

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, at the November 9, 2021, City Council discussed the merits of increasing the Single-family "R-1" lot width minimums to 70 or 75 feet; and

WHEREAS, City Council finds that 60-foot width minimum lots are not conducive to maintaining the community's hill country environment; and

WHEREAS, City Council deems it appropriate to increase the lot width in District "R-1" to 75 feet to enable subdivision densities to be more in harmony with the City's agrarian heritage; and make stormwater management more controllable; and

WHEREAS, City Council finds in specific instances there is a place for 60-foot width minimum lots and deems it appropriate to create a new zoning district to accommodate such developments; and

WHEREAS, City Council finds that existing 60-foot width minimum lots should not become non-conforming due to this ordinance; 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 City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 1, therein, by adding to the row entitled “R-1” the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~); and adding a new row entitled “R-6”, and adding to the “R-6” row the language that is underlined (underline) as follows:

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	20 ft. for any road over 31 feet of pavement. 25 ft. for roads shorter than 31 ft.	7½ ft.	15 ft.	15 ft.	9000 ft. 7,600 <u>s.f.</u>	60 ft. <u>75 ft.</u>	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.
<u>R-6</u>	<u>20 ft. for any road over 31 feet of pavement.</u> <u>25 ft. for roads</u>	<u>7½ ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>7,600</u> <u>s.f.</u>	<u>60 ft.</u>	<u>35 ft.</u>

	shorter than 31 ft.						
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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 designation “R-6” 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 , 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 rows therein the zoning district names for the abbreviated designation “R-6” as shown in bold (**bold**) below:

Abbreviated Designation	Zoning District Name
R-6	Single-family residential —District "R-6"

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 five. 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 — District "R-1" and District “R-6”.

- (a) *Purpose and permitted uses.* Single-family residential District "R-1" and District “R-6” permits detached single-family dwellings with a minimum living area and minimum lot size as follows:

Table 118-25(1)

Single-family residential — District "R-1"	Minimum living area: 1100 square feet	Minimum lot size: 9000 square feet
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Single-family residential — District "R-6"	Minimum living area: 1100 square feet	Minimum lot size: 7600 square feet
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Note to publisher: Section 118-25 subsections (b) and (c) 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 six. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1’ and District “R-6””) is hereby amended by adding a new subsection (d) to read as follows:

- (d) *Preexisting lots.* Any Single-Family lot established by a subdivision plat recorded on or before February 22, 2022, that was in compliance with the Single-family residential —District "R-1" lot dimensions in effect prior to that date but made non-conforming due to the adoption of new lot dimensions after that date shall be entitled to a city initiated zoning reclassification to Single-family residential — District "R-6" and shall be considered a legally conforming lot, for all purposes, until such zoning reclassification is final.

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

Section nine. 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 ten. 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 eleven. 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 twelve. 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 thirteen. 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

