

**ORDINANCE NO. 22-706-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE TEXAS, REPEALING AND REPLACING CHAPTER 50 “USE DEVELOPMENT STANDARDS” 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.**

\* \* \* \* \*

**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 50 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 50 “Use Development Standards” 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 50 - USE DEVELOPMENT STANDARDS**

**ARTICLE I. - IN GENERAL**

**Secs. 50-1—50-18. - Reserved.**

**ARTICLE II. - COMMERCIAL AND RESIDENTIAL PROPERTIES**

**Sec. 50-19. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words, terms, and phrases, when used in this article and not listed below shall have meanings ascribed in other section of the Code of Ordinances.

*Building* means a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.

*Building line* means an imaginary line, running parallel with applicable lot lines or street easement or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization of the city or other governmental entity having jurisdiction thereover; provided, however, no fence shall be authorized beyond a front building line except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.

*Masonry* means material including brick, stone, brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purposes of masonry trim.

*Streets, Freeways* means the freeway network includes the interstate, U.S. and state highway roadways controlled by TxDOT. Limited access roadways are those that control access to the facility at designated locations, typically at other freeways and arterial streets. Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Streets, Principal arterial roadways* means those streets that carry traffic across major segments of the city, with a primary function of throughput, rather than access. Driveway access onto principal arterials is often limited by spacing requirements, and parking is prohibited. Some principal arterials are on the TxDOT system of roadways (typically Farm to Market or FM roadways). Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Streets, Major Thoroughfare* see *Principal arterial roadways* defined above. Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Streets, Secondary Arterials* means arterial roadways that also carry traffic across major segments of the city, with a primary function of throughput, rather than access. Driveway access onto minor arterials is not as constrained as on principal arterials, and parking is prohibited. Occasionally a TxDOT system roadway may meet the secondary arterial classification. Secondary arterials are defined as *Thoroughfare* class in the Waller County Thoroughfare Plan. Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Streets, Collectors* mean roadways designed to connect local roadways and the network of arterial streets, providing access to neighborhoods and businesses. Collector streets are differentiated from arterial streets by their length and degree of access to adjacent development. Collector streets are typically contiguous across one (1) or more arterial roadways, but not more than one (1) or two (2) miles in length. Driveway access onto collector roadways is not limited in commercial areas and on-street parking is sometimes allowed. Collector roadway cross sections can range from two (2) lane streets to three (3) lane sections

for commercial areas. Collectors are classified into major collector and minor collector. Major collectors are those roadways designated as *Collector class* in the Waller County Thoroughfare Plan. Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Local Streets* mean local roadways that are typically be two (2) way streets, one (1) lane in each direction, with curbside parallel parking typically on both sides except for adjacent to intersections. This typical classification provides for minimal traffic flow accommodations. Refer to the City of Brookshire Thoroughfare Plan for street designations.

*Structure* means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.

### **Sec. 50-20. - Standards for commercial, non-residential, and multi-family properties**

#### *(a) Building lines.*

(1) *Front.* The front building line shall not be less than twenty-five feet (25'), except that where a lot faces a Thoroughfare, Collector, and Freeway/Tollway, the front building line shall not be less than thirty-five feet (35').

(2) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than fifteen feet (15'), except that where a lot sides on a Thoroughfare, Collector, and Freeway/Tollway, the building lines shall not be less than twenty-five feet (25').

(3) *Side, interior.* The side building lines shall not be less than seven and one-half feet (7½').

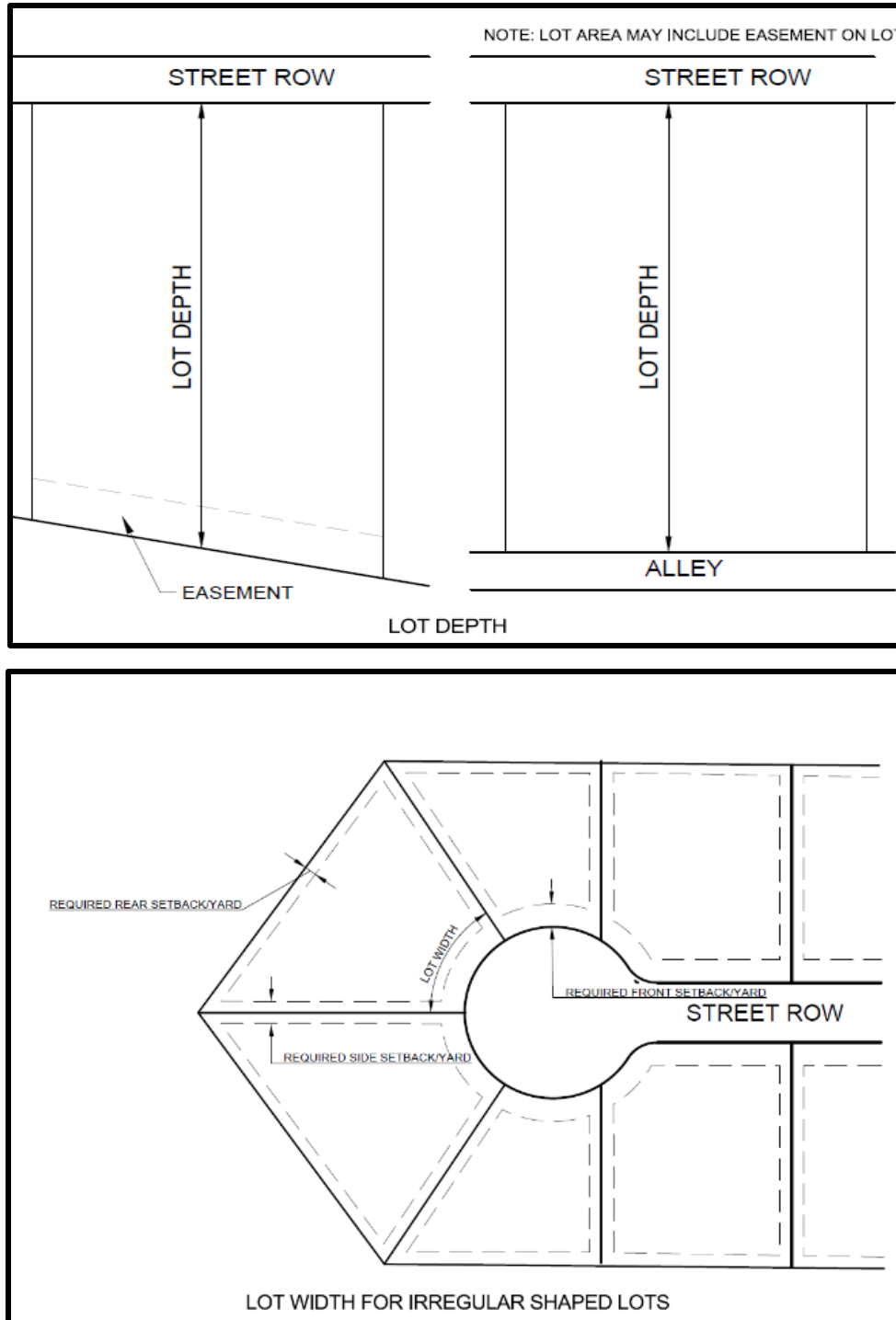
(4) *Rear, generally.* The rear building line shall not be less than twenty-five feet (25'), except where the rear property line abuts an alleyway, there shall be a minimum of thirty feet (30'), between the buildings abutting said alleyway, provided that if the alleyway is a twenty feet (20') wide alleyway, then the minimum rear building line shall be not less than five feet (5'), and if the alleyway is a fifteen feet (15') wide alleyway, then the rear building line shall not be less than seven and one-half feet (7½'). In all cases, buildings must be constructed in relation to the rear property line so that there will at all times be thirty feet (30') between the rear building lines.

