

ORDINANCE NO. 1416

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, AMENDING CHAPTER 14, ARTICLE 14.02, OF THE CODE OF ORDINANCES OF THE CITY OF BRADY, TEXAS, BY AMENDING § 14.02.122, CURRENTLY TITLED "ACCESSORY BUILDING AND USE REGULATIONS," TO BE RETITLED "ACCESSORY STRUCTURES" AND TO REVISE THE REGULATIONS APPLICABLE TO ACCESSORY STRUCTURES; AMENDING § 14.02.128 DEFINITIONS TO ADD AND REVISE CERTAIN DEFINITIONS RELATED TO ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brady has adopted zoning regulations codified in Chapter 14, Article 14.02, of the Code of Ordinances; and

WHEREAS, the City finds that the current accessory-building regulations would benefit from clarification and reorganization so that the code more clearly distinguishes physical accessory structures from accessory uses and other site features; and

WHEREAS, the City further finds that it is in the public interest to establish clear standards requiring accessory structures to remain within property boundaries and outside of public rights-of-way and recorded easements; and

WHEREAS, the City Council finds that the amendments set forth herein promote orderly development, improve administration and enforcement, and protect the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS:

SECTION 1. Findings.

The foregoing recitals are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. Amendment to § 14.02.122.

Section 14.02.122 of Chapter 14, Article 14.02, of the Code of Ordinances of the City of Brady, Texas, presently titled "Accessory building and use regulations," is hereby amended in its entirety and retitled to read as follows:

§ 14.02.122 Accessory structures.

(a) Purpose and applicability.

This section establishes standards for accessory structures in all zoning districts. Accessory structures shall be subordinate to and customarily incidental to a lawful principal building or principal use on the same lot, except where otherwise expressly authorized by this zoning ordinance.

(b) Accessory structure defined.

For purposes of this section, an accessory structure shall mean a subordinate physical building or similar detached structural improvement customarily incidental to a lawful principal use and located on the same lot as the principal building or use. Accessory structures include detached garages, storage buildings, workshops, sheds, carports, and cargo/shipping containers where permitted by this section. Accessory structures shall not include accessory uses, garage/accessory dwellings, caretaker's or guard's residences, outside storage, antennas, satellite dishes, swimming pools, tennis courts, or similar nonbuilding site features unless specifically stated otherwise. For purposes of this section, lot lines or property lines shall

mean the boundary lines of a lot or parcel as established by the controlling recorded plat or legal description and as may be located by a boundary survey acceptable to the city.

(c) General standards.

- (1) No accessory structure shall be erected on a lot prior to the existence of a principal building or lawful principal use, except where specifically authorized by this zoning ordinance.
- (2) All accessory structures shall be clearly subordinate to the principal building or principal use.
- (3) Accessory structures shall, whenever practical, be located toward the rear portion of the lot.
- (4) Accessory structures shall comply with all applicable building, fire, and safety codes.
- (5) Accessory structures shall not be used as a dwelling unit or for human habitation unless specifically authorized elsewhere in this zoning ordinance.
- (6) Every accessory structure shall be located entirely within the boundaries of the lot on which it is placed and shall not encroach beyond any property line. No accessory structure shall be placed within any public right-of-way, alley right-of-way, or recorded easement. The city may require the applicant to provide a boundary survey or other documentation acceptable to the city to verify compliance with this subsection.

(d) Residential and multifamily accessory structures.

In single-family and multifamily districts, an accessory structure shall be a subordinate or incidental detached structure customarily associated with residential use. Except where expressly allowed elsewhere in this zoning ordinance, an accessory structure in a residential or multifamily district shall not be used for commercial purposes and shall not be rented as a separate principal use.

(e) Nonresidential accessory structures.

In nonresidential districts, an accessory structure shall be subordinate to and supportive of the principal use on the lot. No accessory structure shall be permitted without a principal building or primary use being in existence. Accessory structures shall, whenever practical, be located toward the rear portion of the property.

(f) Placement, setbacks, and separation in residential and multifamily districts.

- (1) No detached accessory structure shall be located in front of the main building.
- (2) Any accessory structure shall be set back a minimum of five feet from any side lot line, rear lot line, alley line, or alley easement line.
- (3) Any accessory structure shall be separated from the main building by a minimum distance of 10 feet.
- (4) Garages or carports arranged to be entered from the side yard shall be set back a minimum of 20 feet from any side lot line, alley line, alley easement line, or street.
- (5) Garages or carports facing a public street shall be set back a minimum distance equal to the required yard for the main building or 20 feet, whichever is greater.

(g) Height.

- (1) Accessory structures in residential and multifamily districts shall not exceed one story in height unless otherwise expressly allowed by this zoning ordinance.
- (2) In nonresidential districts, no accessory structure shall exceed the height of the principal building unless otherwise expressly authorized.

(h) Prohibited occupancy and use.

- (1) No accessory structure regulated by this section shall be occupied as a dwelling unit unless specifically authorized elsewhere in this zoning ordinance.
- (2) No accessory structure shall be used for a commercial use in a residential district unless such use is expressly authorized.

(3) No accessory structure shall be rented as a separate principal use unless specifically authorized elsewhere in this zoning ordinance.

(4) Nothing in this section shall be construed to authorize a garage/accessory dwelling, guest quarters, servant's quarters, or similar residential secondary dwelling arrangement except as expressly provided elsewhere in this zoning ordinance.

(i) Cargo/shipping containers.

(1) Cargo/shipping containers shall be treated as a special type of accessory structure and shall be allowed only in accordance with this subsection.

(2) No person shall store, maintain, or otherwise keep a cargo or shipping container, whether temporarily or permanently, on any lot or parcel within the city without first obtaining and maintaining an active building permit issued by the city and a permit for placement of the cargo/shipping container.

(3) For residential property, a permit issued under this subsection shall be valid for a period not to exceed six months. The city may grant one additional six-month extension upon review of a request for extension.

(4) Cargo/shipping containers shall comply with applicable building codes, except that:

- a. A foundation shall not be required because the container is treated as a temporary structure;
- b. Ventilation shall not be required;
- c. Electricity shall be optional but not required; and
- d. Tie-downs shall not be required unless electricity is installed.

(5) Cargo/shipping containers shall be set back at least 15 feet from any other structure, including another cargo/shipping container.

(6) Cargo/shipping containers may be installed only in the Commercial, Agriculture, and Industrial Districts, and in Single-Family Residential Districts only subject to the following restrictions:

- a. No cargo/shipping container shall be installed on a residential site containing less than one acre;
- b. No more than one cargo/shipping container shall be permitted per acre of land;
- c. No cargo/shipping container shall be placed in a front yard;
- d. No cargo/shipping container shall be stacked on top of another container or on top of any other object;
- e. Any cargo/shipping container shall be located behind or beside the main or primary structure on the lot and shall be subject to the same setback requirements as the main structure;
- f. No cargo/shipping container shall be used for human habitation or commercial business purposes;
- g. No cargo/shipping container shall be used to store hazardous materials;
- h. No cargo/shipping container shall be used to store or keep refuse or debris in, against, on, or under the container; and
- i. Any cargo/shipping container shall be secure, structurally sound, stable, and in good repair with no visible rust or deterioration with color adhering to earthtone color palette.

(7) Special use permits for residential sites may be available for a period not to exceed six months for hardship uses such as moving, renovation, or disaster relief.

(j) Relationship to other regulations.

(1) Whether an accessory structure is permitted in a zoning district shall be determined by the applicable use regulations and district regulations of this zoning ordinance.

(2) Accessory structures shall also comply with all applicable off-street parking, fencing, screening, lighting, performance, and building code requirements.

(3) Where this section conflicts with another provision of this zoning ordinance, the more restrictive standard shall control.

SECTION 3. Amendment to § 14.02.128 Definitions.

Section 14.02.128 of Chapter 14, Article 14.02, of the Code of Ordinances of the City of Brady, Texas, is hereby amended to add and revise definitions as follows:

A. Add a new definition to read as follows:

Accessory structure. A subordinate physical building or similar detached structural improvement customarily incidental to a lawful principal use and located on the same lot as the principal building or use. The term includes detached garages, storage buildings, workshops, sheds, carports, and cargo/shipping containers where permitted by this zoning ordinance. The term does not include accessory uses, garage/accessory dwellings, caretaker's or guard's residences, outside storage, antennas, satellite dishes, swimming pools, tennis courts, or similar nonbuilding site features unless specifically stated otherwise.

B. Amend the definition of "Accessory building (residential)" to read as follows:

Accessory building (residential). A detached subordinate building or accessory structure located on the same lot as a principal residential building and customarily incidental to the residential use of the property. Except where otherwise expressly authorized by this zoning ordinance, an accessory building regulated under this definition shall not be used as a dwelling unit, shall not be used for commercial purposes, and shall not be rented as a separate principal use.

C. Amend the definition of "Accessory building (business or industry)" to read as follows:

Accessory building (business or industry). A subordinate building or accessory structure located on the same lot as a principal nonresidential use and customarily incidental to and supportive of such principal use. Except where otherwise expressly authorized by this zoning ordinance, an accessory building or accessory structure regulated under this definition shall not exceed the height of the principal building.

D. Amend the definition of "Garage, private" to read as follows:

Garage, private. A detached or attached building or accessory structure designed or used primarily for the storage of motor vehicles accessory to the principal use of the lot and not operated as a commercial garage.

E. No change is made by this ordinance to the separate definition of "Garage/accessory dwelling," except that such use shall remain distinct from an accessory structure regulated under § 14.02.122.

F. No change is made by this ordinance to the existing definitions of "Active building permit" or "Easement," except that those terms shall continue to apply where referenced in § 14.02.122.

SECTION 4. Cross-reference and caption changes.

The City Secretary, City Attorney, code publisher, and codifier are authorized to revise captions, numbering, internal references, table of contents entries, and cross-references in Chapter 14 as necessary to reflect the amendments adopted by this ordinance, including changing the title of § 14.02.122 from "Accessory building and use regulations" to "Accessory structures."

SECTION 5. Codification.

It is the intent of the City Council that the provisions of this ordinance be codified in the Code of Ordinances of the City of Brady, Texas, and the sections, paragraphs, sentences, clauses, and phrases of this ordinance may be renumbered, relettered, and formatted by the codifier as necessary to accomplish such intent, provided that the substance of this ordinance is not changed.

SECTION 6. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only.

SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance, and the City Council hereby declares it would have adopted such remaining portions notwithstanding the invalidity of any part.

SECTION 8. Publication.

The City Secretary is directed to publish the caption or descriptive notice of this ordinance as required by law.

SECTION 9. Effective date.

This ordinance shall take effect immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED on this 7th day of July, 2026.



Mayor, City of Brady, Texas



City Secretary

City Attorney