



College Station, TX

Meeting Agenda
Planning and Zoning Commission
Phone: *888 475 4499 and Webinar ID: 913 6272 2824
Internet: <https://zoom.us/j/91362722824>

The City Council may or may not attend the Planning & Zoning Commission Regular Meeting.

April 15, 2021

6:00 PM

City Hall Council Chambers

***The City uses a third-party vendor to help host the meeting and if the call-in number is not functioning access will be through the internet link only.**

1. Call to Order, Pledge of Allegiance, Consider Absence Request.

2. Hear Visitors.

Speaker Protocol: An individual who wishes to address the Commission regarding any item on the Regular Agenda, shall register with the Commission Secretary prior to 4 p.m. on the day of the meeting. To register, the individual must provide a name and phone number by calling 979.764.3751 or emailing khejny@cstx.gov prior to 4 p.m. To submit written comments to the Commission, email khejny@cstx.gov and they will be distributed to the Commission. Upon being called to speak, an individual must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Commission through the use of a translator may speak for six (6) minutes. At the (3) minute mark, the Commission Secretary will announce that the speaker must conclude their remarks.

3. Informational Agenda

3.1. Discussion of new development applications submitted to the City.
New Development Link: www.cstx.gov/newdev

3.2. Discussion of Minor / Amending Plats approved by Staff:

- Phoenix Addition Phase One, Block 1, Lot 1R ~ Case #FPCO2021-000004
- Venable Estates, Block 1, Lot 1 ~ Case #FP2021-000003

Sponsors: Anthony Armstrong, Rachel Lazo

3.3. Presentation and discussion regarding an update on items heard:

- A rezoning of approximately five acres located at 3006 Norton Lane from R Rural to GS General Suburban. The Planning & Zoning Commission heard this item on March 18, 2021 and voted (6-0) to recommend approval. The City Council heard this item on April 8, 2021 and voted (5-1) to approve the request.

3.4. Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:

- Monday, April 19, 2021 ~ City Council Special Meeting ~ Virtual Meeting ~ 4:00 p.m. (Liaison - Guerra)
- Thursday, April 22, 2021 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 4:00 p.m. and Regular 6:00 p.m. (Liaison - Mather)
- Thursday, May 6, 2021 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.
- Thursday, May 13, 2021 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 4:00 p.m. and Regular 6:00 p.m. (Liaison - Osborne)
- Thursday, May 20, 2021 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.

3.5. Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board.

4. Consent Agenda

All matters listed under the Consent Agenda, are considered routine by the Commission and will be enacted by one motion. These items include preliminary plans and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.

4.1. Consideration, discussion, and possible action to approve meeting minutes.

Attachments: 1. April 1 2021

5. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

6. Regular Agenda

6.1. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 1.10 "Transitional Provisions," Section 3.3 "Zoning Map Amendment (Rezoning)," Section 4.1 "Establishment of Districts," and Section 5.11 "Single-Family Overlay Districts" of the Code of Ordinances of the City of College Station, Texas, regarding the Restricted Occupancy Overlay (ROO). Case# ORDA2021-000003. (Final action on this item is scheduled for the April 19, 2021 Special City Council Meeting - subject to change).

Sponsors: Alyssa Halle-Schramm

Attachments:

1. Memo
2. Sec. 1.10 Transitional Provisions Redline
3. Sec. 3.3 Zoning Map Amendment (Rezoning) Redline
4. Sec. 4.1 Establishment of Districts Redline
5. Sec. 5.11 Single Family Overlay Districts Redline
6. ROO Process Handbook

6.2. Discussion and possible action regarding setting a date to discuss the Planning and Zoning Commission's Plan of Work.

7. Discussion and possible action on future agenda items.

A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

8. Adjourn

The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on April 9, 2021 at 5:00 p.m.

City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."

**MINUTES
PLANNING & ZONING COMMISSION**

April 1, 2021 6:00 p.m.

Phone: *888 475 4499 and Webinar ID: 975 2833 0923

Internet: <https://zoom.us/j/97528330923>

COMMISSIONERS PRESENT: Dennis Christiansen, Joe Guerra, Jeremy Osborne, Bobby Mirza, William Wright, Bill Mather, and Jason Cornelius

COUNCIL MEMBERS PRESENT: Elizabeth Cunha

CITY STAFF PRESENT: Michael Ostrowski, Carol Cotter, Erika Bridges, Elizabeth Pedersen, Carla Robinson, and Kristen Hejny

1. Call Meeting to Order, Pledge of Allegiance, Consider Absence Request.

Chairman Christiansen called the meeting to order at 6:00 p.m.

2. **Hear Visitors**

No visitors spoke.

3. **Informational Agenda**

- 3.1 Discussion of new development applications submitted to the City

New Development Link: www.cstx.gov/newdev

There was no discussion.

- 3.2 Discussion of Minor / Amending Plats approved by Staff.

- Crescent Point Subdivision, Phase 5, Block 2, Lot 2B ~ Case #FPCO2021-000002

There was no discussion.

- 3.3 Presentation and discussion regarding an update on items heard:

- A Rezoning for approximately three acres located at 777 Graham Road from M2 Heavy Industrial to CI Commercial Industrial. The Planning & Zoning Commission heard this item on March 18, 2021 and voted (6-0) to recommend approval. The City Council heard this item on March 25, 2021 and voted (7-0) to approve the request.
- A Rezoning for approximately 10 acres located at 4520 Raymond Stotzer Parkway from R Rural and CI Commercial Industrial to BP Business Park. The Planning & Zoning Commission heard this item on March 4, 2021 and voted (6-0) to recommend approval. The City Council heard this item on March 25, 2021 and voted (7-0) to approve the request.
- A Rezoning for approximately 57 acres located at 9500 Rock Prairie Road from R Rural to E Estate and Natural Areas Protected. The Planning & Zoning Commission heard this

item on March 4, 2021 and voted (6-0) to recommend approval. The City Council heard this item on March 25, 2021 and voted (7-0) to approve the request.

- A discussion on a proposed Restricted Occupancy Overlay district. The Planning & Zoning Commission heard this item on March 4, 2021. The City Council heard this item on March 11, 2021 and recommended that Staff bring forward an ordinance amendment for the Restricted Occupancy Overlay with a 50% +1 petition threshold and a legacy clause.

There was general discussion.

3.4 Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:

- Thursday, April 8, 2021 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 4:00 p.m. and Regular 6:00 p.m. (Liaison – Wright)
- Thursday, April 15, 2021 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.
- Monday, April 19, 2021 ~ City Council Special Meeting ~ Virtual Meeting ~ 4:00 p.m. (Liaison – Guerra)
- Thursday, April 22, 2021 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 4:00 p.m. and Regular 6:00 p.m. (Liaison – Mather)
- Thursday, May 6, 2021 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.

There was no discussion.

3.5 Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board.

There was no discussion

Consent Agenda

4.1 Consideration, discussion, and possible action to approve meeting minutes.

- March 18, 2021

4.2 Presentation, discussion, and possible action regarding a Final Plat for Mission Ranch Phase 103 on approximately 13.309 acres located at 3754 Cooper Court, generally located northeast of the intersection at Feather Run and Rock Prairie Road West. Case #FP2020-000028

Commissioner Osborne motioned to approve Agenda Item #4.1. Commissioner Guerra seconded the motion, motion passed (6-0).

5. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission Action.

Agenda Item #4.2 was removed from the Consent Agenda for discussion.

Commissioner Guerra asked about General Note #9 on the plat referencing the Homeowner's Association's (HOA) responsibility for maintenance of a private road.

Graduate Engineer I Pedersen stated that this road is not a private road. Ms. Pedersen also clarified that HOA maintained roads are in the 400 Phase of the development, the City of College Station has access to the road, but no maintenance responsibilities.

Commissioner Guerra asked why and where the parking will be removed in the phase.

Graduate Engineer I Pedersen stated that the development must meet single-family parking requirements and Right-of-Way will be dedicated.

Commissioner Wright motioned to approve Agenda Item #4.2. Commissioner Osborne seconded the motion, motion passed (6-0).

6. Regular Agenda

There were no Regular Agenda items.

7. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion.

8. Adjourn

The meeting adjourned at 6:13 p.m.

Approved:

Dennis Christiansen, Chairman
Planning & Zoning Commission

Attest:

Kristen Hejny, Admin Support Specialist
Planning & Development Services



MEMORANDUM

April 15, 2021

TO: Members of the Planning & Zoning Commission

FROM: Alyssa Halle-Schramm, AICP, Long Range Planning Administrator

SUBJECT: Restricted Occupancy Overlay Ordinance and Process Handbook

Item:

Public hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 1.10 "Transitional Provisions," Section 3.3 "Zoning Map Amendment (Rezoning)," Section 4.1 "Establishment of Districts," and Section 5.11 "Single-Family Overlay Districts" of the Code of Ordinances of the City of College Station, Texas, regarding the Restricted Occupancy Overlay (ROO). Case# ORDA2021-000003. (Final action on this item is scheduled for the April 19, 2021 Special City Council Meeting - subject to change).

Summary:

City Council requested that City staff draft a Restricted Occupancy Overlay (ROO) ordinance and associated handbook that would allow single-family property owners the option to request an overlay zoning restricting occupancy to no more than two unrelated persons. City staff developed a draft ordinance, conducted multiple rounds of public input, presented that input to the Planning & Zoning Commission and City Council, and revised the draft based on guidance provided by the City Council at their March 11, 2021 workshop. The ROO ordinance language necessitated a few text amendments to the Neighborhood Conservation Ordinance (NCO) language within Section 5.11 of the Unified Development Ordinance to account for the addition of a new ROO zoning. These amendments to the NCO language are minor in scope and not substantive changes to the NCO provisions.

Staff created a ROO Process Handbook to assist neighborhoods through the overlay zoning process. The handbook outlines the responsibilities of both the neighborhood and the City and includes checklists and templates for items such as the rezoning petition, neighborhood meeting agendas, and meeting minutes. The handbook will serve as a procedural guide for citizens and City staff and will be available for download from the City website but will not be adopted by Council.

