

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City owns and operates the Delaware Springs municipal golf course; and

WHEREAS, City Council deems a Municipal Golf Course Vegetative Buffer applicable to lots abutting the golf course is mutually beneficial to the owners of golf course lots, by assuring unobstructive views of course from golf course lots, and to operation of the golf course; and

WHEREAS, City Council finds and determines that buffer easements on fully developed golf course lots have been established pursuant to development agreements or the recordation of easement instruments; and

WHEREAS, it is City Council's intent to implement a Municipal Golf Course Vegetative Buffer as prescribed herein for the mutual benefit of golf course lot owners and for the operation of the golf course; and

WHEREAS, on February 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, on February 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled "Zoning") Section is hereby amended by adding to Section 118 (entitled "Definitions") the language that is underlined (underlined) as follows:

Sec. 118-5. - Definitions.

Boundary Agreement means that certain written instrument recorded in the Public Records of Burnet County as Document No. 2014086.

Golf Course Lot means any lot, parcel, tract or other division of property sharing a property line with the Municipal Golf Course and:

- (a) located within those tracts described in Boundary Agreement as Tracts 14, 15, 16, 17, 18, 22, 23, 24, 25, 26 and 27; and
- (b) the approximately 1.142 acre tract of land described in Exhibit "A" of the General Warranty Deed recorded in the Public Records of Burnet County as Document No.201901816; and
- (c) the approximately 28.31 acre tract of land and 1.49 acre tract of land and described in Exhibit "A" of the General Warranty Deed recorded in the Public Records of Burnet County as Document No. 202117151; and
- (d) the property described as Lot No. Two, Block A of the Ranch at Delaware Creek, Phase One-A a subdivision in Burnet County Texas as shown on plat recorded in Cabinet 4, Slide 11B, 11C, 12A, 12B and 12C, Plat Records of Burnet County, Texas, and described in the Warranty Deed with Vendor's Lien recorded in the Public Records of Burnet County as Document No. 200713598.

Municipal golf course means the 18-hole championship golf course operated by the City.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled "Zoning") Section is hereby amended by adding a new Section 118-63 to read as follows:

Sec. 118-63. – Municipal golf course vegetative buffer requirements.

- (a) Purpose. These requirements are imposed to protect and preserve the function and aesthetics of the municipal golf course; and to protect the rights

and interest of owners of properties abutting the municipal golf course to unobstructive views of the course from their properties.

- (b) Scope. As illustrated by the green borders in Map 118-63, below, these requirements are applicable to each any every Golf Course Lot, as defined in Sec. 118-5, abutting any part of the municipal golf course property.

Map 118-63 – Boundary Agreement Tracts 1, 7, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26 and 27 boarders outlined in green



- (c) Established. There is hereby established a municipal golf course vegetative buffer running along the lot line a Golf Course Lot shares with the municipal golf course. The width of the municipal golf course vegetative buffer for golf course lots shall be twenty-five feet (25') measured from the common property line with the municipal golf course.

- (d) Use limitations. The use of the municipal golf course vegetation buffer shall be restricted to a vegetation buffer and no fence or structure shall be permitted therein. The municipal golf course vegetation buffer may be maintained in its natural state or may be landscaped by the planting of non-native vegetation and decorative stones; provided such stones do not create a wall or other barrier between the buffer and municipal golf course.

- (e) Credits. The golf course vegetation buffer may be included in the calculation of code requirements for: (i) minimum lot size under the code; (ii) minimum setbacks and (iii) impervious cover requirements.

Section three. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section seven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Notice. The City Manager is hereby authorized and directed to record in the public records of Burnet County notice of the properties effected by the vegetative buffer requirement.

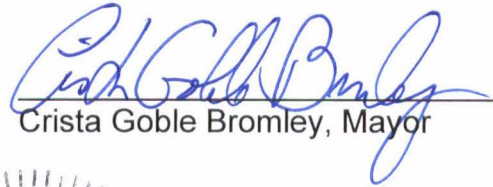
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Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary

