



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, JULY 24, 2023, AT 5:15 PM
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from June 26, 2023, Planning and Zoning Commission Meeting.

4-b. Case No. P-23-024: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Preliminary Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.

4-c. Case No. P-23-025: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Final Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.

REGULAR AGENDA

5. **Public Hearing, Discussion and Possible Action on Case No. P-23-026: A City initiated request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning including:**
- a. **A revision of the definition of "Food Truck Site" found in Part 1, Division 5, Section 5.02; and**
 - b. **A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division, 2, Sections 1 and 2 respectively; and**
 - c. **Deletions to Part 2, Division 1, Section 11 – Performance Standards; and**
 - d. **Deletion of Part IV, Division 2, Section 2 pertaining to conditions on variances.**
6. **Adjourn**

CERTIFICATION

I certify that a copy of the July 24, 2023 agenda of items to be considered by the Planning & Zoning Commission was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on July 18, 2023 at 10:45 a.m.



Kim Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2023 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
June 26, 2023**

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on May 22, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deana Alfred, Vice Chair
Chris Cangelosi
Artis Edwards, Jr.
Darren Heine
Calvin Kossie
Cayte Neil

Commissioners absent:

M. Keith Behrens, Chairman

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Joshua Blaschke – KWHI	Niterion McBride
Donald W. Lampe	Ann Cherry
Edin Inestroza	Cyd Dillahunty
Juan Najera	Brice Stanford
Patricia Johnson	Alisha Stanford
Evelyn Nunn	

1. Call Meeting to Order

Vice Chairman Alfred called the meeting to order at 5:18 pm with a quorum of six (6) Commissioners present.

2. Public Comments

3. Reports and Announcements

- Brenham Family Park Small Area Plan Update: Shauna Laauwe stated that the Brenham Family Park Small Area Plan working group was established to bring community ideas and expertise to help create a Master Plan for the area, which encompasses 600+ acres of land owned by 5-10 families. The first two meetings both had productive discussions of possible land constraints, possibilities, and ideas of uses/types of desirable development for the area. The working group will have their next meeting on August 10th, which will be followed that evening by a Town Hall

meeting at The Barnhill Ballroom from 5:30 PM – 7:00 PM. On September 18, 2023, a final presentation will be made at a joint meeting of the Planning and Zoning Commission, City Council, and the TIRZ Board. Darren Heine and Keith Behrens both serve on this committee.

- **Impact Fee Study:** Stephanie Doland presented an update and stated that the City Council approved a Professional Services Agreement with Strand Associates to complete an Impact Fee Study and report the possible fees assessed for new development on water, sanitary sewer and roadways. The project includes the formation of a Capital Improvements Advisory Committee which is proposed to be comprised of the Planning and Zoning Commission and four additional representatives. The formation of the CIAC is scheduled for Council consideration on July 13, 2023 and the first meeting of the CIAC is planned for July 24th.

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

- 4-a. Minutes from May 22, 2023, Planning and Zoning Commission Meeting.**
- 4-b. Case No. P-23-021: A request by Ted and Rosa Dean for approval of a Preliminary Plat creating Block 1, Lot 1 of the El Jardin Subdivision, being 12.233-acres of land out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**
- 4-c. Case No. P-23-022: A request by Ted and Rosa Dean for approval of a Final Plat creating Block 1, Lot 1 of the El Jardin Subdivision, being 12.233-acres of land out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Vice Chairman Alfred called for a motion for the statutory consent agenda. A motion was made by Commissioner Edwards and seconded by Commissioner Kossie to approve the Statutory Consent Agenda (Items 4-a to 4-c), as presented. The motion carried unanimously.

REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case Number P-23-019: A request by Edin and Martha Inestroza for approval of a Replat of Lots 4A, 5A, 6A, 7A, 8A and 9A in the College Heights Addition and a Replat of Lot 1A of the True Believers Subdivision, and a called 0.331-acre tract to create Block 1, Lots 1-30, Common Area A (0.3490-acres), Common Area B (0.0749-acres), and Common Area C (0.0119-acres), of the Ebenezer Development, being a total of 3.388-acres currently addressed as 710, 712, 714, 716, 800, 802 and 804 Sabine Street and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-019 (on file in the Development Services Department). Ms. Laauwe stated that the subject properties, currently identified as Lots 4A, 5A, 6A, 7A, 8A and 9A in the College Heights Addition and a Replat of Lot 1A of the True Believers Subdivision, and a called 0.331-acre tract are owned by Edin and Martha Inestroza. The properties are currently addressed as 710, 712, 714, 716, 800, 802 and 804 Sabine Street. State Highway 105 is located to the

north, Sabine Street to the west, Clay Street to the south, and Brown Street to the east. The properties are zoned R-2, Mixed Residential. The owners/applicants want to reconfigure and replat the lots into a 30-lot townhome development. The townhome development is proposed to consist of 10 groups of 3-unit townhome structures and a 55-foot-wide street (Ebenezer Lane). These will be Single-family residential attached units. There is a required 10-foot separation between structures. Since there will be utilities in the front and rear of the properties, this plat also dedicates a 15-foot public utility easement along the front and also the rear of the lots. An additional 10-foot public utility easement will be dedicated between Lot 12 and Common Area "A" in addition to dedication of the 55-foot street right-of-way. The townhome lots are proposed at 30-feet by 104-feet which exceeds the minimum requirement of 30-feet by 100-feet. Common Area "A" serves as the detention pond and Common Areas "B" and "C" provide 5-feet of additional open space between the properties and Sabine Street and Clay Street, respectively. The Common Areas will be maintained by a Homeowner's Association. The interior walls are the property lines and will be full fire walls. Townhomes are transitional homes that bridge the gap between apartments and a single-family residence.

On November 14, 2022, the Board of Adjustment a variance for proposed Lots 1 and 16 to allow a 10-foot street side yard setback. It was suggested by a Commissioner that in the future the City may consider increasing the 10-foot minimum building separation to either 15 or 10-feet in offer better curb appeal and resale value.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on June 8, 2023. Staff received a couple phone calls from people on Brown Street but did not receive any written comments for or against this replat request.

Development Services and Engineering reviewed this replat for compliance with the City of Brenham's regulations and ordinances and recommends approval of this residential replat, as presented.

Vice Chairman Alfred closed the regular session and opened the public hearing at 5:35 pm. There were no citizen comments.

Vice Chairman Alfred closed the public hearing and re-opened the regular session at 5:36 pm.