Background:

City Council requested that City staff draft a Restricted Occupancy Overlay (ROO) ordinance and associated handbook that would allow single-family property owners the option to request an overlay zoning restricting occupancy to no more than two unrelated persons. The Council asked for a process that mirrored the City's NCO ordinance and handbook, as well as used the City of Bryan's Residential-Neighborhood Conservation zoning district as a base. Staff conducted research, drafted an ordinance and handbook, and presented these during workshop sessions of the Planning & Zoning Commission on June 18, 2020 and City Council on June 25, 2020. The Council requested additional public input on a few key items so that everyone impacted and particularly neighborhoods, the real estate and development community, and university students could provide meaningful input.

Staff began the public input process in August 2020 and quickly identified there were substantial concerns regarding the City's definition of "related" and how it affected the determination of a "family." In response to citizen concern and Council direction, staff paused the ROO public input process and overhauled the definitions to address their restrictive nature and modernize them in accordance with legal precedent. The updated definitions, which substantially revised "family" and removed "related," were adopted by the City Council on December 10, 2020.

With the new "family" definition in place, staff relaunched the ROO public input process. Staff hosted three public input meetings that were specifically tailored to the aforementioned groups, including February 8, 2021 for the real estate and development community, February 22, 2021 for university students, and February 23, 2021 for neighborhood organizations. Staff also hosted an online poll from February 9 through 26. Staff presented a summary of input from those meetings and the poll during the Planning & Zoning Commission meeting on March 4, 2021 and a workshop session of the City Council of March 11, 2021.

At their workshop, a majority of City Councilmembers provided direction to proceed with developing the draft ROO ordinance. A majority of the Council preferred "50% plus one" as the required percentage of property owners needed to sign the petition in support of a ROO zoning application. Council also gave direction to draft a legacy clause (also known as "grandfathering") that would permit existing occupancy levels to continue in a subdivision that successfully gets a ROO and would set parameters for what necessitates those properties needing to come into compliance with the ROO occupancy restrictions.

Supporting Materials:

As proposed:

1. Section 1.10 'Transitional Provisions' Redline
2. Section 3.3 'Zoning Map Amendment' (Rezoning) Redline
3. Section 4.1 'Establishment of Districts' Redline
4. Section 5.11 'Single-Family Overlay Districts' Redline
5. Restricted Occupancy Overlay (ROO) Process Handbook

Sec. 1.10. - Transitional Provisions.

A. **Pending Construction.**

1. **Building Permits.**

As provided by Chapter 245 of the Texas Local Government Code, nothing in this UDO shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this UDO, or any amendment to this UDO, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

2. **Approved Site Plans.**

Nothing in this UDO shall require a change in a site plan approved prior to the effective date of this UDO, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

B. **Zoning Districts.**

1. **Retained Districts.**

The following zoning districts and district names in effect prior to the effective date of this UDO and represented on the official zoning map of the City of College Station shall remain in effect. Those districts are shown on the following table:

District	Name	Effective Date
WPC	Wolf Pen Creek Dev. Corridor	June 13, 2003
NG-1	Core Northgate	June 13, 2003
NG-3	Residential Northgate	June 13, 2003
CU	College and University	June 13, 2003
PDD	Planned Development	June 13, 2003
OV	Corridor Overlay	June 13, 2003

2. **Renamed Districts.**

The following district, M-1, known as Planned Industrial prior to the adoption of this UDO, shall henceforth be renamed M-1, Light Industrial.

District	New Name	Effective Date
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M-1	Light Industrial	June 13, 2003

The following district, R-6, known as Apartment High Density prior to the adoption of this UDO, shall hence forth be designated R-6, High Density Multi-Family.

District	New Name	Effective Date
R-6	High Density Multi-Family	June 13, 2003

The following district, NG-2, known as NG-2, Commercial Northgate prior to this amendment of this UDO, shall henceforth be renamed NG-2, Transitional Northgate.

District	New Name	Effective Date
NG-2	Transitional Northgate	April 2, 2006

The following district, O, known as A-P Administrative Professional prior to this amendment of this UDO, shall henceforth be renamed O, Office.

District	New Name	Effective Date
O	Office	October 7, 2012

The following district, GC, known as C-1 General Commercial prior to this amendment of this UDO, shall henceforth be renamed GC, General Commercial.

District	New Name	Effective Date
GC	General Commercial	October 7, 2012

The following district, CI, known as C-2 Commercial Industrial prior to this amendment of this UDO, shall henceforth be renamed CI, Commercial Industrial.

District	New Name	Effective Date
CI	Commercial Industrial	October 7, 2012

The following district, R, known as A-O Agricultural Open prior to the amendment of this UDO, shall henceforth be renamed R, Rural.

District	New Name	Effective Date
R	Rural	September 22, 2013

The following district, E, known as A-OR Rural Residential Subdivision prior to the amendment of this UDO, shall henceforth be designated E, Estate.

District	New Name	Effective Date
E	Estate	September 22, 2013

The following district, GS, known as R-1 Single-Family Residential prior to this amendment of this UDO, shall henceforth be renamed GS, General Suburban.

District	New Name	Effective Date
GS	General Suburban	September 22, 2013

The following district, D, known as R-2 Duplex Residential prior to this amendment of this UDO, shall henceforth be renamed D, Duplex.

District	New Name	Effective Date
D	Duplex	September 22, 2013

The following district, T, known as R-3 Townhouse prior to this amendment of this UDO, shall henceforth be renamed T, Townhouse.

District	New Name	Effective Date
T	Townhouse	September 22, 2013

The following district, MHP, known as R-7 Manufactured Home Park prior to this amendment of this UDO, shall henceforth be renamed MHP, Manufactured Home Park.

District	New Name	Effective Date
MHP	Manufactured Home Park	September 22, 2013

3. Combined Districts.

The districts listed below are hereby combined into the single zoning district hereafter designated as R-4, Multi-Family.

Combined Districts	Name	Effective Date
R-4	Apartment/Low Density	June 13, 2003
R-5	Apartment/Medium Density	

The districts listed below are hereby combined into the single zoning district hereafter designated as GC, General Commercial.

Combined Districts	Name	Effective Date
C-B	Business Commercial	June 13, 2003
C-1	General Commercial	

The districts listed below are hereby combined into the single zoning district hereafter designated as C-3, Light Commercial.

Combined Districts	Name	Effective Date
C-3	Planned Commercial	June 13, 2003
C-N	Neighborhood Business	

4. Retired Districts.

The following districts are no longer eligible for Zoning Map Amendment requests. Properties with the following designations at the time of this amendment retain all uses, regulations, and requirements associated with these districts.

Retired District	Name	Effective Date
R-1B	Single-Family Residential	September 22, 2013
Retired District	Name	Effective Date
R-4	Multi-Family	December 28, 2014
R-6	High Density Multi-Family	December 28, 2014
C-3	Light Commercial	October 7, 2012

R&D	Research & Development	October 7, 2012
M-1	Light Industrial	October 7, 2012
M-2	Heavy Industrial	October 7, 2012
NPO	Neighborhood Prevailing Overlay	June 21, 2020

5. **New Districts.**

The following districts are hereby created and added to those in effect at the time of adoption of this UDO.

New District	Name	Effective Date
RDD	Redevelopment District	June 13, 2003
P-MUD	Planned Mixed Use Development	June 13, 2003
<u>NCO</u>	<u>Neighborhood Conservation Overlay</u>	<u>December 13, 2007</u>
NAP	Natural Areas Protected	October 7, 2012
SC	Suburban Commercial	October 7, 2012
BP	Business Park	October 7, 2012
BPI	Business Park Industrial	October 7, 2012
RS	Restricted Suburban	September 22, 2013
MF	Multi-Family	December 28, 2014

MU	Mixed-Use	December 28, 2014
WE	Wellborn Estate	August 7, 2016
WRS	Wellborn Restricted Suburban	August 7, 2016
WC	Wellborn Commercial	August 7, 2016
<u>ROO</u>	<u>Restricted Occupancy Overlay</u>	<u>April 19, 2021</u>

6. **Redesignated District.**

Henceforth all areas designated Existing Rural Residential (A-OX) shall be redesignated A-O Agricultural-Open.

Previous District	Name	Effective Date
A-OX	Existing Rural Residential	June 13, 2003
Redesignated District	Name	
A-O	Agricultural-Open	

Henceforth all areas designated Planned Unit Development (PUD) shall be redesignated Planned Development Districts (PDD). The individual ordinances that created the PUDs shall remain in effect, along with all provisions and conditions listed therein. Any modification of a former PUD shall follow the provisions for PDDs listed herein.

Previous District	Name	Effective Date
PUD	Planned Unit Development	June 13, 2003

Redesignated District	Name	
PDD	Planned Development Districts	

Henceforth all areas designated R-1A shall be redesignated R-1, Single-Family Residential.

Previous District	Name	Effective Date
R-1A	Single-Family Residential	June 13, 2003
Redesignated District	Name	
R-1	Single-Family Residential	

7. Deleted Districts.

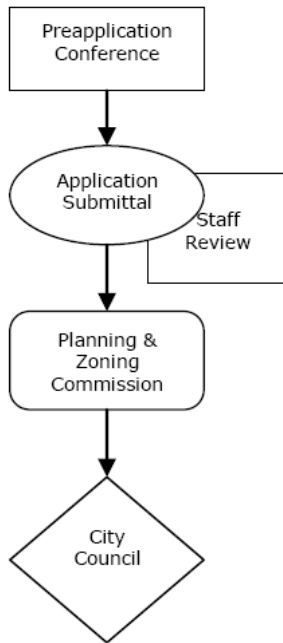
The following districts not existing on the official zoning map on the effective date of this UDO are hereby deleted:

Deleted District	Name	Effective Date
C-PUD	Commercial Planned Unit Dev.	June 13, 2003
C-NG	Commercial Northgate	June 13, 2003
KO	Krenek Tap Overlay	April 22, 2018

(Ord. No. [2012-3450](#), Pt. 1(Exh. A), 9-27-2012; Ord. No. [2013-3521](#), Pt. 1(Exh. A), 9-12-2013; Ord. No. [2014-3624](#), Pt. 1(Exh. A), 12-18-2014; Ord. No. [2016-3792](#), Pt. 1(Exh. A), 7-28-2016; Ord. No. [2018-4001](#), Pt. 1(Exh. A), 4-12-2018; [Ord. No. 2020-4187, Pt. 1\(Exh. A\), 6-11-2020](#))

Sec. 3.3. - Zoning Map Amendment (Rezoning).

