

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING THE CITY OF BRYAN CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, CHAPTER 62, LAND AND SITE DEVELOPMENT, CHAPTER 110, SUBDIVISIONS, AND CHAPTER 130, ZONING, BY REMOVING REFERENCES TO THE PLANNING AND ZONING COMMISSION'S PLATTING AUTHORITY AND PROVIDING THE SITE DEVELOPMENT REVIEW COMMITTEE (SDRC) WITH PLATTING APPROVAL AUTHORITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, which provides standards and operating procedures for the subdivision of land; and

WHEREAS, the 88th Legislature recently passed House Bill No. 3699, signed by the Governor, providing for amendments to Chapter 212, "Municipal Regulations of Subdivisions and Property Development," of the Texas Local Government Code; and

WHEREAS, the City Council, on behalf of Bryan and its residents, further has determined that the following amendments will promote the public health, safety, and efficient growth of the City; and

WHEREAS, the City Council has held a public hearing on the proposed amendment for which notice was published at least fifteen (15) days prior to the hearing date;

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

1.

That the City Council finds and determines the foregoing recitals are true and correct and hereby makes them part of this ordinance.

2.

That Chapter 2, Administration, of the Bryan Code of Ordinances, Article II, Commissions, Committees, Boards, Agencies, Division 13, Planning and Zoning Commission is hereby amended by modifying Section 2-371, as follows:

Sec. 2-371. – Purpose, duties and functions.

The duties and functions of the planning and zoning commission include the following:

- (1) To hold public hearings concerning planning and zoning matters including rezonings, conditional use permits, ~~master plans~~, ordinance revisions, ~~and plats, replats~~, annexations, ~~and street, alley and easement vacations and dedications~~;
- (2) To review amendments to the comprehensive plan, the elements of which are outlined in V.T.C.A., Local Government Code § 211.004.;
- (3) To recommend to and advise the city council on matters involving the comprehensive plan, zoning ordinance, and subdivision regulations.;

- (4) To review, approve, or deny ~~all~~ subdivision plats ~~submitted~~, when required by chapter 110.;
- (5) To review annually capital improvement projects for consistency with the comprehensive plan.;
- (6) To establish ad hoc or standing committees for the purpose of making recommendations and/or advising and informing the commission as a whole.;
- (7) To keep abreast of new planning methods to focus on the needs and priorities of the community.;
- (8) To study planning items relating to zoning, general development, and future growth of the city.;
- (9) To review and make recommendations to the city council on all rezonings, ordinance revisions, annexations, easement releases, and right-of-way abandonments.;
- (10) To make an annual report to the city council, giving a statement of its work during the preceding year. In such annual report the commission shall also make recommendations for future planning and zoning projects to be undertaken.;
- (11) To propose special studies to the city council for approval.;
- (12) To hold public hearings and to review, approve, or deny requested variances from certain development standards, as authorized by chapter 62. the standards set forth in the "lot area, height, and setback requirements" in chapter 62, excluding any encroachments into city rights-of-way or easements, which shall remain the exclusive jurisdiction of the city council;
- (13) To hear appeals of determinations made by the Site Development Review Committee (SDRC).

3.

That Chapter 62, Land and Site Development, of the Bryan Code of Ordinances, Article IV, Building Setbacks and Lot Standards, Division 2, Lot Area, Height, and Setback Requirements is hereby amended by modifying sections 62-163, 62-164 and 62-165 as follows:

Sec. 62-163. Front building setback.

- (a) Only front setbacks established in this chapter shall be enforced. Front setbacks in excess of the minimum requirements of this chapter that are established by a subdivision plat approved ~~by the planning and zoning commission~~ prior to the passage of Ordinance No. 756 shall not be subject to enforcement under the provisions of this chapter.

Sec. 62-164. Side setback.

- (a) Only side setbacks established in this chapter shall be enforced. Side setbacks in excess of the minimum requirements of this chapter that are established by a subdivision plat approved ~~by the planning and zoning commission~~ prior to the passage of Ordinance No. 756 shall not be subject to enforcement under the provisions of this chapter.

Sec. 62-165. Rear setback.

- (a) Only rear setbacks established in this chapter shall be enforced. Rear setbacks in excess of the minimum requirements of this chapter that are established by a subdivision plat approved ~~by the planning and zoning commission~~ prior to the passage of Ordinance No. 756 shall not be subject to enforcement under the provisions of this chapter.

