

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PART II, DIVISION 1 AND DIVISION 2, TO PROVIDE FOR THE NEIGHBORHOOD BUSINESS DISTRICT (B-4) AND THE DOWNTOWN BUSINESS/RESIDENTIAL OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP TO RE-ZONE VARIOUS TRACTS OF LAND BOUNDED BY AND/OR ADJACENT TO S. AUSTIN STREET, W. FIRST STREET, S. MARKET STREET, S. BAYLOR STREET, S. PARK STREET, AND S. CHURCH STREET CURRENTLY ZONED COMMERCIAL, RESEARCH, AND TECHNOLOGY DISTRICT (B-2) (APPROXIMATELY 10.43 ACRES) AND A PORTION BEING INDUSTRIAL DISTRICT (I) (APPROXIMATELY 0.45 ACRES) TO A NEIGHBORHOOD BUSINESS DISTRICT (B-4) (APPROXIMATELY 10.88 ACRES) INCLUDING THE DOWNTOWN BUSINESS/RESIDENTIAL OVERLAY DISTRICT (APPROXIMATELY 2.28 ACRES), BEING A TOTAL OF APPROXIMATELY 10.88 ACRES OF LAND, SAID RE-ZONED PROPERTY BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”.**

**WHEREAS**, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

**WHEREAS**, the City Council, hereby desires to amend Appendix A – “Zoning” to provide for the creation of the Neighborhood Business District (B-4) and the Downtown Business/Residential Overlay District in accordance with the regulations set forth therein; and

**WHEREAS**, the City Council of the City of Brenham desires to re-zone various tracts of land to a Neighborhood Business District (B-4) including the Downtown Business/Residential Overlay District as set forth herein below;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT APPENDIX A – “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:**

**SECTION 1.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 1, Sec. 1, Establishment of districts is hereby amended to add the B-4 Neighborhood Business District and the OL Downtown Business/Residential Overlay District to read as follows:

**Sec. 1. - Establishment of districts.**

For the purposes of this ordinance, the city is hereby divided into ten (10) districts as follows:

(Residential Districts)

District R-1. Single-Family Residential District

District R-2. Mixed Residential District

District R-3. Manufactured Home Residential

(Mixed Residential and Commercial Districts)

District B-1. Local Business/Residential Mixed Use District

District B-2. Commercial, Research and Technology District

District B-3. Historical Central Business District

District B-4. Neighborhood Business District

(Exclusive Commercial District)

District I. Industrial

(Special Districts)

District PD. Planned Development District

District OL. Downtown Business/Residential Overlay District

**SECTION 2.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 6, I Industrial District is hereby amended by renumbering said Part II, Division 2, Sec. 6, I Industrial District to be referred to therein as Part II, Division 2, Sec. 7, I Industrial District. Further, any and all references throughout the entirety of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Part II, Division 2, Sec. 6, I Industrial District shall be renumbered to be referred to therein as Part II, Division 2, Sec. 7, I Industrial District.

**SECTION 3.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 6 is hereby amended to add Part II, Division 2, Sec. 6, B-4 Neighborhood Business District to read as follows:

**Sec. 6. - B-4 Neighborhood Business District.**

(Sec. 6.01) Purpose. The B-4 Neighborhood Business District is established to encourage a mix of commercial, office, service, residential and governmental uses while preserving the historical/commercial character of this unique district.

(Sec. 6.02) Permitted uses:

(Residential)

Residential uses that occupy upper level space above ground level in nonresidential buildings.

(Nonresidential)

- (1) Amusement and entertainment
- (2) Apparel and other products assembled from finished textiles.
- (3) Arts and Crafts studios-
- (4) Automobile parking lots
- (5) Bakeries (retail and wholesale)
- (6) Banks/Depository Institutions (not including Payday Lenders or Express Loans)
- (6) Bed and Breakfast House
- (7) Distillery and Brewery
- (8) Artisan works and goods design, production and sales
- (9) Performing arts venues
- (10) Dancing or music academies and studios
- (11) Museums or galleries
- (12) Florist shops or greenhouses
- (13) Food and beverage production, sales and bottling works
- (14) Musical instruments assembly and manufacture design, production and sales
- (15) Offices
- (16) Open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-4 District
- (17) Printing and/or engraving and newspaper plants and shops
- (18) Radio or television broadcasting station or studios for recording, film or photography

(19) Eateries, restaurants, coffee shops, ice cream parlors not including drive-thru

(20) Retail stores, general sales and service, and other local business

(Sec. 6.03) Specific uses:

(1) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.

(Sec. 6.04) Height regulations. No residential or nonresidential building shall exceed forty (45) feet or three (3) stories.

(Sec. 6.05) Area regulations. No limitations except where bufferyards are required.

(Sec. 6.06) Lot coverage: No limitations.

(Sec. 6.07) Parking and loading regulations. The provisions contained in Part II, Division I, Sections 15 and 16 hereof shall be applicable to the B-4 Neighborhood Business District. However, notwithstanding the preceding sentence, the following provisions shall not be applicable to the B-4 Neighborhood Business District: 1) the third sentence of Part II, Division 1, Section 16.03(4); and 2) Part II, Division 1, Subsections 16.03(4)(a) and 16.03(4)(b).

It is the goal of the City to encourage not only new development within the B-4 Neighborhood Business District, but to also strongly encourage redevelopment and reuse of existing structures within the District. Existing development patterns preclude the reasonable anticipation that new development or, in the alternative, redevelopment and reuse of existing structures could be undertaken in a commercially viable manner if off-street parking spaces were required to be constructed by each property owner. In order to ensure that sufficient off-street parking spaces are available to support new development or redevelopment and reuse within the District, the City has determined that for any new construction and/or reconstruction or redevelopment of property within the District, the off-street parking requirements of this ordinance may be complied with in either of the following manners:

(1) A property owner shall provide onsite off-street parking spaces by actually constructing onsite off-street parking spaces in compliance with the terms and conditions of this ordinance, as such terms and conditions are modified by this Section 5.07; or

(2) A property owner shall pay a fee in lieu of actually constructing onsite off-street parking spaces. The property owner will be required to pay a fee, in an amount determined by the City Council, in accordance with the number of spaces required by this ordinance based upon the type of use envisioned for the property. The fees required by this subsection shall be paid to the office of the City Secretary, and shall be deposited into the B-4 Neighborhood Business District parking facilities improvement fund. All fees paid into this fund shall be used by the City to acquire and/or improve property as public parking facilities within or in the immediate vicinity of the B-4 Neighborhood Business District. The City may also utilize money in this fund to

improve existing parking facilities by resurfacing them, installing landscaping and/or street furniture, or making other improvements deemed appropriate by the City Council.

(Sec. 6.08) Screening and fencing regulations. As provided in Part II, Division I, Section 12, and Section 13 of this ordinance.

**SECTION 4.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, Part II, Division 2, Sec. 9, is hereby amended to add Downtown Business/Residential Overlay District to read as follows:

**Sec. 9. Downtown Business/Residential Overlay District**

(Sec. 9.01) The Downtown Business/Residential Overlay District is intended to protect and enhance the character and function of the downtown business and lodging areas, and to attract new residential development to promote activity in and support to the downtown area. Mixed-use projects that encourage pedestrian activity and serve local residents and visitors are preferred. This District will likely attract office buildings; retail dining, drinking, and lodging establishments; and leisure facilities. Design standards are required to ensure that structures in the downtown area exhibit a distinctive, high quality character, and that surrounding neighborhoods are adequately buffered from the more intense development intended in this District.

(Sec. 9.02) Permitted Uses:

(Residential)

- (1) Single-family detached dwelling units.
- (2) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.
- (3) Two-family dwellings or duplexes.
- (4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than one (1) acre.
- (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

Mobile homes and manufactured homes are not allowed at any location within the Downtown Business/Residential Overlay District.

(Nonresidential)

- (1) Any nonresidential permitted use in the B-4 Neighborhood Business District

(Sec. 9.03) Area Regulations.

Area regulations:

(1) Single-family detached units.

(a) Size of yards:

(i) Front yard. There shall be a front yard having a depth of not less than fifteen (15) feet. Where lots have double frontage the required front yard shall be provided adjacent to both streets.

(ii) Side yard. There shall be a side yard on each side of the lot having a width of not less than seven feet six inches (7' 6"). A side yard adjacent to a side street shall not be less than fifteen (15) feet.

