

Restricted Occupancy Overlay (ROO) Process Handbook

*An Application Guide for
the Citizens of College Station*



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Overview

A Restricted Occupancy Overlay (ROO) allows property owners the option to limit occupancy of single-family residential dwelling units and accessory structures to no more than two unrelated persons within an original subdivision's boundaries.

Here's how you get there. You will need:

Required:

- Volunteer Neighborhood Petition Committee and contact information
- 50% + 1 of signatures from property owner(s) of single-family zoned or developed building plots in the original subdivision
- One neighborhood-hosted meeting and signed minutes
- One city-hosted neighborhood meeting
- One copy of the original plat of the subdivision
- Certificate of mailing neighborhood meeting minute notice(s)
- Completed neighborhood meeting sign-in sheets
- A subdivision with 51% of lots or building plots that are improved according to the Brazos County Appraisal District (BCAD.)

Recommended:

- Neighborhood meeting promotion funds
- Templates from this handbook
- Neighborhood meeting spaces
- Significant subdivision support

Common Acronyms

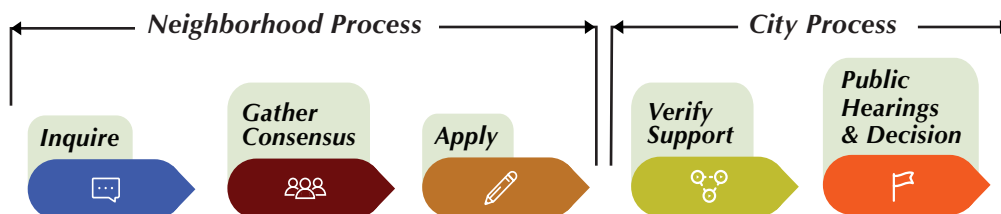
ROO: Restricted Occupancy Overlay

UDO: Unified Development Ordinance

P&Z: Planning and Zoning Commission

PDS: Planning and Development Services

Process Overview



Result: A rezoning request is heard before the Planning and Zoning Commission for recommendation, and a final approval or denial is determined by the City Council.

Total: Estimated 4-9 months from inquiry to final decision, depending on neighborhood interest and size.

Clickable: The timeline icons to the left concerning the process overview are clickable.

Disclaimer: Submitting the ROO zoning request does NOT guarantee City Council approval.



Inquire

Inquire



What is zoning?

Zoning, in short, is the separation of land uses into different categories.

Zoning is a legislative act that must be adopted by the City Council and is used by many cities to control land uses. College Station implements zoning primarily through regulations in the Unified Development Ordinance (UDO) that regulate the use of private property to promote the general health, safety, and welfare of citizens. Every individual property inside the city limits is assigned a zoning classification. These regulations can be found in the UDO at cstx.gov/udo.

Article 5 of the UDO provides a brief description of each zoning district and its purpose. Generally speaking, zoning districts fit into one or more of five categories:

1. Residential
2. Commercial
3. Industrial
4. Institutional/Public
5. Parks

Each district is designed to protect the character and established pattern of desirable development in each area. Zoning regulations also help prevent or minimize land-use incompatibilities and conflicts among different land uses. While the Comprehensive Plan is a future-oriented policy guide for the larger community, zoning is a regulation that places immediate restrictions on individual property. Zoning may include restrictions on the number and size of lots, the placement of buildings on lots (setbacks), building height, number of stories, and types of uses that may locate on the property.