A. Purpose.



[OBJ]

To establish and maintain sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area or extend the boundary of an existing zoning district. All amendments shall be in accordance with the Comprehensive Plan and may, from time to time, be amended.

B. Initiation of Amendments.

An amendment to the Official Zoning Map may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application.

A complete application for a zoning map amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO and herein. As applicable, applicants shall submit the information, documents, and materials set forth in the Traffic Impact Analyses Section in Article 7 of this UDO.

1. Application requests for a Planned Development District (PDD) and Planned Mixed-Use District (P-MUD) shall provide the following additional information:
 - a. A written statement of the purpose and intent of the proposed development;
 - b. A list and explanation of the potential land uses permitted; and
 - c. A Concept Plan as described in Concept Plan Review Section in Article 3 of this UDO.

2. Application requests for a Neighborhood Conservation Overlay District (NCO) shall provide the following additional information in accordance with the Neighborhood Conservation Overlay (NCO) Process Handbook.
 - a. A copy of the original plat of the subdivision;
 - b. A petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision in support of the overlay;
 - c. Contact information for property owners of platted single-family development in the original subdivision to serve on the Neighborhood Conservation Overlay Petition Committee;
 - d. Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.
 - e. Completed neighborhood meeting sign-in sheets; and
 - f. Neighborhood meeting minutes signed by a Petition Committee Member.

3. Application requests for a Restricted Occupancy Overlay District (ROO) shall provide the following additional information in accordance with the Restricted Occupancy Overlay District (ROO) Process Handbook:

- a. A copy of the original plat of the subdivision;
- b. A petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision in support of the overlay;
- c. Contact information for property owners of platted single-family development in the original subdivision to serve on the Restricted Occupancy Overlay Petition Committee;
- d. Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.
- e. Completed neighborhood meeting sign-in sheets; and
- f. Neighborhood meeting minutes signed by a Petition Committee Member.

3.4.3. Application requests for a Historic Preservation Overlay District shall provide the following additional information:

- a. An inventory and survey of structures to be included in the rezoning, submitted on a form provided by the Historic Preservation Officer;
- b. A current photograph of each property included in the rezoning, and its improvements;
- c. Historical photographs, where available; and
- d. A completed Designation Report. Upon initiation of the historic designation procedure, the Historic Preservation Officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation at the request of the applicant, but the rezoning application will not be considered complete until the report has been completed. A Designation Report shall include a statement on each of the following to the extent that they apply:
 - 1) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;
 - 2) A description of the historical, cultural and architectural significance of the structures and sites;
 - 3) Identification of contributing and noncontributing resources to the proposed district; and

- 4) A description of the boundaries of the proposed Historic Preservation Overlay District, including subareas and areas where new construction will be prohibited.

D. Approval Process.

1. Preapplication Conference.

Prior to the submission of an application for a Zoning Map Amendment, applicants are encouraged to schedule and attend an optional preapplication conference in accordance with and for the purposes as set forth elsewhere in this UDO for preapplication conferences.

If the Administrator determines that the map amendment request is not in conformity with the Comprehensive Plan, he shall not accept the application for the map amendment, and no further processing shall occur until the map amendment is in conformity.

2. Required Meetings.

a. Neighborhood Meeting.

Prior to the submission of an application for a Zoning Map Amendment for a NCO or ROO Overlay Rezoning, all potential applicants shall request to set up a Neighborhood Meeting with City Staff.

b. Historic Preservation Officer.

Prior to the submission of an application for a Zoning Map Amendment for a Historic Preservation Overlay District rezoning, all potential applicants shall request a Neighborhood Meeting with the Historic Preservation Officer. The purpose of the meeting is to present information about the proposed overlay and explain the process of rezoning to the neighborhood.

3. Review and Report by Administrator.

With the exception of applications for Historic Preservation Overlay Districts, once the application is complete, the Administrator shall review the proposed amendment to the Official Zoning Map in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and give a report to the Planning and Zoning Commission on the date of the scheduled public hearing.

4. Review and Report by Historic Preservation Officer.

An application for a Historic Preservation Overlay District rezoning shall be reviewed by the Historic Preservation Officer, who shall review the proposed amendment in light of the Comprehensive Plan, subject to the criteria enumerated in Article 4, Zoning Districts, and the Historic Preservation Overlay District Section in Article 5, and give a report to the Landmark Commission on the date of the scheduled public hearing.

5. Referral to Landmark Commission.

The Historic Preservation Officer, upon receipt of an application to amend the Official Zoning Map to a Historic Preservation Overlay District, shall refer the same to the Landmark Commission for study, hearing, and report. The Planning and Zoning Commission may not hold a public hearing or make a report to the City Council until it has received a report from the Landmark Commission.

6. Recommendation by Landmark Commission.

The Landmark Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Landmark Commission shall hold a public hearing and make a recommendation to the Planning and Zoning Commission.

7. Referral to Planning and Zoning Commission.

With the exception of applications for Historic Preservation Overlay Districts, the Administrator, upon receipt of petition to amend the Official Zoning Map, shall refer the same to the Commission for study, hearing, and report. For an application to amend the Official Zoning Map to a Historic Preservation Overlay District, the Historic Preservation Officer shall refer the same to the Planning and Zoning Commission for study, hearing, and report with the report of the Landmark Commission. The City Council may not enact the proposed amendment until the Planning and Zoning Commission makes its report to the City Council.

8. Recommendation by Planning and Zoning Commission.

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO. The Commission shall hold a public hearing and recommend to the City Council such action as the Commission deems proper.

9. City Council Action.

a. Notice.

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and hold a public hearing before taking final action on an application to amend the Official Zoning Map.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Official Zoning Map.

c. Effect of Protest to Proposed Amendment.

If a proposed change to this UDO or rezoning is protested in accordance with Chapter 211 of the Texas Local Government Code, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20) percent of either the area of lots covered by the proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

d. Review Criteria.

In determining whether to approve, approve with modifications, or disapprove the proposed Official Zoning Map amendment, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Whether the proposal is consistent with the Comprehensive Plan;
- 2) Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area;
- 3) Whether the property to be rezoned is physically suitable for the proposed zoning district;
- 4) Whether there is available water, wastewater, stormwater, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district;
- 5) The marketability of the property; and
- 6) In addition, for proposed amendments to Historic Preservation Overlay Districts, the City Council shall consider if the proposed amendment contains property(ies) and an environmental setting which meets two (2) or more of the criteria for

designation of a Historic Preservation Overlay District as described in the Historic Preservation Overlay District Section in Article 5 of this UDO.

e. Effect of Historic Preservation Overlay District Zoning Upon Official Public Records.

Upon designation of a property with a Historic Preservation Overlay District, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Brazos County, Texas, the tax records of the City of College Station, and the Brazos County Appraisal District, as well as the official zoning map of the City of College Station.

E. Limitation on Reapplication.

If an application for rezoning is denied by the City Council, another application for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed;
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities and intensities); or
4. The final decision on the application was based on a material mistake of fact.

F. Repeal of a Single-Family Overlay District.

A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein and may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. By a petition including dated signatures by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision in support of the overlay.

~~A repeal of a single-family overlay district is considered a rezoning and is subject to the Zoning Map Amendment requirements herein.~~

(Ord. No. [2012-3449](#), Pt. 1(Exh. E), 9-27-2012; Ord. No. [2018-3984](#), Pt. 1(Exh. A), 2-8-2018; Ord. No. [2020-4161](#), § 1(Exh. A), 3-9-2020)

Sec. 4.1. - Establishment of Districts.

Residential Zoning Districts	
R	Rural
WE	Wellborn Estate
E	Estate
WRS	Wellborn Restricted Suburban
RS	Restricted Suburban
GS	General Suburban
D	Duplex
T	Townhouse
MF	Multi-Family
MU	Mixed-Use
MHP	Manufactured Home Park
Non-Residential Zoning Districts	
NAP	Natural Areas Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial

BP	Business Park	
BPI	Business Park Industrial	
CU	College and University	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
<u>ROO</u>	<u>Restricted Occupancy Overlay</u>	
NCO	Neighborhood Conservation Overlay	
HP	Historic Preservation Overlay	
Retired Districts		
R-1B	Single-Family Residential	
R-4	Multi-Family	

R-6	High Density Multi-Family
C-3	Light Commercial
R&D	Research & Development
M-1	Light Industrial
M-2	Heavy Industrial
NPO	Neighborhood Prevailing Overlay

For the purpose of this UDO, portions of the City, as specified on the Official Zoning Map of the City, are hereby divided into the zoning, design, and overlay districts enumerated below. The intensity regulations applicable for such zoning districts are designated in Article 5 and the use regulations are designated in Article 6 of this UDO.

(Ord. No. [2012-3450](#), Pt. 1(Exh. B), 9-27-2012; Ord. No. [2013-3521](#), Pt. 1(Exh. C), 9-12-2013; Ord. No. [2014-3624](#), Pt. 1(Exh. B), 12-18-2014; Ord. No. [2016-3792](#), Pt. 1(Exh. B), 7-28-2016; Ord. No. [2018-4001](#), Pt. 1(Exh. C), 4-12-2018; [Ord. No. 2020-4161](#), § 2(Exh. B), 3-9-2020; [Ord. No. 2020-4187, Pt. 1\(Exh. A\), 6-11-2020](#).)

