

ORDINANCE NO. 2022-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-25 (ENTITLED "SINGLE-FAMILY RESIDENTIAL — DISTRICT "R-1") BY INCREASING THE MINIMUM LIVING AREA REQUIRED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances provides for "R-1", "R-1 E", and "R-6" single family zoning districts, and

WHEREAS, City Council finds that individuals and families reside and move to Burnet to enjoy the agrarian hill country atmosphere the community provides; and

WHEREAS, City Council adopted Ordinance No. 2022-15, inter alia to preserve the community's agrarian hill country ambiance, which its citizens enjoy, by increasing the minimum lot width and lot size in the R-1 Single Family Zoning District; and

WHEREAS, City Council finds, in order to facilitate compatibility between the increase R-1 lot size requirement and the size of residential structures to be constructed on lots so zoned it appropriate to increase the minimum living area square footage in the density the R-1 Single Family Zoning District; and

WHEREAS, on July 5, 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 July 12, 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. 118-25 (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	Minimum living area:	Minimum lot size:
"R-1"	1350 square feet	9000 square feet
"R-6"	1100 square feet	7600 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 two. 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 three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. 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 five. 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 six. 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.

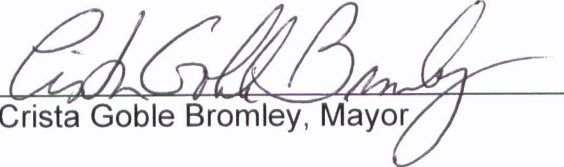
Section seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section eight. 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 12th day of July 2022

Passed, Approved and Adopted on the 26th day of July 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

