



## **INSTRUCTIONS FOR CIRCULATORS OF PETITION FORMS TO APPLY FOR RESIDENTIAL NEIGHBORHOOD CONSERVATION (R-NC) ZONING**

The following describes the procedure for cases where property owners of a platted subdivision (or subdivision phase) desire to apply for Residential Neighborhood Conservation (R-NC) zoning. You may also refer to Section 130-42(c.) of the City of Bryan Zoning Ordinance. Requests to rezone individual lots to R-NC District follow the ordinary rezoning procedure described in Section 130-42(d.) thru (j.) of the City of Bryan Zoning Ordinance.

1. Designate one individual as point of contact (also known as the “circulator”) for the rezoning application.
2. Contact the Planning Division of the City of Bryan’s Development Services Department in offices on the first floor of the Municipal Office Building, 300 South Texas Avenue, Monday–Friday, 8 a.m.–5 p.m., to request an application packet and to identify the name of the platted subdivision or subdivision phase for which R-NC zoning is desired.

The circulator should obtain a copy of the official plat from the Development Services Department. The information in the plat is important because the ordinance requires that petition forms be mailed to the property owners of all lots of record. For example, Mary Smith owns Lots 8 and 9, Block 1, Smithsonian Subdivision Phase 5. The Appraisal District may list this as one piece of property with one "R" number. However, if the official plat as on file with the City Planning Office shows that Lots 8 and 9 are two separate lots, this property owner would be mailed two petition forms, one for Lot 8 and one for Lot 9. Here is another example. Bob Jones owns Lot 8 and Part of Lot 9, Block 2, Smithsonian Subdivision Phase 5. If the portion of Lot 9 that Bob Jones owns is too small to "stand alone" as a separate piece of property, then Mr. Jones only gets one petition form since, in this case, Lot 8 and part of Lot 9 are viewed as one piece of property.

3. Obtain a list of property owners for the subdivision or subdivision phase from the Brazos County Appraisal District, located at 1673 Briarcrest Drive Suite A-101 in Bryan. Or call them at 979-774-4100. Please note that at least 51 percent of the land area in the proposed Residential Neighborhood Conservation District must be presently improved as identified by the Brazos County Appraisal District.
4. Mail copies of the “Residential Neighborhood Conservation District Rezoning Petition Verification Response Form” and [Ordinance No. 1585](#) (which established the R-NC zoning classification) to all (100%) property owners in the subdivision or subdivision phase. Copies of the petition form and Ordinance No. 1585 are included in the application packet. Please note that the application form is in English on one side and in Spanish on the other side and should be reproduced that way. Property owners who wish to return petition forms must sign them before a Notary Public. Petition forms must be returned with at least one side of the petition form (either in English or in Spanish) completely filled out (no blanks).

Any form returned without the Spanish version on the back, whether that side has been filled out by the property owner or not, will not be counted.

**Note:** If more than one individual (for example, husband and wife) owns a piece of property, it's only necessary that one of the owners sign the petition form. However, the circulator is advised to be certain that the person who signs the form is actually the owner (or one of the owners) of that piece of property as shown on the Brazos County Appraisal District records.

5. The circulator should collect all returned petition forms. Please note that an affirmative vote of the owners of at least 66 percent of the lots of record within the platted subdivision or within a single phase/section of a platted subdivision is required before the following steps can be completed. Please note that signatures affixed to a petition form cannot be more than 180 days old at the time of filing an R-NC rezoning application with the City Secretary's Office.
6. When the circulator is ready to make an application for R-NC zoning, he/she must submit the following documents to the City Secretary's Office (samples of all these documents are included in the application packet):
  - a. A completed rezoning application form. Please note that the \$300 application fee normally required in conjunction with rezoning requests is not required for rezoning requests under Ordinance No. 1585.
  - b. A completed affidavit, sworn to before a Notary Public, that the circulator mailed petition forms (in both English and Spanish) and a copy of Ordinance No. 1585 to 100 percent of the property owners located in the area sought to be rezoned.
  - c. All returned petition forms.

Circulators should call the City Secretary's Office at (979) 209-5002 to schedule an appointment for filing an application for R-NC zoning. The filing is a legal process and requires both the circulator and City Secretary or her designee to be present for the filing process.

