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ORDINANCE NO. 2285

AN ORDINANCE AMENDING ORDINANCE 1638, THE ZONING ORDINANCE FOR THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Ordinance 1638, The Zoning Ordinance for the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 11th day of DECEMBER, 1997.

ATTEST:

Connie Hooks

CONNIE HOOKS, City Secretary

APPROVED:

Lynn McIlhane

LYNN McILHANEY, Mayor

EXHIBIT A

AMEND CHAPTER 15, SECTION 15.2 TO ADD 15.2 (F) AS FOLLOWS:

15.2 (F)

-To authorize upon appeal variances to the drainage ordinance, that when acting in this capacity, the Zoning Board of Adjustments must have one of the alternates with an engineering background present during hearing of case.

AMEND CHAPTER 15, SECT 15.3 TO READ AS FOLLOWS

15.3 ORGANIZATION OF THE BOARD

The Board of Adjustment shall consist of five (5) members who are residents of the City and qualified voters. Each shall be appointed for a term of two (2) years, except that two (2) members appointed initially shall have terms of only one (1) year. After the initial appointments, two (2) members shall be appointed in odd numbered years to maintain a membership of five (5) members.

Members shall be removable for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. However, the City Council may provide for the appointment of four (4) alternate members of the Board of Adjustment who shall serve in the absence of one (1) or more regular members when requested to do so. Two (2) of the alternate members must be licensed engineers in the State of Texas. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

AMEND CHAPTER 10.4, SECTION B.* AS FOLLOWS:

10.6 SPECIAL RULES FOR C-N DISTRICTS

Site plan review and proposed uses within the C-N Neighborhood Business District are subject to approval by the Planning and Zoning Commission. Applicants shall file an application form with the City Planner no less than twenty (20) days prior to the regularly scheduled meeting of the Planning and Zoning Commission at which the plan is to be reviewed. The application form shall be accompanied by all supporting information required in Section 10.1 above, a list of property owners within 200 feet*, and a receipt for filing fee. The application fee shall be determined by the City Council.

* Property owners within two hundred (200) feet of the site shall be identified by the Planning Office using the Tax Rolls supplied by the Brazos County Appraisal District.

A. The applicant shall give public notice by publication in a local newspaper as directed by the City Planner at least fifteen (15) days prior to the date set for the public hearing.

- B.* The City Planner shall notify all property owners of record within two hundred (200) feet of the property in question at least ten (10) days prior to the public hearing. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail.
- C. The City Planner shall notify the applicant of the date, time, and place for the preliminary review of the project by the Project Review Committee.
- D. The Project Review Committee shall review the proposed project in accordance with Section 10.2 prior to the Planning and Zoning Commission meeting. The Project Review Committee shall submit written recommendations to the Planning and Zoning Commission. A copy of this report shall be sent to the applicant. The applicant shall file ten (10) copies of the final site plan as approved by the Project Review Committee, showing all changes and requirements imposed by the Project Review Committee, after which the Planning and Zoning Commission shall hold a public hearing for the purpose of approving or denying the project plan.
- E. The applicant or the owners of forty percent (40%) or more of the property within two hundred (200) feet of the project site may appeal to the City Council any determination made by the Planning and Zoning Commission. The appeal should be made by petition filed with the City Secretary within ten (10) days after the public hearing.

AMEND CHAPTER 14, SECTION 14.2 (B) AS FOLLOWS:

- B. The applicant shall give public notice by publication in a local newspaper of general circulation at least fifteen (15) days prior to a date set for a public hearing before the Commission. The City Planner shall notify all property owners of record within two hundred (200) feet of the property in question. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least ten (10) days prior to the date set for the public hearing. The City Planner shall also give a report and recommendation to the Commission on the date of hearing.

AMEND CHAPTER 14, SECTION 14.2 (E) AS FOLLOWS:

- E. Any person or persons, jointly or severally aggrieved by a decision of the Commission may present to the City Secretary an appeal, setting forth that such decision is unjust and/or was made in error, in whole or in part. The appeal must be in writing, must specify the grounds of injustice and/or the points on which the Commission erred and must be signed by the appellant(s).

Such appeal shall be presented to the City Secretary within ten (10) days after the final decision of the Commission, and not thereafter. The City Secretary shall then schedule a public hearing before the City Council and shall notify all property owners within two hundred (200') feet of the subject property under appeal. This notice, in a form prepared by the City Planner, shall be served by its deposit in the municipality, properly addressed with postage paid, in United States mail and shall be given no later than ten (10) days prior to the date set for the public hearing. Notification, as prepared by the City Planner, shall also be given by the City Secretary by publication in a local newspaper of general circulation at least fifteen (15) days prior to the date set for the public hearing.