That Chapter 110, Subdivisions, of the Bryan Code of Ordinances, is hereby is hereby amended as follows:

Sec. 110-2. Overview.

- (b) If the site development review committee development coordinator (SDRC) chair or his or her designee determines that a plat or replat is required, no building permit shall be issued by the city for any new or existing structure on property which does not comply with the standards contained or referred to herein. No lot, parcel, or tract of land shall be offered for sale, contract for sale, or option be given until a final plat has been filed.
- (c) The city shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the city council unless and until such annexation shall have been approved by ordinance by the city council.

Sec. 110-3. Appeals.

Decisions of ~~the site development review committee (SDRC)~~ may be appealed to the planning and zoning commission. Decisions of the planning and zoning commission regarding appeals of SDRC decisions may be appealed to the city council. All appeals shall be submitted in writing to the ~~city planner~~ SDRC Chair within 30 days upon notification of the decision.

Sec. 110-4. Definitions.

~~Development coordinator shall mean the person employed as the development coordinator of the City of Bryan, Texas, who acts as the site review chair.~~

~~Minor subdivisions. See "Subdivisions, minor."~~

~~Plat shall mean a map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, etc., and drawn to scale. As used in this chapter, a plat includes final plats, replats, and amending plats, and minor plats.~~

~~Planning Exception shall mean an adjustment in the application of the specific regulations of the subdivision ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.~~

~~Recording or recorded shall mean the process of legitimizing a document in county deed records.~~

~~SDRC chair shall mean the city manager's designee charged with the administration of this chapter.~~

~~Subdivision, major shall mean any subdivision consisting of more than one phase of development.~~

~~Subdivision, minor shall mean a subdivision of not more than four lots fronting on existing streets and not requiring the creation of any new street or extension of municipal facilities.~~

Sec. 110-27. General residential and commercial.

- (a) *Procedure.* Filing of a subdivision plat approval generally consists of the following procedures:
 - (6) Filing Recording of final plat.

- (b) *Applications for master plans, replats, amending plats, preliminary plans, and final plats.* Applications for master plans, replats, amending plats, preliminary plans, and final plats will be submitted to SDRC the development coordinator. Applications shall contain the following:
- (1) Application form.
 - (2) ~~Sixteen additional paper copies of the plan/plat for SDRC; 20 copies if located within the city's ETJ.~~ One (1) copy of the plan or plat drawing in PDF format sized to 24 inch x 36 inch.
 - (3) Application fee as established by resolution of the city council.
 - (4) ~~If the plan/plat requires approval of the planning and zoning commission, the following will be required:~~
 - a. ~~Same number of paper copies of the plan/plat either 24 inch x 36 inch or reduced to 11 inch x 17 inch.~~
 - b. ~~A digital copy of the graphics file (if available). Microstation or AutoCAD format preferred.~~
 - (5) ~~After approval by the planning and zoning commission, if required, and following all other plat approvals, a Mylar copy of the plat must be provided to the development coordinator.~~
- (c) *Applications for subdivisions.* All applications for subdivision plat or plan approval, including those which require public infrastructure improvements, require submission of all submittals as outlined in the form and content requirements for each application type.—section 110-31(d)(1). In accordance with V.T.C.A., Local Government Code ch. 212, the SDRC shall take action on any subdivision plat or plan application within thirty (30) days of its submittal to the SDRC chair. Any such application shall not be deemed approved as long as the SDRC requires revisions to the submittal. A proposed plat shall not be deemed "filed" until it is reviewed and approved by the SDRC and city staff as required by section 110-31(e)(1). The final plat shall be considered for approval or denial within 30 days of filing.

Sec. 110-28. Preapplication meeting.

Prior to any subdivision plat or plan application submittal, it is recommended that the developer request a meeting with the city staff to discuss the procedures, policies, specifications, and standards required by the city. ~~The submission of a sketch plan, or concept plan, can save the developer time and expense during the approval process.~~

Sec. 110-29. Master plan.