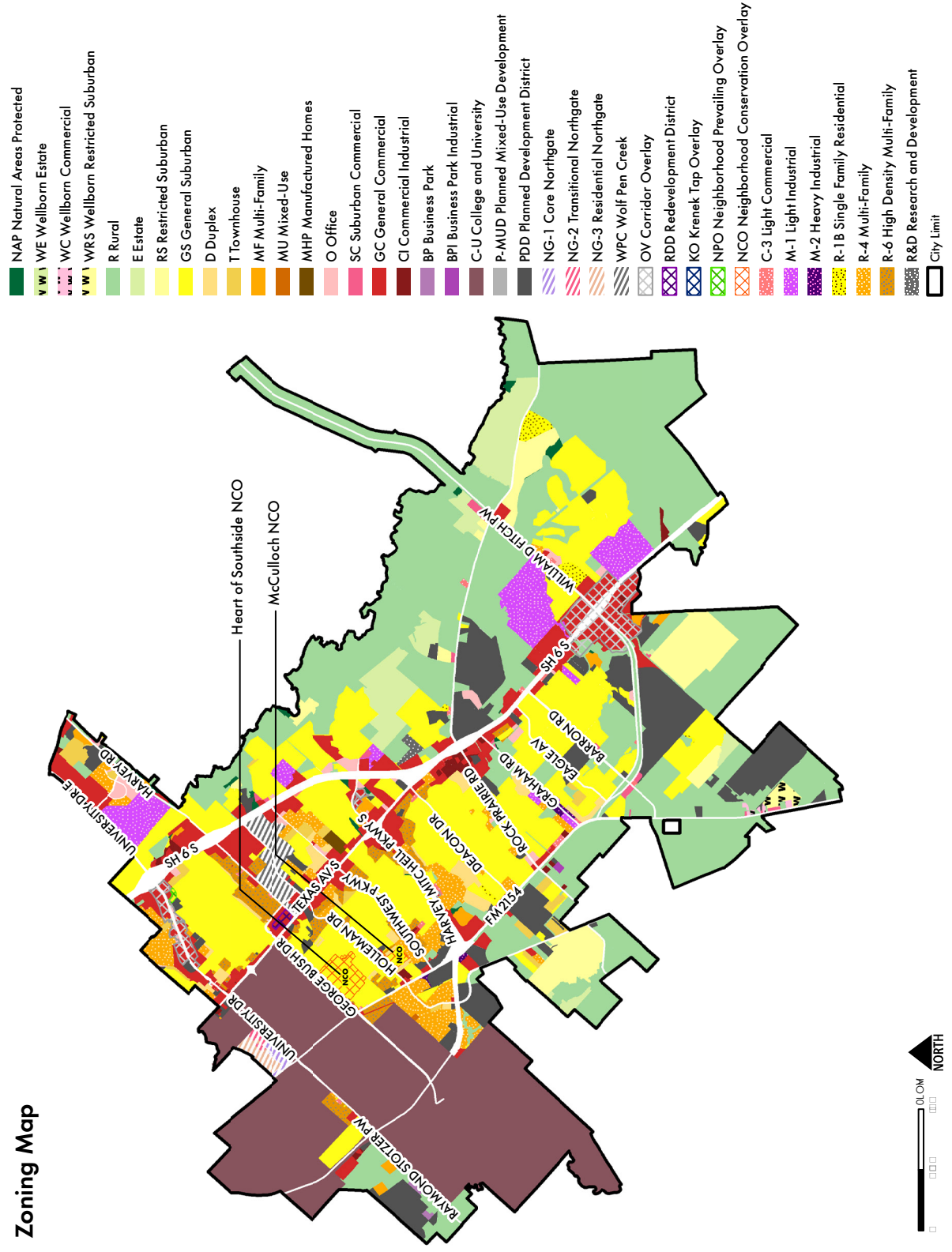
College Station has several single-family zoning districts which can be found in UDO Article 5.

Residential Zoning Districts:

- Rural (R)
- Wellborn Estate (WE)
- Estate (E)
- Wellborn Restricted Suburban (WRS)
- Restricted Suburban (RS)
- General Suburban (GS)
- Townhouse (T)
- Manufactured Home Park (MHP)

The map provided in this document changes as properties rezone, and an up to date version can be found in the Planning and Development map's "Zoning" layer. This is available to the public and can be found at cstx.gov.

Zoning Map












Frequently Asked Questions

What does the city regulate?

The City of College Station has authority to adopt zoning regulations through the Texas Local Government Code. The city may regulate through zoning as long as the regulations are in compliance with an adopted Comprehensive Plan and are designed to:

-  lessen congestion in the streets;
-  secure safety from fire, panic, and other dangers;
-  promote health and the general welfare;
-  provide adequate light and air;
-  prevent the overcrowding of land;
-  avoid undue concentration of population; or
-  facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

What is overlay zoning?

An overlay zoning district is a special district placed over a base zoning and includes provisions in addition to those required with the base zoning. Creating an overlay zoning district establishes a boundary with additional regulations that apply only to the properties within the boundary.



What is a Restricted Occupancy Overlay (ROO)?

The Restricted Occupancy Overlay District (ROO) is a single-family overlay zoning district that is intended to limit occupancy to no more than two unrelated persons in single-family neighborhoods. The regulations of the ROO apply to each individual single-family dwelling or accessory living quarters within the overlay boundaries.

What is a subdivision?

