

ORDINANCE NO. 2025-24

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-62 (ENTITLED "LANDSCAPING AND SCREENING REQUIREMENTS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 118 of the City Code provides zoning regulations for physical development including landscaping requirements for multifamily, commercial and industrial development; and

WHEREAS, the City Council seeks to provide for the orderly development of property within the city and maintain aesthetically pleasing development and improve property value; and

WHEREAS, on June 2, 2025, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; 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 amendments; and

WHEREAS, on June 10, 2025, the City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, the City Council, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, determine that enacting said Code of Ordinance amendments will serve to promote the public health, safety, morals, and the general welfare of the city and its present and future residents; 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. Code Amendment. Section 118-62 (entitled "Landscaping and screen requirements") of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 118-62. Landscaping and screening requirements.

Purpose. The purpose of this section is, in conjunction with the other requirements of this chapter, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. Landscape plans will not be required for existing lots or short form subdivisions that have adequate utilities and public access as determined by the city engineer. This section shall apply to all new development or construction on vacant or previously developed land, that requires site plan approval; any change of land use that results in redevelopment of a residential use to a nonresidential use; any change, conversion, or addition of commercial land uses that result in the requirement for additional parking to be constructed. In this case, the landscape requirements shall apply to only the newly proposed parking area and other areas of the site being modified by development activities; and detention ponds and water quality ponds that are part of any development including residential subdivisions.

The following are additional factors considered in establishing the requirements of this section:

- (1) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.
- (2) The city experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this section to encourage the use of drought resistant vegetation that does not consume large quantities of water.

- (b) *Installation and plan.* All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for any new development in any zoning district, save and except for A, OS, and single-family zoning districts. No landscaping shall be within ten feet (10') of any fire hydrant, transformer, sectionalizer cabinets, or any primary electric infrastructure. No landscaping shall be within five feet (5') of any electric or water meter, sewer cleanout, or other public utility.
- (c) *Maintenance.* The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. The tree canopy of any trees, planted and existing, shall not be lower than 14 feet (14') above all fire lanes and at no point shall it be allowed to encroach on a fire hydrant or fire lane clear space. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this section.
- (d) *Planting criteria.*
 - (1) *Trees.* Trees shall be a minimum of two inches in caliper measured three feet above finished grade immediately after planting. A list of recommended landscape trees may be obtained from the city. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than 15 feet in diameter to meet the requirements of this section. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a 15-foot diameter crown if the drip line area is maintained. A minimum area three feet in radius is required around the trunks of all existing and proposed trees. The planting of trees will not be required prior to final approval or acceptance of the final subdivision plat. No more than fifty percent (50%) of the required trees shall be of the same species.
 - (2) *Shrubs and ground cover.* Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size.
 - (3) *Lawn grass.* It is recommended that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion. With the exception of lawns being sodded, each lawn area shall have sediment fencing installed on the down slope side to prevent erosion. Where seed is utilized, it shall be raked in and watered at sufficient intervals to ensure that it takes root and begins growing. Thinned areas shall be reseeded to ensure complete coverage of the lawn.

- (4) *Synthetic plants.* Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
 - (5) *Architectural planters.* The use of architectural planters may be permitted in fulfillment of landscape requirements.
 - (6) *Other.* Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces. Alternative types of landscaping, such as xeriscape or other types of landscaping designed to conserve water shall be reviewed by the planning and development service staff for design and compatibility with the area immediately surrounding the subject property.
- (e) *Landscaping requirements.* A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule. For lots over two acres, the minimum percentage shall be calculated based on the portions of the lot that are being disturbed or developed (limits of construction).

Zoning or Use	Percentage
(1) Multifamily, Open Space	20%
(2) Residential	*Note
(3) Commercial uses	20%
(4) Industrial—Light and Heavy	20%
(5) Agricultural	None

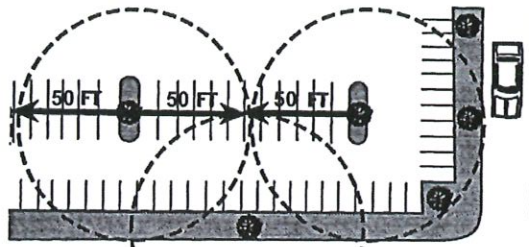
*Note. Minimum landscape requirements for each lot on which a single-family, dwelling, or a manufactured home, is constructed or installed after the date of this chapter shall be a minimum of two, two-inch trees and lawn grass from the front property line to the front two corners of the structure. Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right-of-ways.

