



March 31, 2015

Martin Zimmermann, AICP
City of Bryan Planning and Development Department
300 South Texas Avenue
Bryan, Texas 77803

RE: Land and Site Development Ordinance and Zoning Ordinance Corrections

Dear Mr. Zimmerman:

As you know, our firm was retained by the City of Bryan in October 2014 to assist in “cleaning up” the City’s existing Land and Site Development Ordinance (Chapter 62) and Zoning Ordinance (Chapter 130). The contract scope of services charged Duncan Associates with the task of identifying and correcting internal conflicts, inconsistencies, ambiguities, scrivener’s errors, formatting mistakes and other technical irregularities in the two ordinances. The exclusive focus was on proposing non-substantive changes that would make the ordinances easier to use, less prone to misinterpretation and confusion and more legally defensible.

This letter summarizes how we approached the project and the results of our work.

- We kicked off the project on **October 3, 2014**, with a conference call involving our office and staff from the City’s Legal and Planning Departments. During this call, staff identified several discrepancies and irregularities that had been observed from past experience.
- On **October 27, 2014**, we delivered an initial reformatted version of the two ordinances and an issue identification list describing approximately 45 types of discrepancies and irregularities that had been identified to-date.
- Following delivery of the initial work product, we held a second conference call on **November 14, 2014**. During this call City Legal and Planning staff provided general feedback and specific comments on the types of changes and formatting presented in the October 27 draft.
- On **December 12, 2014**, we provided City staff with a working draft of the Land and Site Development Ordinance and Zoning Ordinance, as well as a revised issue identification list, which at that point included nearly 50 categories of proposed corrections.
- We conducted our third conference call on **February 5, 2015**, at which time we received general feedback and specific comments on the draft work products.
- On **February 23, 2015**, we delivered revised working drafts of both ordinances, as well as an updated issue identification list.
- On **March 26, 2015**, we held a fourth conference call to discuss final changes to issues list and the draft ordinances.

As a result of the efforts described above, our issue identification and ordinance correction/reformatting work is now complete, and I am pleased to deliver (1) the final issues list (“Technical Issues and Proposed Corrections”) and (2) edited versions of the City of Bryan’s Land and Site Development Ordinance and Zoning Ordinance.

The final issues list includes 67 categories of discrepancies and irregularities, some of which affect a single ordinance provision, others of which occur multiple times throughout the two ordinances (e.g., capitalization inconsistencies). All of these proposed changes are non-substantive in nature. They are proposed to correct minor errors and inconsistencies within the City’s Land and Site Development Ordinance and Zoning Ordinance. As mentioned above, the proposed corrections also help eliminate redundancies and conflicts between the two ordinances and thereby make the regulations easier to use, understand and administer. By helping to eliminate ambiguities and potentially confusing provisions, the changes should provide greater certainty to property owners, developers and other ordinance users.

The changes described in the issues list and identified in the revised/reformatted ordinances fall into the following general categories:

- Typographical errors;
- Incorrect cross-references;
- Inconsistent capitalization, terminology and formatting;
- Inconsistent references to boards, commissions and officials;
- Duplicate (and sometimes conflicting) provisions within the two ordinances; and
- Confusing terminology and phrasing.

I believe that the work conducted with the assistance of City staff will improve clarify and usability, providing benefits to all. I recommend that you forward the issues list and the revised ordinances to the Planning and Zoning Commission and City Council for their review and consideration for adoption.

Thank you for the opportunity and for your assistance. Please let me know if you have any questions or additional requests. I look forward to meeting with the Planning and Zoning Commission and City Council in the coming weeks to present and discuss this work.

Sincerely,



Kirk Bishop
Principal