The City Council shall hold a public hearing to consider the appeal and shall uphold the decision of the Commission as it was passed, overturn the decision of the Commission in its entirety or remand the case back to the Commission for reconsideration of certain and specific points.

AMEND CHAPTER 17, SECTION 17.4 (B) AS FOLLOWS:

17.4 PUBLIC HEARING AND NOTICE THEREOF

A public hearing shall be held by the Commission before making a report to the Council, and a public hearing shall be held by the Council before adopting any amendment to this ordinance. Notice of the public hearing shall be given by publishing such notice at least once in a newspaper of general circulation in the City of College Station, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing.

- A. Publication of the notice shall be the responsibility of the City Planner.
- B. Notice of the proposed zoning change shall also be made by the City Planner by mailing notification which shall be served by its deposit in the municipality, properly addressed with postage paid, in United States mail to the person or firm to whom the property is assessed, and to all persons or firms to whom property within two hundred (200) feet of the proposed zoning change is assessed on the City tax rolls.

CONSTITUTIONAL BY-LAWS
OF THE
PARKS AND RECREATION BOARD
CITY OF COLLEGE STATION, TEXAS

THE BOARD SHALL BE GOVERNED BY CITY ORDINANCE NUMBER 1137

ARTICLE I RULES OF THE BOARD

Section 1: Purpose

The "College Station Parks and Recreation Board", hereinafter referred to as the Board, shall be composed of seven (7) members. The duties of said Board shall be to advise and recommend to the City Council on all matters to the establishment, maintenance, and operation of city parks and recreation programs for the CITY OF COLLEGE STATION and its inhabitants and to carry out other duties as may be assigned by the City Council.

Section 2: Terms of Office

The terms of office for the Board shall commence on May 1st and shall be two (2) years in length and the members thereof shall be appointed by the City Council.

Section 3: Termination

Any Board Member appointed by the City Council shall forfeit that membership if he is absent for more than three (3) meetings, or 25% of the meetings, whichever is greater, in on appointment year, unless the absenteeism is for medical reasons. Absenteeism may also be excused by the Board or by the City Council. If a member goes beyond this absenteeism limit, the City Council shall be advised to declare the position vacant and appoint a new member to fill the vacancy.

Section 4: Organization

Said Board is authorized to establish its own constitution and by-laws and shall provide for regular and special meetings necessary to carry on its business, separate and apart from the CITY OF COLLEGE STATION, except as herein provided.

Section 5: Limitations

The Board shall not be authorized to incur on behalf of the CITY OF COLLEGE STATION any expense incident to the operation of said parks and recreation programs, unless expressly authorized so to do by the CITY COUNCIL. The Board shall not knowingly conduct business that has been assigned by ordinance to any other governing or advisory body of the CITY OF COLLEGE STATION.

ARTICLE II MEETINGS

Section 1: Annual Meetings

The Annual meeting of the Board shall be held at a date and time to be designated by the Board.

Section 2: Regular Meetings

The regular meeting shall be held on the second Tuesday of each month at the hour of 7:00 pm at a place designated in the call.

Section 3: Notice of Meetings

Notice of all regular meetings shall be delivered to each member of the Board at least five days prior to each meeting. Notice of all meetings shall be posted at City Hall and delivered to the news media in compliance with all state and local laws.

Section 4: Special Meetings

Special meetings may be called at any time by the Chairman of the Board or by three members of the Board.

Section 5: Place of Meeting

The place of the meeting shall be the City Hall unless otherwise stated in the call.

Section 6: Quorum

Four members of the Board shall at all times constitute a quorum.

Section 7: Rules of Order

General parliamentary rules, as given in Robert's Rules of Order, as modified by the rules and regulations of the Board shall be observed in conducting meetings of the Board.

Section 8: Order of Business

The following shall be the Order of Business of the Board, but the rules of order may be suspended and any matters considered or postponed by action of the Board:

1. Call to order.
2. Roll call.
3. Consideration of minutes of last regular meeting and of any special meetings held subsequently and their approval or amendment.
4. Petitions or communication from visitors.
5. Reports.
6. Board concerns.

ARTICLE III OFFICERS

Section 1: Appointment of Officers

The Council shall appoint one member of the Board to serve as Chairman and one member to serve as Vice-Chairman on an annual basis.

Section 2: Duties of the Board Chairman

The Chairman of the Board shall preside at the meetings of the Board, and shall perform the other duties ordinarily performed by that officer.

Section 3: Duties of the Vice-Chairman

The Vice-Chairman of the Board, in the absence of the Chairman, shall perform all the duties of the Chairman of the Board. In the absence of both the Chairman and the Vice-Chairman, the Board shall elect a Chairman pro tempore who shall perform the duties of the Chairman of the Board.

Section 4: Duties of the Parks and Recreation Director

He shall act as the chief executive officer of the Board, but shall not be a member. He shall attend all regular meetings and participate in the discussions, but shall not be entitled to vote.