- (c) *Processing.* The master plan shall be reviewed by ~~the city staff and~~ the SDRC for conformity with the comprehensive plan, major thoroughfare plan, utility master plans, engineering standards and specifications, city ordinances, and the standards specified herein. ~~Upon completion of this review, the master plan shall be submitted to the planning and zoning commission for consideration, conveying staff comments and recommendations. The planning and zoning commission shall study the master plan and all recommendations.~~ Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, the further development of adjoining lands and the requirements of city ordinances, policies and plans. The ~~planning and zoning commission~~ SDRC shall act on the master plan and may advise the developer of any specific changes or additions they will require in the layout or comment on the character and extent of improvements and dedications that will be required as a prerequisite to the approval of the final plat. Any master plan that shows the proposed dedication of public parkland shall require consideration and a recommendation from the city's parks and recreation advisory

board and final approval by the planning and zoning commission. The city staff SDRC Chair shall inform the developer in writing of the decision of the ~~planning and zoning commission SDRC or the~~ planning and zoning commission, including any conditions for approval or reasons for disapproval. ~~Once the master plan has been approved by the planning and zoning commission, a Mylar copy shall be submitted to the city.~~ A master plan will expire (1) one year after its approval date, unless:

- (1) An extension is applied for and granted by the ~~development coordinator~~ SDRC chair; or
- (2) Development activity, as determined by the ~~development coordinator~~ SDRC chair or his or her designee, occurs within the one (1)-year period following master plan approval.

In no event may an extension be granted for a period exceeding one (1) year.

Sec. 110-30. Preliminary plan.

- (a) *General.* The preliminary plan shall be consistent with the latest approved master plan, if applicable. Approval or conditional approval of a preliminary plan is required prior to consideration of the related final plat by the planning and zoning commission.
- (b) *Form and content.* A preliminary plan shall be prepared in a clear, readable manner. All figures and letters shown must be plain, distinct, and of sufficient size to be easily read. A preliminary plan shall be prepared and sealed by a registered professional land surveyor, engineer, architect, or other professional as applicable and ~~plotted on~~ drafted at a size of 24 inch x 36 inch sheets at a scale of not less than one inch = 100 feet. A note shall be provided referencing the name of the surveyor and the date of the survey. Each preliminary plan shall conform to the general requirements and minimum standards of design as stipulated in the most-recently approved B/CS Unified Design Guideline Manual and requirements as set forth in this chapter, and shall contain the following information, as applicable: ~~It shall conform to the general requirements and minimum standards of design and requirements as set forth in this chapter, and shall include the following information as applicable:~~
- (c) *Processing.*
 - (1) A preliminary plan shall be reviewed by the SDRC for conformity with the master plan, city comprehensive plan, major thoroughfare plan, utility master plans, engineering standards and specifications, city ordinances, and the standards specified ~~herein in this chapter.~~
 - (2) The SDRC shall have final approval of each preliminary plan, not requiring subsequent consideration by the Planning and Zoning Commission or City Council, notwithstanding the following exception(s): ~~Following incorporation of these review comments, the preliminary plan will be approved by the city staff; or, at the request of the developer or staff, by the~~ planning and zoning commission. Once the preliminary plan has been approved, a Mylar copy shall be submitted to the city.
 - a. Preliminary plans for subdivisions that contain private streets shall require consideration by the Planning and Zoning Commission with final approval by City Council.
 - (3) The city's approval of a preliminary plan does not constitute acceptance of the subdivision or land development, but is merely an authorization to proceed with the preparation of a corresponding final plat for city approval.
 - (4) No building improvements shall be made on land within the proposed subdivision shown on an approved preliminary plan, before a final plat of such subdivision is approved.

(5) The city's approval of a preliminary plan does not constitute approval of any proposed land uses that may be shown on such preliminary plan.

(6) Preliminary plan approval shall be effective

- a. for a period of twenty-four (24) months after the date on which the SDRC approved the original preliminary plan or an applicable revision thereof; or
- b. for a period of twenty-four (24) months after approval of a final plat showing the land encompassed by the original preliminary plan or an applicable revision thereof; or
- c. so long as development activity is occurring on the land encompassed by the preliminary plan, as determined by the SDRC chair or his/her designee. For the purpose of this paragraph, subdivision-related development activity shall include, but not be limited to, excavation and dirt work or any site preparation.

~~A preliminary plan will expire one year after approval unless:~~

- ~~(1) An extension is applied for and granted by the development coordinator; or~~
- ~~(2) Development activity occurs within the one year period following the initial approval of the SDRC.~~

Sec. 110-31. Final plat.