7. Upon verifying application completeness, the City Secretary's Office will forward the rezoning application and supporting documents to the Development Services Department.
8. The rezoning request will then be processed like any other rezoning request. All rezoning requests are first considered by Bryan's Planning and Zoning Commission during a public hearing at which interested citizens may come forward to speak for or against a request.
9. With a recommendation from the Planning and Zoning Commission, rezoning requests are forwarded to the Bryan City Council, which then holds its own public hearing where interested citizens may come forward to speak for or against a request. Following the public hearing, the city council may approve, approve with modifications, or deny the proposed rezoning.

**For additional questions regarding an application for R-NC zoning, please call (979) 209-5030 or visit the Planning Division of the City of Bryan's Development Services Department in offices on the first floor of the Municipal Office Building, 300 South Texas Avenue, Monday–Friday, 8 a.m.–5 p.m. No appointment is needed.**



## **INSTRUCCIONES PARA CIRCULADORES DE FORMULARIOS DE PETICION PARA APLICAR PARA ZONA RESIDENCIAL DE CONSERVACION DE VECINDARIOS (R-NC)**

Lo siguiente describe el procedimiento en casos en cual los dueños de propiedades de subdivisiones parcializadas (o fase de subdivisión) quieren aplicar para Zona Residencial de Conservación de Vecindarios (R-NC). Usted también puede referir a Sección 130-42(c.) de la Ordenanza de Zonas de la Ciudad de Bryan. Pedidos para reclasificar lotes individuales a Distrito R-NC sigue el mismo procedimiento descrito en Sección 130-42(d.) al (j.) de la Ordenanza de Zona de la Ciudad de Bryan.

1. Designar a un individuo como punto de contacto (conocido como “circulador”) para la aplicación de cambio de zona.
2. Contactar a la División de Planificación del Departamento de Servicios de Desarrollo de la Ciudad de Bryan ubicados en el primer piso del Edificio Municipal, 300 South Texas Avenue, de Lunes – Viernes, 8 a.m.–5 p.m. para pedir el paquete de aplicación y identificar el nombre de la subdivisión parcializada o fase de subdivisión para cual la designación de zona R-NC es deseada.

El circulador debe obtener una copia de la parcelacion oficial del Departamento de Servicios de Desarrollo. La información en la parcelas es importante por lo que la ordenanza requiere que los formularios de la petición sean mandados por correo a todos los dueños de propiedades de todos los lotes de registro. Por ejemplo, Maria Smith es dueña de los Lotes 8 y 9, Cuadra 1, Subdivisión Smithsonian Fase 5. El Distrito de Evaluación puede listar esto como una propiedad con un número de “R” (registro). Sin embargo, si la parcela oficial registrada con la Oficina de Planificación de la Ciudad muestra que los lotes 8 y 9 son 2 lotes separados, el dueño de esta propiedad seria enviado por correo dos formularios de petición, uno para el Lote 8 y otro para el Lote 9. Aquí esta otro ejemplo. Bob Jones es dueño del Lote 8 y Parte del Lote 9, Cuadra 2, Fase 5 de la Subdivisión Smithsonian. Si la porción del Lote 9 que pertenece a Bob Jones es muy pequeña para “existir sola” como una propiedad separada, entonces el Señor Jones solo recibe un formulario de petición, por lo que en este caso, Lote 8 y parte de Lote 9 son vistos como un pedazo de propiedad.

3. Obtener una lista de dueños de propiedad para la subdivisión o fase de subdivisión del Distrito de Evaluó del Condado de Brazos (Brazos County Appraisal District), localizado en 1673 Briarcrest Drive Suite A-101 en Bryan. O llámelos al 979-774-4100. Por favor note que por lo menos el 51 por ciento del área terrestre del propuesto Distrito Residencial de Conservación de Vecindarios tiene que estar presentemente mejorada como es identificado por el Distrito de Evaluó del Condado de Brazos.
4. Mande por correo copias del “Formulario de Respuesta de Verificación de Petición de Razonamiento de Distrito Residencial de Conservación de Vecindarios” y Ordenanza [No. 1585](#) (que establece la clasificación de zona R-NC) a 100% de los dueños de propiedad en la subdivisión o fase de subdivisión. Copias del formulario de petición y Ordenanza No. 1585 están incluidas en el paquete de aplicación. Por favor note que la aplicación esta en Ingles en un lado y Español al otro y debería de ser reproducida de esa manera. Los dueños de propiedad que desean devolver los formularios los tienen que firmar en la presencia de un

Notario Publico. Los formularios de petición tienen que ser devueltos con por lo menos un lado del formulario de petición (sea Ingles o Español) completamente llenado (no se permiten espacios vacíos).