ARTICLE IV COMMITTEES OF THE BOARD

Section 1: Appointment of Special Committees

Special Committees shall be appointed by the Chairman for consideration and study of any matter not covered by the Board during regular or special meetings. The Special Committees shall report their findings to the Board.

ARTICLE V AMENDMENTS

Section 1: Amendments

These by-laws may be amended at any regular meeting of the Board by a majority vote of the members present, provided previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken. These by-laws shall be automatically amended by any future ordinances passed by the City Council dealing with matters relating to the Parks & Recreation Board.

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City Manager Noe noted that the staff held conversations with A&M officials about a coordinated effort in this acquisition. A&M officials responded they are not in a position to participate in the funding and indicated their trust in the city's judgment of service level.

Mayor Ringer opened the public hearing. No one spoke. Mayor Ringer closed the public hearing.

Chief Kennedy responded to Councilwoman Crouch's question about fire service to TAMU and buildings within the city. He identified buildings on the campus which have fire safety accommodations, i.e. sprinkler systems and those buildings which are not equipped for fire hazards. City Manager reiterated that this is not a unique circumstance. Many communities have buildings which are taller than the fire dept. is able to service with a ladder truck. Certainly, the staff is willing to work with the university to mitigate any problems that might occur and we encourage TAMU to retrofit any buildings to meet the standards.

Councilman Kennady and Councilwoman Crouch strongly urged staff to communicate with TAMU of our service capabilities and this communication should be writing.

City Manager Noe indicated that fires can be treated in other internal mechanisms in such cases as tall buildings.

Councilman Fox moved approval of **Ordinance No. 2172**. Councilman Hickson seconded the motion which carried unanimously, 7-0.

(4-B) Consider the creation and appointment of a Northgate Revitalization Review Board.

Todd McDaniel explained that this board shall serve as advisors to staff and to convey information to others in the northgate area. This committee will be a permanent committee appointed by the council.

Councilman Hickson made a motion to appoint the following individuals to the Board.

BILL BOYETT, REAL ESTATE
JOHN RANEY, PROPERTY OWNER
RICHARD BENNING, MERCHANT
CHERYL ANZ, MERCHANT
TOM WILLIAMS, TAMU
JERRY GASTON, TAMU
JULIUS GRIBOU, ARCHITECT
CHARLIE BURRIS, ARCHITECT

TOM ESTES, CHURCH
CHARLES ANDERSON, CHURCH
TAMU student
AT LARGE -- TARA SOPASAKIS, MERCHANT

Councilman Kennady seconded the motion.

Councilwoman Crouch made a motion to amend for the addition of a TAMU student representative, a resident of College Station, as a voting member and appointed by the council.

Councilman Fox seconded the motion which carried 6-1, Mayor Ringer voted against the motion.

The original motion with the amendment carried 6-1, Mayor Ringer voted against the motion.

Councilman Hickson made a motion to appoint Julius Gribou as Chairman and Richard Benning as Vice Chairman. The motion was seconded by Councilman Mariott which carried unanimously, 7-0.

(4-C) Hear Visitors

Dennis Maloney, 803 Welsh, addressed the Council regarding the special event parking signage. He supported the proposal and appreciated the cooperative efforts between the City and TAMU.

Marianne Oprisko, 2475 Barron Road, expressed comments about the parking situations during football season. She suggested ideas to generate revenues for the city

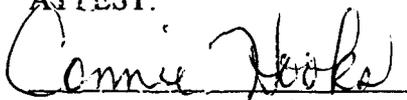
(4-D) Adjourn

Mayor Ringer adjourned the meeting at 8:25 p.m.

APPROVED:


Mayor Larry J. Ringer

ATTEST:


City Secretary Connie Hooks

ORDINANCE NO. 2025

AN ORDINANCE AMENDING CHAPTER 1, SECTION 23, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, SO AS TO CHANGE THE HISTORIC PRESERVATION COMMITTEE SIZE FROM SEVEN (7) TO NINE (9) MEMBERS AND TO ELIMINATE THE TERM LIMITATION FOR THE CHAIRMAN OF THE COMMITTEE.

WHEREAS, the increase in committee size from seven (7) to nine (9) members will, in light of conflicting schedules, more easily permit a quorum;

WHEREAS, the increase in committee size from seven (7) to nine (9) members will provide a better chance for historical interaction; and

WHEREAS, the City Council of the City of College Station, Texas, held a public hearing on Thursday, August 12, 1993, to determine the necessity of this ordinance amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, THAT:

I.

Chapter 1, Section 23, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

"SECTION 23: CREATION OF A COLLEGE STATION HISTORIC PRESERVATION COMMITTEE

A standing committee to be known as the College Station Historic Preservation Committee is hereby created.

