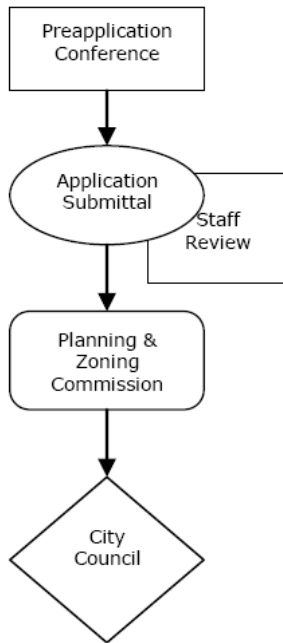


Sec. 3.3. - Zoning Map Amendment (Rezoning).

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)