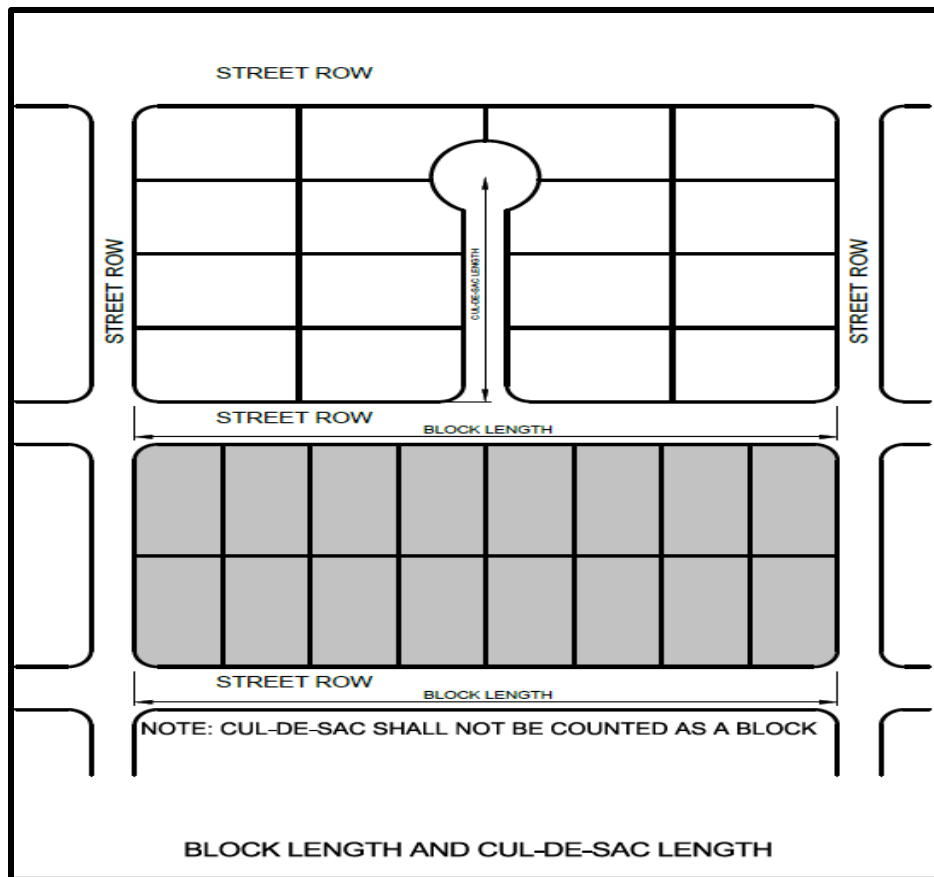
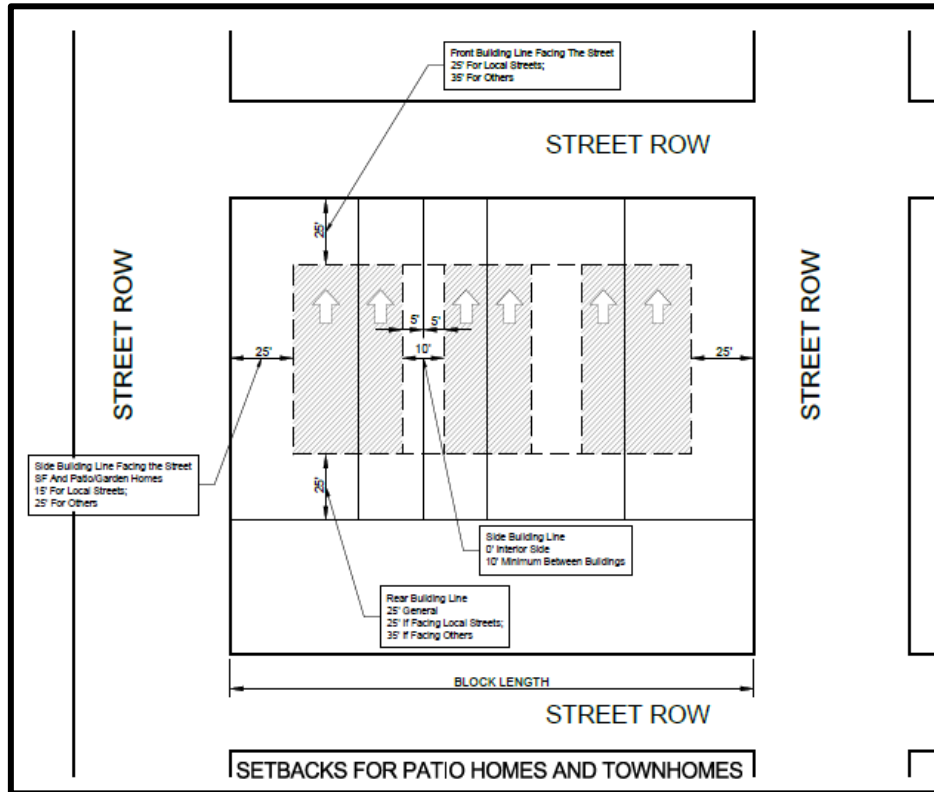
(5) *Rear, Thoroughfares, Collectors, and Freeway/Tollway.* The rear building line where a lot backs on a Thoroughfare, Collector, and Freeway/Tollway shall not be less than twenty-five feet (25').

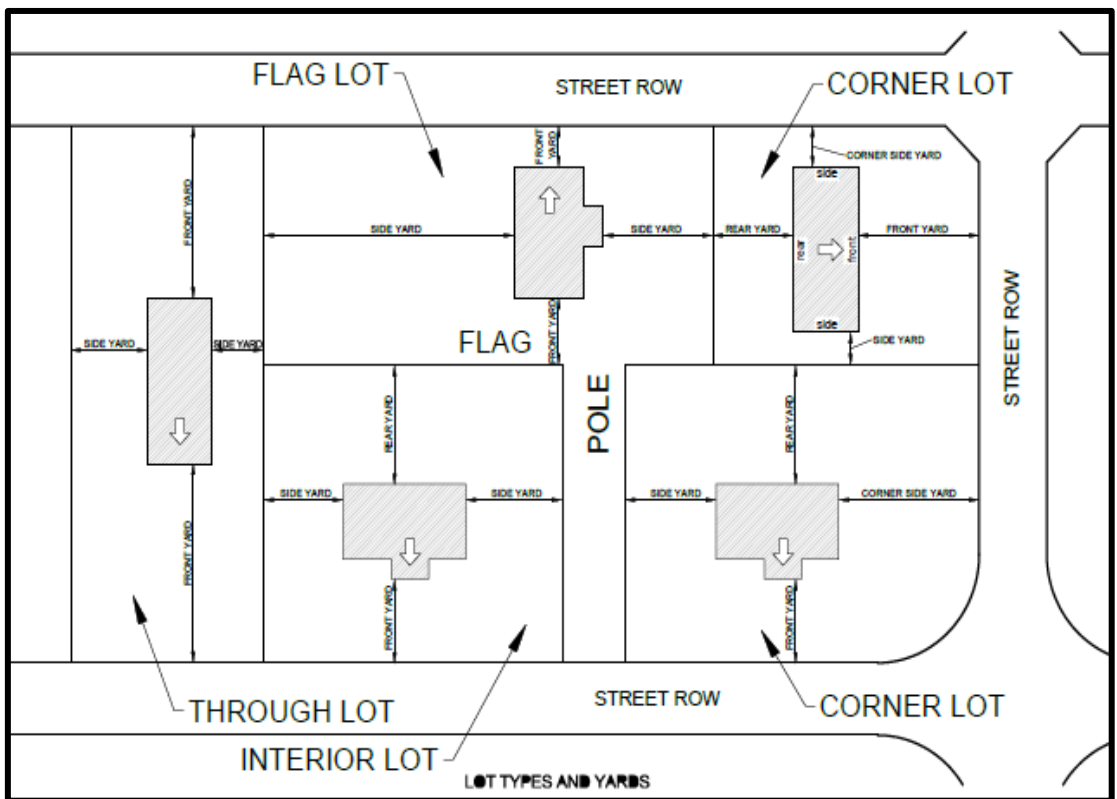
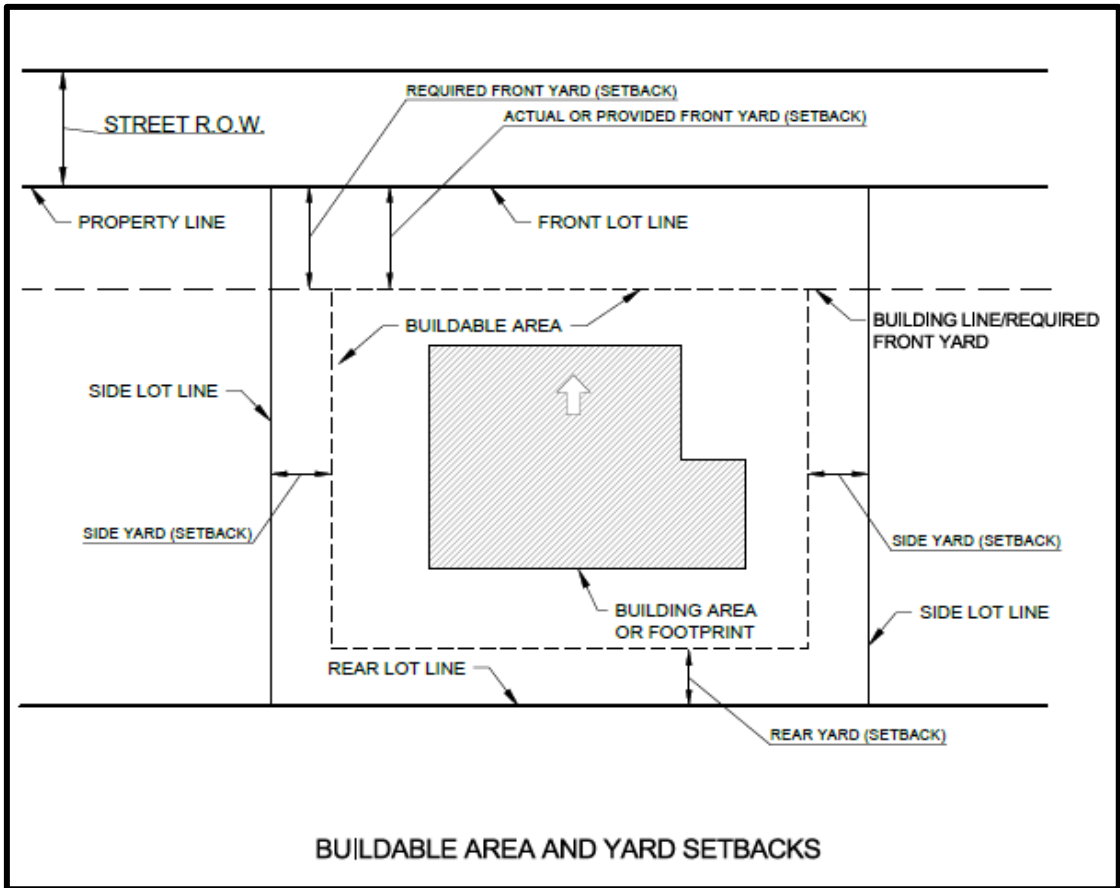
(6) *Zero-lot line.* If a zero-lot line is proposed in any development, and the wall adjoining the building line is constructed with materials giving it a four (4) hour firewall rating, then such building line may be zero (0'), unless such wall abuts an existing single-family residence or street. No commercial building line shall be less than twenty-five feet (25') on a side that abuts an existing single-family residence.