A subdivision is the division of land into a lot, tract or parcel for the purpose of development. An original subdivision is also known as a legally recorded subdivision plat. A plat is a map of a subdivision that is legally recorded in Brazos County, shows the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., and is drawn to scale to meet the requirements of the UDO.

[An example can be found in the Appendix.](#)

Applicability and Grandfathering

If City Council approves a ROO in your subdivision, no more than two unrelated persons may occupy a detached dwelling on the property. This can include a home, “granny flat” or accessory living quarters, or any other permanent structure that has been permitted by the City for occupancy. It applies to existing development, new construction, and redevelopment or additions. The “grandfathering,” or legacy clause, standards are specified in UDO Section 5.11.D.1.e. “Legacy Clause.”

Gather Consensus

Gather
Consensus



How do I apply for a ROO?

The ROO application process requires a dedicated group of residents to manage an inclusive, neighborhood-led effort to gather a strong consensus among property owners in the original subdivision.

Submitting an application for review does not guarantee City Council approval. The Unified Development Ordinance (UDO) [Article 3.3](#) includes the ROO application requirements. The ROO Rezoning Process Checklist outlines the required steps to submit an application to Planning and Development Services for review.

ACTION ITEMS:

- Form a Neighborhood Petition Committee using the recommended Neighborhood Petition Committee roles outline.
- Mail notices to all property owners within the original subdivision with adequate notice before scheduled neighborhood meeting(s) using the recommended Mailed Notice template.
- In addition to the mailed notice, consider posting door fliers using the recommended Neighborhood Meeting Flyer template.
- Hold at least one neighborhood-hosted meeting and one City-hosted meeting using the recommended Neighborhood Meeting Agenda and required Sign-In Sheet.
- Draft required meeting minutes following each neighborhood meeting using the Meeting Minutes template.
- Draft and distribute the ROO petition to all property owners within the original subdivision using the required Petition template.
- Submit the ROO application within two months from the date of the first petition signature.

HERE ARE THE DOCUMENTS YOU ARE REQUIRED TO SUBMIT WITH AN OFFICIAL ROO APPLICATION:

- A copy of the original subdivision plat.
- Completed neighborhood meeting minutes signed by a Neighborhood Petition Committee member.
- Completed neighborhood meeting sign-in sheets from each meeting.
- ROO petition signed by 50% + 1 of the single-family zoned or developed building plots in the original subdivision in support of the overlay.
- Contact information of all Neighborhood Petition Committee members.
- A list of property owners in the neighborhood to serve on the Neighborhood Petition Committee.
- Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.

After your application is submitted and processed:

The rezoning request will be scheduled for a Planning and Zoning Commission meeting with a presentation by staff, public hearing, discussion, and Commission recommendation. Next, the rezoning request will be heard at a future City Council meeting with a presentation by staff, public hearing, discussion, and final action by the City Council. Presentations by the neighborhood are recommended at both meetings to express the neighborhood's intent and support of the ROO rezoning request. If approved by the City Council, an overlay district will be applied to the original subdivision boundaries and all development within the overlay shall be subject to the standards set forth in the overlay ordinance.



Clickable: *The underlined text is clickable and will take you to the corresponding page in this document.*

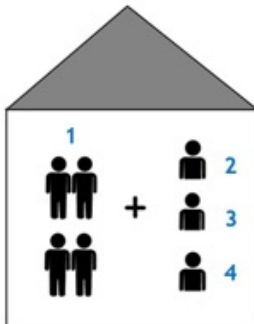
ROO Standards

Occupancy of any single-family dwelling unit or accessory living quarters may not exceed two unrelated persons. There is no occupancy maximum for relationships that meet the definition of family (as listed in [UDO 11.2 Defined Terms](#)). The ROO restrictions apply to all occupants who are not related through one of the relationship types enumerated in the definition of Family and sets a maximum of no more than two unrelated persons.

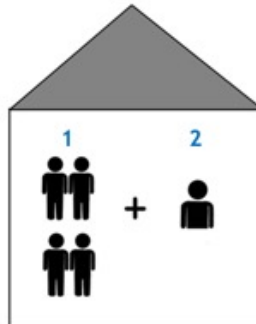
How To Count Number of Unrelated Persons

The method of counting unrelated persons is included within the Family definition in [UDO 11.2 Defined Terms](#). "When counting the number of unrelated persons in a single dwelling unit, a maximum of one group of persons related by blood, adoption, guardianship, marriage, an authorized caretaker, or members of a group home for disabled persons shall be permitted, provided that all other persons shall each count as one unrelated person."