Sec. 5.11. - Single-Family Overlay Districts.

A. **Purpose.**

~~Single-Family Overlay Districts are intended to provide additional standards for demolitions, new construction, additions, and redevelopment in established College Station neighborhoods. College Station's older, established neighborhoods provide a unique living environment that contributes to the stability and livability of the City as a whole. These standards are intended to promote development that is compatible with the existing character of the neighborhood and preserve the unique characteristics of College Station's older neighborhoods while balancing the need for the redevelopment of vacant or underutilized property. The underlying zoning district establishes the permitted uses and standards and shall remain in effect. The requirements of the overlay district are to be applied in addition to the underlying zoning district standards.~~

~~The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.~~

B. **Applicability.**

The Single-Family Overlay Districts may only be applied to neighborhoods zoned and developed for single-family residences.

C. **General Provisions.**

1. The yard, lot, building height, and open space regulations of the Single-Family Overlay Districts must be read in accordance with the yard, lot, building height and open space regulations in the Residential Dimensional Standards and Required Yards sections of this UDO. In the event of a conflict between the Single-Family Overlay Districts and these sections, the Single-Family Overlay District controls.
2. The City Council may approve a Single-Family Overlay District for the boundaries of original subdivisions.
3. An application for a Single-Family Overlay District may be accepted by the City for review once a petition is signed by property owners of at least fifty (50) percent plus one (1) of the total number of single-family zoned or developed building plots contained within the original subdivision.
- ~~4. Single-Family Overlay Districts may not apply to neighborhoods originally platted in the last ten (10) years.~~

D. **Districts.**

1. Restricted Occupancy Overlay District (ROO).

a. Purpose.

The Restricted Occupancy Overlay District (ROO) is intended to provide subdivision-specific occupancy regulations in single-family neighborhoods.

b. Applicability.

The regulations of the ROO apply to each individual single-family dwelling and accessory living quarter within the district.

c. General Provisions.

- 1) The standards set forward in a ROO must be based on findings of the Petition Committee.
- 2) The Petition Committee may consist of property owners of platted single-family development from the original subdivision.

- 3) To be eligible to apply for a ROO, improvements must exist on at least 51 percent of the platted single-family lots in the original subdivision.

d. Standards.

Occupancy of either, a detached single-family dwelling or accessory living quarter, shall not exceed two unrelated persons per single-family dwelling or accessory living quarter. Related persons are specified in UDO section 11.2 "Defined Terms" in the definition of "Family."

e. Legacy Clause.

- 1) Occupancy levels in individual single-family dwellings and accessory living quarters within an original subdivision, existing at the time a ROO is adopted, are permitted to continue, not to exceed a maximum of four unrelated persons for single-family dwellings and two unrelated persons for accessory living quarters, and shall be considered a nonconforming use. The provisions of UDO Section 9.2 "Nonconforming Uses" shall apply, with the exception of 9.2.A.1. "Expansion."
- 2) The structure containing the nonconforming use may be enlarged or expanded up to a maximum of ten (10) percent of the heated square footage of the structure existing at the time the ROO was adopted.
- 3) Enlargement or expansion of the structure containing the nonconforming use beyond ten (10) percent and up to a maximum of twenty-five (25) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such an enlargement or expansion based on the following criteria:
 - a) That granting the enlargement or expansion will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b) That granting the enlargement or expansion will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and
 - c) That granting the enlargement or expansion will be generally consistent with the purposes and intent of this UDO.
- 4) The structure containing the nonconforming use may be structurally altered or renovated, up to a maximum of fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted, provided that the structural alteration or renovation does not enlarge or expand the structure.
- 5) Structurally altering or renovating the structure containing the nonconforming use beyond fifty (50) percent of the heated square footage of the structure existing at the time the ROO was adopted shall require approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may authorize such structural alterations or renovations based on the following criteria:
 - a) That granting the structural alternation or renovation will ensure the same general level of land use compatibility as the otherwise applicable standards;

- b) That granting the structural alternation or renovation will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the nonconforming use; and
 - c) That granting the structural alternation or renovation will be generally consistent with the purposes and intent of this UDO.
- 6) The use shall come into compliance with the ROO standards at such time that any of the following occur:
 - a) The single-family dwelling or accessory living quarter is demolished;
 - b) The subdivision of land occurs creating an additional lot or building plot;
 - c) The nonconforming use changes or occupancy increases; or
 - d) The structure containing the nonconforming use is enlarged, expanded, structurally altered or renovated beyond the standards provided in 5.11.D.1.e.2 through 5.11.D.1.e.5.

2. Neighborhood Conservation Overlay Districts (NCO).

a. Purpose.

The Neighborhood Conservation Overlay District (NCO) is intended to protect and preserve established single-family neighborhoods through a district that is focused on the specific needs of the neighborhood. The NCO is intended to provide additional standards to demolitions, new construction, additions, and redevelopment to promote development that is compatible with the existing character of the neighborhood while balancing the need for redevelopment of vacant or underutilized properties. NCO districts are based on in-depth study of the existing neighborhood conditions, and should be used to protect unique assets and qualities of the neighborhood. Conservation NCO districts may be used for neighborhoods that offer a distinct character that its residents and the City wish to preserve and protect.

b. Applicability.

The regulations of the Neighborhood Conservation Overlay apply to all single-family and accessory structures within the district.

c. General Provisions.

- 1) The standards set forward in a Neighborhood Conservation Overlay must be based on findings of the Petition Committee.
- 2) The petition committee may consist of property owners of platted single-family development from the original subdivision.
- 3) Neighborhood Conservation Overlay districts may not apply to neighborhoods originally platted in the last ten (10) years from the date of application submittal.

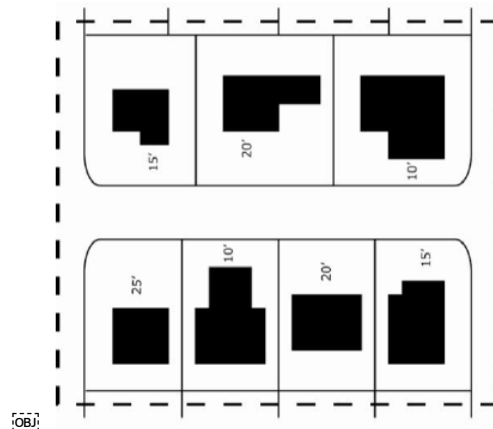
d. **Options for Inclusion.**

In applying for a Neighborhood Conservation District Overlay, the following items may be included as standards in the overlay. All single-family development within the district shall be subject to the standards set forth in the rezoning ordinance.

1) **Minimum Front Setback.**

If minimum front setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum front setback based on research of the subject neighborhood:

- a) Contextual front setbacks as provided for in Required Yards (Setbacks) section of this UDO; or
- b) Contextual front setbacks as provided for in the General Provisions of this Single-Family Overlay Districts section of the UDO; or
- c) Fixed front setback. A fixed front setback may be established, however, it may not be less than the setback of underlying zoning or more than the existing median front yard setback of structures in the district.



2) **Minimum Side Street Setback.**

If minimum side street setback is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining minimum side street setback based on research of the subject neighborhood:

- a) Contextual side street setbacks as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed side street setback. A fixed side street setback may be established, however, it may not be less than the side setback of underlying zoning or more than the existing median side street setback of structures in the district.

3) **Minimum Lot Size (Area, Width, and Depth).**

If minimum lot size is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining the minimum size of new lots based on research of the subject neighborhood:

- a) Lot size (area and width) as provided for in the Platting and Replatting in Older Residential Neighborhoods subsection in Article 8, Subdivision Design and Improvements; or

- b) Contextual lot size as provided for in Section 5.2 Residential Dimensional Standards; or
- c) Fixed lot size. A fixed lot size may be established, however, it may not be less than the lot size required of underlying zoning or more than the existing median size of building plots in the district.

4) **Maximum Building Height.**

If maximum building height is selected for inclusion, the Petition Committee may select one (1) of the following methods of determining maximum building height based on the research of the subject neighborhood:

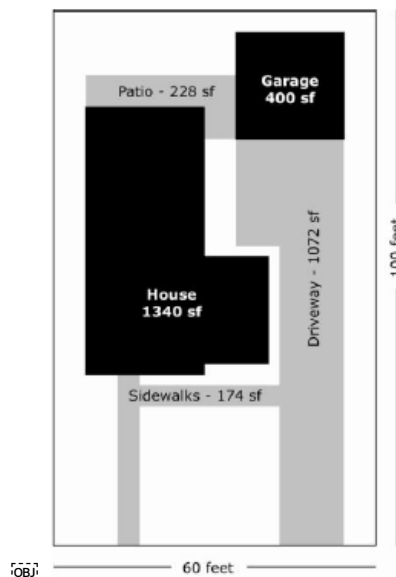
- a) Contextual building height as provided for in Section 5.2 Residential Dimensional Standards; or
- b) Fixed building height. A fixed building height may be established, however, it may not be more than the maximum height allowed in the underlying zoning district or less than the median height of all residential structures in the district.

5) **Tree Preservation.**

If tree preservation is selected for inclusion, the Petition Committee may choose to preserve any existing tree with a minimum of eight-inches in caliper or greater. Preserved trees must be in good form and condition and reasonably free of damage by insects and/or disease, and located outside the buildable area. Any preserved tree(s) must be barricaded and preserved during demolition and/or construction. A barricade detail must be provided on the site plan. Trees must be barricaded with a one (1) foot per caliper inch radius measured from the tree trunk. Barricades must be in place prior to any development activity on the property including, but not limited to, grading and equipment on site. Choosing this option allows the Petition Committee to exclude specific tree species from preservation requirements.