(7) *Adjacent to single-family use.* No commercial, non-residential, or multi-family building line shall be less than twenty-five feet (25') on a side that abuts an existing single-family residence.

**Figure 1: Lot and Setback Requirements**







(b) *Off-street parking and design standards.*

(1) All commercial, institutional, governmental, and industrial establishments in the city shall provide off-street parking as follows:

a. General: One (1) space per two hundred square feet (200 sqft) for the ground floor level, and one (1) space per three hundred square feet (300 sqft) for the second (2<sup>nd</sup>) floor level and up. General use shall include post offices; community, welfare, and health centers; optical shops; medical appliance stores; catering services; barber and beauty shops; custom cleaning shops; self-service laundries; laundry or cleaning pickup and receiving stations; shoe repair, tailor, and custom sewing shops; travel bureaus; instructional art or art work studios; photography studios; inside retail sales stores; antique shops; retail food stores; bakery shops; book stores; camera shops; cigar-tobacco stores; clothing stores; drug stores; beverage stores; florist shops; pet shops; resale, hobby, and art supply stores; paint and wallpaper stores; appliance fix-it shops; tool and equipment rentals (inside display only); duplication shops; custom print shops; custom commercial engraving shops; retail stores that offer consumer goods for inside retail sales; and any other commercial activity having the same characteristics of the above and not otherwise listed below.

b. Restaurants, bars, lounges, taverns: One (1) space per one hundred square feet (100 sqft) of floor area.

c. Drive-in restaurant: One (1) space per fifty square feet (50 sqft) of floor area, with a minimum of twelve (12) spaces.

d. Lumber, brick, or building materials sales yard: One (1) space per two hundred square feet (200 sqft) of retail floor area, plus one (1) space per one thousand square feet (1,000 sqft) of site area exclusive of floor area.

e. Sports complex: One (1) space per forty square feet (40 sqft) of seating area.

f. Day-care center: One (1) space per five hundred square feet (500 sqft) of floor area.

g. Bowling alley: Six (6) spaces per lane.

h. Theater, auditorium, or arena: One (1) space for every three (3) seats.

i. Sports club-health spa: One (1) space per two hundred square feet (200 sqft) of floor area.

j. Hotel or motel: One (1) space per guest room, office, and lobby.

k. Church: One (1) space for every three (3) seats in the sanctuary.

l. Elementary school: One (1) space per twenty (20) students.

- m. Middle school: One (1) space per fifteen (15) students.
- n. High school: One (1) space per three (3) students.
- o. College: One (1) space per two (2) students.
- p. Bank or savings and loan: One (1) space per three hundred square feet (300 sqft) of floor area.
- q. General office: One (1) space per three hundred square feet (300 sqft) of floor area.
- r. Medical clinic or doctor's office: One (1) space per three hundred square feet (300 sqft) of floor area.
- s. Veterinarian: One (1) space per three hundred square feet (300 sqft) of floor area.
- t. Nursing or convalescent home: One (1) space for every four (4) beds, plus one (1) space for each employee.
- u. Hospitals: Three (3) spaces for each bed.
- v. Funeral home or mortuary: One (1) space per three hundred square feet (300 sqft) of floor area, plus one (1) space for each two (2) seats in the chapel.
- w. Library: One (1) space per five hundred square feet (500 sqft) of floor area, with a minimum of ten (10) spaces.
- x. Feed store: One (1) space per six hundred square feet (600 sqft) of floor area.
- y. Swimming pool sales and supplies: One (1) space per two hundred square feet (200 sqft) of floor area, plus one (1) space per one thousand square feet (1,000 sqft) of outside sales area.
- z. Equipment sales or rentals (outside display): One (1) space per two hundred square feet (200 sqft) of floor area, plus one (1) space for each one thousand square feet (1,000 sqft) of site area exclusive of buildings.
- aa. Concrete cement, asphalt patching, or recycling plant: Five (5) spaces.
- bb. Furniture store: One (1) space per five hundred square feet (500 sqft) of floor area.
- cc. Automotive-related uses.
  - 1. Automotive or motorcycle display, sales and service: One (1) space per two hundred square feet (200 sqft) of floor area, with a minimum of five (5) spaces.



2. Auto glass, muffler, or seat cover shops: One (1) space per two hundred square feet (200 sqft) of retail floor area, plus one (1) space per five hundred square feet (500 sqft) of service floor area, with a minimum of two (2) spaces.

3. Auto parts sales (inside only): One (1) space per two hundred square feet (200 sqft) of sales floor area, plus one (1) space per five hundred square feet (500 sqft) of storage floor area.

4. Auto parts sales (outside display): One (1) space per five hundred square feet (500 sqft) of site area exclusive of building, with a minimum of four (4) spaces.

5. Auto repair garage, auto painting, or body shop: One (1) space per five hundred square feet (500 sqft) of floor area, with a minimum of five (5) spaces.

6. Service station. Three (3) spaces for each service stall, plus one (1) space for each employee on duty during largest shift.

dd. Residential – Two (2) spaces for each residential unit.

ee. Other – General warehouse, wholesale, light industrial, open bulk storage, and manufacturing facilities shall provide the following parking and loading spaces:

1. One and three-quarter (1<sup>3</sup>/<sub>4</sub>) spaces per two (2) employees on largest shift; plus one (1) space per local driver, salesman, or service man; plus one (1) space per each local company vehicle; or, one (1) space per eight hundred square feet (800 sqft) of gross floor space, whichever is greater.

2. One (1) truck loading space at least twelve feet (12') in width, fifteen feet (15') in length, and fourteen feet (14') of height clearance on the property for the first (1<sup>st</sup>) five thousand square feet (5,000 sqft) to twenty thousand square feet (20,000 sqft) of gross industrial or commercial floor area, plus one (1) such truck loading space for each additional twenty thousand square feet (20,000 sqft) of gross industrial or commercial floor area, or part thereof.