A. PURPOSE

Although the City of College Station, Texas, does not have a long history, it is important that it be collected and preserved. By acting in a timely manner, the City will be able to capture information before it otherwise would become irretrievable.

B. MEMBERSHIP

The committee shall consist of nine (9) members, and where practical may include representation from the Brazos County Historical Society, Texas A&M University, and the College Station City Council.

C. TERM OF OFFICE

The term of office shall be for two (2) years, and the City Council shall appoint members on a staggered basis with five (5) terms expiring in even-numbered years and four (4) terms expiring in odd-numbered years; except that four (4) of the nine (9) committee members appointed initially shall have terms of only one (1) year, and the other five (5) initial appointments shall each be for a two (2) year term.

A member of the Committee shall be selected to serve as committee chairman for a term of two (2) years. The chairman shall be selected by members of the Committee. A vacancy occurring on the committee prior to expiration of the term of office for that position shall be filled by appointment by the City Council. A member so appointed shall be designated to serve the remainder of the term of his predecessor.

D. DUTIES AND RESPONSIBILITIES

The duties of this committee shall be to aid in the collection and preservation of the history of the City of College Station and its environs, and to provide for education of citizens on the history of this City. The committee shall also carry out other duties and responsibilities as may be assigned by the City Council. The committee shall semi-annually submit a report to the City Council.

E. MEETINGS

The College Station Historic Preservation Committee shall provide for regular and special meetings as necessary to carry on its business, and is authorized to establish its own rules, regulations, and by-laws subject to ratification by the City Council."

II.

This ordinance shall become effective from and after its passage in accordance with the City Charter of the City of College Station.

PASSED, ADOPTED, and APPROVED this 12th day of August, 1993.

APPROVED:


LARRY RINGER, MAYOR

ATTEST:


City Secretary

ORDINANCE NO. 1646

AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY ADDING A SECTION 23 RELATING TO THE CREATION OF A HISTORIC PRESERVATION COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

I.

That Chapter 1 of the Code of Ordinances, City of College Station, Texas, is hereby amended by adding a section, to be numbered Section 23, which said section shall read as follows:

"SECTION 23: CREATION OF A COLLEGE STATION HISTORIC PRESERVATION COMMITTEE

A standing committee to be known as the College Station Historic Preservation Committee is hereby created.

A. PURPOSE

Although the City of College Station, Texas, does not have a long history, it is important that it be collected and preserved. By acting in a timely manner, the City will be able to capture information before it otherwise would become irretrievable.

B. MEMBERSHIP

The committee shall consist of seven (7) members, and where practical may include representation from the Brazos County Historical Society, Texas A&M University, and the College Station City Council.

C. TERM OF OFFICE

The term of office shall be for two (2) years, and the City Council shall appoint members on a staggered basis with four terms expiring in even-numbered years and three terms expiring in odd-numbered years; except that three of the seven committee members appointed initially shall have terms of only one (1) year, and the other four initial appointments shall each be for a two (2) year term.

A member of the Committee shall be selected to serve as committee chairman for a term of two years. The chairman shall be selected by members of the Committee and may serve no more than two consecutive terms.

A vacancy occurring on the committee prior to expiration of the term of office for that position shall be filled by appointment by the City Council. A member so appointed shall be designated to serve the remainder of the term of his predecessor.

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D. DUTIES AND RESPONSIBILITIES

The duties of this committee shall be to aid in the collection and preservation of the history of the City of College Station and its environs, and to provide for education of citizens on the history of this city. The committee shall also carry out other duties and responsibilities as may be assigned by the City Council.

The committee shall semi-annually submit a report to the City Council.

E. MEETINGS

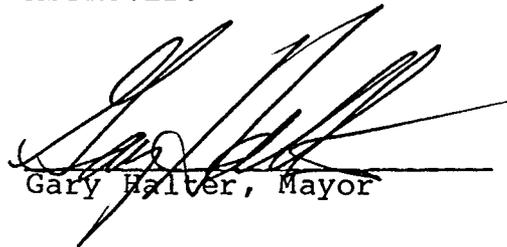
The College Station Historic Preservation Committee shall provide for regular and special meetings as necessary to carry on its business, and is authorized to establish its own rules, regulations, and bylaws subject to ratification by the City Council."

II.

This ordinance is and shall be in full force and effect from and after its passage and approval by the City Council and duly attested by the Mayor and City Secretary.

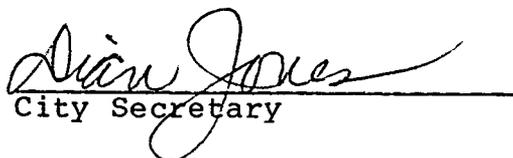
PASSED, ADOPTED, AND APPROVED this 9th day of April, 1986.

APPROVED:



Gary Halter, Mayor

ATTEST:



Dian Jones
City Secretary