A motion was made by Commissioner Neil and seconded by Commissioner Heine to approve the request from Edin and Martha Inestroza for approval of a Replat of Lots 4A, 5A, 6A, 7A, 8A and 9A in the College Heights Addition and a Replat of Lot 1A of the True Believers Subdivision, and a called 0.331-acre tract to create Block 1, Lots 1-30, Common Area A (0.3490-acres), Common Area B (0.0749-acres), and Common Area C (0.0119-acres), of the Ebenezer Development, being a total of 3.388-acres currently addressed as 710, 712, 714, 716, 800, 802 and 804 Sabine Street, respectively, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case Number P-23-023: A request by Artis Edwards, Sr. for approval of a Replat of Lot 6 of the Carleton Addition to create Lot 6A (0.663-acres) and a reserve tract (0.709-acres) of the Carleton Addition, being a total of 1.372-acres currently addressed as 1310 Bridge Street and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

Commissioner Artis Edwards, Jr. recused himself and left the room due to a potential conflict of interest with Case Number P-23-023.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-023 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is located at the far east end of Bridge Street and is a large 1.372-acre lot. The lot is very deep being 125-feet wide and over 400-feet deep. Although the property is zoned R-2 which would allow for multi-family development, the owner would like to divide the lot into two single-family lots. There is an existing sewer line in the abandoned Carleton Street right-of-way on the east. Since this sewer line will require a 20-foot easement on each side of the sewer line, the lot on the east side cannot be developed until the sewer line has been relocated. Therefore, the proposal is to plat the west lot as Lot 6A and the east lot as a Reserve tract until the sewer line has been relocated. This will allow Lot 6A to be developed immediately.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on June 8, 2023. Staff received one phone call from Linda McBride who was worried about density; however, she was happy to hear that single-family residential is being proposed. Staff did not receive any written comments for or against this replat request.

Development Services and Engineering reviewed this replat for compliance with the City of Brenham's regulations and ordinances and recommends approval of this residential replat, as presented.

Vice Chairman Alfred closed the regular session and opened the public hearing at 5:48 pm. Patricia Johnson and Evelyn Nickerson Nunn asked what impact this development would have on the other lots in the neighborhood. Stephanie Doland responded that with regards to property valuation, the impact should not be any impact different than if one single-family residence were constructed on the lot as is currently allowed; however, the Washington County Appraisal District could confirm this information.

Commissioner asked if the applicant had considered constructing the street and being able to develop more lots. Staff confirmed that at this time, it is the desire of the applicant to just construct two (2) single-family residences. There were no additional comments.

Vice Chairman Alfred closed the public hearing and re-opened the regular session at 5:55 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Cangelosi to approve the request from Artis Edwards, Sr. for approval of a Replat of Lot 6 of the Carleton Addition to create Lot 6A (0.663-acres) and a reserve tract (0.709-acres) of the Carleton Addition, being a total of 1.372-acres currently addressed as 1310 Bridge Street, as presented. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Neil and seconded by Commissioner Kossie to adjourn the meeting at 5:56 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision-making process.

Certification of Meeting Minutes:

Planning and Zoning Commission

M. Keith Behrens
Chair

July 24, 2023
Meeting Date

Attest

Kim Hodde
Staff Secretary

July 24, 2023
Meeting Date



CASE P-23-024

PRELIMINARY PLAT: TIMBER OAKS SUBDIVISION, SECTION IV

PLAT TITLE: Timber Oaks Subdivision, Section IV **CITY/ETJ:** City

PLAT TYPE: Preliminary Plat

OWNER/APPLICANT: Gregory E. Appel and John J. Appel Rental Partnership / Lampe Surveying, Inc.

ADDRESS/LOCATION: Timber Oaks Drive / Oak Crest Lane

LEGAL DESCRIPTION: 1.613 acres of land in the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas

LOT AREA: Lots 1-5 being a total of 1.613-acres.

ZONING DISTRICT: B-1, Local Business Mixed

EXISTING USE: Vacant land

COMP PLAN Single-Family Residential
FUTURE LAND USE:

REQUEST: A request from Gregory E. Appel and John J. Appel Rental Partnership for approval of a Preliminary Plat of the Timber Oaks Subdivision, Section IV creating Lots 1-5 being 1.613-acres of land that is part of the P. H. Coe Survey, A-31 in Brenham, Washington County, Texas.

BACKGROUND:

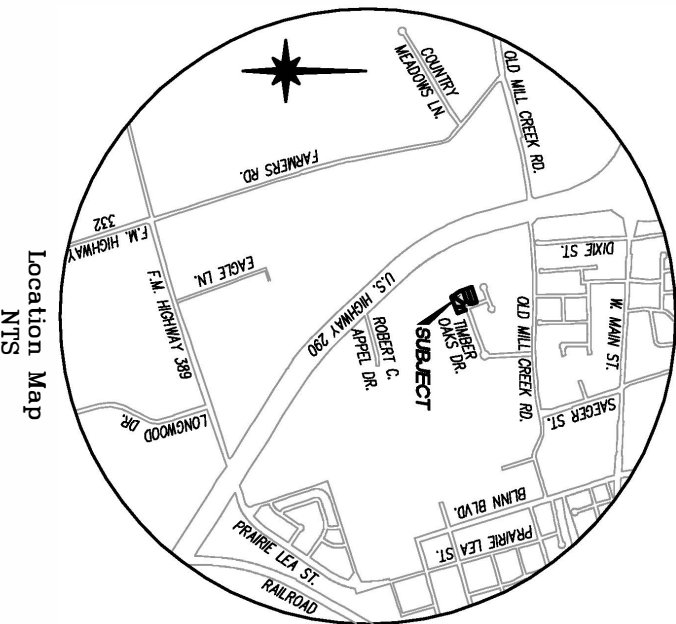
The subject 1.613-acres of land is generally located west of Timber Oaks Drive and southwest of Oak Crest Lane and is adjacent to the existing Timber Oaks Subdivision, Sections I and III. The property owners, Gregory E. Appel and John J. Appel Rental Partnership, request approval of a Preliminary Plat of the Timber Oaks Subdivision, Section IV that plats a portion of the existing 4.6917-acre unplatted tract into proposed Lot 1 (0.205-acres), Lot 2 (0.308-acres), Lot 3 (0.415-acres), Lot 4 (0.322-acres) and Lot 5 (0.363-acres), for a total of 1.613-acres. The subject property is currently vacant land and the applicant desires to plat the property for additional residential development. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development. This plat also dedicates two 15-foot utility easements. Lastly, the plat includes the redesign and corresponding right-of-way dedication for the intersection of Oak Crest Lane and Timber Oaks Drive from the existing standard cross-street intersection into a cul-de-sac to allow proposed Lots 1-5 adequate lot frontage.