- (a) *General.* A final plat shall be prepared in a clear, readable manner. All figures and letters shown must be plain, distinct, and of sufficient size to be easily read. A final plat shall be consistent with all approved master and/or preliminary plans for the subject tract, as applicable. A final plat shall be submitted within one (1) year of approval of the related preliminary plan after which time, submission of a new preliminary plan application may be required. The application shall be as required by section 110-27. As applicable, the final plat submittal shall be accompanied by the design and construction documents as prescribed in subsection (d) of this section.
- (c) *Processing.*
 - (1) *Final plat approval.* A final plat shall be reviewed by the city staff and the SDRC for conformity with the comprehensive plan, major thoroughfare plan, utility master plans, engineering standards and specifications, city ordinances, and the standards specified herein. A final plat that meets all applicable requirements shall be approved by the SDRC, unless public parkland is proposed to be dedicated with the final plat. A final plat that proposes to dedicate public parkland requires consideration and a recommendation from the parks and recreation advisory board and approval by the planning and zoning commission. The planning and zoning commission will take action by approving, disapproving, or conditionally approving the final plat. The city staff SDRC chair shall inform the developer in writing of the final decision regarding a plat application, including any conditions for approval or reasons for disapproval.
 - (2) *Filing ~~Requirements for recording~~.* Upon final plat approval, and after the developer pays all applicable fees (including, but not limited to, which include parkland dedication and development, street sign, streetlight, county filing fee, etc.) and constructs all infrastructure improvements as prescribed in section 110-59 to the satisfaction of the city engineer, or has submitted a guarantee of performance as prescribed in section 110-33, then the plat shall be filed for recording recorded with the county clerk's office by the city staff SDRC chair. If all conditions, fees or improvements are not submitted or completed within one (1) year of approval, then the final plat approval shall expire unless an extension is applied for and granted

by the ~~development coordinator~~ SDRC chair. An extension may be granted for a period not to exceed one (1) year.

a. Prior to recording with the county clerk's office, the following items must be submitted to the SDRC chair:

1. 24 inch x 36 inch mylar copy of the approved final plat drawing; and
2. An original tax certificate showing no outstanding property taxes being owed 30 days prior to the recording of the final plat; and
3. Digital copy of the approved drawing in dwg, dxf, or dgn format.

(d) *Public infrastructure improvements.*

- (2) *Construction of infrastructure.* The developer may begin construction upon approval by the city engineer of the engineering reports, plans, and specifications, and upon ~~conditional~~ approval of the final plat by the ~~planning and zoning commission~~ SDRC. The city will inspect the construction work as it progresses and will make final inspection to assure compliance with city standards. Upon acceptance by the city, all infrastructure improvements constructed for subdivisions within the city limits shall become the property of the city unless otherwise noted on the plat. The developer shall require from his or her contractors and material suppliers, and shall themselves furnish the city a written guarantee that all workmanship and materials shall be free of defects including healthy establishment of vegetative cover and maintaining/repairing erosion control measures for a period of one year from the date of acceptance by engineering services.

Sec. 110-32. Special subdivision plats or procedures.

- (3) *Processing.* Amending plats shall be ~~reviewed~~ approved by the city planner and the city engineer and approved by the SDRC chair. ~~The city planner and the city engineer may elect to forward the plat to the planning and zoning commission for approval.~~

~~(b) *Minor plats.*~~

- ~~(1) *General.* This subsection (b) is applicable to a plat of a subdivision involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public infrastructure in accordance with the V.T.C.A., Local Government Code § 212.0065.~~
- ~~(2) *Form and content.* Preliminary and final minor plats will be required in general conformance with the preliminary and final plat procedures. Information on preliminary plans and final plats may be provided on the same drawing if desired.~~
- ~~(3) *Processing.* Minor plats shall be approved by the city planner and the city engineer. The city planner and the city engineer may elect to forward the plat to the planning and zoning commission for approval.~~

~~(e) *Replat.*~~

- (1) *General.* This subsection ~~(e)~~ is applicable to a revision of a previously platted subdivision that involves vacating the prior subdivision and resubdivides the property that usually changes the number of lots in accordance with the V.T.C.A., Local Government Code ch. 212. A replat shall follow the same procedures as are required for an original plat and shall comply with V.T.C.A., Local Government Code ch. 212, ~~including requirements for public hearings and notifications.~~
- (3) *Processing.*