- (f) *Exceptions.* In cases where a particular site opportunity exists; a creative design has been proposed; or where there is an unusual site encumbrance, an application for an alternative landscape plan which does not strictly comply with the standards of this section may, be submitted for approval to the City Manager or designee. If the City Manager or designee denies the application for the alternative plan, the applicant may, within fifteen (15) business days after receipt of notice of such denial, appeal the decision to the Board of Adjustment (BOA).

An application for alternate compliance must include a letter stating how the plan meets the purpose and intent of the Code and the details of the methods used to meet such intent. In addition, a comparison detailing the landscape elements required to satisfy strict compliance versus the alternative plan must be provided.

In rendering a decision on an alternate compliance plan, the City Manager or designee shall consider appropriate circumstances including, but not limited to:

1. Does the plan result in a creative arrangement of new large trees?
 2. Does the plan maximize water conservation?
 3. Does the plan minimize the removal of existing trees or alteration of other significant natural features, such as rock outcroppings, floodplain or waterways? and
 4. Is the site encumbered by easements that prohibit placement of landscaping as required by this section?
- (g) *Placement.* Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this section. Trees shall not be planted within utility easements where overhead utilities are located.
- (h) *Credit.* The preservation of existing oak trees may be used as credit towards the landscaping required by this section. Each preserved healthy oak tree with a diameter of at least four (4) inches but less than eight (8) inches will be counted as a credit towards one required tree or parking lot tree. Each preserved healthy oak tree with a diameter of eight (8) inches to 20 inches preserved will be counted as a credit towards two (2) required trees or parking lot trees. 3. Each healthy protected oak tree with a diameter of more than twenty (20) inches preserved will be counted as a credit towards three (3) required trees or parking lot trees.
- (i) *Additional required plantings.* For every 600 square feet of landscape area required by this section, two trees and four shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the commission. This subsection shall not apply to property in District "A", District "OS", and any of the single-family zoning categories. Those portions of the tract or lot used for a detention and/or water quality pond and/or where utility easements are located with overhead utilities, shall not be included in the calculation used to determine the number of trees and shrubs to be planted.



- (j) *Replacement of required trees.* Upon the death or removal of a tree planted pursuant to the terms of this section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this section is retained.
- (k) *Screening.* The following requirements shall be in addition to the foregoing landscaping and planting requirements.
 - (1) All off-street parking, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public right-of-ways.
 - (2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.
 - (3) Privacy fences.
 - a. All fences required by this subsection and along a common property boundary shall be six feet in height.
 - b. Fences over six feet in height shall be allowed for impeding access to hazardous facilities, including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages 20 percent or more on either side of the fence over a distance no less than 15 feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the commission.
 - c. Fences less than or equal to three feet in height shall be allowed in front yards.
 - d. No fence or other structure more than 30 percent solid or more than three feet high shall be located within 25 feet of the intersection of any rights-of-way.
 - e. All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations. The fence shall be constructed of stone, masonry or wood products or an approved alternate material (such as composite decking material). Fence materials shall be approved by the planning and development services staff.
 - f. The finished side of all fences built to comply with these regulations shall face away from the screened object.
 - (4) *Screening of incompatible uses:* Screening is intended to minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots. Screening shall consist of a six-foot opaque privacy fence constructed of wood, masonry, or a combination thereof. As an alternative, screening may also be provided in the form of evergreen vegetative screens installed in accordance with subparagraph (5) below. Screening shall be provided in accordance with the chart below. A box containing the letter "R"

indicates that screening is required. A box with "-" indicates that screening is not required between those development types.

		Adjacent District															
		A	OS	R-1E	R-1	R-2	R-2A	R-3	M-1	M-2	NC	C-1	C-2	C-3	G	I-1	I-2
Development Providing Buffer Yard	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	OS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1E	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-2A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-3	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-
	M-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	M-2	-	-	R	R	R	R	R	-	-	-	-	-	-	-	-	-
	NC	-	-	R	R	R	R	R	R	-	-	-	-	-	-	-	-
	C-1	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-
	C-2	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-
	C-3	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-
	G	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	I-1	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-
	I-2	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-

- (5) *Landscape berms.* Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this section if the berm is at least three feet in height and has a maximum side slope of four feet of horizontal run for every one foot in vertical rise.
 - (6) *Native vegetation.* Existing vegetation, demonstrating significant visual screening capabilities and as approved by the commission may fulfill the requirements of this section.
- (l) The landscape requirements must be met prior to new development receiving a certificate of occupancy.

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.

PASSED, APPROVED, AND ADOPTED on this 10th day of June 2025.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Maria Gonzales, City Secretary

