

June 12, 2023
Item No. 9.8.
Lot-by-Lot Grading

Sponsor: Anthony Armstrong

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Article 7, "General Development Standards," Section 7.14, "Drainage and Stormwater Management" and adding Section 7.15, "Lot Grading and Drainage for Individual Lots" of the Code of Ordinances of the City of College Station, Texas, regarding lot grading for residential property.

Relationship to Strategic Goals:

- Good Governance
- Neighborhood Integrity
- Sustainable City

Recommendation(s): Staff recommends approval of the ordinance amendment.

Summary: The purpose of this proposed amendment is to provide standards and enforcement for lot grading on either existing or new individually-platted residential lots. As properties in the city go through redevelopment, or even the final development of the last lots in an area, there have been grading concerns created from the new home to the surrounding existing homes. Proper grading of a lot is necessary to promote the health, safety, and welfare of citizens and minimize the impact of drainage or flooding to adjoining properties. This amendment will establish residential lot grading requirements and require compliance with any master grading plan for a larger subdivision.

Background: During discussions regarding the impervious cover ordinance approved in March of 2020, the issue of grading on a property as it relates to drainage was discussed by the Planning and Zoning Commission and the City Council. Lot-by-lot grading was discussed with City Council at their workshop on August 25, 2022. Staff held a Building and Development Breakfast discussion on the topic on October 13, 2022, and discussed proposed amendment redlines at the Building and Development Breakfast on March 23, 2023. The redlines were updated based on discussions at that meeting. A copy of the attached redlines were sent out to the development community on April 24, 2023 and no comments were received on the proposal.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 7, “GENERAL DEVELOPMENT STANDARDS,” SECTION 7.14 “STORMWATER MANAGEMENT FOR RESIDENTIAL SUBDIVISION CONSTRUCTION ACTIVITY,” AND ADDING SECTION 7.15 “LOT GRADING AND DRAINAGE FOR INDIVIDUAL RESIDENTIAL LOTS,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO LOT GRADING FOR RESIDENTIAL PROPERTY; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards,” Section 7.14 “Stormwater Management for Residential Subdivision Construction Activity,” and Section 7.15 “Lot Grading and Drainage for Individual Residential Lots,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** and **Exhibit “B”** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this 12th day of June, 2023.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

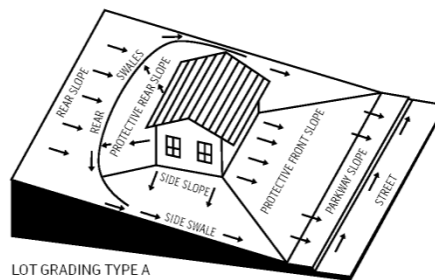
City Attorney

Exhibit A

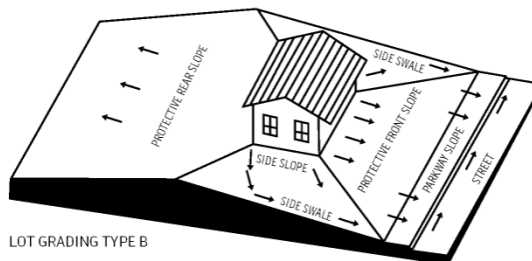
That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards,” Section 7.14.F “Stormwater Management for Residential Subdivision Construction Activity,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Subsection F. “Stormwater Management for Residential Subdivision Construction Activity,” renumbering section 7.4, and Subsection F is to read as follows:

F. Stormwater Management for Residential Subdivision Construction Activity.

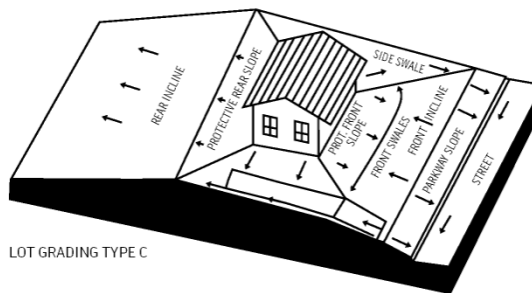
1. A note shall be placed on all plats stating that residential lots shall be developed in accordance with a master grading plan for the proposed subdivision. A master grading plan shall be prepared and submitted to the City, which indicates lot grading for all lots in the subdivision using typical Federal Housing Administration lot grading types (A, B, and C), as depicted below. An alternative grading plan, prepared by a licensed Professional Engineer or other drainage professional, may also acceptable, if approved by the Development Engineer.