(iii) Rear yard. There shall be a rear yard having a depth of not less than fifteen (15) feet, except that a rear yard of not less than twenty five (25) feet shall be maintained where adjacent to an arterial or collector street.

*Exceptions:* Single-family detached units with first floor garage parking allowing for two 10' X 20' non stacked spaces will have no limitations on lot coverage and no limitations on area regulations.

(b) Size of lot:

(i) Lot area. No building shall be constructed on any lot of less than five thousand (5,000) square feet.

(ii) Lot width. The width of the lot shall not be less than forty (40) feet at the front street building line, nor shall its average width be less than forty (40) feet.

(iii) Lot depth. There is no lot depth requirement.

(c) Lot coverage: In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(2) Single-family attached units (townhomes):

(a) Minimum site area. The minimum area for townhouse development shall be nine thousand (9,000) square feet.

(b) Size of yards:

(i) Front yard. There shall be a front yard having a depth of not less than fifteen (15) feet, and a front yard width of not less than thirty (30) feet adjacent to all major streets.

(ii) Side yard. No side yard shall be required, except where contiguous townhomes are separated, a minimum of seven feet six inches (7' 6") feet shall be maintained between the separated units

and on corner lots a minimum of fifteen (15) feet shall be maintained between the building line and the side lot line of the corner lot.

(iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained for all attached townhome units, except that a rear yard of not less than twenty (20) feet shall be maintained where adjacent to a major street.

(c) Size of lots:

(i) Lot area. No building shall be constructed on any lot of less than three thousand (3,000) square feet.

(ii) Lot width. The width of the lot shall be not less than thirty (30) feet at the front street building line, nor shall its average width be less than thirty (30) feet.

(iii) Lot depth. No limitations.

(iv) Legally existing nonconforming lots. Where a legally platted lot for townhomes having less area, width, and/or depth than herein required existed upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a single family attached or detached unit thereon, provided the applicable setbacks as required herein above shall be maintained.

(d) Lot coverage: In no case shall more than eighty five (85) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces, excluding pools.

(e) Parking for single family attached and multifamily units shall be located to the rear of the property. Where double frontage exists, the street on which the property is addressed shall be considered the front property line.

(3) Multifamily units (apartments):

(a) Minimum site area. The minimum site area for duplexes shall be five thousand (5,000) square feet and the minimum area for multifamily development shall be six thousand (6,000) square feet.

(b) Size of yards:

(i) Front yard. There shall be a front yard having a depth of not less than twenty (20) feet.

(ii) Side yard. There shall be a side yard of not less than fifteen (15) feet, including, but not limited to, side yards adjacent to public streets.

(iii) Rear yard. A rear yard of fifteen (15) feet shall be maintained. There shall be a rear yard of not less than twenty-five (25) feet adjacent to all major streets.

(c) Size of lots:

(i) Lot area. There shall be a minimum of one thousand (1,000) square feet of lot area per multifamily dwelling unit.

(ii) Lot width. The width of the lot shall not be less than fifty (50) feet at the front building line nor shall its average width be less than fifty (50) feet.

(iii) Lot depth. The average depth of the lot shall not be less than one hundred (100) feet.

(d) Lot coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings, and accessory buildings and other impervious surfaces.

(Sec. 9.04) Parking regulations.

Off-street parking spaces shall be provided in accordance with the applicable requirements for specific uses set forth in Part II, Division I, section 16 of this ordinance.

**SECTION 5.** That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the existing City of Brenham Official Zoning Map is hereby amended to re-zone various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street currently zoned Commercial, Research, and Technology District (B-2) (approximately 10.43 acres) and a portion being Industrial District (I) (approximately 0.45 acres) to a Neighborhood Business District (B-4) (approximately 10.88 acres) including the Downtown Business/Residential Overlay (approximately 2.28 acres), being a total of approximately 10.88 acres of land, said re-zoned property being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 4.** This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

**PASSED and APPROVED** on its first reading this the 1<sup>st</sup> day of June, 2017.

**PASSED and APPROVED** on its second reading this the 15<sup>th</sup> day of June, 2017.

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Milton Y. Tate, Jr.

Mayor

**ATTEST:**

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Jeana Bellinger, TRMC

City Secretary

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