(2) Off-street parking facilities shall be maintained and continued so long the main use continues.

(3) Conforming buildings and uses existing at the time of adoption of the ordinance from which this article is derived may be modernized, altered, or repaired without providing additional off-street parking, provided there is no increase in area or capacity.

(4) Where a conforming building or use existed at the time of the adoption of the ordinance from which this article is derived and such building or structure is enlarged or increased in capacity by adding floor area, volume, or seats, off-street parking as specified in this Code shall be provided for the additional floor area, volume, capacity, or seats so created or used.

(5) Whenever the use of a building or portion thereof changes, the new use shall meet the off-street parking requirements of this article prior to issuance of a certificate of occupancy or approval by the appropriate building inspectors.

(6) Off-street parking and loading areas shall be drained to prevent damage to abutting property, public streets, and alleys and shall be paved with either concrete cement or asphalt.

(7) Off-street parking and loading facilities shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other approved protection device in accordance with city specifications.

(8) Location and design of entrances and exits shall be in accordance with city specifications. Landscaping, curbing, or other barriers shall be provided along lot boundaries to control entrance and exits of vehicles or pedestrians.

(9) Minimum widths of interior drives shall be related to the angle of parking stalls and use of one (1) way or two (2) way traffic as follows:

Parking Angle (degree)	Width of Aisle (feet)	Traffic Direction
30	<b>11</b>	<b>One-way</b>
45	<b>13</b>	<b>One-way</b>
60	<b>18</b>	<b>One-way</b>
90	<b>24</b>	<b>Two-way</b>

(10) Required off-street parking areas shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public or private street, walk, or alley, and so that any automobile may be parked and un-parked without moving another. Signs or markers shall be used as necessary to ensure that preservation of the natural features as well as the efficient traffic operation of the parking area.

(11) All streets and driveways shall be lighted at night with a minimum intensity of two (2) foot-candles' illumination if off-street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property.

(12) Where off-street parking spaces for ten (10) or more automobiles are located closer than forty feet (40') to a lot which either contains an existing single-family residence or is platted for residential use and when such parking spaces are not entirely screened visually from such a lot by an intervening building or structure, there shall be provided along the lot line a continuous screen with a minimum height of six feet (6'). Such screen shall consist of a solid wall or fence with landscaping as provided in Chapter 44.

(13) For the purposes of this article, parking and loading space shall be on the same site and under the same ownership. Parking and loading spaces shall not be on other sites or under other ownerships.

(14) Each commercial and industrial structure erected or altered in the city shall be provided with off-street loading and unloading facilities as specified above.

(c) *Computing parking space requirements.*

(1) Where fractional spaces result, the minimum parking spaces requirements shall be rounded upward to the next largest whole.

(2) The parking space requirements for a use not specifically described above shall be calculated based upon the requirements for the most similarly described use.

(3) A parking analysis and tabulation shall be required on the site plan for each development and shall be a part of the site plan submittal. Each analysis shall include an explanation of applicable parking requirements (as a minimum, include occupancy classification type, building square footages, and number of employees), total parking spaces required, total parking spaces provided, required and provided Americans with Disabilities Act (ADA) accessible spaces, and required and provided Americans with Disabilities Act (ADA) van accessible spaces. When the director of public works, or designee, determines necessary, an additional traffic impact study may be required to determine the impacts of a development on the off-site public street system.

(4) For mixed uses, the parking space requirements shall equal the sum of the requirements of the various uses computed separately.

(5) Service areas provided exclusively for the occupants of a building, including cafeterias, auditoriums, etc., are excluded from the calculation of floor area for determining required parking if the director of public works, or designee, determines these areas do not require parking capacity.

(6) The term “floor area” means the entire area located within the outside dimensions of a building, and the outside dimensions of the building shall be used to calculate the size of the floor area.

(7) A parking space shall be a minimum of nine feet (9') in width by twenty feet (20') in length. Parking spaces shall not extend into the driving lanes, across property lines, or public right-of-way lines.

(8) Driving widths of interior drives shall be in accordance with Section 50-20(b). Driveway maneuverability to and from parking spaces shall be provided on dead-end parking drive isles.

(d) *Screening.*

(1) All refuse containers contained on commercial establishments shall be screened by a six foot (6') opaque masonry fencing surrounded by a six foot (6') wide landscaped area consisting of shrubs (minimum five (5) gallon container) planted three feet (3') on center and five feet (5') at planting.

(2) All commercial establishments located adjacent to or adjoining an existing residential use shall be screened on all sides adjoining such residential use by a landscape buffer. Buffers shall be provided along all multi-family and non-residential development to buffer against single family and duplex residential developments. The buffer shall consist of a masonry screening fence, with a minimum height of six feet (6'), located along the property line between two (2) adjacent properties; and a twenty-five feet (25') wide landscaped buffer with landscaping consisting of trees and shrubs. Shrubs (minimum five (5) gallon container) shall be planted at a height of thirty-six inches (36") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing. Trees listed in Chapter 44 with a minimum two-inch (2") caliper measured five feet (5') above the ground shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of length along the buffer.

(e) *Nonconforming commercial establishments.* Commercial establishments lawfully existing and occupied within the city limits prior to the date of the ordinance from which this article is derived shall be allowed to continue and be maintained. No expansion or enlargement of these commercial establishments shall be allowed without full compliance with this article.



Example of Recommended Screening

**Sec. 50-21. - Standards for residential properties.**

**(a) Building lines- single-family residential**

(1) *Front.* The front building line shall not be less than twenty-five feet (25'), except that where a lot faces a Thoroughfare, Collector, or a Freeway/Tollway, the front building line shall not be less than thirty-five feet (35').

(2) *Side, corner lot.* The building line on the side of a corner lot adjacent to a street shall not be less than fifteen feet (15'), except that where a lot sides on a Thoroughfare,

Collector, or a Freeway/Tollway, the building line shall not be less than twenty-five feet (25').

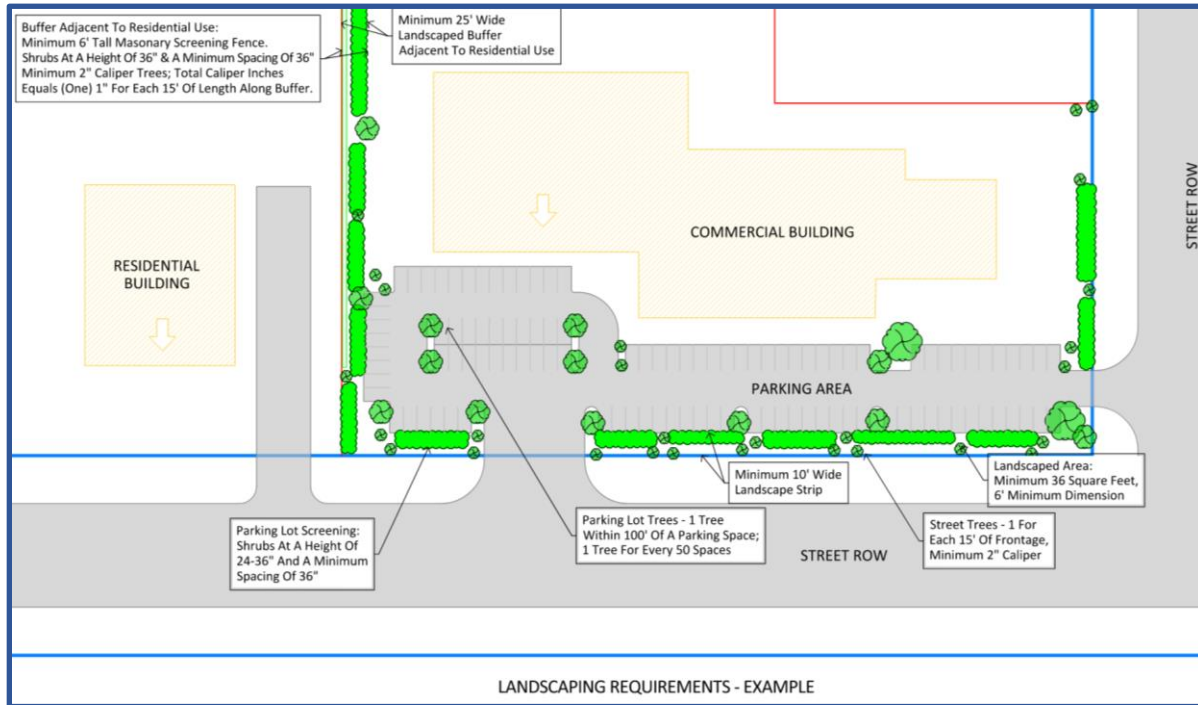


Figure 2: Site Landscaping and Buffers

(3) *Rear, generally.* The rear building line shall not be less than fifteen feet (15'), except that where the rear property line abuts an alleyway, there shall be a minimum of thirty feet (30'), between the buildings abutting said alleyway, provided that if the alleyway is a twenty feet (20') wide alleyway, then the minimum rear building line shall be not less than five feet (5'), and if the alleyway is a fifteen feet (15') wide alleyway, then the rear building line shall not be less than seven and one-half feet (7½'). In all cases, buildings must be constructed in relation to the rear property line so there will, at all times, be thirty feet (30') between the rear building lines.