STAFF ANALYSIS AND RECOMMENDATION:

Development Services and Strand Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

EXHIBITS:

- A. Proposed Preliminary Plat



**PRELIMINARY PLAT OF
TIMBER OAKS SUBDIVISION, SECTION IV**

CONSISTING OF 5 LOTS
BEING A TOTAL OF 1.613 ACRES
P. H. COE SURVEY, A-31
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

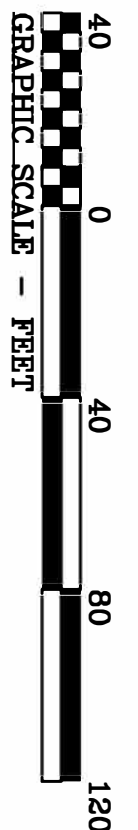
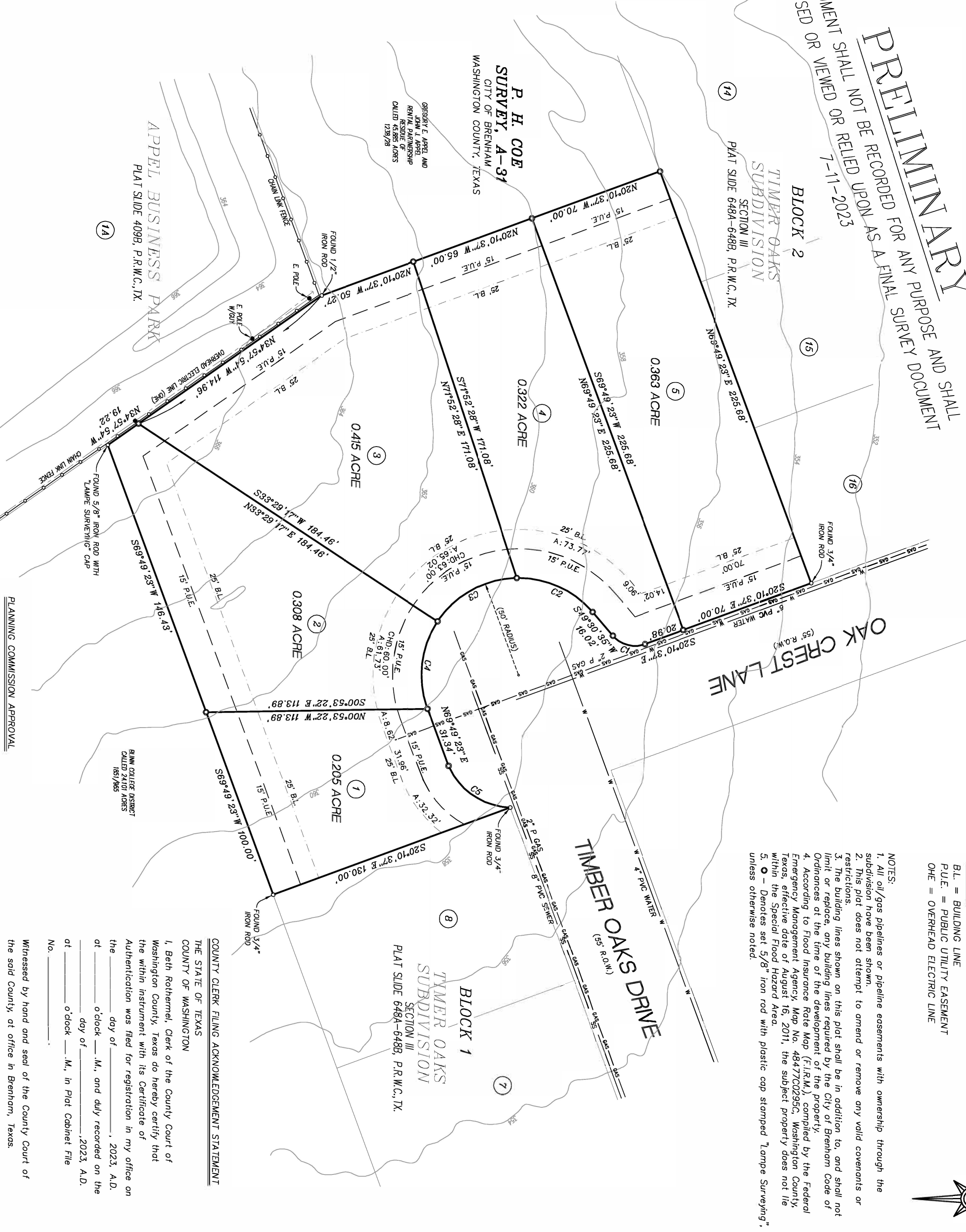
PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR REIED UPON AS A FINAL SURVEY DOCUMENT

Property Owner
Gregory E. Appel and
John J. Appel Rental
Partnership
2302 Cheri Lane
Brenham, Texas 77833
(979) 431-0136

Plat Prepared by
Lampe Surveying, Inc
P.O. Box 2037
1408 West Main Street
Brenham, Texas 77834
(979) 836-6677

Block 2
TIMBER OAKS
SUBDIVISION
SECTION III
PLAT SLIDE 648A-648B, P.R.W.C., TX

Block 1
TIMBER OAKS
SUBDIVISION
SECTION III
PLAT SLIDE 648A-648B, P.R.W.C., TX



LEGEND:
BL = BUILDING LINE
P.U.E. = PUBLIC UTILITY EASEMENT
OHE = OVERHEAD ELECTRIC LINE

NOTES:
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. This plat does not attempt to amend or remove any valid covenants or restrictions.
3. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Brenham Code of Ordinances at the time of the development of the property.
4. According to Flood Insurance Rate Map (FIRM), compiled by the Federal Emergency Management Agency, Map No. 48477C0235C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.
5. Ⓞ - Denotes set 3/8" iron rod with plastic cap stamped "Lampe Surveying", unless otherwise noted.