Cualquier formulario que es devuelto sin la versión en Español en la parte de atrás, ya sea que aya sido completada por el dueño de la propiedad o no, no será contado.

**Note:** Si más de un individuo (por ejemplo esposo y esposa) son dueños de la misma propiedad, solo es necesaria la firma de uno de los dueños. Sin embargo, el circulador tiene que asegurarse que la persona que firma el formulario es actualmente el dueño, o uno de los dueños, de ese pedazo de propiedad como es mostrado en los registros del Distrito de Evaluó del Condado de Brazos.

5. El Circulador debe de recolectar los formularios de petición devueltos. Por favor note que un voto afirmativo de los dueños de por lo menos el 66 por ciento de los lotes registrados adentro de la subdivisión parcelada o adentro de el fase/sección de la subdivisión parcializada es requerido antes de que los siguientes pasos sean completados. Por favor note que las firmas en el formulario de petición no pueden tener más de 180 días al tiempo de someter la aplicación de cambio de zona R-NC con la Oficina de la Secretaria de Ciudad.
6. Cuando el circulador esta listo para entregar una aplicación para el cambio de zona R-NC, el/ella tiene que entregar los siguientes documentos a la Oficina de la Secretaria de la Ciudad (ejemplos de estos documentos están incluidos en el paquete de aplicación):
  - d. Formulario de aplicación de reclasificación. Por favor note que el costo de aplicación de \$300 normalmente requerido en conjunto con pedidos de cambio de zona no necesario para pedidos de cambio de zona bajo la Ordenanza 1585.
  - e. Una declaración completada, jurada en la presencia de un Notario Publico, que el circulador mando por correo los formularios de petición (en ingles y español) y una copia de la Ordenanza No. 1585 a 100 por ciento de los dueños de propiedad localizadas en el área que se busca ser reclasificada.
  - f. Todos los formularios de petición devueltos.

Circuladores deben de llamar a la Oficina de la Secretaria de la Ciudad al (979) 209-5002 para hacer una cita para entregar una aplicación para cambio de zona R-NC. La entrega es un proceso legal y requiere que el circulador y la Secretaria de la Ciudad o su agente estén presentes para el proceso de entrega.

7. Al verificar que todo este completo, la Oficina de la Secretaria de la Ciudad mandara la aplicación y los documentos adjuntos al Departamento de Servicios de Desarrollo.
8. El pedido de cambio de zona será procesado como cualquier otro pedido de cambio de zona. Todos los pedidos de cambio de zona son primeramente considerados por la Comisión de Planificación y cambio de zona de la Ciudad de Bryan durante una audiencia publica en cual los ciudadanos interesados pueden hablar a favor o en contra del pedido.
9. Con una recomendación de la Comisión de Planificación y Zonamiento, los pedidos son enviados al Concejo Municipal de la Ciudad de Bryan, que en turno lleva a cabo su propia audiencia pública en cual los ciudadanos interesados pueden llegar a hablar a favor o a contra del pedido. Después de la audiencia publica, el Concejo de la Ciudad puede aprobar, aprobar con modificaciones o negar el cambio de zona propuesto.