6) **Landscape Maintenance.**

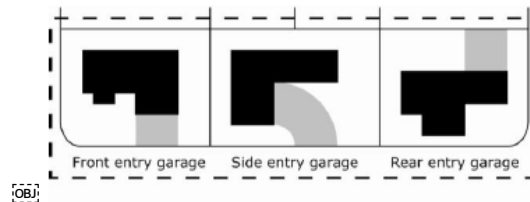
If landscape maintenance is selected for inclusion, any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.



7) **Maximum Impervious Surface.**

If maximum impervious surface is selected for inclusion, maximum impervious surface may be limited to any number between the calculated neighborhood median and the maximum, as allowed by the UDO.

Impervious surface includes, but is not limited to, buildings, sidewalks, drives, all-weather surfaces, parking, rooftops, patios, decking, masonry, stone, and other alternative pavements. Alternative materials used for landscaping purposes in non-load bearing areas, and the water surface area within the walls of pools are not considered impervious surfaces. An area of gapped decking shall be calculated as fifty percent (50%) of the proposed decked area for the purpose of impervious cover.



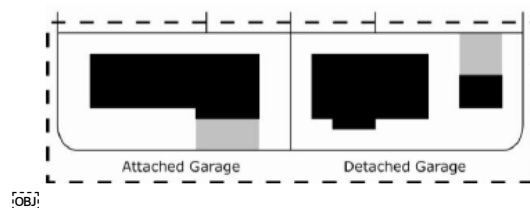
8) **Garage.**

A. **Garage Access.**

If garage access is selected for inclusion, the Petition Committee may choose one (1) of the following methods of garage access based on the most frequent method of garage access within the subject neighborhood:

- a) Front entry; or
- b) Side entry; or
- c) Rear entry.

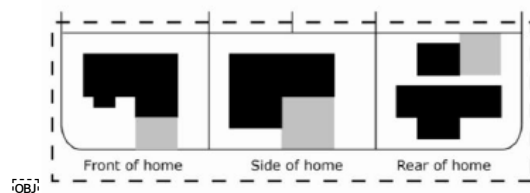
B. **Garage Connection.**



If garage connection is selected for inclusion, the Petition Committee may select one (1) of the following garage connection types based on the most frequent method of garage connection within the subject neighborhood:

- a) Attached to the single-family structure; or
- b) Detached from the single-family structure.

C. **Garage Location.**



If garage location is selected for inclusion, the Petition Committee may select one (1) of the following garage locations based on the most frequent location of garages in relation to the primary single-family structure within the subject neighborhood:

- a) In front of the single-family structure; or
- b) To the side of the single-family structure; or
- c) To the rear of the single-family structure.

D. Garage Size.

If garage size is selected for inclusion, the Petition Committee may set a minimum garage size of one (1), two (2), or three (3) car garage per residential unit based on the most frequently occurring garage size within the subject neighborhood.

E. Garage Requirement.

If garage requirement is selected for inclusion, the Petition Committee may require that a garage be required on properties within the subject neighborhood.

9) Off-Street Parking.

If off-street parking is selected for inclusion, the Petition Committee may choose one (1) or more of the following off-street parking options within the subject neighborhood, however, it may only be included if including maximum lot coverage, garage access, connection, or location.

- a) Set a minimum off-street parking standard of three (3) spaces per residential unit;
- b) Set a maximum number of off street parking spaces;
- c) Set a maximum parking area and location per yard;
- d) Set a required driveway width between 12 and 25 feet.

10) Building Materials.

If Building Materials is selected for inclusion, the Petition Committee may select required building materials and set a minimum percentage for the use of those materials for façades facing a right-of-way. Required materials may only include types of building materials used in the subject neighborhood. The rezoning petition should include a listing of all types of materials used in the district as well as the median percentage on building façades facing a right-of-way. The percentage of use of a required material may only be placed on façades facing a right-of-way and may not exceed the median existing percentage of the materials on building façades facing a right-of-way.

11) Fencing.

If Fencing is selected for inclusion, the Petition Committee may select required materials and maximum height.

(Ord. No. [2012-3449](#), Pt. 1(Exh. M), 9-27-2012; Ord. No. [2012-3450](#), Pt. 1(Exh. C), 9-27-2012; Ord. No. [2013-3471](#), Pt. 1(Exh. C), 1-10-2013; [Ord. No. 2020-4161](#), § 1(Exh. C), 3-9-2020)

Restricted Occupancy Overlay (ROO) Process Handbook

*An Application Guide for
the Citizens of College Station*



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Overview

A Restricted Occupancy Overlay (ROO) allows property owners the option to limit occupancy of single-family residential dwelling units and accessory structures to no more than two unrelated persons within an original subdivision's boundaries.

Here's how you get there. You will need:

Required:

- Volunteer Neighborhood Petition Committee and contact information
- 50% + 1 of signatures from property owner(s) of single-family zoned or developed building plots in the original subdivision
- One neighborhood-hosted meeting and signed minutes
- One city-hosted neighborhood meeting
- One copy of the original plat of the subdivision
- Certificate of mailing neighborhood meeting minute notice(s)

- Completed neighborhood meeting sign-in sheets
- A subdivision with 51% of lots or building plots that are improved according to the Brazos County Appraisal District (BCAD.)

Recommended:

- Neighborhood meeting promotion funds
- Templates from this handbook
- Neighborhood meeting spaces
- Significant subdivision support

Common Acronyms

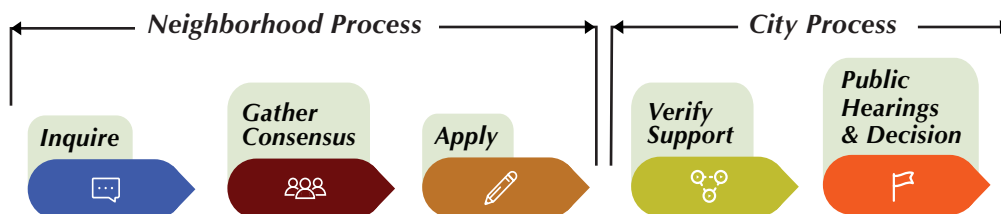
ROO: Restricted Occupancy Overlay

UDO: Unified Development Ordinance

P&Z: Planning and Zoning Commission

PDS: Planning and Development Services

Process Overview



Clickable: The timeline icons to the left concerning the process overview are clickable.

Result: A rezoning request is heard before the Planning and Zoning Commission for recommendation, and a final approval or denial is determined by the City Council.

Total: Estimated 4-9 months from inquiry to final decision, depending on neighborhood interest and size.

Disclaimer: Submitting the ROO zoning request does NOT guarantee City Council approval.



Inquire

Inquire



What is zoning?

Zoning, in short, is the separation of land uses into different categories.

Zoning is a legislative act that must be adopted by the City Council and is used by many cities to control land uses. College Station implements zoning primarily through regulations in the Unified Development Ordinance (UDO) that regulate the use of private property to promote the general health, safety, and welfare of citizens. Every individual property inside the city limits is assigned a zoning classification. These regulations can be found in the UDO at cstx.gov/udo.

Article 5 of the UDO provides a brief description of each zoning district and its purpose. Generally speaking, zoning districts fit into one or more of five categories:

1. Residential
2. Commercial
3. Industrial
4. Institutional/Public
5. Parks

Each district is designed to protect the character and established pattern of desirable development in each area. Zoning regulations also help prevent or minimize land-use incompatibilities and conflicts among different land uses. While the Comprehensive Plan is a future-oriented policy guide for the larger community, zoning is a regulation that places immediate restrictions on individual property. Zoning may include restrictions on the number and size of lots, the placement of buildings on lots (setbacks), building height, number of stories, and types of uses that may locate on the property.

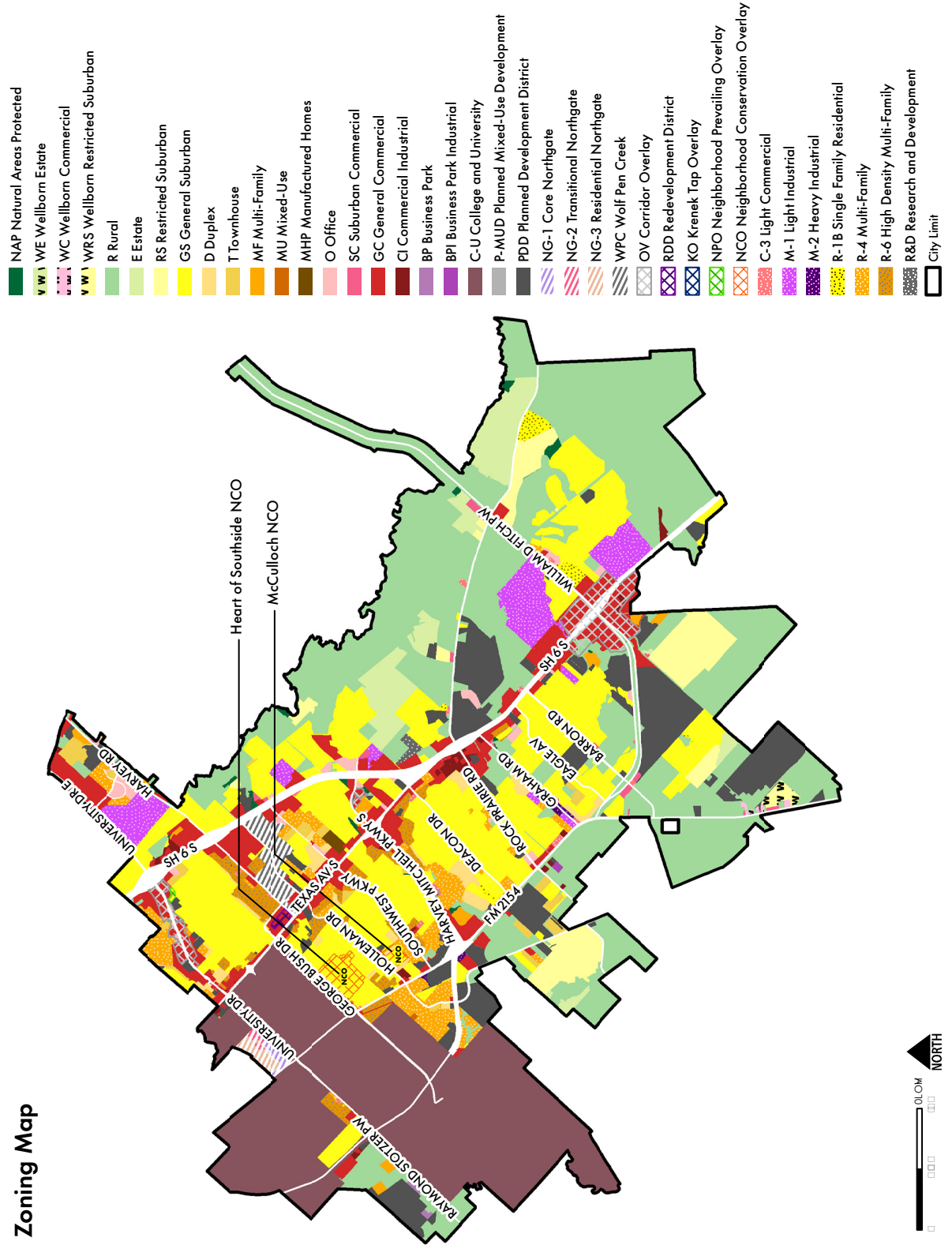
College Station has several single-family zoning districts which can be found in UDO Article 5.