OWNER DEDICATION
Gregory E. Appel and John J. Appel Rental Partnership, owner of the property subdivided in the foregoing map of Timber Oaks Subdivision, Section IV, do hereby make subdivision of said property according to the lines, lots, building lines, and easements thereon shown and designate said subdivision as Timber Oaks Subdivision, Section IV, to the City of Brenham, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby dedicate to public use, as such the easements shown thereon forever and do hereby bind ourselves, our heirs, executors, and administrators to warrant and forever defend the title to the easements so dedicated. There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.
I/We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

Gregory E. Appel on behalf of Gregory E. Appel and John J. Appel Rental Partnership
John J. Appel on behalf of Gregory E. Appel and John J. Appel Rental Partnership

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on the _____ day of _____, 2023 by Gregory E. Appel on behalf of Gregory E. Appel and John J. Appel Rental Partnership.

Notary Public
State of Texas
Notary's Name (Printed):
Notary's Commission
Expires: _____

Notary Public
State of Texas
Notary's Name (Printed):
Notary's Commission
Expires: _____

I, Donald W. Lampe, Registered Professional Land Surveyor No. 17332 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.

(PRELIMINARY)

Dated this the 29th day of June, 2023.
Donald W. Lampe
R.P.L.S. No. 17332
Lampe Surveying, Inc

CURVE TABLE

Curve	Radius	Length	Chord	Chord Bearing
C1	15.00'	18.24'	17.14'	S14.39°59"W
C2	50.00'	44.13'	42.71'	S24.13°31"W
C3	50.00'	48.39'	46.52'	S28.47°08"E
C4	50.00'	45.91'	45.21'	S85.23°21"E
C5	35.62'	40.48'	38.34'	N33.53°18"E

PLANNING COMMISSION APPROVAL
Approved this _____ day of _____, 2023
by the City Planning Commission of the City of Brenham, Texas.

By _____ Deputy
Beth Rothmeier
County Clerk
Washington County, Texas

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
1408 WEST MAIN STREET
BRENNAM, TEXAS 77834
(979) 836-6677 FAX NO. 1060700
TXSLS LICENSE NO. 17332
NO. 3807 3807SLAMC 37864951.COC

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT
THE STATE OF TEXAS
COUNTY OF WASHINGTON
I, Beth Rothmeier, Clerk of the County Court of Washington County, Texas do hereby certify that the within instrument with its Certificate of Authentication was filed for registration in my office on the _____ day of _____, 2023, A.D.
at _____ o'clock _____M., and duly recorded on the _____ day of _____, 2023, A.D.
at _____ o'clock _____M., in Plat Cabinet File No. _____.

Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.



CASE P-23-025

FINAL PLAT: TIMBER OAKS SUBDIVISION, SECTION IV

PLAT TITLE: Timber Oaks Subdivision, Section IV **CITY/ETJ:** City

PLAT TYPE: Final Plat

OWNER/APPLICANT: Gregory E. Appel and John J. Appel Rental Partnership / Lampe Surveying, Inc.

ADDRESS/LOCATION: Timber Oaks Drive / Oak Crest Lane

LEGAL DESCRIPTION: 1.613 acres of land in the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas

LOT AREA: Lots 1-5 being a total of 1.613-acres.

ZONING DISTRICT: B-1, Local Business Mixed

EXISTING USE: Vacant land

COMP PLAN Single-Family Residential
FUTURE LAND USE:

REQUEST: A request from Gregory E. Appel and John J. Appel Rental Partnership for approval of a Final Plat of the Timber Oaks Subdivision, Section IV creating Lots 1-5 being 1.613-acres of land that is part of the P. H. Coe Survey, A-31 in Brenham, Washington County, Texas.

BACKGROUND:

The subject 1.613-acres of land is generally located west of Timber Oaks Drive and southwest of Oak Crest Lane and is adjacent to the existing Timber Oaks Subdivision, Sections I and III. The property owners, Gregory E. Appel and John J. Appel Rental Partnership, request approval of a Final Plat of the Timber Oaks Subdivision, Section IV that plats a portion of the existing 4.6917-acre unplatted tract into proposed Lot 1 (0.205-acres), Lot 2 (0.308-acres), Lot 3 (0.415-acres), Lot 4 (0.322-acres) and Lot 5 (0.363-acres), for a total of 1.613-acres. The subject property is currently vacant land and the applicant desires to plat the property for residential development. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development. This plat also dedicates two 15-foot utility easements. Lastly, the plat includes the redesign and corresponding right-of-way dedication for the intersection of Oak Crest Lane and Timber Oaks Drive from the existing standard cross-street intersection into a cul-de-sac to allow proposed Lots 1-5 adequate lot frontage.

STAFF ANALYSIS AND RECOMMENDATION:

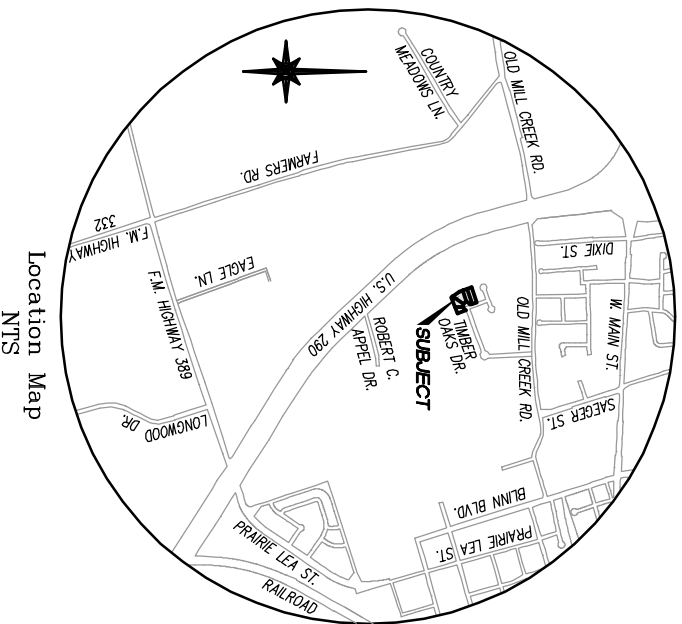
Development Services and Strand Engineering have reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

EXHIBITS:

- A. Proposed Final Plat

FINAL PLAT OF TIMBER OAKS SUBDIVISION, SECTION IV

CONSISTING OF 5 LOTS
BEING A TOTAL OF 1.613 ACRES
P. H. COE SURVEY, A-31
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS



Property Owner
Gregory E. Appel and
John J. Appel Rental
Partnership
2302 Oberl Lane
Brenham, Texas 77833
(979) 451-0136