**Para preguntas adicionales con respecto a una aplicación para el cambio de R-NC, por favor llame al (979) 209-5030 o visite a la División de Planificación del Departamento de Servicios de Desarrollo la Ciudad de Bryan localizados en el primer piso del Edificio Municipal, 300 South Texas Avenue, Lunes – Viernes, 8 a.m.–5 p.m. No necesita cita.**

# Development Services

## Rezoning Application

*"To assist development and improve the quality of life for the citizens of Bryan."*



### **Minimum Submittal Requirements**

- \$300 application fee
- Metes and Bounds description of property
- Completed and signed application form

### **For Office Use Only**

Case Contacts \_\_\_\_\_

Case Number RZ \_\_\_\_\_

### **Property Owner Information**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

### **Applicant Information**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

### **Agent or Engineer Information**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Site Information**

Address \_\_\_\_\_

R Number \_\_\_\_\_

Legal Description \_\_\_\_\_

Total Acreage \_\_\_\_\_

Current Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Current Zoning \_\_\_\_\_

Proposed Zoning \_\_\_\_\_

Is any of the property in the floodplain? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is this property under a conditional use permit? \_\_\_\_\_ Yes \_\_\_\_\_ No

**Certification**

I hereby certify that I am the owner of the above described property for the purposes of this application. I am respectfully requesting processing and approval of the above referenced rezoning request. I agree to comply with the requirements in all applicable codes. I agree to provide all necessary information concerning this request. I certify that I have been informed and understand the regulations regarding this process as specified by City Ordinance.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Printed Name

I also hereby authorize the Applicant, Agent, and/or Engineer listed on this application to act on my behalf during the processing and presentation of this request. They shall be the principal contacts with the City in processing this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Printed Name

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Printed Name

\_\_\_\_\_  
Agent/Engineer's Signature

\_\_\_\_\_  
Agent/Engineer's Printed Name

Please list the reasons for this rezoning request:

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List the changed or changing conditions in the area or City which make this zone change necessary:

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Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

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List any other reasons to support this zone change:

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Residential Neighborhood Conservation District Rezoning  
Petition Verification Response Form

I, \_\_\_\_\_, (mark your choice below)  
(Printed name)

\_\_\_\_\_ Agree

\_\_\_\_\_ Disagree

to the rezoning of my property located at \_\_\_\_\_  
(Street address)

Lot\_\_\_\_, Block \_\_\_\_\_, of the \_\_\_\_\_ Subdivision from Residential District 7000 or Residential District 5000 to Residential Neighborhood Conservation District. The allowed uses in Residential District 7000, Residential District 5000 and Residential Neighborhood Conservation District are attached to this Residential Neighborhood Conservation District Rezoning Petition Verification Response Form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Before me, the undersigned authority, personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purpose stated.

Given under my hand and seal of office the \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Notary Public, Brazos County,  
Texas

**\_\_\_\_\_ By checking here, I swear or affirm that I am a licensed peace officer. I understand that my name and personal contact information on this form will not be released to the public. IF YOU ARE A LICENSED PEACE OFFICER AND WISH TO PARTICIPATE IN THIS PETITION PROCESS, DO NOT RETURN THIS FORM TO THE CIRCULATOR OF THIS PETITION. INSTEAD, MAIL YOUR FORM DIRECTLY TO THE BRYAN CITY SECRETARY, PO BOX 1000, BRYAN, TX 77805.**

"Incomplete forms will not be counted in the petition verification process."



Distrito de Conservación Residencial de Vecindario  
Formulario de Verificación de Petición de Reclasificación de Zona

Yo, \_\_\_\_\_, (escoja su respuesta abajo)  
(Nombre escrito)

\_\_\_\_\_ De Acuerdo

\_\_\_\_\_ No de Acuerdo

A el cambio de zona de mi propiedad localizada en \_\_\_\_\_  
(Dirección de Calle)

Lote (Lot)\_\_\_\_, Cuadra (Block) \_\_\_\_\_, de la \_\_\_\_\_ Subdivisión de Distrito Residencial 7000 o Distrito Residencial 5000 a Distrito Residencial de Conservación de Vecindario. Los usos permitidos en el Distrito Residencial 7000 o Distrito Residencial 5000 a Distrito Residencial de Conservación de Vecindarios están adjuntos a este Formulario de Verificación de Petición de Reclasificación de Zona de Distrito de Conservación de Vecindario.

\_\_\_\_\_  
Firma

\_\_\_\_\_  
Nombre Escrito

Ante mi, la autoridad firmante, apareció en persona \_\_\_\_\_, conocido a mi ser la persona(s) a quienes nombre(s) esta/están escritos al instrumento mencionado, y reconoció a mi que el/ella ejecuto el mismo para el propósito dicho.

Presentado ante mi mano y el sello de oficina el \_\_\_\_\_ día de \_\_\_\_\_, 2007  
\_\_\_\_\_ Notario Público, Condado de Brazos, Texas

**\_\_\_\_\_ Marcando aquí, yo juro o afirmo que soy un oficial licenciado de la paz. Entiendo que mi nombre e información personal de contacto en este formulario no será liberado al público. SI USTED ES UN OFICIAL LICENCIADO DE LA PAZ Y DESEA TOMAR PARTE EN ESTE PROCESO DE PETICION, NO DEVUELVA ESTE FORMULARIO AL CIRCULADOR DE ESTA PETICION. EN VEZ DE ESO, ENVIE SU FORMULARIO DIRECTAMENTE A LA SECRETARIA DE LA CIUDAD DE BRYAN, P. O. BOX 1000, BRYAN, TX 77805.**

"Formularios Incompletos no serán contados en el proceso de verificación de petición"

**STATE OF TEXAS  
COUNTY OF BRAZOS  
CITY OF BRYAN**

**AFFIDAVIT TO MAILING NOTICES**

BEFORE ME, the UNDERSIGNED authority, personally appeared \_\_\_\_\_ who exhibited proof that he/she is at least over the age of twenty-one years, and being by me duly sworn did depose and say:

That deponent is a resident of the CITY OF BRYAN, TEXAS, and that on the date of \_\_\_\_\_, deponent did personally address the Residential Neighborhood Conservation District Rezoning Petition Verification Response Form in English and Spanish, and the attached ordinance, to each of the persons listed on the attached page.

The original of said Residential Neighborhood Conservation District Rezoning Petition Verification Response Form is attached hereto. The persons named on the attached include all persons owning, for City tax purposes, property located within \_\_\_\_\_ Subdivision; that said notices, addressed as shown on the attached, were deposited in the United States mail at Bryan, Texas, having sufficient postage.

\_\_\_\_\_  
(DEPONENT)

\*\*\*\*\*  
SWORN AND SUBSCRIBED TO BEFORE ME on \_\_\_\_\_, \_\_\_\_\_, 2007 to certify which witness my hand and seal of office.

\_\_\_\_\_  
NOTARY PUBLIC in and for the STATE OF TEXAS

ORDINANCE NO. 1585

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, AS AMENDED; CREATING THE “RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT” ZONING CLASSIFICATION; PROVIDING USE REGULATIONS FOR THAT ZONING DISTRICT; RENAMING THE ZONING CLASSIFICATIONS “SINGLE FAMILY -7000” AND “SINGLE FAMILY-5000” TO “RESIDENTIAL DISTRICT 7000” AND “RESIDENTIAL DISTRICT 5000”; ESTABLISHING A PROCESS WHEREBY PROPERTY OWNERS MAY PETITION THE CITY COUNCIL TO INITIATE A REZONING OF AN ENTIRE RESIDENTIAL SUBDIVISION OR A SINGLE PHASE OF A PLATTED RESIDENTIAL SUBDIVISION CURRENTLY ZONED “RESIDENTIAL DISTRICT 7000” OR “RESIDENTIAL DISTRICT 5000” TO THE NEW ZONING CLASSIFICATION “RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT;” REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides and regulates the various zoning districts within the City;

WHEREAS, the City of Bryan has many unique and distinctive established residential areas that contribute significantly to the overall cultural character and identity of the city;

WHEREAS, the Bryan City Council recognizes the need to preserve, protect, and enhance the value of these residential areas and wishes to provide a means of conserving the distinctive atmosphere or character of these neighborhoods by protecting them through the establishment of a Residential Neighborhood Conservation District Zoning Classification;

WHEREAS, the provisions of this ordinance are intended:

- (a) To protect and enhance the livability of the city;
- (b) To encourage the stabilization of property and property values; and
- (c) To ensure the harmonious, orderly and efficient growth and development of the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRYAN, TEXAS, THAT:

1.

Section 130-8, “Zoning Districts Established”, of the City of Bryan Code of Ordinances, as amended, is hereby by amended as follows:

Section 130-8 Zoning Districts Established

(a) The City of Bryan, Texas, is hereby divided into the following zoning districts. The use, height, and area regulations as set out herein apply to each district. The districts established herein shall be known as:

TABLE INSET:

Abbreviated Designation	Zoning District Name
A-O	Agricultural-Open District
RD-7000	Residential District -7000
RD-5000	Residential District -5000
MF	Multiple-family District
DT-N	Downtown North District
DT-S	Downtown South District
DT-C	Downtown Civic District
SC-B	South College Business
SC-R	South College Residential
<i>C1</i>	Office District
<i>C2</i>	Retail District
<i>C3</i>	Commercial District
I	Industrial District

TABLE INSET:

Abbreviated Designation	Special Purpose District Name
HP	Historic Preservation Overlay District
PD	Planned Development District
CO	Corridor Overlay District
MU-1	Mixed Use Residential District - 1
MU-2	Mixed Use District – 2 (General)
R-NC	Residential Neighborhood Conservation District

(b) Definitions and terms. Certain words and terms used throughout this ordinance are defined in Section 130-3.

2.

That Section 130-3 of the City of Bryan Code of Ordinances, as amended is omitted.

3.

That Section 130-3, “SF-5-Single Family Residential District -5000”, of the City of Bryan Code of Ordinances, as amended, shall be amended to read as follows:

Section 130-10 RD-7 Residential District – 7000

(a) General purpose and description. The Residential District - 7000, is intended to be composed of detached dwelling units on lots of not less than seven thousand (7,000) square feet. Detached dwelling units are designed primarily for residential use and do not easily lend themselves to other types of nonresidential uses. Other uses may be permitted in this district which are compatible to residential uses and occupy structures designed for their intended use and do not infringe upon the residential uses.

(b) Permitted uses:

Accessory Structures (refer to Section 130-33(a))  
Detached Dwelling Units with no more than 4 un-related persons  
Essential Municipal Uses  
Group Home/Community Home  
Government (Federal or State) Owned structures, facilities, and uses  
Home Occupations  
Place of Worship  
Private Utilities (no storage yards)  
Real estate sales offices during the development of residential subdivisions, but not to exceed three (3) years  
Schools  
Temporary Structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work

(c) Conditional uses:

Accessory Dwelling Unit (refer to Section 130-33(b))  
Accessory Structure if greater than the standards set forth in Section 130-33(a)  
Bed and Breakfast  
Boarding (Lodging) House  
Child Care - Class B  
Country Club or Golf Course  
Duplex  
Funeral Home/Mortuary  
Neighborhood Services  
Nursing Home (Retirement Home)  
Patio Home (Zero Lot Line Dwelling)  
Police Station  
Professional Offices (In the Eastside Historic District, the Building must also be used as a primary dwelling by the owner, managing partner or majority shareholder of the business occupying the building.)  
Community Center/Recreation Center  
Townhouses

(d) Lot area, height, and setback requirements:

Refer to Building Setbacks and Lot Standards, Article IV, Chapter 62, Bryan City Code.

(e) Parking regulations:

Refer to Access and Off-Street Parking, Article VI of Chapter 62, Bryan City Code.

(f) Other regulations:

- (1) As established by all other applicable sections and/or ordinances.
- (2) Wireless telecommunication facilities shall be allowed only as provided for in Section 130-34.

(g) Special requirements:

- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
- (2) Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)
- (3) Where activity has ceased for one (1) or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the Non-Residential & Multi-Family Development, Article III of Chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
- (4) Duplex, patio home, and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in Section 130-33.
- (5) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.
- (6) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

4.

That Section 130-11, "SF-5-Single Family Residential District -5000", of the City of Bryan Code of Ordinances, as amended, shall be amended to read as follows:

Section 130-11 RD-5 Residential District - 5000

(a) General purpose and description:

The Residential District - 5000, is intended to provide for development of detached dwelling units on lots of not less than five thousand (5,000) square feet. Other uses, such as religious and educational facilities, and open spaces are provided to maintain a balanced, orderly, convenient, and attractive residential area. Certain uses, such as duplexes, may be permitted if used in a compatible manner with areas.

(b) Permitted uses:

Any use permitted in RD-7

(c) Conditional uses:

Any conditional use listed in RD-7 with the addition of:

Halfway House

(d) Lot area, height, and setback requirements:

Refer to Building Setbacks and Lot Standards, Article IV, Chapter 62, Bryan City Code.

(e) Parking regulations:

Refer to Access and Off-Street Parking, Article VI of Chapter 62, Bryan City Code.

(f) Other regulations:

- (1) As established by all other applicable sections and/or ordinances.
- (2) Wireless telecommunication facilities shall be allowed only as provided for in Section 130-34.

(g) Special requirements:

- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
- (2) Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)
- (3) Patio homes shall be permitted only on lots specified for such a use in an approved plat (see Section 130-33 for criteria). Duplex and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in Section 130-33.
- (4) Where activity has ceased for one (1) or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of Non-Residential & Multi-Family Development, Article III of Chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

5.

That the title of Section 130-13, "O- Office District", of the City of Bryan Code of Ordinances, as amended, shall be amended to read as follows:

Section 130-13 C1 - Office District

6.

That the title of Section 130-14, "R- Retail District", of the City of Bryan Code of Ordinances, as amended, shall be amended to read as follows:

Section 130-14 C2 - Retail District

7.

That the title of Section 130-15, "C- Commercial District", of the City of Bryan Code of Ordinances, as amended, shall be amended to read as follows:

Section 14 C3 - Commercial District

That the existing Section 130-31, "Buffer Area Requirements", shall be renumbered as Section 130-32 and the succeeding sections shall be renumbered accordingly. The new Section 130-31 shall read as follows:

Section 130-31 R-NC Residential-Neighborhood Conservation

(a) General Purpose and Description

The R-NC, Residential-Neighborhood Conservation District, is intended to be composed of detached dwelling units on lots of not less than five thousand (5,000) square feet. Dwellings are designed primarily for residential use and do not easily lend themselves to other types of nonresidential uses or rental property. Other uses may be permitted in this district which are compatible to residential uses and occupy structures designed for their intended use and do not infringe upon the residential uses.

(b) Permitted Uses:

- Accessory Structures
- Detached Dwelling Units w/ no more than 2 un-related people
- Essential Municipal Uses
- Group Home / Community Home
- Government (Federal or State) Owned structures, facilities, and uses
- Home Occupations
- Place of Worship
- Private Utilities (no storage yards)
- Real estate sales offices during the development of residential subdivisions, but not to exceed three (3) years
- Schools
- Temporary Structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.

(c) Conditional Uses:

- Accessory Dwelling Unit
- Accessory Structure if greater than the standards set forth in Section 130-3(a)
- Bed and Breakfast
- Boarding (Lodging) House
- Child Care - Class B
- Community Center /Recreation Center
- Country Club or Golf Course
- Detached Dwelling Units w/ no more than 4 un-related people
- Duplex
- Funeral Home/Mortuary
- Municipal Services Support Facilities
- Neighborhood Services
- Nursing Home (Retirement Home)
- Patio Home (Zero Lot Line Dwelling)
- Police Station



Professional Offices (In the Eastside Historic District, the Building must also be used as a primary dwelling by the owner, managing partner or majority shareholder of the business occupying the building.)

Townhouses

(d) Lot Area, Height, and Setback Requirements:

Refer to Building Setbacks and Lot Standards, Article IV, Chapter 62, Bryan City Code.

(e) Parking Regulations:

Refer to Access and Off-Street Parking, Article VI of Chapter 62, Bryan City Code.

(f) Other Regulations:

- (1) As established by all other applicable sections and/or ordinances.
- (2) Wireless telecommunication facilities shall be allowed only as provided for in Section 130-34.
- (3) Foster children residing in licensed foster care homes shall not be included in the calculation of the number of unrelated individuals living together in a single dwelling unit. Licensed foster care homes shall comply with any state mandated restrictions on the number of children permitted to reside in the dwelling unit.
- (4) Any dwelling unit permitted in this zoning district may have a second family comprised entirely of individuals related by blood, marriage or adoption, residing therein on a temporary basis for a period not exceeding six (6) months in any calendar year.

(g) Special Requirements:

- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes
- (2) Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)
- (3) Where activity has ceased for one (1) or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the Non-Residential & Multi-Family Development, Article III of Chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
- (4) Duplex, patio home, and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in Section 130-33.
- (5) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.
- (6) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

9.