Residential Zoning Districts:

- Rural (R)
- Wellborn Estate (WE)
- Estate (E)
- Wellborn Restricted Suburban (WRS)
- Restricted Suburban (RS)
- General Suburban (GS)
- Townhouse (T)
- Manufactured Home Park (MHP)

The map provided in this document changes as properties rezone, and an up to date version can be found in the Planning and Development map's "Zoning" layer. This is available to the public and can be found at cstx.gov.

Zoning Map





Frequently Asked Questions

What does the city regulate?

The City of College Station has authority to adopt zoning regulations through the Texas Local Government Code. The city may regulate through zoning as long as the regulations are in compliance with an adopted Comprehensive Plan and are designed to:

-  lessen congestion in the streets;
-  secure safety from fire, panic, and other dangers;
-  promote health and the general welfare;
-  provide adequate light and air;
-  prevent the overcrowding of land;
-  avoid undue concentration of population; or
-  facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

What is overlay zoning?

An overlay zoning district is a special district placed over a base zoning and includes provisions in addition to those required with the base zoning. Creating an overlay zoning district establishes a boundary with additional regulations that apply only to the properties within the boundary.



What is a Restricted Occupancy Overlay (ROO)?

The Restricted Occupancy Overlay District (ROO) is a single-family overlay zoning district that is intended to limit occupancy to no more than two unrelated persons in single-family neighborhoods. The regulations of the ROO apply to each individual single-family dwelling or accessory living quarters within the overlay boundaries.

What is a subdivision?

A subdivision is the division of land into a lot, tract or parcel for the purpose of development. An original subdivision is also known as a legally recorded subdivision plat. A plat is a map of a subdivision that is legally recorded in Brazos County, shows the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., and is drawn to scale to meet the requirements of the UDO.

[An example can be found in the Appendix.](#)

Applicability and Grandfathering

If City Council approves a ROO in your subdivision, no more than two unrelated persons may occupy a detached dwelling on the property. This can include a home, “granny flat” or accessory living quarters, or any other permanent structure that has been permitted by the City for occupancy. It applies to existing development, new construction, and redevelopment or additions. The “grandfathering,” or legacy clause, standards are specified in UDO Section 5.11.D.1.e. “Legacy Clause.”

Gather Consensus

Gather
Consensus



How do I apply for a ROO?

The ROO application process requires a dedicated group of residents to manage an inclusive, neighborhood-led effort to gather a strong consensus among property owners in the original subdivision.

Submitting an application for review does not guarantee City Council approval. The Unified Development Ordinance (UDO) [Article 3.3](#) includes the ROO application requirements. The ROO Rezoning Process Checklist outlines the required steps to submit an application to Planning and Development Services for review.

ACTION ITEMS:

- Form a Neighborhood Petition Committee using the recommended Neighborhood Petition Committee roles outline.
- Mail notices to all property owners within the original subdivision with adequate notice before scheduled neighborhood meeting(s) using the recommended Mailed Notice template.
- In addition to the mailed notice, consider posting door fliers using the recommended Neighborhood Meeting Flyer template.
- Hold at least one neighborhood-hosted meeting and one City-hosted meeting using the recommended Neighborhood Meeting Agenda and required Sign-In Sheet.
- Draft required meeting minutes following each neighborhood meeting using the Meeting Minutes template.
- Draft and distribute the ROO petition to all property owners within the original subdivision using the required Petition template.
- Submit the ROO application within two months from the date of the first petition signature.

HERE ARE THE DOCUMENTS YOU ARE REQUIRED TO SUBMIT WITH AN OFFICIAL ROO APPLICATION:

- A copy of the original subdivision plat.
- Completed neighborhood meeting minutes signed by a Neighborhood Petition Committee member.
- Completed neighborhood meeting sign-in sheets from each meeting.
- ROO petition signed by 50% + 1 of the single-family zoned or developed building plots in the original subdivision in support of the overlay.
- Contact information of all Neighborhood Petition Committee members.
- A list of property owners in the neighborhood to serve on the Neighborhood Petition Committee.
- Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.

After your application is submitted and processed:

The rezoning request will be scheduled for a Planning and Zoning Commission meeting with a presentation by staff, public hearing, discussion, and Commission recommendation. Next, the rezoning request will be heard at a future City Council meeting with a presentation by staff, public hearing, discussion, and final action by the City Council. Presentations by the neighborhood are recommended at both meetings to express the neighborhood's intent and support of the ROO rezoning request. If approved by the City Council, an overlay district will be applied to the original subdivision boundaries and all development within the overlay shall be subject to the standards set forth in the overlay ordinance.



Clickable: The underlined text is clickable and will take you to the corresponding page in this document.

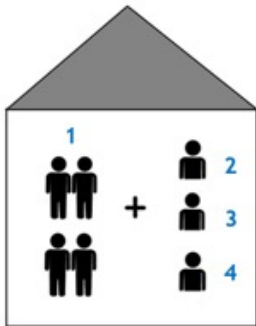
ROO Standards

Occupancy of any single-family dwelling unit or accessory living quarters may not exceed two unrelated persons. There is no occupancy maximum for relationships that meet the definition of family (as listed in [UDO 11.2 Defined Terms](#)). The ROO restrictions apply to all occupants who are not related through one of the relationship types enumerated in the definition of Family and sets a maximum of no more than two unrelated persons.

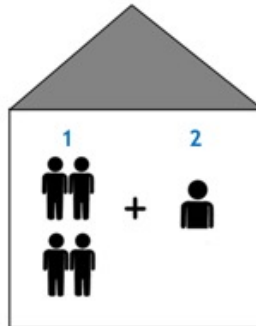
How To Count Number of Unrelated Persons

The method of counting unrelated persons is included within the Family definition in [UDO 11.2 Defined Terms](#). "When counting the number of unrelated persons in a single dwelling unit, a maximum of one group of persons related by blood, adoption, guardianship, marriage, an authorized caretaker, or members of a group home for disabled persons shall be permitted, provided that all other persons shall each count as one unrelated person."