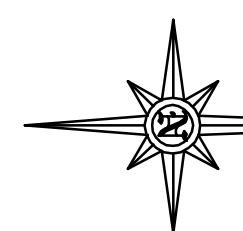
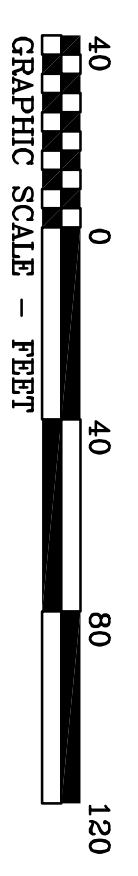
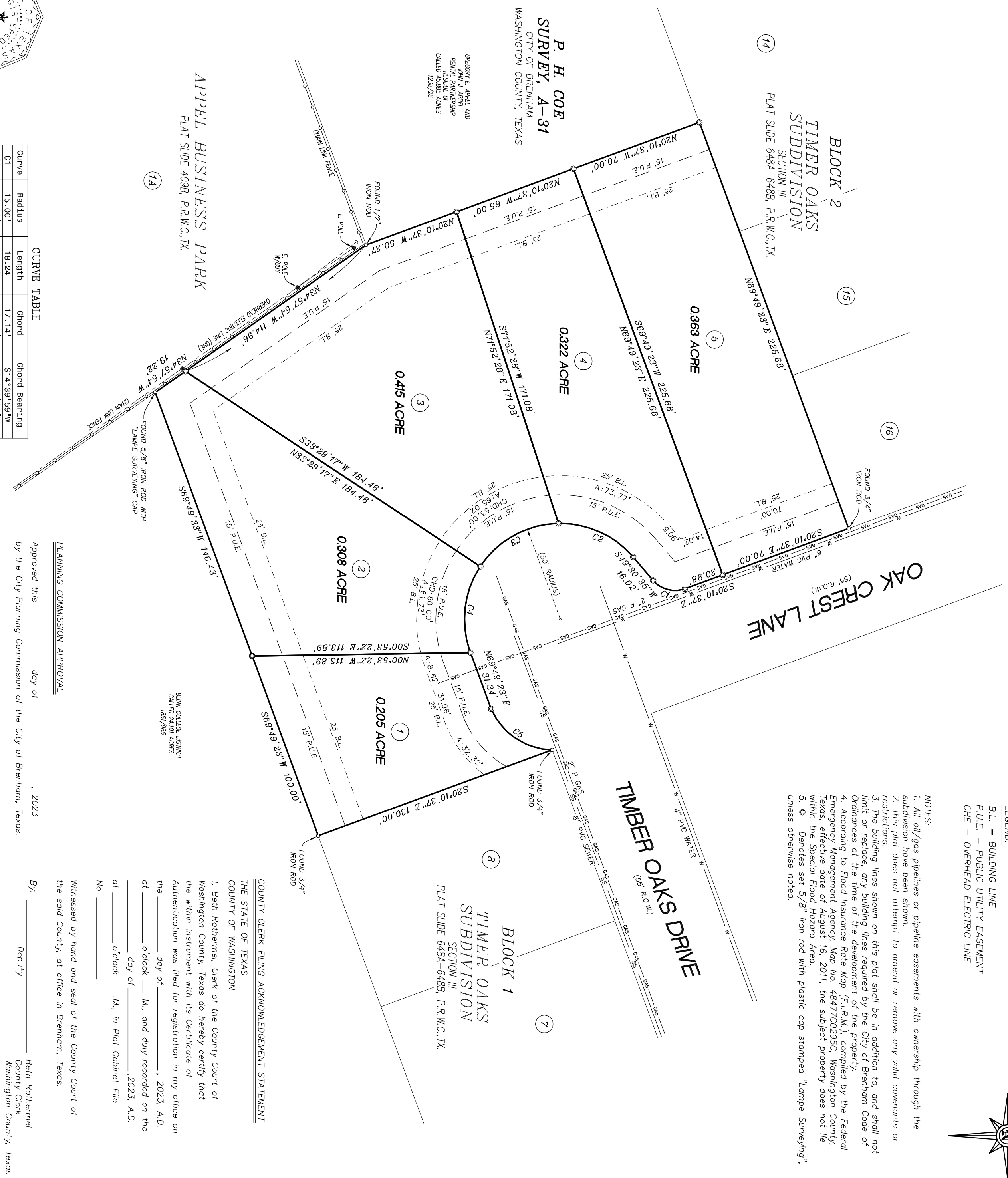
Plat Prepared by
Lampe Surveying, Inc
P.O. Box 2037
1408 West Main Street
Brenham, Texas 77834
(979) 836-6677

BLOCK 2
TIMBER OAKS
SUBDIVISION
SECTION III
PLAT SLIDE 648A-648B, P.R.W.C., TX

OAK CREST LANE
(55' R.O.W.)

TIMBER OAKS DRIVE
(55' R.O.W.)

P. H. COE
SURVEY, A-31
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS



LEGEND:
BL = BUILDING LINE
P.U.E. = PUBLIC UTILITY EASEMENT
OHE = OVERHEAD ELECTRIC LINE

NOTES:
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. This plat does not attempt to amend or remove any valid covenants or restrictions.
3. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Brenham Code of Ordinances at the time of the development of the property.
4. According to Flood Insurance Rate Map (FIRM), compiled by the Federal Emergency Management Agency, Map No. 48477C0293C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.
5. Ⓞ - Denotes set 3/8" iron rod with plastic cap stamped "Lampe Surveying", unless otherwise noted.

OWNER DEDICATION
Gregory E. Appel and John J. Appel Rental Partnership, owner of the property subdivided in the foregoing map of Timber Oaks Subdivision, Section IV, do hereby make subdivision of said property according to the lines, lots, building lines, and easements thereon shown and designate said subdivision as Timber Oaks Subdivision, Section IV, to the City of Brenham, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby dedicate to public use, as such the easements shown thereon forever and do hereby bind ourselves, our heirs, executors, and administrators to warrant and forever defend the title to the easements so dedicated. There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

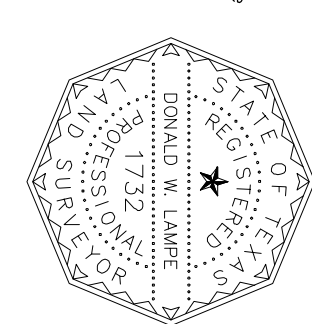
I/We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on the _____ day of _____, 2023 by Gregory E. Appel on behalf of Gregory E. Appel and John J. Appel Rental Partnership.