LOT GRADING TYPE A



LOT GRADING TYPE B



LOT GRADING TYPE C

2. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, at the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed Professional Engineer. In no circumstances shall a fence be utilized as a retaining wall.
3. All drainage, including, but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
4. The maximum slope of grading on a property shall not exceed ten (10) percent, unless designed by a Professional Engineer and approved by the Development Engineer.

Exhibit B

That Appendix A, “Unified Development Ordinance,” Article 7, “General Development Standards,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding Section 7.15 “Lot Grading and Drainage for Individual Residential Lots,” to read as follows:

A. General.

1. Purpose and intent.

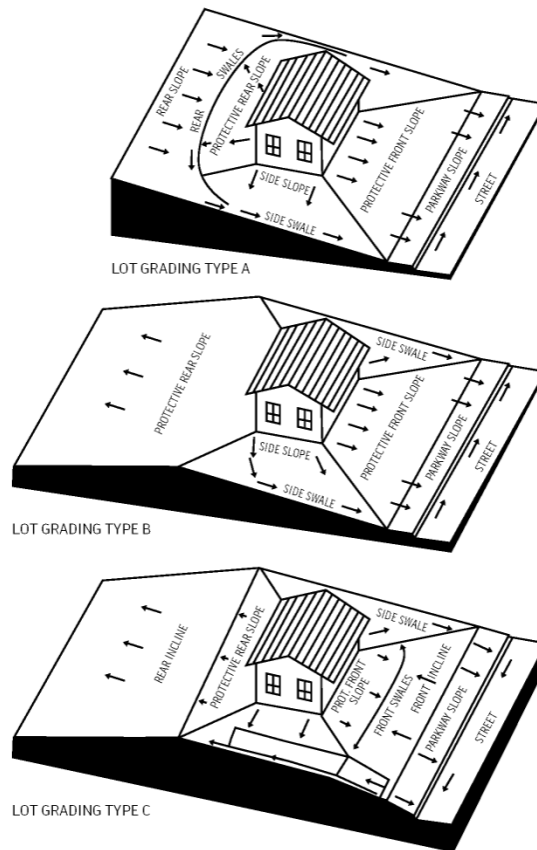
The purpose of this section is to establish regulations pertaining to individual or lot-by-lot grading within new or existing developments. The proper grading of a lot(s) is necessary to promote the health, safety, and welfare of citizens and minimize the impact of drainage or flooding to adjoining properties.

2. Applicability.

- a. All residential developments shall meet the requirements of this Subsection. Multifamily residential products shall follow drainage requirements as set forth in other sections of this UDO and the BCS Unified Design Guidelines.
- b. This Subsection shall apply to all platted lots or unplatted tracts seeking to develop with residential uses within the city.
- c. The requirements of this Subsection shall be applicable with every building permit or other permitted activity on a subject property.

3. Standards for individual lot-by-lot grading.

- a. A grading plan shall be prepared and submitted to the City, which indicates one of the Federal Housing Administration lot grading types (A, B, and C), as depicted below. An alternative grading plan, prepared by a licensed Professional Engineer or other drainage professional, is also acceptable, if approved by the Development Engineer.



- b. Construction activities shall match existing adjacent property grades around the perimeter of the property. Retaining walls may be utilized on a case-by-case basis, at the approval of the Development Engineer, if the proposed lot grading is prepared by a licensed Professional Engineer. In no circumstances shall a fence be utilized as a retaining wall.
- c. All drainage, including, but not limited to direct roof discharge, gutters, storm drains, and swales shall avoid point discharges that may cause damage to adjacent properties.
- d. The maximum slope of grading on a property shall not exceed twenty-five (25) percent, unless designed by a Professional Engineer and approved by the Development Engineer. Impervious surfaces shall be sloped a minimum of two (2) percent away from the building foundation.
- e. Finished floor elevations or fill height shall be provided with the building permit for review. Finished floors that are proposed to be more than twenty-four (24) inches above the gutter line of the curb may be subject to additional grading requirements as directed by the Development Engineer.