Current:
4 unrelated



Proposed ROO:
2 unrelated



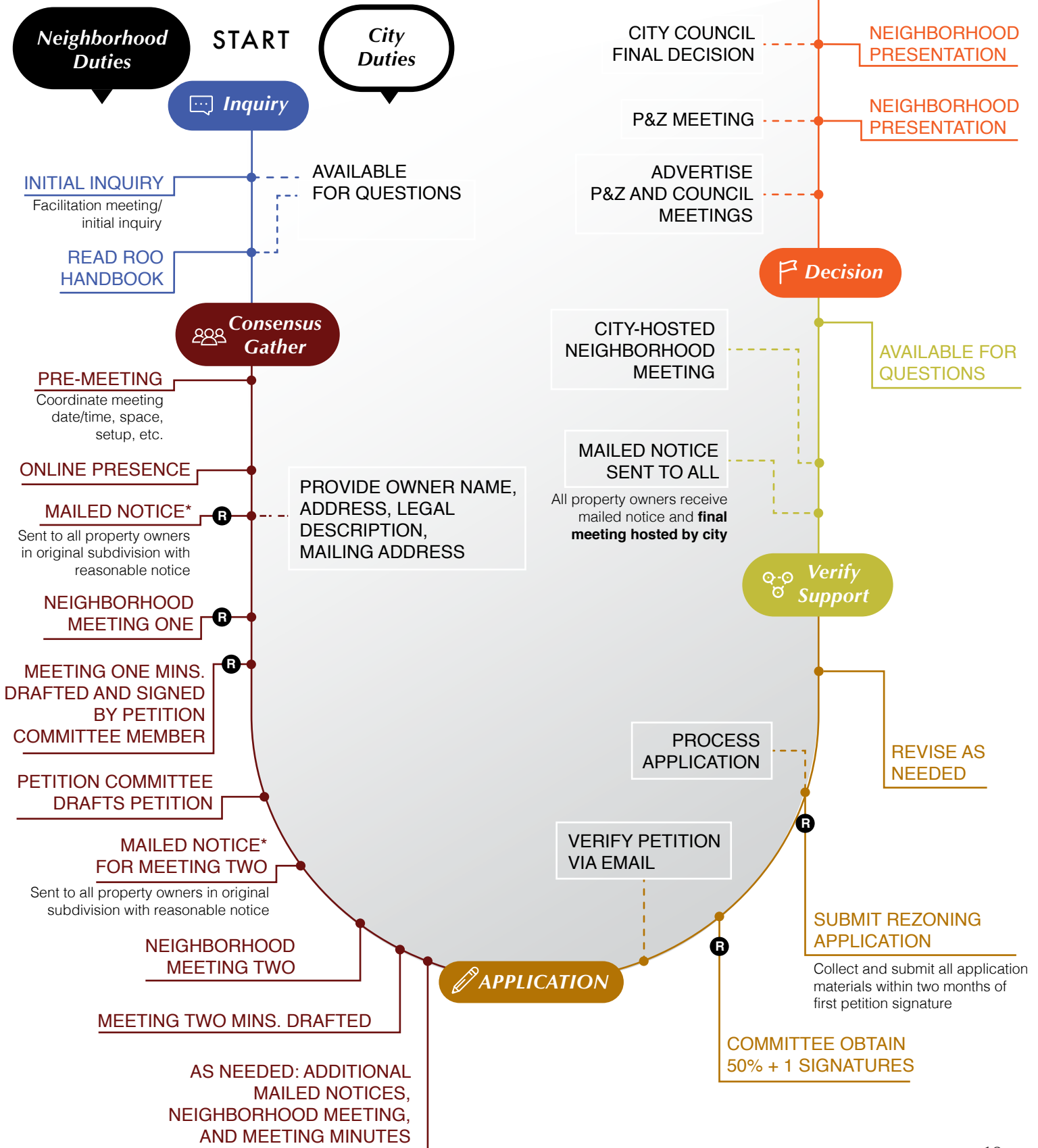
Apply



Apply

R Required neighborhood duty

* Mailed notices may be sent that advertise multiple neighborhood meeting dates





Verify Support

After the Neighborhood Petition Committee has submitted all required documents for the ROO rezoning application and Planning and Development Services staff has determined the application is complete, staff will begin the city-led portion of the rezoning process. At this stage, staff will schedule a final neighborhood meeting. The city will pay for and send certified mailed notices to property owners in the original subdivision to ensure that property owners are notified of the meeting. Staff will discuss the ROO application process at the final neighborhood meeting. Staff will explain the timeline and expectations for the neighborhood during the remainder of the process.



Public Hearings & Decision

After the city-led neighborhood meeting, staff will ensure that the ROO rezoning is placed on a future agenda of the Planning and Zoning Commission and City Council. The public hearing process will take approximately four weeks but could be extended if either the Commission or Council request additional information or defer voting on the petition. During the Planning and Zoning Commission and City Council meetings, staff will present the rezoning request from a factual perspective and provide a recommendation of approval or denial. Following the staff presentation, the neighborhood group will have the opportunity to present their case and advocate for the rezoning request through verbal testimony and/or the use of a visual aid. While neighborhood presentations are not required, they are highly encouraged. After the staff and optional neighborhood presentations, the Commission and Council will open the public comment period when any citizen can speak about the proposed rezoning request. The Planning and Zoning Commission serves as an advisory board that will vote to recommend approval or denial of the rezoning request. The City Council is a decision-making body that will vote to approve or deny the request. The City Council decision is final, and any appeal must be in accordance with the UDO.

Reference

ROO Rezoning Process Checklist

- ☐ Contact Planning and Development Services.
- ☐ Read / Download the ROO Handbook.
- ☐ Decide to proceed with the ROO consensus gathering phase.
- ☐ Determine neighborhood meeting:
 - ☐ *Dates*
 - ☐ *Times*
 - ☐ *Space / location*
 - ☐ *Setup requirements*
- ☐ Form an online presence for ROO progress.
- ☐ Publicize neighborhood meetings in a reasonable and timely manner so that all are notified with proper notice:
 - ☐ *REQUIRED: Mail notices to all property owners within the original subdivision before each meeting, OR mail one notice that includes all confirmed meeting dates, times and locations.*
 - ☐ *Online*
 - ☐ *Door flyers*
 - ☐ *Optional: Notify Planning and Development Services of neighborhood meetings. Staff will attend as an educational resource, if invited.*
- ☐ *REQUIRED: Hold Neighborhood Meeting One (see [Agenda Template](#)).*
- ☐ *REQUIRED: Form an official Neighborhood Petition Committee.*
- ☐ *REQUIRED: Draft Neighborhood Meeting One Minutes.*
- ☐ *REQUIRED: Draft ROO Petition.*
- ☐ *REQUIRED: Neighborhood Petition Committee member signs Neighborhood Meeting One Minutes.*
- ☐ If you didn't include Neighborhood Meeting Two information in the first mailed notice, mail notices to all property owners to publicize Meeting Two.
- ☐ Optional: Hold Neighborhood Meeting Two or Meeting Three (see Agenda Template).
 - ☐ *Draft Neighborhood Meeting Minutes.*
 - ☐ *Neighborhood Petition Committee member signs Neighborhood Meeting Minutes.*
- ☐ *REQUIRED: Collect 50% + 1 property owner signatures of single-family zoned or developed building plots in the original subdivision.*
- ☐ *REQUIRED: Register as a user for eTrakit.*
- ☐ *REQUIRED: Submit ROO Rezoning Application.*

- ☐ Revise and resubmit ROO Rezoning application documents (as needed).
- ☐ Attend city-hosted neighborhood meeting.
- ☐ Attend Planning and Zoning Commission meeting. A neighborhood presentation is expected.
- ☐ Attend City Council meeting. A neighborhood presentation is expected.

**HERE ARE THE DOCUMENTS YOU ARE REQUIRED TO SUBMIT
FOR AN OFFICIAL ROO APPLICATION:**

- ☐ A copy of the original plat of the subdivision.
- ☐ Completed neighborhood meeting minutes signed by a Neighborhood Petition Committee member.
- ☐ Completed neighborhood meeting sign-in sheets from each meeting.
- ☐ ROO petition signed by 50% + 1 of property owners of single-family zoned or developed building plots in the original subdivision in support of the overlay.
- ☐ Contact information of all Neighborhood Petition Committee members.
- ☐ A list of property owners in the neighborhood to serve on the Neighborhood Petition Committee.
- ☐ Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.

Recommended Neighborhood Mailed Notice Letter

date

Dear resident,

You are invited to a Neighborhood Meeting to discuss rezoning the _____ to include a Restricted Occupancy Overlay (ROO). The ROO is a single-family overlay zoning district intended to provide an additional restriction in single-family neighborhoods.

A ROO allows us, as property owners in the subdivision, to petition to limit the number of household occupants to no more than two unrelated persons.

The meeting(s) will take place at:

meeting place

date

time

meeting place

date

time

meeting place

date

time

For additional information regarding this discussion, please contact a representative listed below.

name

phone number or email



You're Invited!

Neighborhood Discussion

Restricted Occupancy Overlay

meeting place

month, day and time

full street address

FOR MORE INFORMATION,
PLEASE CONTACT

name

email or phone number

Required Sign-In Sheet

RESTRICTED OCCUPANCY OVERLAY
MEETING SIGN-IN

DATE _____
MEETING # _____

	NAME	ADDRESS	EMAIL/PHONE	SIGNATURE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				

Recommended Petition Committee Team Roles

The Neighborhood Petition Committee is a group of volunteers who help promote the ROO process for a particular subdivision.

Each suggested role offers a different time commitment to suit the desired level of involvement from each team member. The Neighborhood Petition Committee is responsible for working together to help guide the neighborhood through an open and fair ROO process.

CHAIR(S)

The role of the chair(s) is to manage neighborhood outreach efforts and ensure efficient and inclusive dialogue during the consensus-gathering phase. Chairs will prepare the ROO rezoning application and serve as the liaison between the neighborhood and Planning and Development Services. Chairs are authorized to sign meeting minutes. A Neighborhood Petition Committee should consider naming up to four chairs.

Responsibilities

- Communicate ROO process to neighborhood
- Locate neighborhood meeting spaces
- Advertise neighborhood meetings
- Coordinate neighborhood meeting setup / teardown
- Attend all neighborhood meetings
- Lead neighborhood meeting agenda
- Foster inclusive neighborhood meeting dialogue
- Sign neighborhood meeting minutes once approved
- Gather required materials for ROO application
- Register as an eTrakit user with Planning and Development Services
- Submit and revise ROO rezoning application through eTrakit

Suggested Qualities and Skills

- Good communication and interpersonal skills
- Time and task management
- Computer literacy
- Ability to work well on a team
- Approachable and considerate of others
- Open minded, fair and respectful

Time Commitment

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

SECRETARY

A Neighborhood Petition Committee should consider naming one secretary. The role of the secretary is to manage the administrative processes of the chair(s) and ensure accurate records are kept.

Responsibilities

- Ensure up-to-date records
- Manage meeting sign-in sheet
- Circulate meeting agendas
- Record meeting minutes
- Present meeting minutes at start of each meeting
- Ensure meeting minutes are signed by a chair
- Help ensure 50% + 1 of property owners sign petition for ROO application

Suggested Qualities and Skills

- Well organized and attention to detail
- Good communication and interpersonal skills
- Minute taking experience
- Good time keeping

Time Commitment

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

TREASURER

A Neighborhood Petition Committee should consider naming one treasurer. The role of the treasurer is to manage the financial administrative processes related to the ROO consensus gathering phase.