Notary Public
State of Texas
Notary's Name (Printed):
Notary's Commission
Expires: _____

Notary Public
State of Texas
Notary's Name (Printed):
Notary's Commission
Expires: _____

I, Donald W. Lampe, Registered Professional Land Surveyor No. 17332 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.
Dated this the 29th day of June, 2023.



CURVE TABLE

Curve	Radius	Length	Chord	Chord Bearing
C1	15.00'	18.24'	17.14'	S14.39 S91.59 W
C2	50.00'	44.13'	42.71'	S24.13 S31.31 W
C3	50.00'	48.39'	46.52'	S28.47 S08.8 E
C4	50.00'	46.91'	45.21'	S85.23 S21.21 E
C5	35.62'	40.48'	38.34'	N33.53 S16.1 E

PLANNING COMMISSION APPROVAL
Approved this _____ day of _____, 2023
by the City Planning Commission of the City of Brenham, Texas.

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT
THE STATE OF TEXAS
COUNTY OF WASHINGTON
I, Beth Rothemel, Clerk of the County Court of Washington County, Texas do hereby certify that the within instrument with its Certificate of Authentication was filed for registration in my office on the _____ day of _____, 2023, A.D. at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 2023, A.D. at _____ o'clock _____ M., in Plat Cabinet File No. _____.

Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.
By: _____ Deputy
Beth Rothemel
County Clerk,
Washington County, Texas
LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
1408 WEST MAIN STREET
BRENNHAM, TEXAS 77834
TEXAS LICENSE NO. 17332
NO. 3807 3807SLDW 3766APPL.CCC



CASE NUMBER P-23-026 TEXT AMENDMENTS

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to amend five (5) different areas of the current regulations to include:

- a. A revision of the definition of “Food Truck Site” found in Part 1, Section 5, Section 5.02; and
- b. A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division, 2, Sections 1 and 2 respectively; and
- c. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and
- d. Deletion of Part IV, Division 2, Section 2 pertaining to conditions on variances.

BACKGROUND:

The Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, to revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district. In the past year, the Development Services Staff has made note of several revisions that are worthy of consideration by the Planning & Zoning Commission and City Council. These include amending the definition regarding food truck sites; revising the R-1 District specific uses to include duplexes and twin homes; revising the R-2 District to include accessory dwelling units and twin homes as permitted uses, and include parameters for twin home and townhome developments; delete a portion of Section 11, Performance Standards regarding noise regulations that are repetitive or contradictory to Chapter 17 of the Code of Ordinances; and lastly removing the provisions that allows conditions to be placed upon variances. Please see below for a summary of the reasoning behind each amendment and the attached Exhibits for the proposed ordinance edits to include deletions and additions.

Proposed Amendments:

Appendix A Zoning, Part 1, Section 5 – Definitions and Interpretation. In November 2021, the City adopted regulations regarding Food Trucks and Mobile Kitchens in both the Code of Ordinances in Chapter 9- Food and Food Establishments and in Section 18 of the Zoning Ordinance. For the Zoning Ordinance, definitions of a “Food Truck Park,” “Food Truck Site,” and “Mobile Kitchen” were established as well as regulations in Section 18 of the parameters to develop a food truck park. In recent months, it has come to our attention of some owners of food trucks storing their trucks or trailers on residential property when not in use. This has brought about several complaints from neighboring property owners. While the definitions currently state that a food truck business shall not be an accessory use on a residential property, it does not clarify that storage of the vehicles or trailers is prohibited. As shown in Exhibit “A”, the definition of “Food Truck Site” has been revised to reflect that storing such vehicles are prohibited on residential property.

Appendix A, Part 2, Division 2, Zoning District Regulations, Section 1 - R-1 Residential District. In July 2022, the City Council established and appointed the Housing Task Force with the goal to collaborate with input from all members in order to present viable suggestions concerning housing to City Council and Planning and Zoning Commission. Between August 31, 2022, and March 22, 2023, the Housing Task Force met six (6) times to discuss housing constraints, opportunities, and ways to alleviate the shortage of workforce housing in Brenham. On April 6, 2023, a final report was made to City Council. Included in the final Housing Task Force recommendation to Council were revisions to the R-2 District: including, clearer duplex standards that establish setbacks and minimum lot standards; adding a provision to allow twin homes, and to allow accessory dwelling units (ADUs) as a permitted use instead of requiring the specific use permit process. During the Housing Task Force presentation to Council, Council expressed willingness to also allow duplexes in the R-1 District with the approval of a Specific Use Permit. Lastly, with recent townhome developments coming forward, Development Services and Public Utilities found that a provision should be added to R-2 District, Section 2.05(2)(E) to require access to public utilities via an adjacent public or private all-weather surface, as serving these sites without a clear access could prove challenging. The detailed revisions to the R-1 District and R-2 District may be found in Exhibit "B".

Appendix A, Part II, Division 1 Regulations, Section 11– Performance Standards. During discussions regarding the noise ordinance earlier this year, it came to light that Section 11 of the Zoning Ordinance repeated the same information that was included in Chapter 17 – Offenses and Miscellaneous Provisions, Article V – Noise Nuisances of the City of Brenham Code of Ordinances. To reduce repetitiveness and give clarity, City Staff recommends removing the regulations from the Zoning Ordinance and that noise and vibration would be enforced by the general Code of Ordinances. In Exhibit "C", a reference is added in the opening paragraph that refers to Chapter 17, and the subsequent Section 11.02(1-3) with associated tables are deleted. The only addition is renumbering the open storage regulations from Section 11.02(4) to Section 11.02(1).

Appendix A, Part IV, Division 2 Variances, Section 2 – Conditions. In May 2023, the Board of Adjustments heard a Variance case for a business that was seeking a variance to the bufferyard setbacks to allow for an open-air covering. It was asked if a condition of the type of material could be placed on approval of the structure. The State of Texas Local Government Code 211.009 does not allow for conditions to be placed on the approval of variances. While not allowed by the State, it is included within our current zoning regulations. Exhibit "D" details the removal of Part IV, Division 2, Section 2 that grants provisions for conditions to be placed on variance requests bringing the City of Brenham code into compliance with local law.

ANALYSIS:

As cited in the city’s adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City's Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update the Zoning Ordinance and existing site development standards to accommodate development and modernize development requirements.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on July 13, 2023. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to amend Appendix A – Zoning of the Brenham Code of Ordinances, to approve text amendments to: Part 1, Section 5, Section 5.02 pertaining to the definition of “Food truck site”; to the R-1 and R-2 Districts, Division 2, Sections 1 and 2, respectively; to Part 2, Division 1, Section 11 – Performance Standards; and, to Part IV, Division 2, Section 2 – Variances.

Attachments:

1. Exhibit “A”: Part 1, Section 5, Section 5.02: Definitions
2. Exhibit “B”: Division 2, Sections 1 and 2, R-1 District and R-2 District, respectively.
3. Exhibit “C”: Part 2, Division 1, Section 11 – Performance Standards
4. Exhibit “D”: Part IV, Division 2, Section 2 - Variances.

Exhibit “A”
Part 1, General Provisions, Section 5: Definitions and Interpretation

Please note: Only the two proposed revised definitions are shown, and all other definitions are unaffected. Proposed revisions to the definition of “Food Truck Site” are shown below in **bold purple.

§ 5 Definitions and interpretation.

(Sec. 5.02) Definitions. The following definitions shall apply in the interpretation and the enforcement of this ordinance:

...

Food truck site: Shall mean a developed property where a mobile kitchen operates as an accessory use to the primary active business located on the same site. Food truck sites shall not be permitted as an accessory use, **or to be stored** on property developed with a residential use.

Exhibit "B"

Division 2, Section 1.03: R-1 Residential District Specific Uses

Division 2, Section 2: R-2 Mixed Residential District

****Please note:** All proposed deletions are shown in ~~red~~ and additions in **bold purple**. ******

§ 1. R-1 Residential District

(Sec.1.03) Specific Uses:

- (1) Accessory dwelling unit.
- (2) Churches and related auxiliary uses, including educational or philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Private and accredited elementary and secondary schools.
- (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) **Dwelling, two family (duplex): Two (2) single-family attached units in accordance with the development standards outlined in the "R-2: Mixed Residential District."**
- (7) **Twin Homes: Single-family attached units on individual lots in accordance with the development standards outlined in the "R-2: Mixed Residential District."**

§ 2. R-2 Mixed Residential District.

(Sec. 2.01) Purpose. The R-2 Mixed Residential District is established to protect and restore where necessary the integrity of historically residential neighborhoods. The R-2 Residential District will be characterized by the zoning requirements set forth in this section.

(Sec. 2.02) Permitted uses:

- (1) Any permitted use in district “R-1.”
- (2) Cluster housing in accordance with cluster housing development provisions of the subdivision ordinance of the City of Brenham.
- (3) Group residential uses as provided by state law, such as “family homes.”
- (4) Multifamily dwellings, including dormitories for students and fraternity or sorority houses, on sites of less than two (2) acres.
- (5) ~~Two-family dwellings or duplexes,~~ Dwelling, Two-family (duplex), but not including mobile homes or manufactured homes.
- (6) Single-family attached dwellings, (townhouses) in accordance with townhouse development provisions of the subdivision ordinance of the City of Brenham.
- (7) Zero lot line housing development, in accordance with zero lot line development provisions of the Subdivision Ordinance of the City of Brenham.
- (8) Accessory dwelling unit.
- (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business.
- (10) Twin homes. Single-family attached dwelling of two units on separate adjacent lots that share a common interior wall and property line. Each twin home unit is platted on a separate lot.

(Sec. 2.03) Specific uses:

~~(1) Accessory dwelling unit.~~

- (1) Bed and breakfast house.
- (2) Churches and related auxiliary uses, including educational or philanthropic uses.
- (3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (4) Multifamily development, including dormitories for students and fraternity or sorority houses, that meets the standard density requirements for the R-2 District, and that is proposed for a development site of two (2) acres or more.

- (5) Private and accredited elementary and secondary schools.
- (6) Retirement villages with site areas of two (2) acres or more.

(Sec. 2.04) Height regulations. No building shall exceed forty (40) feet or two and one-half (2-1/2) stories in height, except that a multifamily (apartment) building shall not exceed forty-five (45) feet or three (3) stories in height.

(Sec. 2.05) 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 twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- (ii) Side yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. 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 twenty-five (25) feet.

(B) Size of lot:

- (i) Lot area. No building shall be constructed on any lot of less than seven thousand (7,000) square feet.
- (ii) Lot width. The width of the lot shall not be less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.
- (iii) Lot depth. The average depth of the lot shall not be less than one hundred fifteen (115) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred fifteen (115) feet, provided that the minimum depth is no less than ninety (90) feet.
- (iv) Legally existing nonconforming lots. Where a legally existing lot having less area, width and/or depth than herein required existed under separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon, or a two-family dwelling on a lot containing not less than five thousand (5,000) square feet.

(C) Lot coverage: In no case shall more than fifty-five (55) percent of

the total lot area be covered by the combined area of the main buildings, accessory buildings and other impervious surfaces, excluding pools.

(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 twenty (20) 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 ten (10) 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-five (25) 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. The average depth of the lot shall not be less than one hundred (100) feet.

(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 provided above shall be maintained.

(D) Lot coverage: In no case shall more than ~~eighty (80)~~ **sixty (60) 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) **Utility Access:** All utilities shall be located adjacent to a public or private paved all-weather surface. Utility layouts shall be approved by the General Manager of Public Utilities or designee prior to approval of civil plans.
- (3) **Dwelling, two-family (duplex): Two (2) Single-family attached units**
- (A) **Minimum site area.** The minimum area for a duplex development is 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-five (25) feet.
- (ii) **Side yard.** A minimum of ten (10) feet shall be maintained between the exterior building line and side lot line. On corner lots a side street setback 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 twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.
- (C) **Size of lots:**
- (i) **Lot area.** Duplex units shall not be constructed on any lot of less than six thousand five hundred (6,000) square feet.
- (ii) **Lot width.** The width of the lot shall be not less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) 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 sixty (60) 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.
- (4) **Twin homes: Single-family attached units on individual lots**
- (A) **Minimum site area.** The minimum area for twin home 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-five (25) feet.
- (ii) **Side yard.** A minimum of ten (10) feet shall be maintained between the exterior building line and the side lot line. On corner lots, a minimum side street setback 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 twenty (20) feet shall be maintained for all attached home units, except that a rear yard of not less than twenty-five (25) feet shall be maintained where adjacent to a major street.

(C) **Size of lots:**

- (i) **Lot area.** No twin home unit 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.** The average depth of the lot shall not be less than one hundred (100) feet.
- (iv) **Legally existing nonconforming lots.** Where a legally platted lot for twin homes 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 provided above shall be maintained.