Current:
4 unrelated



Proposed ROO:
2 unrelated



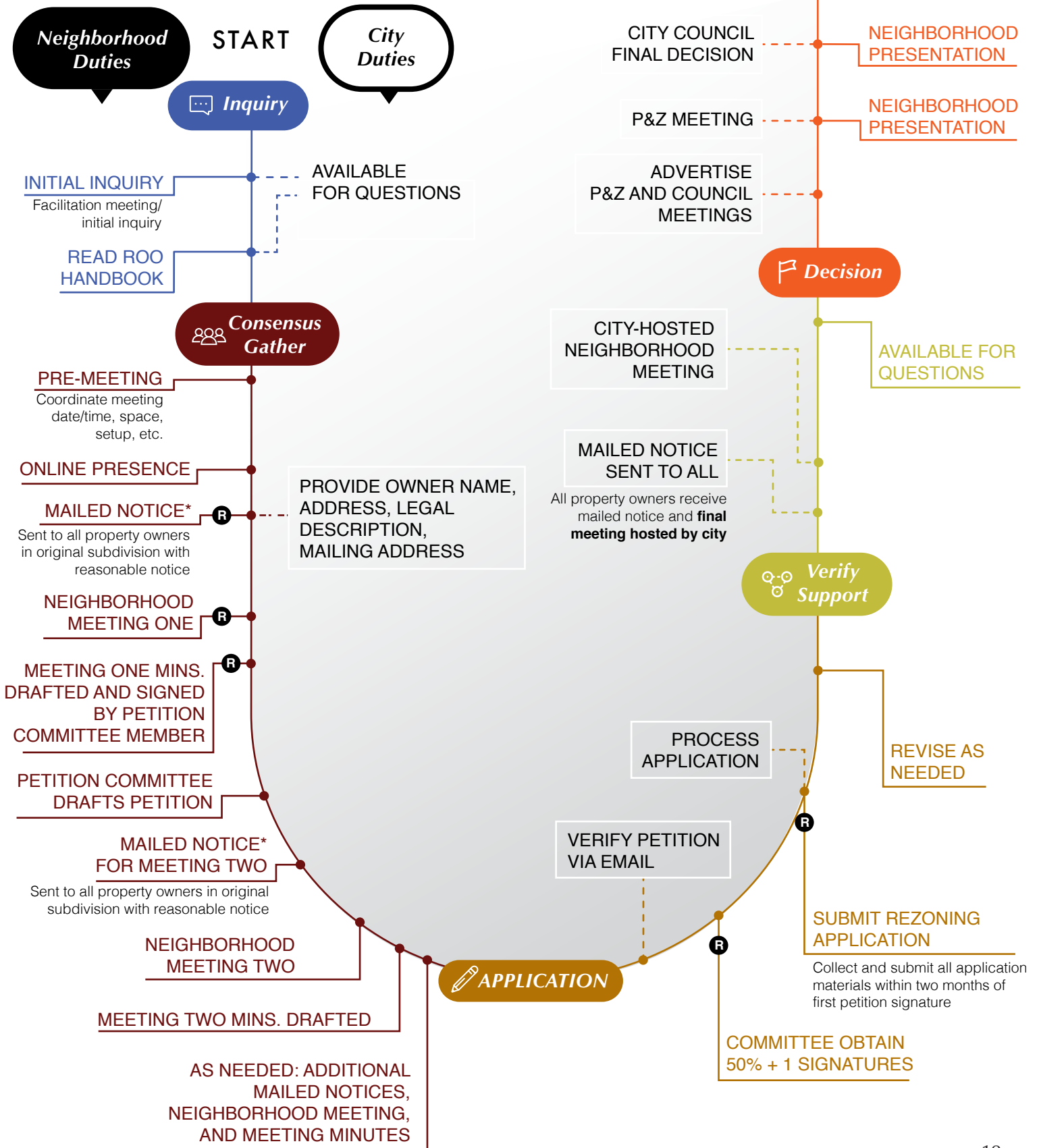
Apply



Apply

R Required neighborhood duty

* Mailed notices may be sent that advertise multiple neighborhood meeting dates



**Verify
Support**



Verify Support

After the Neighborhood Petition Committee has submitted all required documents for the ROO rezoning application and Planning and Development Services staff has determined the application is complete, staff will begin the city-led portion of the rezoning process. At this stage, staff will schedule a final neighborhood meeting. The city will pay for and send certified mailed notices to property owners in the original subdivision to ensure that property owners are notified of the meeting. Staff will discuss the ROO application process at the final neighborhood meeting. Staff will explain the timeline and expectations for the neighborhood during the remainder of the process.

**Public
Hearings
& Decision**



Public Hearings & Decision

After the city-led neighborhood meeting, staff will ensure that the ROO rezoning is placed on a future agenda of the Planning and Zoning Commission and City Council. The public hearing process will take approximately four weeks but could be extended if either the Commission or Council request additional information or defer voting on the petition. During the Planning and Zoning Commission and City Council meetings, staff will present the rezoning request from a factual perspective and provide a recommendation of approval or denial. Following the staff presentation, the neighborhood group will have the opportunity to present their case and advocate for the rezoning request through verbal testimony and/or the use of a visual aid. While neighborhood presentations are not required, they are highly encouraged. After the staff and optional neighborhood presentations, the Commission and Council will open the public comment period when any citizen can speak about the proposed rezoning request. The Planning and Zoning Commission serves as an advisory board that will vote to recommend approval or denial of the rezoning request. The City Council is a decision-making body that will vote to approve or deny the request. The City Council decision is final, and any appeal must be in accordance with the UDO.

Reference

ROO Rezoning Process Checklist

- ☐ Contact Planning and Development Services.
- ☐ Read / Download the ROO Handbook.
- ☐ Decide to proceed with the ROO consensus gathering phase.
- ☐ Determine neighborhood meeting:
 - ☐ *Dates*
 - ☐ *Times*
 - ☐ *Space / location*
 - ☐ *Setup requirements*
- ☐ Form an online presence for ROO progress.
- ☐ Publicize neighborhood meetings in a reasonable and timely manner so that all are notified with proper notice:
 - ☐ *REQUIRED: Mail notices to all property owners within the original subdivision before each meeting, OR mail one notice that includes all confirmed meeting dates, times and locations.*
 - ☐ *Online*
 - ☐ *Door flyers*
 - ☐ *Optional: Notify Planning and Development Services of neighborhood meetings. Staff will attend as an educational resource, if invited.*
- ☐ *REQUIRED: Hold Neighborhood Meeting One (see [Agenda Template](#)).*
- ☐ *REQUIRED: Form an official Neighborhood Petition Committee.*
- ☐ *REQUIRED: Draft Neighborhood Meeting One Minutes.*
- ☐ *REQUIRED: Draft ROO Petition.*
- ☐ *REQUIRED: Neighborhood Petition Committee member signs Neighborhood Meeting One Minutes.*
- ☐ If you didn't include Neighborhood Meeting Two information in the first mailed notice, mail notices to all property owners to publicize Meeting Two.
- ☐ Optional: Hold Neighborhood Meeting Two or Meeting Three (see Agenda Template).
 - ☐ *Draft Neighborhood Meeting Minutes.*
 - ☐ *Neighborhood Petition Committee member signs Neighborhood Meeting Minutes.*
- ☐ *REQUIRED: Collect 50% + 1 property owner signatures of single-family zoned or developed building plots in the original subdivision.*
- ☐ *REQUIRED: Register as a user for eTrakit.*
- ☐ *REQUIRED: Submit ROO Rezoning Application.*

- ☐ Revise and resubmit ROO Rezoning application documents (as needed).
- ☐ Attend city-hosted neighborhood meeting.
- ☐ Attend Planning and Zoning Commission meeting. A neighborhood presentation is expected.
- ☐ Attend City Council meeting. A neighborhood presentation is expected.

**HERE ARE THE DOCUMENTS YOU ARE REQUIRED TO SUBMIT
FOR AN OFFICIAL ROO APPLICATION:**

- ☐ A copy of the original plat of the subdivision.
- ☐ Completed neighborhood meeting minutes signed by a Neighborhood Petition Committee member.
- ☐ Completed neighborhood meeting sign-in sheets from each meeting.
- ☐ ROO petition signed by 50% + 1 of property owners of single-family zoned or developed building plots in the original subdivision in support of the overlay.
- ☐ Contact information of all Neighborhood Petition Committee members.
- ☐ A list of property owners in the neighborhood to serve on the Neighborhood Petition Committee.
- ☐ Certificate of mailing neighborhood meeting notice for all property owners of single-family zoned or developed building plots contained within the original subdivision.

Recommended Neighborhood Mailed Notice Letter

date

Dear resident,

You are invited to a Neighborhood Meeting to discuss rezoning the _____ to include a Restricted Occupancy Overlay (ROO). The ROO is a single-family overlay zoning district intended to provide an additional restriction in single-family neighborhoods.

A ROO allows us, as property owners in the subdivision, to petition to limit the number of household occupants to no more than two unrelated persons.

The meeting(s) will take place at:

meeting place

date

time

meeting place

date

time

meeting place

date

time

For additional information regarding this discussion, please contact a representative listed below.

name

phone number or email



You're Invited!

Neighborhood Discussion

Restricted Occupancy Overlay

meeting place

month, day and time

full street address

FOR MORE INFORMATION,
PLEASE CONTACT

name

email or phone number

Required Sign-In Sheet
**RESTRICTED OCCUPANCY OVERLAY
MEETING SIGN-IN**

DATE _____
MEETING # _____

	NAME	ADDRESS	EMAIL/PHONE	SIGNATURE
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____
23.	_____	_____	_____	_____
24.	_____	_____	_____	_____
25.	_____	_____	_____	_____
26.	_____	_____	_____	_____

Recommended Petition Committee Team Roles

The Neighborhood Petition Committee is a group of volunteers who help promote the ROO process for a particular subdivision.

Each suggested role offers a different time commitment to suit the desired level of involvement from each team member. The Neighborhood Petition Committee is responsible for working together to help guide the neighborhood through an open and fair ROO process.

CHAIR(S)

The role of the chair(s) is to manage neighborhood outreach efforts and ensure efficient and inclusive dialogue during the consensus-gathering phase. Chairs will prepare the ROO rezoning application and serve as the liaison between the neighborhood and Planning and Development Services. Chairs are authorized to sign meeting minutes. A Neighborhood Petition Committee should consider naming up to four chairs.

Responsibilities

- Communicate ROO process to neighborhood
- Locate neighborhood meeting spaces
- Advertise neighborhood meetings
- Coordinate neighborhood meeting setup / teardown
- Attend all neighborhood meetings
- Lead neighborhood meeting agenda
- Foster inclusive neighborhood meeting dialogue
- Sign neighborhood meeting minutes once approved
- Gather required materials for ROO application
- Register as an eTrakit user with Planning and Development Services
- Submit and revise ROO rezoning application through eTrakit

Suggested Qualities and Skills

- Good communication and interpersonal skills
- Time and task management
- Computer literacy
- Ability to work well on a team
- Approachable and considerate of others
- Open minded, fair and respectful

Time Commitment

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

SECRETARY

A Neighborhood Petition Committee should consider naming one secretary. The role of the secretary is to manage the administrative processes of the chair(s) and ensure accurate records are kept.

Responsibilities

- Ensure up-to-date records
- Manage meeting sign-in sheet
- Circulate meeting agendas
- Record meeting minutes
- Present meeting minutes at start of each meeting
- Ensure meeting minutes are signed by a chair
- Help ensure 50% + 1 of property owners sign petition for ROO application

Suggested Qualities and Skills

- Well organized and attention to detail
- Good communication and interpersonal skills
- Minute taking experience
- Good time keeping

Time Commitment

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

TREASURER

A Neighborhood Petition Committee should consider naming one treasurer. The role of the treasurer is to manage the financial administrative processes related to the ROO consensus gathering phase.

Responsibilities

To coordinate and manage finances related to neighborhood meeting notices, supplies and refreshments, and neighborhood meeting spaces

Qualities and Skills Suggested

- Well organized and attention to detail
- Experience with organizational finance management
- Good communication and interpersonal skills

Time Commitment:

Varies, depending on a number of factors including subdivision size, interest, and a number of resident owners

Neighborhood Meeting Recommended Agenda

SUBDIVISION NAME: _____

DATE: _____

Meeting – Introduction and Impact

SUGGESTED 90 MINUTES
MAXIMUM

Introduction (30 minutes)

1. Provide sign-in sheet
2. Present handbook materials
3. Discuss ROO handbook and timeline

Discussion (30 minutes)

4. Present and discuss restricted occupancy impact on residents
5. Determine if neighborhood will proceed with ROO

Administrative (30 minutes)

6. Overview Neighborhood Petition Committee positions
7. Determine Neighborhood Petition Committee
8. If necessary: determine future meeting dates

Neighborhood Meeting Two

Recommended Agenda

SUBDIVISION NAME: _____

DATE: _____

ROO Petition Selection

TIME: _____

Introduction (15 minutes)

- 1. Provide sign-in sheet
- 2. Overview of meeting one
- 3. Present previous meeting minutes

Discussion (50 minutes)

- 4. Review ROO
- 5. Cast anonymous votes on options to pursue ROO
- 6. Gather vote results
- 7. Discuss results
- 8. Begin petition distribution

Administrative (10 minutes)

- 9. Schedule additional meetings, if consensus is not reached

Meeting Minutes

SUBDIVISION NAME: _____ DATE: _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____

Attest: Print: _____ Sign: _____ , Neighborhood Petition
Committee member

Restricted Occupancy Overlay Petition

By signing below, I agree that the Restricted Occupancy Overlay (ROO) ordinance will limit occupancy to no more than two unrelated persons in a detached single-family dwelling or in an accessory living quarters in (insert subdivision name). I understand that related persons are related by blood, adoption, guardianship, marriage, are an authorized caretaker, or members of a group home for disabled persons, as defined in UDO Section 11.2 Defined Terms in the definition of "Family." I understand that at least 50% + 1 of the total number of single-family zoned or developed building plots in the original subdivision are required to submit the ROO application for consideration. I understand that submitting an application does not guarantee ROO approval.

DATE _____

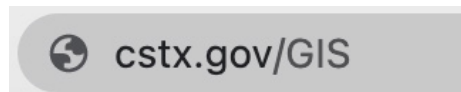
FULL LEGAL
SUBDIVISION NAME: _____

ADDRESS	LEGAL DESCRIPTION	PROPERTY OWNER NAME	SIGNATURE	DATE
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____
11. _____	_____	_____	_____	_____
12. _____	_____	_____	_____	_____
13. _____	_____	_____	_____	_____
14. _____	_____	_____	_____	_____
15. _____	_____	_____	_____	_____
16. _____	_____	_____	_____	_____
17. _____	_____	_____	_____	_____
18. _____	_____	_____	_____	_____

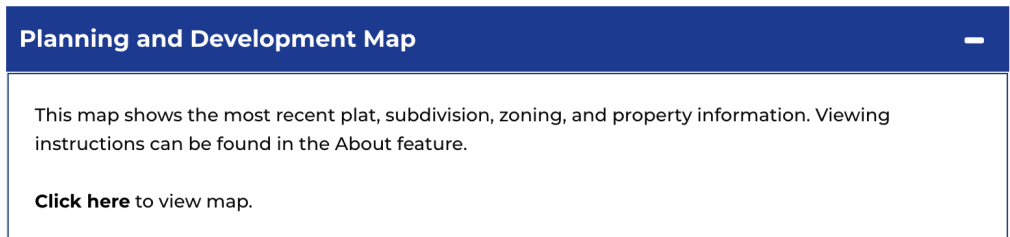
Appendix

How to Find Online Maps and Data

Please follow these instructions to find the Planning and Development map on the City of College Station website. The map includes land use, zoning, subdivision plats, property ownership, and other important information. If you need assistance, call 979.764.3858 to speak to a planning staff member.



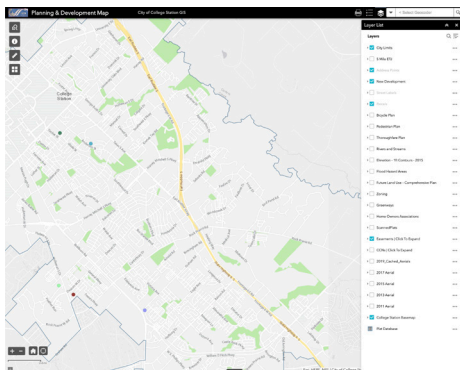
1. **Open a browser window** (Google Chrome, Internet Explorer, Firefox, Bing, Safari).
2. **Type cstx.gov/GIS directly into the browser search bar** to go to the City of College Station GIS and Maps page.



4. **Click on the Planning and Development Map tab or [click here](#) to visit the Planning and Development Map.**



5. Once you are in the Planning and Development Map, **click on the Layers icon to view the Layer List.** The Layer List must be expanded by clicking the Layer icon on the top right corner of the page, seen below.



6. **The Layer List includes helpful information such as land use, zoning, plats, easements, and property ownership, seen left.**

Original Subdivision Plat

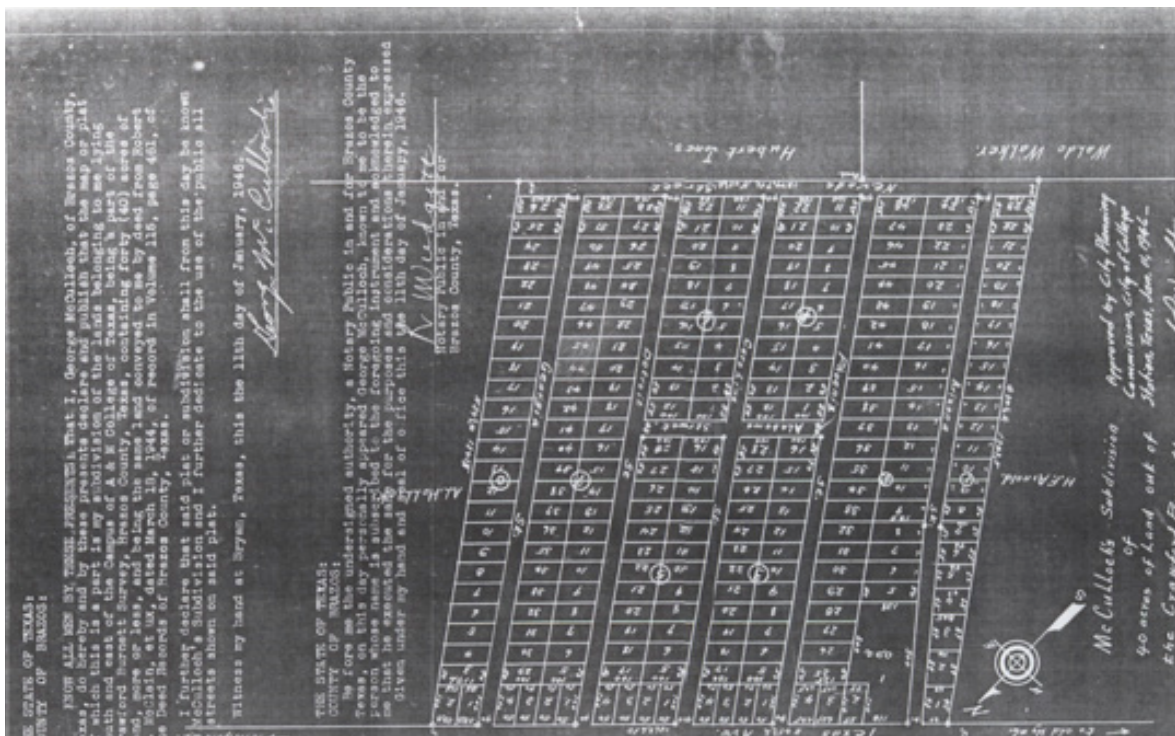
50% + 1 of all of single-family zoned or developed building plots within the original subdivision are required to sign the petition to submit an application for a Restricted Occupancy Overlay to Planning and Development Services for review. The subdivision is granted one property owner vote per building plot.

The UDO defines a Building Plot as

All of the land within a project, whether one (1) or more lots, developed according to a common plan or design for similar or compatible uses, that may have shared access or parking, and that singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot shall be made as the first step in the site plan or project review, unless such determination has previously been made at the time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure sits astride two (2) or more lots. In the event that two (2) or more lots are under single ownership and the structure does not meet the required side yard setback, both lots shall be considered the building plot or premises. Demolished sites located in larger parking lots that may not have previously been considered part of a larger building plot, will be considered part of the plot if access is shared with the site. – [UDO](#)

Article 11.2 Defined Terms

An original subdivision is also known as a legally recorded subdivision plat. To locate your subdivision plat, visit the Planning and Development map at ctx.gov/GIS and use the Scanned Plats layer available for viewing and download.



ROO Ordinance Enforcement

Enforcement is dependent upon the ability to document a violation of the ROO ordinance. Complaints will be investigated by Community Services - Code Enforcement division with support from Planning and Development Services. Once sufficient evidence of a violation has been gathered, the evidence will be submitted to the City Prosecutor for consideration of prosecution.

The investigation, based on guidance from the City Attorney's Office, of a complaint regarding a violation of the ROO may include the following:

- Visual observations
- Documentation of vehicles parked on the premise
- Review of the lease or other rental agreement
- Third-party statements and other information
- Other investigative tools identified by the Administrator or Prosecutor's Office