Responsibilities

To coordinate and manage finances related to neighborhood meeting notices, supplies and refreshments, and neighborhood meeting spaces

Qualities and Skills Suggested

- Well organized and attention to detail
- Experience with organizational finance management
- Good communication and interpersonal skills

Time Commitment:

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

Neighborhood Meeting Recommended Agenda

SUBDIVISION NAME: _____

DATE: _____

Meeting – Introduction and Impact

SUGGESTED 90 MINUTES
MAXIMUM

Introduction (30 minutes)

1. Provide sign-in sheet
2. Present handbook materials
3. Discuss ROO handbook and timeline

Discussion (30 minutes)

4. Present and discuss restricted occupancy impact on residents
5. Determine if neighborhood will proceed with ROO

Administrative (30 minutes)

6. Overview Neighborhood Petition Committee positions
7. Determine Neighborhood Petition Committee
8. If necessary: determine future meeting dates

Neighborhood Meeting Two
Recommended Agenda

SUBDIVISION NAME: _____

DATE: _____

ROO Petition Selection

TIME: _____

Introduction (15 minutes)

- 1. Provide sign-in sheet
- 2. Overview of meeting one
- 3. Present previous meeting minutes

Discussion (50 minutes)

- 4. Review ROO
- 5. Cast anonymous votes on options to pursue ROO
- 6. Gather vote results
- 7. Discuss results
- 8. Begin petition distribution

Administrative (10 minutes)

- 9. Schedule additional meetings, if consensus is not reached

Meeting Minutes

SUBDIVISION NAME: _____ DATE: _____

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____
- 26. _____

Attest: Print: _____ Sign: _____ , Neighborhood Petition Committee member

Restricted Occupancy Overlay Petition

DATE _____

FULL LEGAL
SUBDIVISION NAME:

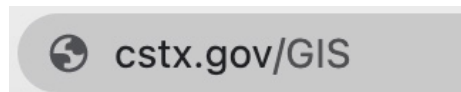
By signing below, I agree that the Restricted Occupancy Overlay (ROO) ordinance will limit occupancy to no more than two unrelated persons in a detached single-family dwelling or in an accessory living quarters in (insert subdivision name). I understand that related persons are related by blood, adoption, guardianship, marriage, are an authorized caretaker, or members of a group home for disabled persons, as defined in UDO Section 11.2 Defined Terms in the definition of "Family." I understand that at least 50% + 1 of the total number of single-family zoned or developed building plots in the original subdivision are required to submit the ROO application for consideration. I understand that submitting an application does not guarantee ROO approval.

ADDRESS	LEGAL DESCRIPTION	PROPERTY OWNER NAME	SIGNATURE	DATE
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____
11. _____	_____	_____	_____	_____
12. _____	_____	_____	_____	_____
13. _____	_____	_____	_____	_____
14. _____	_____	_____	_____	_____
15. _____	_____	_____	_____	_____
16. _____	_____	_____	_____	_____
17. _____	_____	_____	_____	_____
18. _____	_____	_____	_____	_____

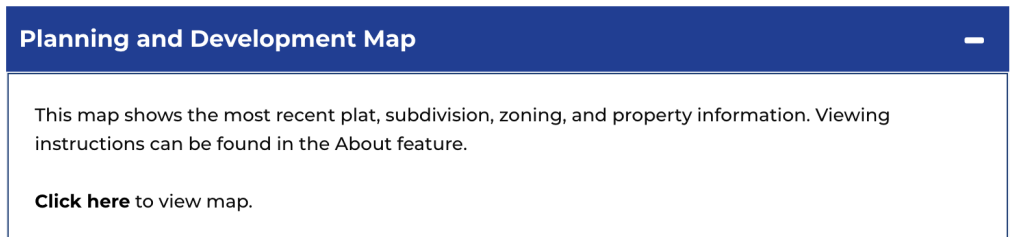
Appendix

How to Find Online Maps and Data

Please follow these instructions to find the Planning and Development map on the City of College Station website. The map includes land use, zoning, subdivision plats, property ownership, and other important information. If you need assistance, call 979.764.3858 to speak to a planning staff member.



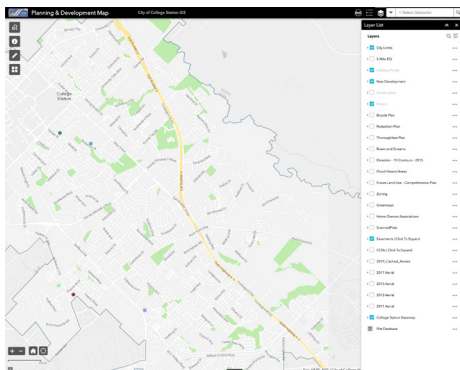
1. **Open a browser window** (Google Chrome, Internet Explorer, Firefox, Bing, Safari).
2. **Type cstx.gov/GIS directly into the browser search bar** to go to the City of College Station GIS and Maps page.



4. **Click on the Planning and Development Map tab or [click here](#) to visit the Planning and Development Map.**



5. Once you are in the Planning and Development Map, **click on the Layers icon to view the Layer List.** The Layer List must be expanded by clicking the Layer icon on the top right corner of the page, seen below.



6. **The Layer List includes helpful information such as land use, zoning, plats, easements, and property ownership,** seen left.

Original Subdivision Plat

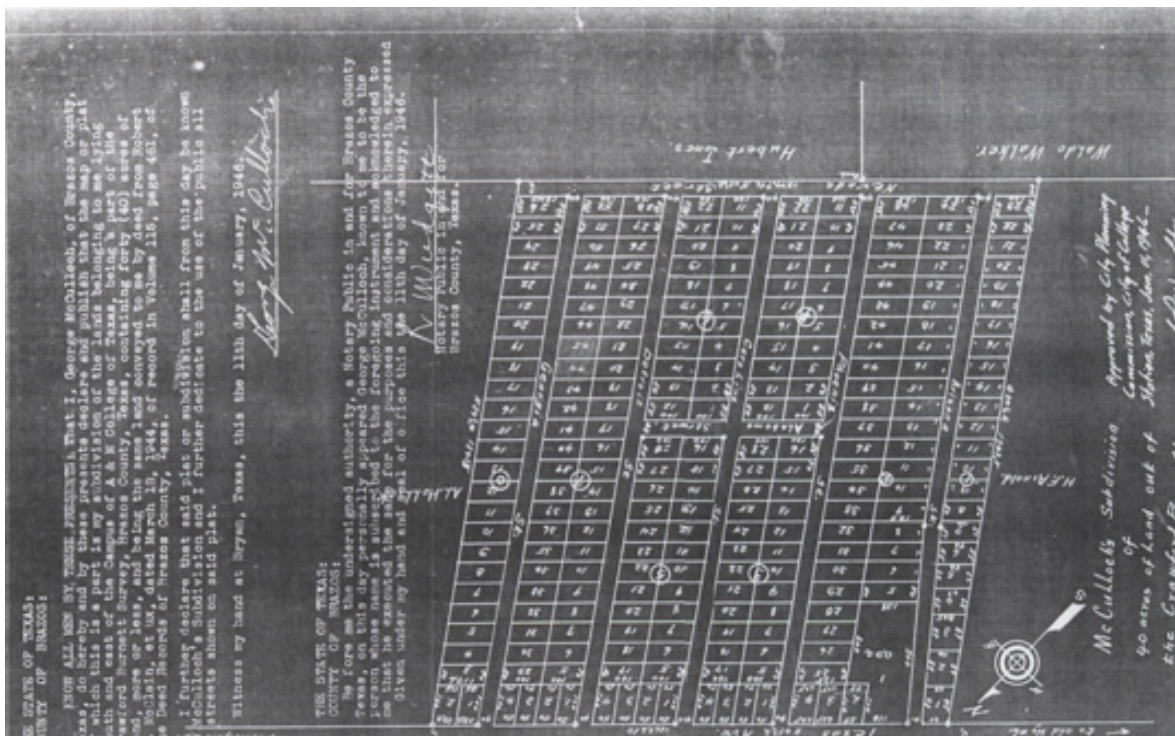
50% + 1 of all of single-family zoned or developed building plots within the original subdivision are required to sign the petition to submit an application for a Restricted Occupancy Overlay to Planning and Development Services for review. The subdivision is granted one property owner vote per building plot.

The UDO defines a Building Plot as

All of the land within a project, whether one (1) or more lots, developed according to a common plan or design for similar or compatible uses, that may have shared access or parking, and that singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot shall be made as the first step in the site plan or project review, unless such determination has previously been made at the time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure sits astride two (2) or more lots. In the event that two (2) or more lots are under single ownership and the structure does not meet the required side yard setback, both lots shall be considered the building plot or premises. Demolished sites located in larger parking lots that may not have previously been considered part of a larger building plot, will be considered part of the plot if access is shared with the site. – **UDO**

Article 11.2 Defined Terms

An original subdivision is also known as a legally recorded subdivision plat. To locate your subdivision plat, visit the Planning and Development map at cstx.gov/GIS and use the Scanned Plats layer available for viewing and download.



ROO Ordinance Enforcement

Enforcement is dependent upon the ability to document a violation of the ROO ordinance. Complaints will be investigated by Community Services - Code Enforcement division with support from Planning and Development Services. Once sufficient evidence of a violation has been gathered, the evidence will be submitted to the City Prosecutor for consideration of prosecution.

The investigation, based on guidance from the City Attorney's Office, of a complaint regarding a violation of the ROO may include the following:

- Visual observations
- Documentation of vehicles parked on the premise
- Review of the lease or other rental agreement
- Third-party statements and other information
- Other investigative tools identified by the Administrator or Prosecutor's Office



CITY OF COLLEGE STATION
Home of Texas A&M University®

MEMORANDUM

Date: April 8, 2021
To: Planning and Zoning Commission
From: Michael Ostrowski, Director of Planning and Development Services
Subject: Plan of Work Date

This item is to discuss setting a date for the Planning and Zoning Commission's discussion on the Plan of Work. I recently sent out an email about possibly having the discussion for the Plan of Work at one of the May meetings, either before or after, as they have a light agenda. I have also had requests to hold the Plan of Work discussion at an in-person meeting when they are feasible. With that said, I would like to get a consensus on when and how the Commission would like to discuss the Plan of Work.

If the Commission desires to have an in-person meeting, they could do the same setup as the City Council, where they allow the Commission to meet in person, but require all other attendees to attend virtually. The City is also exploring options to potentially have a hybrid approach to meetings where they would allow both socially distant in-person attendees, as well as virtual attendees. This approach is still being discussed but could be an option in the near future.