

To: Bryan City Secretary  
From: Councilmembers Saenz and Pena  
Subject: Agenda Item Titled: Bryan Code of Ordinances  
Section 130 Zoning Changes



Please place the following item on the Bryan City Council Regular Agenda for the meeting of March 10, 2015:

Consideration - Council Initiation of Zoning Text Amendments.

Consider whether the City Council should initiate the proposed zoning text amendments set forth below, by making the required finding that a public benefit will be derived from the consideration of the proposed text amendments to Chapter 130, Zoning, of the City of Bryan Code of Ordinances, ("the Zoning Ordinance"), and upon such finding, directing the city staff to prepare an ordinance encompassing the proposed zoning text amendments, which shall be forwarded to the Planning and Zoning Commission for a public hearing and recommendation to the City Council.

A. Proposed Amendments to Section 130-42. - **Changes and amendments to zoning ordinance, districts and administrative procedures."**

1. It is proposed that Section 130-42 be amended to require an initial written notification of a requested zoning change be sent to property owners or the person(s) rendering the same for city taxes, utility account holders as shown in the city's utility records, and all registered neighborhood associations located within 500 feet of the property to be affected thereby, within 14 days of a rezoning application submittal. The notice shall include the applicant's contact information, descriptions of the existing and proposed zoning, and planning department staff contact information."

2. It is proposed that the written notification requirements set forth in Section 130-42(e) for all public hearings of the Planning and Zoning Commission regarding a proposed zoning district boundary change be amended so as to enlarge the required notification area from "within 200 feet" to "within 500 feet" of any property affected thereby, and to require the additional notification recipients as follows:

"Written notice of all public hearings on proposed changes in district boundaries shall be sent to all property owners or ~~to~~ the person(s) rendering the same for city taxes, utility account holders as shown in the city utility records, and registered neighborhood associations located within the area of application and within ~~200~~ 500 feet of any property affected thereby..."

3. It is proposed that Section 130-42(e) be further amended to require the written notice of the public hearing before the Planning and Zoning Commission regarding a proposed zoning district boundary change be sent to the required recipients 15 calendar days before the public hearing, rather than the current 10 calendar days.

B. Proposed Amendments to Section 130-33 – **Conditional use permits.**

1. It is proposed that Section 130-33 be amended to require an initial written notification of a conditional use permit application be sent to property owners or the person(s) rendering the same for city taxes, utility account holders as shown in the city's utility records, and all registered neighborhood associations located within 500 feet of the property to be affected thereby, within 14 days of a conditional use permit application submittal. The notice shall include the applicant's contact information, descriptions of permitted and conditional uses under the existing zoning, and the conditional use requested, and the planning department staff contact information."

2. It is proposed that Section 130-33 (b) "Authority", be amended to expand the required recipients and area of notification of public hearings before the planning and zoning commission on a conditional use permit application from the existing requirement that it be sent to all "landowners within 200 feet of the subject property" to "all property owners or the person(s) rendering the same for city taxes, utility account holders as shown in the city utility records, and all registered neighborhood associations located within 500 feet of the subject property."

3. It is proposed that Section 130 -33(f) "Appeal to the City Council" be amended so as to enlarge the prescribed area in which owners of property may appeal the approval or denial of a conditional use permit, from "within 200 feet of the subject property" to "within 500 feet" of the subject property, as set forth below.

"Approval or denial of an application for a conditional use permit, may be appealed to the city council by the applicant for the permit or any owner of property located within ~~200~~ 500 feet of the subject property."

4. It is proposed that Section 130 -33(f) "Appeal to the City Council" be amended so as to increase the time period for the applicant and property owners located within the prescribed area to file an appeal from ten calendar days after the planning and zoning commission decision to 15 calendar days after the planning and zoning commission decision, as set forth below:

"Written notice of appeal specifying the grounds for the appeal must be delivered to planning services within ~~ten~~ fifteen calendar days after the date of the planning and zoning commission's decision."

5. It is proposed that Section 130-33(f) "Appeal to the City Council" be amended so as to add a three-fourths vote of the council to uphold the Planning and Zoning decision as set forth below:

"Three-fourths vote.

In the event an appeal to a proposed conditional use permit is filed with the city secretary, duly signed and acknowledged, except for the applicant property owner, by any property owner (except the applicant property owner) or the person(s) rendering the same for city taxes, utility account holders as shown in the city utility records, and any registered neighborhood associations located within 500 feet of the subject property, such amendments shall not become effective except by affirmative vote of three-fourths of the city council."

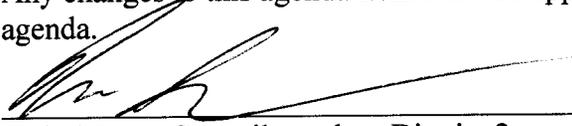
C. Notification Form: Any notification shall be made on 8.5 by 11 inch paper mailed in a standard envelope.

Discussion: Attached.

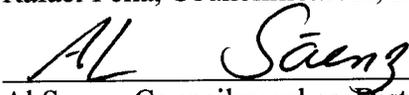
Presentations: Councilmember Pena and Saenz.

This agenda item placement is in accordance with the Bryan City Charter (j) (1) a. 2. Also the Texas Attorney General Opinion Number DM-228 (1993) states no policy can preclude a councilmember from placing an item on the agenda for public discussion.

Any changes to this agenda item must be approved by both under signs prior to posting to the agenda.

  
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Rafael Pena, Councilmember, District 2

Date: 3-3-15

  
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Al Saenz, Councilmember, District 1

Date: 3-3-15



Discussion:

1. The zoning regulations are in place to protect citizens and the City in many ways. It is presented here:

Bryan City Code of Ordinances, Sec. 130-2. –

Purpose, (1) The zoning regulations and districts as herein established have been made in accordance with adopted guiding principles for the purpose of promoting the health, safety, morals, and general welfare of the city.

They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to ensure adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

They have been made with reasonable consideration, among other things, for the character of the district, and its suitability and compatibility for the particular uses specified; and with a view to conserving the value of buildings and neighborhoods, and encouraging the most appropriate use of land throughout the city.

2. These changes have been recommend based on extensive experience with citizens concerned about the development in their neighborhoods that is not compatible with current conditions.