



Application For Exception to Ordinance 1442

☐ Residential ☐ Commercial

Address/General Location of Project: _____

Subdivision/Survey Name: _____ Property ID: _____

Applicant Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Owner of Property/Agent*: _____ Phone: _____

Mailing Address: _____ Email: _____

Explanation of Unfairness or Unreasonable Hardship: _____

ORDINANCE NO. 1442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONHAM, TEXAS AMENDING ARTICLE 3.13, DIVISION 3 “SIDEWALK, CURB AND GUTTER” (ORDINANCE 1297) OF THE BONHAM CODE OF ORDINANCES; ESTABLISHING SIDEWALK, CURB AND GUTTER REQUIREMENTS AND SPECIFICATIONS FOR NEW AND EXISTING DEVELOPMENTS; PROVIDING FOR A SAVINGS AND REPEALING CLAUSE, A SEVERABILITY CLAUSE, A CONFLICT LIMITATIONS CLAUSE, AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Bonham (“City”) is a Texas home-rule municipality; and

WHEREAS, pursuant to Texas Transportation Code Section 311.001, the City has exclusive control over the public highways, streets and alleys of the municipality and has the right to regulate the same; and

WHEREAS, on April 14, 2014, the City adopted Ordinance Number 1297 adopting Sidewalk, Curb and Gutter Rules and Regulations for all new construction after April 2014; and

WHEREAS, the City Council of the City of Bonham, Texas (“City Council”) has determined that the amendment to Article 3.13, Division 3 “Sidewalk, Curb and Gutter” (Ordinance 1297) set forth below, promotes the health, safety, and general welfare of the community and the safe, orderly and healthful development of the city.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONHAM, TEXAS,
THAT:**

**SECTION 1.
FINDINGS**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.
AMENDMENT OF ORDINANCE**

Article 3.13, Division 3 “Sidewalk Curb and Gutter” (Ordinance 1297) of the Code of Ordinances of the City of Bonham, Texas is hereby amended as set forth below to read as follows:

ARTICLE 3.13.081 Definitions. When used in this Section, the words defined in this section shall have the following meanings:

- A. SIDEWALK shall mean the portion of the street right-of-way designed for pedestrian travel.
- B. CURB/GUTTER shall mean the edging for a street used to control water run-off. It incorporates both a vertical restraint and a horizontal flow channel that intersects the pavement.

ARTICLE 3.13.083 Sidewalk/Curb and Gutter Specifications. Sidewalks shall be constructed in accordance with specifications shown in Exhibit A attached to Ordinance 1297 and on file in the office of the Building Official, copies of which shall be available to the public. The curb and gutter shall be constructed in accordance with city specifications available through the Development Department at City of Bonham.

(The City of Bonham requires compliance to Article 13.07 Municipal Drainage Utility System as it relates to collecting, control and/or divert water into natural or artificial water courses.)

ARTICLE 3.13.084 Construction by Landowner. The Planning and Zoning Commission may order the construction of sidewalks and curb/gutter, pursuant to City specifications, in designated areas of the city to protect the health, safety or welfare of the residents of the city.

- a. Concrete sidewalks and curb/gutter shall be constructed adjacent to paved streets in all new residential projects or developments given final plat approval after April 2014 and all commercial development given site plan or planned unit development approval after April 2014.
- b. Existing commercial developments which receive substantial additions or improvements, defined as a construction cost of \$20,000 or more within a twelve (12) month period, will be required to construct City approved concrete sidewalks. Sidewalks shall be shown on the site plans submitted for approval and shall be constructed prior to the issuance of the occupancy permit.
- c. All required sidewalk and curb/gutter construction herein shall be at the sole cost and responsibility of the owner of the property involved.
- d. The following projects shall be exempt from this requirement: all development located in the AG, HI, and LI zoning districts; properties located on State Highway 78 north of Highway 82; exterior cosmetic alterations which do not increase the usable area or exterior limits of the building; interior alteration work; and projects which do not require the submission of a site plan.
- e. The city may waive the sidewalk or curb/gutter requirement if, in the opinion of the Planning and Zoning Commission, the requirement would result in unfairness or unreasonable hardship.

SECTION 3. SAVINGS/REPEALING. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4. CONFLICT LIMITATIONS. This ordinance shall not be construed so as to conflict with any superior law including but not limited to; the City charter of the City of Bonham; laws, statutes, rules, or regulations of the State of Texas; federal law, statute, or code; or other similar orders, rules, or regulations.

SECTION 5. SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining provisions of this Ordinance shall remain in full force and effect. The City of Bonham hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6. PROPER NOTICE AND MEETINGS. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND APPROVED on its first reading this the 12th day of February, 2024.

***An agent must furnish a signed “Letter of Authorization” from the owner when submitting this application on behalf of the owner.**

Applicant Printed Name: _____

Applicant Signature: _____ **Date:** _____

Board Decision:

Approved: _____ **Denied:** _____

Chairperson
City of Bonham Planning & Zoning Commission