(D) **Lot coverage:** In no case shall more than sixty (60) 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.

(5) **Zero lot line (patio homes):**

(A) **Minimum site area.** The minimum area for patio home development shall be twelve thousand (12,000) 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.** A side yard of ten (10) feet shall be maintained adjacent to one property line, except that a side yard where the side yard is adjacent to a plat boundary that is contiguous to a standard single-family subdivision, said side yard shall be ten feet. Adjacent to public streets, a side yard of not less than fifteen (15) feet is required.

(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. No building shall be constructed on any lot of less than four thousand (4,000) square feet.

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

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

(iv) Legally existing nonconforming lots. Where a legally platted lot for patio homes 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 detached unit thereon, provided the applicable setbacks as provided above shall be maintained.

(D) Lot coverage. In no case shall more than sixty (60) 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) Openings prohibited. Openings are prohibited on the zero-lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings; provided, however, that atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero-lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

(6) Multifamily units (apartments):

(A) Minimum site area. ~~The minimum site area for duplexes shall be five thousand (5,000) square feet and the~~ **The** minimum site 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)~~ twenty-five (25) 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 two thousand (2,000) 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.

Section 2.06 Parking regulations. Off-street parking spaces shall be provided in accordance with the applicable requirements for specific uses set forth in Part II, Division 1, Section 16 of this ordinance.

Exhibit “C”
Part 2, Division 1, Section 11: Performance Standards

****Please note: Additions are in bold purple, deletions are in red.**

Sec. 11. Performance standards

(Sec. 11.01) Compliance required. No land, structures or uses in any district of the City of Brenham shall create any dangerous, injurious, noxious, or otherwise objectionable fire, noise or vibration **in violation of Chapter 17, Article V of the City of Brenham Code of Ordinances**, air pollution, odorous matter, fire and explosive hazard material, toxic and noxious matter, vibration, open storage and glare in such an amount as to adversely affect the surrounding area or adjoining premises. In the event of conflict between any of the specific provisions or sections of this ordinance with regulations of the Environmental Protection Agency, the Occupational Health and Safety Administration and the Texas Natural Resource Conservation Commission, then the most restrictive provisions shall be deemed controlling. Permitted uses as set forth in this ordinance shall be undertaken and maintained only upon the condition that they conform to the regulations of this section.

(Sec. 11.02) Standards. The following standards shall apply in the various zoning districts as set forth below:

(1) ~~—Noise. For recurring noise emanating from a facility within the City of Brenham, the allowable noise level shall not exceed that indicated for the type of district in which it is located as shown in the Table 1 below. For the purpose of enforcing these provisions, a measurement shall not be for less than ten (10) minutes nor more than thirty (30) minutes. Measurement shall be made on the property line at the point closest to the activity that is generating the noise which is being evaluated.~~

(2) ~~—The following uses and activities shall be exempt from the noise level regulations herein specified:~~

- ~~(a) —Noises not directly under control of the property user or his invitee;~~
- ~~(b) —Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours);~~
- ~~(c) —Noises of safety signals, warning devices and emergency pressure relief valves;~~
- ~~(d) —Noise of moving sources such as automobiles, trucks, airplanes and trains that are operating in the public domain.~~
- ~~(e) —Noise of otherwise permitted activities conducted on public parks, playgrounds and public or private schools.~~
- ~~(f) —Noise emanating from air conditioning or refrigeration systems or associated equipment.~~
- ~~(g) —Noise emanating from special events such as business promotional events, parades or civic celebrations that are temporary and otherwise permitted by the City of Brenham.~~

Table 1. Limiting Sound Levels for Land Use Districts

Land Use	Time	Allowable Exterior Noise Level

Residential (R-1, R-2)	10:00 pm to 7:00 am	50 dB (A)
	7:00 am to 10:00 pm	55 dB (A)
Commercial-Mixed Use (B-1, B-2, B-3)	10:00 pm to 7:00 am	62 dB (A)
	7:00 am to 10:00 pm	62 dB (A)
Industrial (I)	10:00 pm to 7:00 am	85 dB (A)
	7:00 am to 10:00 pm	85 dB (A)

~~(4) Vibration. No operation or use in any district shall create earthborn vibration when measured at any residential property line within any district which exceeds the limit of displacement set forth in the following table in the frequency ranges specified.~~

Table 2. Limiting Vibration at Specified Frequency Levels

Frequency Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and Over	0.0003

(1) Open storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use in a B-2 (Business, Research and Technology District) or an ID (Industrial District). The prohibition against open storage set forth above does not apply to the display and sale of automobiles, recreational vehicles, manufactured housing, mobile homes, and/or boats if conducted as a principal or primary use in a zoning district which specifically permits that type of enterprise.

In the B-2 or I District open storage operation shall not be located in the front or on the side of a main building, unless it is screened from adjacent residential uses and public rights-of-way as provided below, except that a front or side yard that is adjacent to public right-of-way may be used for open display and sale of retail merchandise, if said use is an accessory use to a principal retail use that is located and legally permitted in the B-2 District or the I District. A front or side yard that is adjacent to public right-of-way may by specific use permit be used for the open display and sale of retail merchandise when said use of land is an accessory use to a principal retail use located and legally permitted in the B-1 District. In addition, automobile wrecking, junk or salvage yards where legally permitted as a principal or primary use shall be screened as provided below.

(a) A screening wall or fence shall be of wood or masonry construction of sufficient height to conceal that which is being stored.

(b) A hedge which shall be of a height and density to conceal that which is being stored.

(Ordinance O-19-025, sec. 1, adopted 8/15/19)

Appendix “D”
Part IV, Division 2: Variances

**Please note: All proposed deletions are in red and additions in bold purple.

DIVISION 2. VARIANCES

§ 1 Limitations.

The board of adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, provided that:

- (1) Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.
- (2) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and wellbeing of the neighborhood in which the subject property is located.
- (3) The literal enforcement of the ordinance would work on unnecessary hardship.
- (4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.
- (5) The need for the variance was not created by the applicant.
- (6) The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.
- (7) The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

~~**§ 2 Conditions.**~~

~~The board may establish conditions in the written order granting a variance to safeguard the character of the area and to protect adjacent property owners.~~

§ 3 Prohibitions.

The board shall not consider or grant use variances, except as provided in Division 4 below for legally existing nonconforming uses.

(Ordinance O-18-004, sec. 1, adopted 2/15/18)