(4) *Rear, arterial street.* The rear building line, where a lot backs on a Thoroughfare, Collector, or a Freeway/Tollway, shall not be less than twenty-five feet (25').

(5) *Side, interior.* The side building lines shall not be less than seven and one-half feet (7½').

(6) *Zero-lot line.* In developments where zero-lot line permitted, if the wall adjoining the building line is constructed with materials giving it a four (4) hour firewall rating, then such building line may be zero (0'), unless such wall abuts an existing single-family residence.

(7) *Adjacent to single-family use.* No commercial building line shall be less than twenty-five feet (25') on a side that abuts an existing single-family residence. (Refer to Figure 1: Lot and Setback Requirements in Section 50-20)

(b) *Building lines- patio homes and garden homes*

(1) The living area, exclusive of garage, of any dwelling qualifying as a patio home, garden home, or similar designation, shall cover or occupy not less than one thousand four hundred square feet (1,400 sqft) of the lot surface on which such dwelling is constructed.

(2) Building lines shall meet the same requirements as for single-family lots above, except that the building line may be reduced to zero (0') on one (1) interior side that abuts another residential lot, with a minimum distance of ten feet (10') between adjacent buildings on two (2) separate lots.

(c) *Building lines- Townhomes*

(1) Building lines shall meet the same requirements as for single-family lots above, except that the building line may be reduced to zero (0') on one (1) interior side that abuts another residential unit.

(2) Not more than eight (8) residential units shall be permitted in a block.

(3) Minimum distance of twenty feet (20') shall be required between blocks. (Refer to Figure 1: Lot and Setback Requirements in Section 50-20)

(d) *Driveways.* It shall be the duty of every owner or developer of residential real estate in the city, which real estate abuts any public street in the city, to cause a driveway to be constructed in accordance with the terms of this section. The dimensions of such driveway shall be no less than twelve feet (12') wide, and may incorporate a twelve feet (12') radius by twenty feet (20') long. Driveways must be paved and no driveway shall be built of materials other than concrete or asphalt.

(e) *Walkways.* It shall be the duty of every owner or developer of residential real estate in the city, which real estate abuts any public street in the city, to cause a paved walkway to be constructed in accordance with the terms of this section. The walkway shall extend to the front door of the residence and may abut either the street or the driveway. The dimensions of such walkway shall be no less than two feet (2') and no greater than three feet (3').

(f) *Nonconforming residences.* Residences lawfully existing and occupied within the city limits prior to the date of passage of the ordinance from which this article is derived shall be allowed to continue and be maintained. No expansion or enlargement of such existing residences shall be allowed without full compliance with the terms of this article.

(g) *Limit of residence per lot.* Not more than one (1) single-residence, duplex, or multi-family residence may be constructed per lot.

**Sec. 50-22. - Change in use of property.**

It shall be the duty of every owner or developer of property in the city to take reasonable steps inform the city staff and obtain appropriate approvals from the city prior to changing the designation of their property. The city council reserves its right under appropriate State law to regulate certain uses of land within the city and cause certain uses to be moved, abated, or eliminated.

**Sec. 50-23. - Variance request; application, review and report.**

(a) An applicant for a building permit may make written application to the city official for a variance from the requirements of this article. A completed application for a variance shall include:

- (1) Completed application on form supplied by the city; and
- (2) A nonrefundable fee as established by the city council from time to time.

(b) The application shall be reviewed by the city official. Within seven (7) days of the date the application is accepted, the city official shall forward a copy of the application, together with the city official's report and recommendations regarding the proposed variance to the city secretary.

(c) The application and city official's report regarding the variance request shall be provided to the city council prior to the meeting at which the variance shall be considered.

**Sec. 50-24. - Standards for variance.**

(a) The city council may consider and grant variances from the provisions of this article by majority vote of those members of the city council present and voting, when the city council determines that the following conditions exist:

- (1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;
- (2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this article are observed and maintained;
- (3) The intent of this article is preserved; and,
- (4) The granting of such a variance will not be injurious to the public health, safety, or welfare.

(b) Any variance granted under the provision of this section will apply only to the specific property upon which the city council was requested to grant a variance by the applicant. All variances granted shall be in writing, shall be signed by the mayor, and maintained as a permanent record of the city.

**Sec. 50-25. – Penalty.**

Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13. Each day of violation shall constitute a separate offense.

**Secs. 50-26—50-47. – Reserved.**

**ARTICLE III. – AIRPORT ZONING**

**Sec. 50-48. - Regulations adopted.**

Pursuant to the authority conferred by the Airport Zoning Act, V.T.C.A., Local Government Code § 241.001 et seq., the city hereby adopts the Joint Airport Safety Board Hazard Zoning Regulations approved by the Joint Airport Safety Board of Fort Bend County, Waller County, and the cities of Brookshire, Fulshear, and Katy as the airport zoning regulations for the Houston Executive Airport as they may be amended from time to time. A copy of the Joint Airport Safety Board Hazard Zoning Regulations adopted September 29, 2009, is on file in the city secretary’s office.”

**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 50**

# Chapter 50 - USE DEVELOPMENT STANDARDS<sup>[1]</sup>

*Footnotes: --- (1) --- State Law reference— Municipal regulation of zoning; V.T.C.A., Local Government Code § 211.001 et seq.*

## ARTICLE I. - IN GENERAL

Secs. 50-1—50-18. - Reserved.

## ARTICLE II. - COMMERCIAL AND RESIDENTIAL PROPERTIES

### Sec. 50-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words, terms and phrases, when used in this article and not listed below shall have meanings ascribed in other section of the Code of Ordinances.

*Building* means a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.

*Building line* means an imaginary line, running parallel with applicable lot lines or street easement or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization of the city or other governmental entity having jurisdiction thereover; provided, however, no fence shall be authorized beyond a front building line except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.

**Masonry - Masonry materials include brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purposes of masonry trim.**

**Streets, Freeways - The freeway network includes the interstate, U.S. and state highway roadways controlled by TxDOT. Limited access roadways are those**

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt, Bold, Italic

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt, Not Italic

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: (Default) Open Sans, 10.5 pt

Formatted: Font: Bold

Formatted: Font: (Default) Open Sans, Italic

Formatted: Indent: Left: 0.5"

Formatted: Font: (Default) Open Sans

that control access to the facility at designated locations, typically at other freeways and arterial streets. Refer to the City of Brookshire Thoroughfare Plan for street designations.  
Streets, Principal arterial roadways carry traffic across major segments of the city, with a primary function of throughput, rather than access. Driveway access onto principal arterials is often limited by spacing requirements, and parking is prohibited. Some principal arterials are on the TxDOT system of roadways (typically Farm to Market or FM roadways). Refer to the City of Brookshire Thoroughfare Plan for street designations.

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans, Italic

Formatted: Font: (Default) Open Sans

Streets, Major Thoroughfare defined in the WCTP belongs to the classification of Principal arterial roadways defined above. Refer to the City of Brookshire Thoroughfare Plan for street designations.

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans

Streets, Secondary Arterials - Arterial roadways also carry traffic across major segments of the city, with a primary function of throughput, rather than access. Driveway access onto minor arterials is not as constrained as on principal arterials, and parking is prohibited. Occasionally a TxDOT system roadway may meet the secondary arterial classification. Secondary arterials are defined as Thoroughfare class in the WCTP. Refer to the City of Brookshire Thoroughfare Plan for street designations.

