

**ORDINANCE NO. 2022-36**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATE WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT DEVELOPMENT/MANUFACTURED HOUSING ZONING CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-01, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property ("Property") described herein; and

**WHEREAS**, by that certain Development Agreement recorded in the Public Records of Burnet County, Texas, on April 20, 2021, as Document No. 202106364, the property owner and City Council agreed that an ordinance designating the Property as a Planned Unit Development/Manufactured Housing would be presented to City Council; and

**WHEREAS**, City Council by entering into the Development Agreement did not bargain away its discretion to approve or reject this ordinance, but rather agreed to consider this ordinance; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is a 75.87-acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, Burnet County, Texas as shown on **Exhibit "A"** hereto.

**Section three. Zoning District Reclassification.** Pursuant to City Code Section 118-51(entitled "*Planned Unit Development – "PUD" district*") the Property shall be classified as a Planned Unit Development Manufactured Homes Zoning District; and pursuant to City Code Section 118-51(d) "Rules" applicable to the Property shall be as follows:

(a) **Lots.** All lots within the Property shall conform to the lot dimension requirement in Table 1 below:

Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot Area <sup>1</sup>	Min. Lot Width	Max. Height Limit	Minimum street frontage <sup>2</sup>
30'	15'	15'	25'	21,780'	60'	35'	100' <sup>3</sup>

<sup>1</sup> Minimum area shall be measured in square feet and all other measurements on table one shall be measured by linear feet.

<sup>2</sup> Minimum street frontage width shall not apply to lots fronting subdivision.

(b) **Use.** Permitted uses are those uses authorized in City Code of Ordinances Sec. 118-25 (entitled "single-family residential – Districts "R-1", "R-6", R-15", and "R-20"; and those uses authorized in City Code of Ordinances Sec. 118-38 (entitled "*manufactured home – district 'M-1'*").

(c) **Dwelling unit requirements.** Dwelling units ("homes") established within the Property shall comply with the following:

- (1) Each home shall be located on a separate subdivided lot with a minimum lot size of not less than one-half acre.
- (2) All homes shall be placed on a permanent concrete foundation;
- (3) All homes shall have a 2 car garage;
- (4) All homes shall have rock underpinning on front and two sides;
- (5) All homes shall have covered front decks at entry;
- (6) All homes shall be restricted from having anything placed or stored in front yard; and
- (7) All homes shall install privacy fence if anything is placed or stored in back or side yards so as not to be visible from the street.

(d) **Infrastructure requirements:** Infrastructure supporting the Property shall comply with the following:

- (1) Streets shall be constructed to city code standards but shall be private streets maintained by a home owners association ("HOA ") that shall be established in accordance with Title 11 of the Texas Property Code;
- (2) Drainage facilities shall be constructed to city code standards but shall be maintained by the HOA;
- (3) Water service to be provided by city in accordance with city code construction standards and fee requirements;
- (4) Park fee shall be paid in lieu of parkland dedication; and
- (5) Sanitary sewer will be served by onsite septic systems constructed and maintained to city code and state laws and administrative standards.

**Note:** The Rules applicable to this PUD in no ways waives the requirements of the City's subdivision ordinance and the subdivision of the property shall be required to comply with the requirements of said subdivision ordinance.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

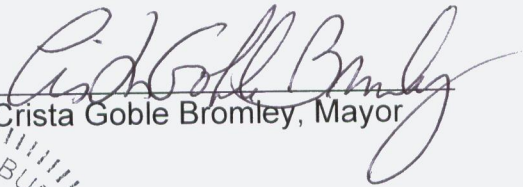
**Section six. Severability.** City Council's approval of the annexation facilitating the creation of this PUD, and the adoption of this PUD ordinance is given in reliance on the Property Owner's representation in that certain Development Agreement recorded as Document No. 202106364 of the Public Records of Burnet County, Texas. Therefore, this Ordinance is not severable; and should any word, phrase or provision of this Ordinance be invalidated by a court of competent jurisdiction the actions taken by this Ordinance shall become void and the Property shall be reclassified as single-family residential R-20; it being the intent of Council, after compliance with the notice and hearing requirements of Texas Local Government Code Chapter 211, that this Property only receive the PUD designation if all requirements of this Ordinance are follow; and, that should any requirement of this Ordinance not be followed the zoning classification of the Property shall be single-family residential R-20.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.


**PASSED** on First Reading the 12<sup>th</sup> day of July 2022.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of July 2022.

CITY OF BURNET, TEXAS

  
Crista Goble Bromley, Mayor

ATTEST:

  
Kelly Dix, City Secretary

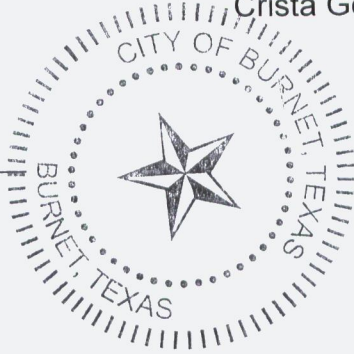


Exhibit "A"  
Location

