

ORDINANCE NO. 2023-17

AN ORDINANCE OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ESTABLISHING THE FOLLOWING NEW RESIDENTIAL SINGLE-FAMILY ZONING CLASSIFICATIONS: "R-1-17"; "R-1-10"; "R-1-4"; "R-1-4E"; "R-1-3"; "R-1-3E"; "R-1-2"; AND "R-1-2E"

WHEREAS, On May 31, 2023, City Council conducted a workshop to discussed single-family zoning district classifications; and

WHEREAS, on June 5, 2023, 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 June 27, 2023, 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; and the notice of the Public Hearing was published as required by Chapter 211 of the Texas Local Government Code.

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

Section one. Amendment. The City Code of Ordinances Sec. 118-20 (entitled "General Requirements and Limitations") is hereby amended by amending Chart 1 by adding the rows as shown below:

Sec. 118-20. General Requirements and Limitations.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Width	Max. Height Limit
R-1-17	25 ft.	7½ ft.	15 ft.	15 ft.	9,000	75 ft.	30 ft.
R-1-10	25 ft.	7½ ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-4	25 ft.	7½ ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-4E	25 ft.	7½ ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-3	25 ft.	10 ft.	20 ft.	20 ft.	14,520	90 ft.	30 ft.

R-1-3E	25 ft.	10 ft.	20 ft.	20 ft.	14,520	90 ft.	30 ft.
R-1-2	35 ft.	20 ft.	25 ft.	25 ft.	21,780	100 ft.	30 ft.
R-1-2E	35 ft.	20 ft.	25 ft.	25 ft.	21,780	100 ft.	30 ft.

Section two. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “General Requirements and Limitations”) is hereby amended by amending Chart 2, therein, by adding to the second-row abbreviated zoning designations as shown in bold (**bold**) below:

Chart 2

District	Coverage Main Buildings and all Accessory Buildings
OS, A, R1 E	10%
R1, R2, R-2, R-6, R-1-17, R-1-10, R-1-4, R-1-4E, R-1-3, R-1-3E, R-1-2, R-1-2E , A, NC, M1	40%
M-2, C-1, C-2, G	50%
C-3, I-1, I-2	60%
PUD	N/A

Section three. Amendment. The City Code of Ordinances Sec. 118-21 (entitled “establishment of zoning districts”) is hereby amended by amending the table, found therein, by adding new rows therein stating the zoning district names for the abbreviated designations as shown in bold (**bold**) below:

Abbreviated Designation	Zoning District Name
R-1-17	Single-family residential —District "R-1-17"
R-1-10	Single-family residential —District "R-1-10"
R-1-4	Single-family residential —District "R-1-4"
R-1-4E	Single-family residential —District "R-1-4E"
R-1-3	Single-family residential —District "R-1-3"
R-1-3E	Single-family residential —District "R-1-3E"
R-1-2	Single-family residential —District "R-1-2"
R-1-2E	Single-family residential —District "R-1-2E"

Note to publisher: Except as expressly amended in sections one, two and three of this ordinance, Section 118-20, and charts 1 and 2 therein; as well as Section 118-21, and the undesignated table therein, shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section four. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-Family Residential 1—District ‘R-1’”) is hereby amended by replacing subsection (a) in its entirety with the following:

Sec. 118-25. Single-family residential.

- (a) *Purpose and permitted uses.* The single-family residential districts stated in Table 118-25(1) permits detached single-family dwellings with a minimum living area and minimum lot size as follows:

Table 118-25(1)

Single-Family Residential — District	Minimum living area:	Minimum lot size:
"R-1"	1,350 square feet	9,000 square feet
"R-1-17"	1,750 square feet	9,000 square feet
"R-1-10"	1,350 square feet	10,890 square feet (1/4 acre)
"R-1-4"	1,750 square feet	10,890 square feet (1/4 acre)
"R-1-4E"	2,000 square feet	10,890 square feet (1/4 acre)
"R-1-3"	1,750 square feet	14,520 square feet (1/3 acre)
"R-1-3E"	2,000 square feet	14,520 square feet (1/3 acre)
"R-1-2"	1,750 square feet	21,780 square feet (1/2 acre)
"R-1-2E"	2,000 square feet	21,780 square feet (1/2 acre)
"R-1E"	2,100 square feet	43,560 square feet (1 acre)
"R-6"	1,100 square feet	7,600 square feet

Note to publisher: Section 118-25 subsections (b), (c) and (d) shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

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

Section seven. 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 eight. 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 nine. 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 ten. 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 eleven. 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 13th day of June 2023

Passed, Approved and Adopted on the 27th day of June 2023

CITY OF BURNET

ATTEST:


Kelly Dix, City Secretary


Gary Wideman, Mayor

