

ORDINANCE NO. 22-703-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE TEXAS, REPEALING AND REPLACING CHAPTER 42 “DEVELOPMENT PLANS”, CHAPTER 44 “LANDSCAPING” OF THE CODE OF ORDINANCES, CITY OF BROOKSHIRE, TEXAS TO REFLECT REORGANIZED AND MODERNIZED DEVELOPMENT STANDARDS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council (the “Council”) of the City of Brookshire, Texas (the “City”) desires to protect the health, safety, and welfare of the general public by providing certain regulations related to development standards within the City; and

WHEREAS, the Council finds that it is reasonable, necessary, and proper for the health, safety, and welfare of the general public to ensure that all proposed development projects adhere to certain development standards within the City; and,

WHEREAS, the Council finds it necessary to repeal the existing Chapter 42 of the Code of Ordinances of the City of Brookshire and replace it with the language provided herein, with such changes being shown in a redlined version attached to this Ordinance as “Exhibit A”; and **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSHIRE:

SECTION 1. THAT Chapter 42 “Development Plans” of the Code of Ordinances, City of Brookshire, Texas, is hereby amended by repealing the existing language and replacing the language with the language provided below, with such language to read as follows:

“CHAPTER 42 - DEVELOPMENT PLANS

ARTICLE I. - IN GENERAL

Secs. 42-1—42-18. - Reserved.

ARTICLE II. - DEVELOPMENT REGULATIONS

Sec. 42-19. - Site development plan required.

The developer or owner of any commercial, industrial, townhouse, apartment, or multifamily project containing four (4) or more living units to be constructed or reconstructed on lands within the city, shall, prior to commencement of any construction or improvements, or making an application for a building permit, present a site development plan of such project to the city council. The site development plan shall contain the following information:

(1) A master plan of the proposed development of the lands included in the application. The plan shall be drawn to scale and shall have delineated on it the size, shape, and location of all improvements (buildings, recreations facilities, parking areas, streets, landscaping, screening, amenities, building facades, etc.) to be made on the property with sufficient dimensions to determine the area dedicated for each use proposed, open spaces, parking requirements, building sizes, off-set distances, street widths, and other improvements. Also as related to townhouses, apartments, and multifamily developments, the developer shall furnish the size of each residential unit, the total number of living units, and the estimated total number of persons to be occupying the development.

(2) A complete lay-out of all streets and parking areas within the planned development, and the connection of the streets within the development to the existing neighborhood streets within one-fourth (1/4) mile surrounding the development, with the proposed traffic flow on the streets providing access to the development. Also, the developer will provide a traffic count over seven (7) consecutive days for the hours between 6:00 a.m. and 8:30 p.m. and between 4:00 p.m. and 6:30 p.m. at a point on the major streets where intersections will provide access to the development, and an estimate of the total number of vehicles from the development which will be using such intersections during those hours.

(3) A complete plan for the water system and the fire protection system proposed to be installed by the developer within the development. The plan shall show the size and location of all water lines within the development, as well as the location of the fire hydrants required to provide fire protection for the development. Further, the developer shall delineate on the water plan the size and location of the existing water systems of the city where the developer plans on connection to the water system in the development. Information shall be provided by the developer making an estimate of the total estimated water use, in gallons, during peak periods of demand, and the total estimated water use, in gallons, to be used monthly.

(4) The developer shall provide a complete plan of the sanitary sewer system proposed to be installed by the developer within the lands being developed. Such plan shall include the size, location and estimated depth of the sanitary sewer system within the development, as well as the size, location and depth of the existing sewer lines of the city where the developer proposes to connect the sanitary sewer system with the development. In addition to the above plan, the developer shall be required to provide an estimate of the peak load from the development, at the point of intersection with the system of the city, expressed in gallons, and an estimated monthly loan from the development, expressed in gallons.

(5) A plan shall be provided by the developer showing a cross section of the elevations of the lands to be developed, the proposed drainage system within the development and the existing drainage system into which the drainage system from the development will empty, or that will be affected by the drainage system to be constructed by the developer in the development. In addition to such drainage plan, the developer shall submit a drainage study, which shall certify the location of the lands to be developed in relation to the flood-prone areas as designated by the Federal Flood Insurance Program, and if such

development is within the flood-prone area, what remedial actions are being taken to satisfy the regulations for construction of improvements within a flood-prone area. The study shall also include the capacity of the existing drainage system and the increase resulting from the development; and the improvements, if any, required to make the existing drainage system adequate to take an increase resulting from the development.

(6) Any other information required by the city to assess conformance with applicable regulations, ordinances, and codes.

Sec. 42-20. - Approval to be based on ability to service needs.

When the developer has submitted all of the plans, information and studies required by this article, the city council shall, within sixty (60) days after the receipt of all the required information, set a time and date for a meeting to be held on the proposed development. The purpose of the hearing shall be to give the developer an opportunity to present his proposed development to the city council and for the city council to hear testimony from the appropriate city officials, and the developer and any interested persons, concerning the requirements of services necessary for the proposed development. Based on the evidence and testimony introduced at such meeting, the city council shall determine the capability of the city to provide the necessary services to the development. In the event the city council shall determine that the existing services (including access roads, water and sanitary sewer services, and drainage facilities) of the city are adequate to provide such services to the proposed development, then the development shall be approved by the city council. If, however, the city council shall determine that the existing capability of the necessary services to be provided by the city are not adequate to provide the necessary services, then the city council shall approve as much of the proposed development as can be adequately served by the existing facilities of the city.

Sec. 42-21. - Permit not to be issued without approval.

It shall be unlawful for any building permit to be issued for the construction of any improvements covered by this article prior to the approval of such development, or the portion thereof, by the city council. No final inspection shall be made on any improvements in the development, nor shall water and sewer services be provided to any part of the development, unless and until the developer shall have completed the improvements required to be made by the terms of the approval of the development made by the city council.

Secs. 42-22—42-45. - Reserved.

ARTICLE III. - DETENTION PONDS

Sec. 42-46. - Association of landowners to be created.

An association of landowners shall be created and delegated and assigned the powers of enforcing and administering the assessments, conditions, and covenants, including levying, collecting, and disbursing the assessments.

Sec. 42-47. - Restrictions on detention ponds required.

The developer or landowner shall impose the restrictive covenants wherever the use of a detention pond, as defined by ordinance of the city, is utilized as part of the drainage tract of a tract of land.

Sec. 42-48. - Agreement with city required.

The developer or landowner shall execute an agreement with the city wherever the use of a detention pond, as defined by ordinance of the city, is utilized as part of the drainage plan of a tract of land.

Sec. 42-49. - Easement required.

The developer or landowner shall execute an easement with the city wherever the use of a pond, as defined by ordinance of the city, is utilized as part of the drainage of a tract of land. A copy of this easement shall be kept on file with the city secretary”

SECTION 2. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed two thousand dollars (\$2,000.00) as provided in Article 1-13 of the Code of Ordinances, City of Brookshire, Texas.

SECTION 3. THAT should any paragraph, section, sentence, phrase, clause, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Brookshire is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as may be required by law.

SECTION 5. THAT this Ordinance shall become effective, except as may otherwise be provided herein, from and after its publication as provided by law.

PASSED, APPROVED, AND ORDAINED this _____ day of _____, 2022.

FOR THE CITY:

DARRELL BRANCH, MAYOR

ATTEST:

NAME [SIGNATURE]

NAME [PRINTED]

EXHIBIT A – REDLINED VERSION OF CHANGES TO CHAPTER 42

Chapter 42 - DEVELOPMENT PLANS

ARTICLE I. - IN GENERAL

Secs. 42-1—42-18. - Reserved.

ARTICLE II. - DEVELOPMENT REGULATIONS

Sec. 42-19. - ~~Environmental impact study~~ Site development plan required.

The developer or owner of any commercial, industrial, townhouse, apartment or multifamily project containing four or more living units to be constructed or reconstructed on lands within the city, ~~or the developer or owner of any improvements where there is a change in use or change in purpose of said improvements on lands within the city,~~ shall, prior to commencement of any construction or improvements, or making an application for a building permit, present a site development plan ~~an environmental impact study~~ of such project to the city council. The site development plan ~~environmental study~~ shall contain the following information:

- (1) A master plan of the proposed development of the lands included in the application. The plan shall be drawn to scale and shall have delineated on it the size, shape and location of all improvements (buildings, recreations facilities, parking areas, streets, landscaping, screening, amenities, building facades, etc.) to be made on the property with sufficient dimensions to determine the area dedicated for each use proposed, open spaces, parking requirements~~areas,~~ building sizes, off-set distances, street widths and other improvements. Also as relates to townhouses, apartments and multifamily developments, the developer shall furnish the size of each residential unit, the total number of living units and the estimated total number of persons to be occupying the development.
- (2) A complete lay-out of all streets and parking areas within the planned development, and the connection of the streets within the development to the existing neighborhood streets within one-fourth mile surrounding the development, with the proposed traffic flow on the streets providing access to the development. Also, the developer will provide a traffic count over seven consecutive days for the hours between 6:00 a.m. and 8:30 p.m. and between 4:00 p.m. and 6:30 p.m. at a point on the major streets where intersections will provide access to the development, and an estimate of the total number of vehicles from the development which will be using such intersections during those hours.
- (3) A complete plan for the water system and the fire protection system proposed to be installed by the developer within the development. The plan shall show the size and location of all water lines within the development, as well as the location of the fire hydrants required to provide fire protection for the development. Further, the developer shall delineate on the water plan the size and location of the existing water systems of the city where the developer plans on connection to the water system in the development. Information shall be provided by the developer making an estimate of the total estimated water use, in gallons, during peak periods of demand, and the total estimated water use, in gallons, to be used monthly.
- (4) The developer shall provide a complete plan of the sanitary sewer system proposed to be installed by the developer within the lands being developed. Such plan shall include the size,

location and estimated depth of the sanitary sewer system within the development, as well as the size, location and depth of the existing sewer lines of the city where the developer proposes to connect the sanitary sewer system with the development. In addition to the above plan, the developer shall be required to provide an estimate of the peak ~~loan-load~~ from the development, at the point of intersection with the system of the city, expressed in gallons, and an estimated monthly loan from the development, expressed in gallons.

- (5) A plan shall be provided by the developer showing a cross section of the elevations of the lands to be developed, the proposed drainage system within the development and the existing drainage system into which the drainage system from the development will empty, or that will be affected by the drainage system to be constructed by the developer in the development. In addition to such drainage plan, the developer shall submit a drainage study, which shall certify the location of the lands to be developed in relation to the ~~floodprone~~flood prone areas as designated by the Federal Flood Insurance Program, and if such development is within the ~~floodprone~~flood prone area, what remedial actions are being taken to satisfy the regulations for construction of improvements within a ~~floodprone~~flood prone area. The study shall also include the capacity of the existing drainage system and the increase resulting from the development; and the improvements, if any, required to make the existing drainage system adequate to take an increase resulting from the development.

(6) Any other information required by the city to assess conformance with applicable regulations, ordinances, and codes.

(Ord. No. 82-141-3, § I, 12-21-1982; Ord. No. 84-180-4, § I, 11-27-1984)

Sec. 42-20. - Approval to be based on ability to service needs.

When the developer has submitted all of the plans, information and studies required by this article, the city council shall, within 60 days after the receipt of all the required information, set a time and date for a ~~hearing~~meeting to be held on the proposed development. The purpose of the hearing shall be to give the developer an opportunity to present his proposed development to the city council and for the city council to hear testimony from the appropriate city officials, and the developer and any interested persons, concerning the requirements of services necessary for the proposed development. Based on the evidence and testimony introduced at such ~~meeting~~hearing, the city council shall determine the capability of the city to provide the necessary services to the development. In the event the city council shall determine that the existing services (including access roads, water and sanitary sewer services, and drainage facilities) of the city are adequate to provide such services to the proposed development, then the development shall be approved by the city council. If, however, the city council shall determine that the existing capability of the necessary services to be provided by the city are not adequate to provide the necessary services, then the city council shall approve as much of the proposed development as can be adequately served by the existing facilities of the city.

(Ord. No. 82-141-3, § II, 12-21-1982, XX-XX-2022)

Sec. 42-21. - Permit not to be issued without approval.

It shall be unlawful for any building permit to be issued for the construction of any improvements covered by this article prior to the approval of such development, or the portion thereof, by the city

council. No final inspection shall be made on any improvements in the development, nor shall water and sewer services be provided to any part of the development, unless and until the developer shall have completed the improvements required to be made by the terms of the approval of the development made by the city council.

(Ord. No. 82-141-3, § III, 12-21-1982, XX-XX-2022)

Secs. 42-22—42-45. - Reserved.

ARTICLE III. - DETENTION PONDS

Sec. 42-46. - Association of landowners to be created.

An association of landowners shall be created and delegated and assigned the powers of enforcing and administering the assessments, conditions and covenants, including levying, collecting and disbursing the assessments.

(Ord. No. 83-160-4, § I, 9-27-1983)

Sec. 42-47. - Restrictions on detention ponds required.

The developer or landowner shall impose the restrictive covenants wherever the use of a detention pond, as defined by ordinance of the city, is utilized as part of the drainage tract of a tract of land. ~~A copy of the covenant form is on file with the city secretary.~~

(Ord. No. 83-160-4, § II, 9-27-1983, XX-XX-2022)

Sec. 42-48. - Agreement with city required.

The developer or landowner shall execute an agreement with the city wherever the use of a detention pond, as defined by ordinance of the city, is utilized as part of the drainage plan of a tract of land. ~~A copy of this agreement form is on file with the city secretary.~~

(Ord. No. 83-160-4, § III, 9-27-1983, XX-XX-2022)

Sec. 42-49. - Easement required.

The developer or landowner shall execute an easement with the city wherever the use of a pond, as defined by ordinance of the city, is utilized as part of the drainage of a tract of land. ~~A copy of this easement form is on file with the city secretary.~~

(Ord. No. 83-160-4, § IV, 9-27-1983, XX-XX-2022)