Formatted: Font: (Default) Open Sans, Italic, Font color: Black

Formatted: Font: (Default) Open Sans, Font color: Black

Streets, Collectors - The function of collector roadways is to connect between local roadways and the network of arterial streets, providing access to neighborhoods and businesses. Collector streets are differentiated from arterial streets by their length and degree of access to adjacent development. Collector streets are typically contiguous across one or more arterial roadways, but not more than 1 or 2 miles in length. Driveway access onto collector roadways is not limited in commercial areas and on-street parking is sometimes allowed. Collector roadway cross sections can range from two-lane streets to three-lane sections for commercial areas. In the proposed MTP, collectors are classified into major collector and minor collector. Major collectors are those roadways designated as Collector class in the WCTP. Refer to the City of Brookshire Thoroughfare Plan for street designations.

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans, Italic, Font color: Black

Formatted: Font: (Default) Open Sans, Font color: Black

Local Streets - Local roadways will typically be two-way streets, one lane in each direction, with curbside parallel parking typically on both sides except for adjacent to intersections. This typical classification provides for minimal traffic flow accommodations. Refer to the City of Brookshire Thoroughfare Plan for street designations.

Formatted: Font: (Default) Open Sans

Formatted: Font: (Default) Open Sans, Italic, Font color: Black

Formatted: Font: (Default) Open Sans, Font color: Black

Formatted: Font: (Default) Open Sans

Formatted: Default, Space Before: 0 pt, After: 0 pt, Pattern: Clear

~~Street, arterial, means a street designed as a principal traffic artery, more or less continuous across the city, intended to connect remote parts of the city, and used primarily for fast or heavy volume traffic.~~

~~Street, collector, means a street designed to carry traffic from local streets to the major system of arterial streets and highways.~~

~~Street, local, means a street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.~~

Structure means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.

(Ord. No. 02-375-8, § 1, 6-6-2002)

## Sec. 50-20. - Standards for ~~commercial/non-residential/multi-family~~ **commercial** properties

(a) *Building lines.*

- (1) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces ~~a Thoroughfare, Collector, and Freeway/Tollway~~ **arterial street**, the front building line shall not be less than 35 feet.
- (2) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than ~~45-15~~ feet, except that where a lot sides on ~~a Thoroughfare, Collector, and Freeway/Tollway~~ **arterial street**, the building lines shall not be less than 25 feet.
- (3) ~~*Side, interior.* The side building lines shall not be less than 7.5 feet.~~
- (34) *Rear, generally.* The rear building line shall not be less than ~~15-25~~ feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet, between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot-wide alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the rear building line shall not be less than 7½ feet. In all cases, buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.

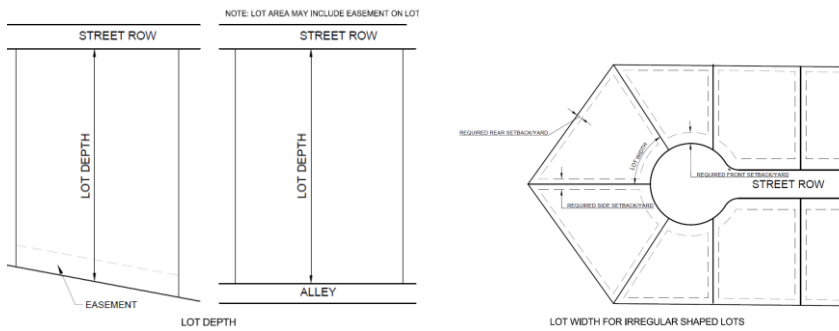
- (4) *Rear, Thoroughfares, Collectors, and Freeway/Tollway arterial street*. The rear building line where a lot backs on a Thoroughfare, Collector, and Freeway/Tollway arterial street shall not be less than 25 feet.
- (5) *Side, interior*. The side building lines shall not be less than five feet.
- (6) *Zero lot line*. If a zero lot line is proposed in any development, and the wall adjoining the building line is constructed with materials giving it a four-hour firewall rating, then such building line may be zero, unless such wall abuts an existing single-family residence or street. No commercial building line shall be less than 25 feet on a side that abuts an existing single-family residence.

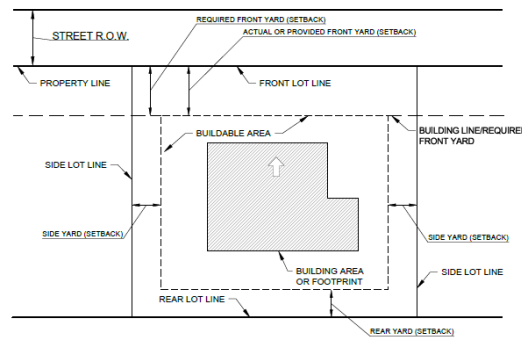
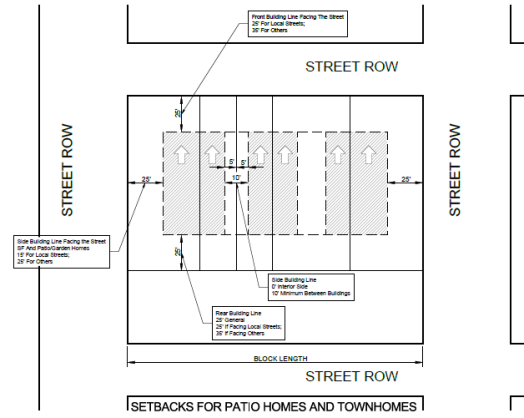
Formatted: Indent: Left: 0", First line: 0"

- (7) *Adjacent to single-family use*. No commercial non-residential/multi-family building line shall be less than 25 feet on a side that abuts an existing single-family residence.

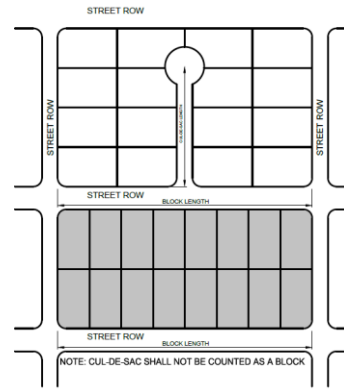
Formatted: Centered

**Figure 1: Lot and Setback Requirements**

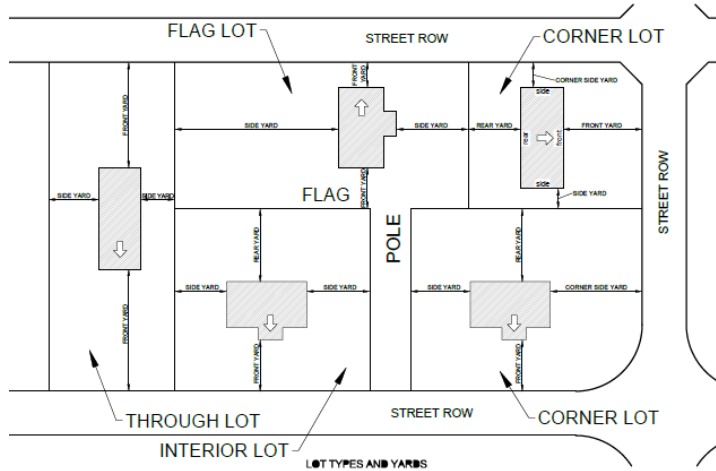




BUILDABLE AREA AND YARD SETBACKS



BLOCK LENGTH AND CUL-DE-SAC LENGTH



(b) *Off-street parking and design standards.*

(1) All commercial, institutional, governmental, and **industrial establishments** in the city shall provide off-street parking as follows:

- a. General: One space per 200 square feet for the ground floor level, and one space per 300 square feet for the second floor level and up. General use shall include post offices; community, welfare, and health centers; optical shops; medical appliance stores; catering services; barber and beauty shops; custom cleaning shops; self-service laundries; laundry or cleaning pickup and receiving stations; shoe repair, tailor, and custom sewing shops; travel bureaus; instructional art or art work studios; photography studios; inside retails sales stores; antique shops; retail food stores; bakery shops; book stores; camera shops; cigar-tobacco stores; clothing stores; drug stores; beverage stores; florist shops; pet shops; resale, hobby, and art supply stores; paint and wallpaper stores; appliance fix-it shops; tool and equipment rentals (inside display only); duplication shops; custom print shops; custom commercial engraving shops; retail stores that offer consumer goods for inside retail sales; and any other commercial activity having the same characteristics of the above and not otherwise listed below.
- b. Restaurants, bars, lounges, taverns: One space per 100 square feet of floor area.