- ~~a. Residential replats which require a variance or exception require notification, a public hearing, and the approval of the planning and zoning commission, regardless of the number of lots involved, in accordance with V.T.C.A., Local Government Code ch. 212.~~
- ~~ba.~~ Residential replats which do not require a variance or exception require notification and approval by the city staff; or, at the request of the developer or staff, by ~~of~~ the planning and zoning commission, ~~regardless of the number of lots involved,~~ in accordance with V.T.C.A., Local Government Code ch. 212. Specifically, written notice of the approval of the replat shall be provided by mail to owners of property within 200 feet of the replatted property. This notice shall be provided no later than the 15th day after the date the replat is approved, and shall contain (1) the zoning designation of the property after the replat and (2) a telephone number and e-mail address a property owner may use to contact city staff about the replat.
- ~~e. Commercial replats involving four or fewer lots may be approved by the city planner and the city engineer. The city planner and the city engineer may elect to forward the plat to the planning and zoning commission for approval.~~
- ~~d. Commercial replats involving more than four lots require the approval of the planning and zoning commission.~~

~~(dc)~~ *Right-of way abandonment.*

~~(ed)~~ *Vacating a plat.* (Refer to V.T.C.A., Local Government Code § 212.013). Vacating a plat shall follow the same procedure as prescribed for the original plat.

Sec. 110-34. Certifications.

(a) All final plats shall contain the following certifications:

~~(a1)~~ *Certificate of ownership and dedication.*

~~(b2)~~ *Certification of the surveyor.*

~~(e3)~~ *Certification by the county clerk.* The certification must be placed in a text box that is two inches tall and four inches wide.

~~(d)~~ *Approval of the planning and zoning commission.*

I, _____, Chair of the Planning and Zoning Commission of the City of Bryan, State of Texas, hereby certify that the attached plat was duly filed for approval with the Planning and Zoning Commission of the City of Bryan on the _____ day of _____, 20____ and same was duly approved on the _____ day of _____, 20____ by said Commission.

Chair, Planning and Zoning Commission, Bryan, Texas

~~(e4)~~ *Approval of the city planner.*

~~(f5)~~ *Approval of the city engineer.*

(b) The following certifications shall only be included on final plats that are required to be considered by the respective commissions:

~~(d1)~~ *Approval of the planning and zoning commission.*

~~(g2)~~ *Approval by the county commissioner's court (for subdivisions in extraterritorial jurisdiction area).*

Sec. 110-59. - Standards for subdivision design.

(4) *Access easements.*

b. *Pedestrian access easements.* Pedestrian easements may be required where deemed necessary by the SDRC planning and zoning commission or staff to provide pedestrian circulation within the subdivision or access to schools, shopping centers, recreation, transportation, or other community facilities. Such easements shall be at least ten feet in width and include a minimum ~~four~~ five-foot sidewalk.

(e) *Lots.*

(1) All lots shall meet minimum design standards required by chapter 62, the land and site development ordinance.

(2) All lots shall be provided with adequate access to a public street. The creation of flag lots in residential zoning districts shall be prohibited. For property not located in a residential zoning district, flag lots or access easements may be permitted if the ~~city planner~~ development services director or his/her designee determines that the lots or easements are adequate and conform to requirements for utility and public street access.

(m) ~~Gated~~ *Private street and gated subdivisions.*

(1) *Purpose.* The purpose of this subsection ~~(k)~~ is to achieve orderly development of a gated subdivisions, or those subdivisions containing private streets, and to promote the health, safety, and general welfare of the city.

(2) *General requirements.*

a. Gating of a public roadway is prohibited. However, gates may be placed in order to enclose subdivisions restricting access to privately owned and maintained streets. Private streets ~~for whether part of a gated subdivisions or not~~, shall be clearly labeled and defined on all master plans, preliminary plans, and final plats for the subdivision. All master plans and preliminary plans for private street and gated subdivisions shall be considered for approval by the planning and zoning commission and city council. No private street or gated subdivision shall be approved unless the city council further finds that ~~the gated subdivision~~ it conforms with the comprehensive plan, major thoroughfare plan, utility master plans, engineering specifications, city ordinances, and does not adversely affect health, safety and general welfare.

Sec. 110-60. Parkland dedication requirements.

(b) *Dedication of parkland required.*

(2) To maintain the current level of park service, the subdivider shall dedicate to the city parkland as a part of final plat approval. The amount of land required shall be calculated at a rate of not

less than one acre of parkland per 74 single-family dwelling units or 90 ~~multiple~~ multiple-family dwelling units. The following formulas shall be used to determine the amount of parkland to be dedicated (see methodology, Appendix 1): For 36 months after official adoption by the council of this parkland dedication ordinance, the amount of parkland to be dedicated shall be as follows:

- a. Single-family: 1.0 acre per 74 dwelling units.
- b. Multiple-family: 1.0 acre per 90 dwelling units.

These figures will be reevaluated every three years and may be modified by resolution of the city council.

- (4) Manufactured home communities shall be charged at the ~~multiple~~ multiple-family rate.

Sec. 110-103. Findings.

- (d) All requested exceptions shall be submitted in writing at the time of formal application to the ~~development coordinator~~ SDRC chair.

5.

That Chapter 130, Zoning, of the Bryan Code of Ordinances, Article III, Other Regulations, is hereby amended by deleting Section 130-38, Platting property not permanently zoned, in its entirety and showing Section 130-38 as being reserved, as follows:

Sec. 130-38. – Reserved.

6.

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

7.

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

8.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

9.

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

10.

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

11.

That this ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 9th day of July 2024, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ____yeses and ___ noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXCERPT FROM MAY 16, 2024 PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES:

3. Proposed Amendments to the text of Bryan’s Code of Ordinances – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval)

A. Proposed amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, by removing the references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority. (K. Williams/ B. Johnson)

Ms. Williams presented the staff report (on file in the Development Services Department). Staff recommends approval of this request.

In response to Commissioners’ questions regarding master plans, Ms. Williams stated the City of Bryan institutes the master plan platting procedure for property that is proposed to be developed in multiple phases. Currently, the Planning and Zoning Commission (P&Z) has platting approval authority. Staff believes by providing platting approval authority to staff the development process would be expedited by reducing times and potential expenses for developers and reducing staff time and resources on staff reports, maps, etc.

In response to Commissioners’ questions regarding the applicant’s appeal process, Ms. Williams stated applicants would have the opportunity to appeal staff’s determination to the Planning and Zoning (P&Z) Commission.

In response to Commissioners’ questions regarding the review process for master plans, Ms. Williams stated the review process includes analysis of the functionality between phases, street connections, utility access, etc.

In response to Commissioners’ questions specifically regarding HB3699, Ms. Williams stated HB3699 allows but does not require the City to delegate platting approval authority to staff. Ms. Williams stated during the March 7th Planning and Zoning Commission Workshop meeting, staff discussed HB3699 where Commissioners then directed staff to proceed with the process of adopting a text amendment to delegate platting approval authority to staff.

In response to Commissioners’ questions regarding final approval of plats, Ms. Williams stated after a plat has been approved, any amendments would need to be replatted.

In response to Commissioners’ questions regarding public hearings, Ms. Williams stated plats currently go through the P&Z Commissions’ approval as a consent agenda item. Members of the public may speak during hear citizens, however, no action would be taken as there is no public hearing for consent agenda items. She stated procedures adopted by the Bryan Code of Ordinance in 2019 states items that do not hold a public hearing shall provide a written notification of the approval to property owners within 200-feet of the replatted property.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioners discussed whether it was appropriate to delegate platting approval to staff entirely. They discussed the proposed amendments being a large change of authority and their concerns regarding diminishing the value and responsibilities of the Commission.

Commissioner Valerius moved to postpone this amendment to the Planning and Zoning Commission Regular meeting on June 20, 2024 to allow for Commissioners to review the proposed text amendment and discuss any concerns with staff. Commissioner Watson seconded the motion.

Commissioners discussed the appropriateness of postponing the proposed text amendments to the Bryan Code of Ordinance to carefully review the language of the proposed amendments. They also discussed the importance of the Commissioners review of plats and discussing a compromise that would not remove platting approval authority from the Commission entirely.

The motion to postpone the proposal to amend the text of Bryan’s Code of Ordinances Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, specifically to remove references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority passed unanimously.

EXCERPT FROM JUNE 20, 2024 PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES:

- 3. Proposed Amendments to the text of Bryan’s Code of Ordinances – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval)**
 - A. Proposed amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, by removing the references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority. (K. Williams/ B. Johnson)**

Ms. Williams presented the memo (on file in the Development Services Department). Staff recommends approval of this request.

In response to Commissioners’ questions, Ms. Williams stated that rezoning applications would still need to be heard by the Commission. She discussed the proposed changes to platting approval and how they would affect which cases would come forward to the Planning & Zoning Commission.

In response to Commissioners’ questions, Ms. Williams stated that a separate text amendment could be proposed in the future to provide the Commission with platting authority again.

Commissioners discussed the possibility of allowing other cities to adopt this change in platting delegation prior to the City of Bryan adopting. They also discussed their concerns regarding removing the additional review processes if the proposed amendment were approved.

In response to Commissioners questions, Ms. Williams stated consent agenda items would be able to be pulled for separate consideration and further discussion, but there would not be a public hearing. State law mandates that if a plat meets all requirements, it must be approved. Public hearings for plats were discontinued in 2019 following a change in State law.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gonzalez moved to recommend to take no action towards the proposed amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, by removing the references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority. Commissioner Watson seconded the motion.

Commissioners discussed their concerns regarding the plat approval authority and the importance of additional review by Commissioners. They also discussed the possibility of staff providing updates regarding administratively approved plats during meetings. Commissioners then discussed statutory procedures and whether having plats on the consent agenda would affect the additional review process. Commissioners analyzed the competitive market and the importance of attracting quality developers and development to the City.

The motion to take no action towards the proposed text amendment failed with three (3) in favor and five (5) in opposition, with Commissioners Valerius, Bush, McBroom Balke, Clark and Cooper casting the votes in opposition.

Commissioner Clark moved to recommend approval of the proposed amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, by removing the references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority. Commissioner Bush seconded the motion.

Commissioners discussed the ability to amend the proposed text in the future.

The motion to recommend approval of the proposed text amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions, and Chapter 130 – Zoning, by removing the references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority passed, with a vote of five (5) in favor to three (3) against. Commissioners McBroom Balke, Valerius, Bush, Clark and Cooper were in affirmation, and Commissioners Watson, Beckendorf and Gonzalez were in opposition.

MEMO TO THE PLANNING AND ZONING COMMISSION:

Memorandum

Development Services

To: Planning and Zoning Commission

From: Katie Williams, AICP, Senior Planner

Date: June 20, 2024

Re: proposed amendment to the text of the Bryan Code of Ordinances to amend Chapter 2 – Administration, Chapter 62 – Land and Site Development, Chapter 110 – Subdivisions and Chapter 130 – Zoning, by removing references to the Planning and Zoning Commission’s platting authority and providing the Site Development Review Committee (SDRC) with platting approval authority.

BACKGROUND AND ANALYSIS:

House Bill 3699, relating to municipal regulation of subdivisions and approval of subdivision plans and plat approval, was adopted and signed by the Governor on June 18, 2023 during the 88th regular session of the Texas Legislature. One of the elements of this bill expanded the ability to delegate platting authority to the staff level.

The City of Bryan’s platting procedure is defined and regulated by Chapter 110, Subdivisions. Currently, plats involving more than four lots or the construction of public infrastructure requires approval from the Planning and Zoning Commission. City staff, and specifically the SDRC chair, has the authority to approve minor plats (less than four lots with existing access to public infrastructure) and preliminary plans. If approved, this text amendment will delegate all platting authority to city staff, unless otherwise requested by the applicant or by staff.

Delegating platting authority to staff will expedite the time required for plat approval, potentially saving time and costs for customers. Staff time will be saved and allocated elsewhere in the absence of preparing associated staff reports and maps. Additionally, the number of Planning and Zoning Commission meetings can likely be reduced.

Staff presented the proposed revision to delegate platting authority from the Planning and Zoning Commission to staff during the March 7, 2024 workshop meeting. Staff was encouraged to proceed with the text amendment. On May 16, 2024, the Planning and Zoning Commission voted to postpone a recommendation for approval to June 20, in order to allow for an additional workshop discussion on June 6.

Staff submits the following draft text amendment to the Commission for review: