting provisions	DONE
47	Patio homes	Relocate all to Ch 62	DONE
48	Townhouses	Relocate all to Ch 62	DONE
49	Duplexes	Relocate all to Ch 62	DONE
50	New building design guidelines and commercial color palette ordinances were adopted in Nov. 2014	Insert Building Design/Commercial Color Ordinances	DONE
51	MU-1 and MU-2 districts are described as "temporary" in nature, which is confusing	Remove/revise references to "temporary" zoning districts	DONE
52	Duplicate and sometimes conflicting definitions in the two chapters. Also, each chapter has separate definition section for WTFs. See following list of duplicate, similar and/or conflicting definitions. (Note: staff notes identify a duplicate double frontage lot definition, but I could not find)	Define terms in one place—include introductory language in both definition sections that refers readers to definitions in other ordinance	DONE

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
53	<i>Duplex shall mean a building containing two single-family dwelling units totally separated</i>	<i>Duplex shall mean a dwelling with two attached living units designed to be occupied by two</i>	DONE (Used ZO definition because it is more flexible)

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
	from each other by an unpierced wall extending from ground to roof.	households living independently of each other.	and less regulatory)
54	<i>Dwelling unit</i> shall mean a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.	<i>Dwelling unit</i> shall mean a structure or portion which is designed or used for residential purpose, including single-family, two-family, attached dwellings, multifamily dwellings roominghouses and boardinghouses, fraternities, sororities, dormitories, manufactured homes, and modular dwellings, but not including hotels or motels.	DONE (Used ZO definition because it is more descriptive and potentially useful for ordinance users and administrators)
55	<i>Home occupation</i> shall mean any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes; provided that: 1. No person-to-person retail business of any sort is involved. 2. No stock in trade is kept nor commodities sold except those made or used on the premises. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. 3. Only members of the family residing on the premises are employed. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, X-ray, or electrical disturbance to radio or television. In particular, a home occupation includes the following and similar uses: artist studio, dressmaking and millinery; limited professional practice provided no clients or customers are permitted on the premises (such as lawyer, engineer, architect, or accountant); music teaching limited to not more than two pupils at one time. Commercial repair of automobiles shall not be permitted. 4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building.	<i>Home occupation</i> shall mean any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes, provided that: 1. No retail business of any sort is involved. 2. No stock in trade is kept nor commodities sold except those made or used on the premises. 3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. 4. Only members of the family residing on the premises are employed. 5. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, X-ray, or electrical disturbance to radio or television. In particular, a home occupation includes the following and similar uses: artist's studio; dressmaking and millinery; limited professional practice provided no clients	DONE (Used ZO definition because it more accurately reflects existing City practice)

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
	<p>5. No home occupation shall be conducted in any accessory structure.</p> <p>6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and require no additional parking spaces beyond those required for the dwelling unit.</p>	<p>or customers are permitted on the premises (such as lawyer, engineer, architect, or accountant); music teaching limited to not more than two pupils at one time.</p> <p>6. Commercial repair of automobiles shall not be permitted.</p> <p>7. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.</p> <p>8. No home occupation shall be conducted in any accessory structure.</p> <p>9. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and require no additional parking spaces beyond those required for the dwelling unit.</p> <p>10. Child care in a place of residence which receives six or less children is allowed as a home occupation.</p> <p>11. Home schools as classified by state requirements are allowed as a home occupation.</p>	
56	<p><i>Main structure</i> shall mean a structure in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed a main structure on the lot on which it is situated.</p>	<p><i>Main structure</i> shall mean the structure or structures on a lot which are occupied by the primary use.</p>	<p>DONE (Used LSDO definition because it is more thorough and accurate)</p>

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
57	<i>Multifamily residential</i> shall mean a structure or grouping of structures where each structure contains three or more dwelling units intended for human habitation <u>not including hotels or motels</u> . Although multifamily units are for residential use, due to the higher intensity of the sites, multifamily residential shall follow all requirements outlined in nonresidential development and shall be submitted for a full review by the site development review committee.	<i>Multiple-family dwelling</i> shall mean three or more attached dwelling units designed to be occupied by three or more households living independently of one another, exclusive of hotels or motels.	DONE (Used LSDO definition because it reflects current practice)
58	<i>Nonresidential development</i> shall mean all development except for that of single-family residential. This includes, but not limited to, construction or extension, change of use, repair, reconstruction or other improvement of a property which increases the gross square footage of any structure.	<i>Nonresidential district</i> shall mean district where the primary purpose is for uses other than residential and includes the C1, C2, C3, DT-S, DT-C, I and MU-2 zoning districts. <u>Rewrite definition to define as any district that does not allow SFD as of right (exception: AO is a nonresidential district)</u>	DONE (Used Modified ZO definition because it provides clarity and removes ambiguity)
59	<i>Patio home</i> shall mean a single-family dwelling on a separate lot with open space setbacks on three sides and a zero lot line on one side.	<i>Patio home (zero lot line dwelling)</i> shall mean a detached, single-family dwelling located on an individual lot with one wall coincident with a side lot line and a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, lot line wall of the neighboring dwelling, or other fences and walls. Adjoining lots shall not have common zero lot lines.	DONE (Used ZO definition because it reflects current City practice)
60	<i>Right-of-way</i> shall mean an area of land dedicated as public property on which an irrevocable right-of-passage has been recorded for public use.	<i>Right-of-way</i> shall mean an area or strip of land dedicated as public property on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.	DONE (Used ZO definition because it reflects current City policy)
61	<i>Sight distance triangle</i> shall mean a triangular-shaped portion of land established at street intersections in which no visual obstructions are erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the line of visibility of motorists entering or leaving the intersection.	<i>Sight distance triangle</i> shall mean a triangular-shaped portion of land established at street intersections in which no visual obstructions are erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the line of	DONE (Used ZO definition because it more accurately conveys regulatory intent)

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
		visibility of motorists entering or leaving the intersection, as defined by the American Association of State Highway and Transportation Officials.	
62	<i>Single-family detached dwelling</i> shall mean a dwelling unit designed for and occupied by one family and surrounded by open space.	<i>Single-family dwelling unit</i> shall mean a dwelling unit that shall have no more than four unrelated individuals residing therein. A single-family dwelling unit may have a second family comprised entirely of individuals related by blood, marriage or adoption, residing therein on a temporary basis for a period not exceeding six months in any calendar year.	DONE (Used hybrid of ZO and LSDO definition to help clarify what is allowed and reflect current City practice)
63	<i>Single-family development</i> shall mean development of a single-family lot for residential use. This includes single-family dwelling units, patio homes, townhouses, and duplexes.		DELETED (term not used in either ordinance)
64	<i>Site</i> shall mean land upon which constructions, expansions, reconstructions or other improvements are to be done.	<i>Site</i> shall mean land upon which commercial, industrial, residential, or other business activity is to be done.	DONE (Used LSDO definition because the broader definition is consistent with how the ordinances have historically been administered)
65	<i>Structure</i> shall mean any manmade construction either built or moved onto a site, affixed to the ground, and which is used to shelter, enclose, or support persons or moveable property. A fence requiring footings or a foundation is considered a structure. Driveways, patio slabs, walkways, and fences six feet tall or less shall not be considered as structures.	<i>Structure</i> shall mean any manmade construction either built or moved onto a site, affixed to the ground, and which is used to shelter, enclose, or support persons or moveable property. Driveways, patio slabs, walkways, and nonscreening fences shall not be considered as structures.	DONE (Used LSDO definition because it more accurately reflects current practice)
66	<i>Townhouse</i> shall mean a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.	<i>Townhouse</i> shall mean type of dwelling unit connected to a similar structure by a common wall, and commonly (particularly in a planned unit development) sharing and	DONE (Used LSDO definition because it is clearer and more accurate)

	Land and Site Development Ordinance Definition	Zoning Ordinance Definition	STATUS
		owning in common the surrounding grounds.	
67	<i>Zero lot line</i> shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.	<i>Zero lot line dwelling</i> . Same as "patio home."	DONE (Used ZO definition because it avoids redundancy and possible inconsistency)