- c. Drive-in restaurant: One space per 50 square feet of floor area, with a minimum of 12 spaces.
- d. Lumber, brick, or building materials sales yard: One space per 200 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of floor area.
- e. Sports complex: One space per 40 square feet of seating area.
- f. Day-care center: One space per 500 square feet of floor area.
- g. Bowling alley: Six spaces per lane.
- h. Theater, auditorium, or arena: One space for every three seats.
- i. Sports club-health spa: One space per 200 square feet of floor area.
- j. Hotel or motel: One space per guest room, office, and lobby.
- k. Church: One space for every three seats in the sanctuary.
- l. Elementary school: One space per 20 students.
- m. Middle school: One space per 15 students.
- n. High school: One space per three students.
- o. College: One space per two students.
- p. Bank or savings and loan: One space per 300 square feet of floor area.
- q. General office: One space per 300 square feet of floor area.
- r. Medical clinic or doctor's office: One space per 300 square feet of floor area.
- s. Veterinarian: One space per 300 square feet of floor area.
- t. Nursing or convalescent home: One space for every four beds, plus one space for each employee.
- u. Hospitals: Three spaces for each bed.
- v. Funeral home or mortuary: One space per 300 square feet of floor area, plus one space for each two seats in the chapel.
- w. Library: One space per 500 square feet of floor area, with a minimum of ten spaces.

- x. Feed store: One space per 600 square feet of floor area.
  - y. Swimming pool sales and supplies: One space per 200 square feet of floor area, plus one space per 1,000 square feet of outside sales area.
  - z. Equipment sales or rentals (outside display): One space per 200 square feet of floor area, plus one space for each 1,000 square feet of site area exclusive of buildings.
  - aa. Concrete cement, asphalt patching, or recycling plant: Five spaces.
  - bb. Furniture store: One space per 500 square feet of floor area.
  - cc. Automotive-related uses.
    - 1. Automotive or motorcycle display, sales and service: One space per 200 square feet of floor area, with a minimum of five spaces.
    - 2. Auto glass, muffler, or seat cover shops: One space per 200 square feet of retail floor area, plus one space per 500 square feet of service floor area, with a minimum of two spaces.
    - 3. Auto parts sales (inside only): One space per 200 square feet of sales floor area, plus one space per 500 square feet of storage floor area.
    - 4. Auto parts sales (outside display): One space per 500 square feet of site area exclusive of building, with a minimum of four spaces.
    - 5. Auto repair garage, auto painting, or body shop: One space per 500 square feet of floor area, with a minimum of five spaces.
    - 6. Service station. Three spaces for each service stall, plus one space for each employee on duty during largest shift.
  - dd. Residential - Two spaces for each residential unit.
- Other: General warehouse, wholesale, light industrial, open bulk storage and manufacturing facilities shall provide the following parking and loading spaces:
- 1. 1¾ space per two employees on largest shift; plus one space per local driver, salesman or service man; plus one

space per each local company vehicle; or one space per 800 gross square feet of floor space, whichever is greater.

2. One truck loading space at least 12 feet in width, 15 feet in length, and 14 feet of height clearance on the property for the first 5,000 to 20,000 square feet of gross industrial or commercial floor area, plus one such truck loading space for each additional 20,000 square feet, or part thereof.
- (2) Off-street parking facilities shall be maintained and continued so long the main use continues.
- (3) Conforming buildings and uses existing at the time of adoption of the ordinance from which this article is derived may be modernized, altered or repaired without providing additional off-street parking, provided there is no increase in area or capacity.
- (4) Where a conforming building or use existed at the time of the adoption of the ordinance from which this article is derived and such building or structure is enlarged or increased in capacity by adding floor area, volume or seats, off-street parking as specified in this Code shall be provided for the additional floor area, volume, capacity or seats so created or used.
- (5) Whenever the use of a building or portion thereof changes, the new use shall meet the off-street parking requirements of this article prior to issuance of a certificate of occupancy or approval by the appropriate building inspectors.
- (6) Off-street parking and loading areas shall be drained to prevent damage to abutting property and/or public streets and alleys and shall be paved with either concrete cement or asphalt.
- (7) Off-street parking and loading facilities shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protection device in accordance with city specifications.
- (8) Location and design of entrances and exits shall be in accordance with city specifications. Landscaping, curbing or other barriers shall be provided along lot boundaries to control entrance and exits of vehicles or pedestrians.
- (9) Minimum widths of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking Angle (degree)	Width of Aisle (feet)	Traffic Direction
30	11	One-way
45	13	One-way
60	18	One-way
90	24	Two-way

- (10) Required off-street parking areas shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public or private street, walk, or alley, and so that any automobile may be parked and un-parked without moving another. Signs or markers shall be used as necessary to ensure that preservation of the natural features as well as the efficient traffic operation of the parking area.
- (11) All streets and driveways shall be lighted at night with a minimum intensity of two foot candles' illumination if off-street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property.
- (12) Where off-street parking spaces for ten or more automobiles are located closer than 40 feet to a lot which either contains an existing single-family residence or is platted for residential use and when such parking spaces are not entirely screened visually from such a lot by an intervening building or structure, there shall be provided along the lot line a continuous screen with a minimum height of six feet. Such screen shall consist of a solid wall or fence with landscaping as provided in Chapter 44.
- (13) For the purposes of this article, parking and loading space shall be on the same site and under the same ownership. Parking and loading spaces shall not be on other sites or under other ownerships.
- (14) Each commercial and industrial structure erected or altered in the city shall be provided with off-street loading and unloading facilities as specified above.

(c) *Computing parking space requirements.*

- (1) Where fractional spaces result, the minimum parking spaces requirements shall be rounded upward to the next largest whole.
- (2) The parking space requirements for a use not specifically described above shall be calculated based upon the requirements for the most similarly described use.
- (3) A parking analysis and tabulation shall be required on the site plan for each development and shall be a part of the site plan submittal. Each analysis shall include an explanation of applicable parking requirements (as a minimum, include occupancy classification type, building square footages, and number of employees), total parking spaces required, total parking spaces provided, required and provided Americans with Disabilities Act (ADA) accessible spaces, and required and provided Americans with Disabilities Act (ADA) van accessible spaces. When the director of public works, or ~~his~~ designee, determines necessary, an additional traffic impact study may be required to determine the impacts of a development on the off-site public street system.
- (4) For mixed uses, the parking space requirements shall equal the sum of the requirements of the various uses computed separately.
- (5) Service areas provided exclusively for the occupants of a building, including cafeterias, auditoriums, etc., are excluded from the calculation of floor area for determining required parking if the director of public works, or designee, determines these areas do not require parking capacity.
- (6) The term "floor area" means the entire area located within the outside dimensions of a building, and the outside dimensions of the building shall be used to calculate the size of the floor area.
- (7) A parking space shall be a minimum of nine feet in width by 20 feet in length. Parking spaces shall not extend into the driving lanes, across property lines and/or public right-of-way lines.
- (8) Driving widths of interior drives shall be in accordance ~~with section~~ [Section 50-204](#)(b). Driveway maneuverability to and from parking spaces shall be provided on dead-end parking drive isles.

(d) *Screening.*

(1) All refuse containers contained on commercial establishments shall be screened by

~~(a) a six foot opaque masonry (as defined in Sec. 50-19. – Definitions) fencing surrounded by a six foot wide landscaped area consisting of shrubs (minimum 5 gallon container) planted three feet on center and five feet at planting. a six-foot solid fence, wall or other similar screening device.~~

**Formatted:** Font: Not Bold

**Formatted:** Indent: Left: 1"

**Formatted:** Font: (Default) Open Sans, 10.5 pt

**Formatted:** Font: (Default) Open Sans, 10.5 pt

(2) All commercial establishments located adjacent to or adjoining an existing residential use shall be screened on all sides adjoining such residential use by a