That the existing subsection 130-41(c) shall be renumbered as subsection 130-41(d), and the succeeding subsections of Section 130-41, "Changes and Amendments to Zoning Ordinance, Districts and Administrative Procedures", shall be renumbered accordingly. The new subsection 130-41(c) shall read as follows:

(C) Residential Neighborhood Conservation District Rezoning

- (1) Property owners may make application to the City Council for a city initiated rezoning of an entire platted residential subdivision or a single phase/section of a platted residential subdivision presently zoned Residential District -7000 (RD-7) or Residential District 5000 (RD-5) to Residential Neighborhood Conservation District (R-NC).
- (2) An application for a city initiated rezoning of an entire platted residential subdivision or a single phase/section of a platted residential subdivision from Residential District -7000 (RD-7000) or Residential District-5000 (RD-5000) to a Residential Neighborhood Conservation District (R-NC) must include the Residential Neighborhood Conservation District Rezoning Petition Verification Response Form. This Petition must be sent via regular mail to 100% of the lot of record owners listed within Brazos County Appraisal District Tax Rolls. All returned Petition Verification Response Forms shall contain signatures that shall be notarized, regardless of whether the vote cast is a yes or no. No signature affixed to the Petition more than 180 days prior to the date of filing the Petition with the City Secretary shall be counted. Each lot of record shall have one vote regardless of the number of owners listed in the Brazos County Appraisal District Tax Rolls. The agent representing the platted subdivision or platted phase of a subdivision shall file a notarized affidavit to attest all Petition Verification Response Forms were mailed to the last known owner(s) as listed in the Brazos County Appraisal District Tax Rolls. The Residential Neighborhood Conservation District Rezoning Petition Verification Response Form and Affidavit Form may be obtained at the office of Development Services.
- (3) At least 51% of the land area in the proposed Residential Neighborhood Conservation District must be presently improved as identified by the Brazos County Appraisal District (BCAD), and an affirmative vote of the owners of at least 66% of the lots of record within the platted subdivision or within a single phase/section of a platted subdivision shall be required for the Planning and Zoning Commission to take up consideration of the proposed rezoning.
- (4) The completed rezoning application and Petition Verification Response Forms shall be submitted to the City Secretary. The City Secretary shall examine the rezoning application and ascertain whether it is sufficient under Sections 130-41(C)(2) and (3) and shall attach to the Petition Verification Response Forms the City Secretary's certificate showing the result of the examination. If the certificate shows the rezoning application is insufficient, the rezoning application may be amended within ten (10) days from the date of the certificate, after which time the city secretary shall examine the amended rezoning application. If the City Secretary's certificate shows the amended rezoning application to be insufficient, it shall be returned to the person filing and a new petition for the same subdivision or phase/section shall not be submitted for a period of 180 days. If the rezoning application is found to be sufficient, the City Secretary shall submit the rezoning application to Planning and Zoning Commission without delay.
- (5) If rezoned to a Residential Neighborhood Conservation District, the permitted uses of the property shall be determined and controlled by the use regulations set forth for in Section 130-31, Residential Neighborhood Conservation District (R-NC) classification.

Should any section, paragraph, sentence, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

11.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

12.

The City of Bryan Code shall remain in full force and effect, save and except as amended by this ordinance.

13.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by §551.001, et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

14.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code, and it may be renumbered and codified therein accordingly.

15.

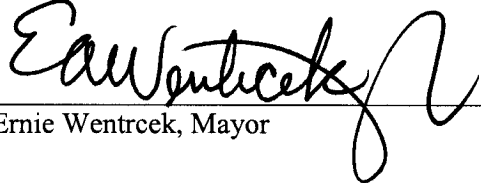
This ordinance shall go into effect immediately after its second and final reading.

PRESENTED AND GIVEN first reading the 28 day of March, 2006, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 11<sup>th</sup> day of April, 2006, by a vote of 6 ayes and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.


ATTEST:

  
Mary Lynne Stratta, City Secretary

CITY OF BRYAN

  
Ernie Wentrcek, Mayor

APPROVED AS TO FORM:

  
Michael J. Cosentino, City Attorney