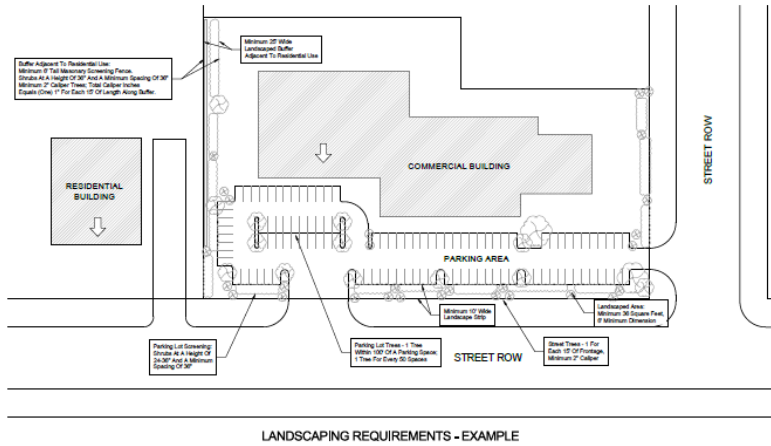
~~(a) Landscape buffers. Buffers shall be provided along all multi-family and non-residential development to buffer against single family and duplex residential developments. The buffer shall consists of a masonry screening fence, with a minimum height of six feet, located along the property line between two adjacent properties; and a 25 foot wide landscaped buffer with landscaping consisting of trees and shrubs. Shrubs (minimum 5 gallon container) shall be planted at a height of thirty-six inches (36") as measured from the surrounding soil line (5-gallon container) and at a minimum thirty-six inch (36") spacing. Trees listed in Chapter 44 with a minimum two inch (2") caliper measured five feet (5') above the ground shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of length along the buffer.~~

**Formatted:** Indent: First line: 0"

~~six-foot solid fence, wall or other similar screening device.~~

Figure 2: Site Landscaping and Buffers

**Formatted:** Indent: Left: 0.5", Space Before: 0 pt, After: 9.75 pt



Formatted: Indent: Left: 1"

- (e) *Nonconforming commercial establishments.* Commercial establishments lawfully existing and occupied within the city limits prior to the date of the ordinance from which this article is derived shall be allowed to continue and be maintained. No expansion or enlargement of these commercial establishments shall be allowed without full compliance with this article.

(Ord. No. 02-375-8, § 2, 6-6-2002)

• **Sec. 50-21. - Standards for residential properties.**

Formatted: Indent: Left: 0.5", No bullets or numbering

(a) *Building lines-~~single-family residential-~~*

- (1) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces a ~~a Thoroughfare, Collector, or a Freeway/Tollway arterial street~~, the front building line shall not be less than 35 feet.
- (2) *Side, corner lot.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a ~~Thoroughfare, Collector, or a Freeway/Tollway arterial street~~, the building line shall not be less than 25 feet.
- (3) *Rear, generally.* The rear building line shall not be less than 15 feet, except that where the rear property line abuts an alleyway, there shall be a minimum of 30 feet, between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot-wide alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the rear building line shall not

be less than 7½ feet. In all cases, buildings must be constructed in relation to the rear property line so there will, at all times, be 30 feet between the rear building lines.

- (4) *Rear, arterial street.* The rear building line, where a lot backs on a Thoroughfare, Collector, or a Freeway/Tollway~~an arterial street~~, shall not be less than 25 feet.
- (5) *Side, interior.* The side building lines shall not be less than ~~five~~7.5 feet.
- (6) *Zero lot line.* In developments where zero lot line permitted, if the wall adjoining the building line is constructed with materials giving it a four-hour firewall rating, then such building line may be zero, unless such wall abuts an existing single-family residence.
- (7) *Adjacent to single-family use.* No commercial building line shall be less than 25 feet on a side that abuts an existing single-family residence.

(Refer to Figure 1: Lot and Setback Requirements in Section 50-20)

(b) Building lines- patio homes and garden homes

- (1) The living area, exclusive of garage, of any dwelling qualifying as a patio home, garden home, or similar designation, shall cover or occupy not less than 1,400 square feet of the lot surface on which such dwelling is constructed.
- (2) Building lines shall meet the same requirements as for single-family lots above, except that the building line may be reduced to zero on one interior side that abuts another residential lot, with a minimum distance of 10 feet between adjacent buildings on two separate lots.

Formatted: Font: Not Bold

(c) Building lines- Townhomes

- (1) Building lines shall meet the same requirements as for single-family lots above, except that the building line may be reduced to zero on one interior side that abuts another residential unit.
- (2) Not more than eight (8) residential units shall be permitted in a block
- (3) Minimum distance of 20 feet shall be required between blocks. (Refer to

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Figure 1: Lot and Setback Requirements in Section 50-20)



(Ord. No. 83-150-3, § 5(N)(3), 7-26-1983, xx-xx-2022)

- (bd) *Driveways.* It shall be the duty of every owner or developer of residential real estate in the city, which real estate abuts any public street in the city, to cause a driveway to be constructed in accordance with the terms of this section. The dimensions of such driveway shall be no less than 12 feet wide, and may incorporate a 12-foot radius by 20 feet long. Driveways must be paved and no driveway shall be built of materials other than concrete or asphalt.
- (ce) *Walkways.* It shall be the duty of every owner or developer of residential real estate in the city, which real estate abuts any public street in the city, to cause a paved walkway to be constructed in accordance with the terms of this section. The walkway shall extend to the front door of the residence and may abut either the street or the driveway. The dimensions of such walkway shall be no less than two feet and no greater than three feet.
- (df) *Nonconforming residences.* Residences lawfully existing and occupied within the city limits prior to the date of passage of the ordinance from which this article is derived shall be allowed to continue and be maintained. No expansion or enlargement of such existing residences shall be allowed without full compliance with the terms of this article.
- (eg) *Limit of ~~one~~ residence per lot.* Not more than one single-residence, duplex, or multi-family residence may be constructed per lot.

(Ord. No. 02-375A-8, § 1, 8-7-2003; Ord. No. 05-472-9, § 1, 12-1-2005; Ord. No. 06-482-9, § 1, 3-6-2006; Ord. No. 19-658-14, § 1, 4-25-2019, xx-xx-2022)

**Sec. 50-22. - Change in use of property.**

It shall be the duty of every owner or developer of property in the city to ~~seek the approval of~~ inform the city ~~council staff and obtain appropriate approvals from the City~~ prior to changing the designation of ~~his~~ their property. No change in the use of property shall be valid without ~~the~~ the city council's ~~city's~~ approvals.

(Ord. No. 07-515-10, § 1, 3-1-2007, xx-xx-2022)

**Sec. 50-23. - Variance request; application, review and report.**

- (a) An applicant for a building permit may make written application to the city official for a variance from the requirements of this article. A completed application for a variance shall include:

Formatted: No bullets or numbering

- (1) Completed application on form supplied by the city; and
- (2) A nonrefundable fee as established by the city council from time to time.

(b) The application shall be reviewed by the city official. Within seven days of the date the application is accepted, the city official shall forward a copy of the application, together with his/her report and recommendations regarding the proposed variance to the city secretary.

(c) The application and city official's report regarding the variance request shall be provided to the city council prior to the meeting at which the variance shall be considered.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

### **Sec. 50-24. - Standards for variance.**

Formatted: No bullets or numbering

(a) The city council may consider and grant variances from the provisions of this article by majority vote of those members of the city council present and voting, when the city council determines that the following conditions exist:

(1) The imposition of the terms, rules, conditions, policies and standards of this article would deprive the owner or applicant of the property of reasonable use of the land or building;

Formatted: Indent: Left: 1", Hanging: 0.5"

(2) The circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant, and the general purposes of this article are observed and maintained;

(3) The intent of this article is preserved; and

(4) The granting of such a variance will not be injurious to the public health, safety, or welfare.

(b) Any variance granted under the provision of this section will apply only to the specific property upon which the city council was requested to grant a variance by the applicant. All variances granted shall be in writing, shall be signed by the mayor and maintained as a permanent record of the city.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

### **Sec. 50-25. - Penalty.**

Formatted: No bullets or numbering

Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13. Each day of violation shall constitute a separate offense.

**Secs. 50-~~2326~~—50-47. - Reserved.**

### **ARTICLE III. - AIRPORT ZONING**

#### **Sec. 50-48. - Regulations adopted.**

Pursuant to the authority conferred by the Airport Zoning Act, V.T.C.A., Local Government Code § 241.001 et seq., the city hereby adopts the Joint Airport Safety Board Hazard Zoning Regulations approved by the Joint Airport Safety Board of Fort Bend County, Waller County and the cities of Brookshire, Fulshear and Katy as the airport zoning regulations for the Houston Executive Airport as they may be amended from time to time. A copy of the Joint Airport Safety Board Hazard Zoning Regulations adopted September 29, 2009, is on file in the city secretary's office.

(Ord. No. 09-549-11, § 1, 11-19-2009)