

**ORDINANCE NO. 2019-17**

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – “ZONING,” SECTION 118-20, CHART 1 FOR THE PURPOSE OF REVISING MINIMUM LOT AREAS, LOT DEPTHS, AND MINIMUM LOTS WIDTHS ESTABLISHED FOR VARIOUS ZONING DISTRICTS; AMENDING SECTION 118-45, LIGHT COMMERCIAL FOR THE PURPOSE OF ESTABLISHING “CARWASH” AS A USE PERMITTED WITH CONDITIONAL USE PERMIT; AMENDING SECTION 118-46, MEDIUM COMMERCIAL—DISTRICT C-2 FOR THE PURPOSE OF ESTABLISHING “CARWASH” AND “AUTOMOBILE REPAIR OR RETAIL SERVICE STATION AND GARAGE” AS PERMITTED USES AND AMENDING SECTION 118-62 (K) FOR THE PURPOSE OF ESTABLISHING REQUIREMENTS FOR SCREENING ADJACENT TO RESIDENTIALLY ZONED PROPERTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on September 9, 2019, did conduct a public hearing for the purpose of taking public comment regarding those amendments to City of Burnet Code of Ordinances, Chapter 118 – Zoning contained herein; and

**WHEREAS**, The City Council of the City of Burnet, on September 10, 2019 did conduct its own public hearing for the purpose of taking public comment regarding said amendments to Code of Ordinances Chapter 118; and

**WHEREAS**, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did 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;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Chapter 118, Sec. 118-20 – General requirements and limitations—Chart 1 Amended.**

Chapter 118, Sec. 118-20 – General requirements and limitations—Chart 1 is hereby amended follows.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Depth	Min. Lot Width	Max. Height Limit
R-1	20 ft. for any road over 31 ft. of pavement  25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft. at building setback	35 ft. for structures over 1,500 s.f.  30 ft. for structures under 1,500 s.f.
R-1 E	30 ft.	15 ft.	15 ft.	15 ft.	60,000 s.f. <u>1 acre</u>	250 ft.	150 ft.	30 ft.
R-2	25 ft. for two unit  30 ft. for three and four unit	10 ft.	15 ft.	10 ft.  15 ft. when abutting R-1	4,500 s.f. per unit	115 ft.	75 ft.	35 ft.
R-2 A	25 ft. for two connected units  30 ft. for three or four connected units	10 ft. between structures	15 ft.	10 ft.  15 ft. when abutting R-1	4,500 s.f. per unit	115 ft.	75 ft.	35 ft.
R-3	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft.  15 ft. when abutting R1	4,000 s.f. per unit	150 ft.	150 ft.	35 ft.
M-1	20 ft. for any road over 31 ft. of pavement  25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft. at building setback	35 ft. for structures over 1,500 s.f.  30 ft. for structures under 1,500 s.f.
M-2	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft.  15 ft. when	4,000 s.f. per unit	250 ft.	150 ft.	35 ft.

				abutting R-1				
OS	25 ft.	10 ft.	15 ft.	25 ft.	7,500 s.f.	90 ft.	60 ft.	35 ft.
A	25 ft.	25 ft.	15 ft.	25 ft.	2 Acres	600 ft.	150 ft.	35 ft.
Gov	25 ft.	15 ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft.	35 ft.
NC	20 ft. for any road over 31 ft. of pavement  25 ft. for roads of less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 [s.f.]	90 ft.	60 ft. at building setback	35 ft.
C-1	30 ft.	15 ft.	15 ft.	15 ft.	4,500 s.f. 10,000 s.f.	90 ft.	50 ft.	35 ft.
C-2	40 ft.	15 ft.	20 ft.	15 ft.	7,600 s.f. 10,000 s.f.	150 ft.	60 ft.	35 ft.
C-3	50 ft.	15 ft. for single tenant  25 ft. for multi- tenant	20 ft.	15 ft.	7,600 s.f. for single tenant  15,000 s.f. for multi- tenant	250 ft.	60 ft. for single- tenant  100 ft. for multi- tenant	35 ft.
I-1	25 ft.	25 ft.	25 ft.	25 ft.	5,750 s.f. 10,000 s.f.	100 ft.	50 ft.	60 ft.
I-2	25 ft.	25 ft.	25 ft.	25 ft.	7,500 s.f. 10,000 sf.	150 ft.	60 ft.	60 ft.
PUD	n/a	n/a	15-ft. n/a	n/a	3 acres n/a	n/a	n/a	n/a

**Section 3. Chapter 118, Sec. 118-45 – Light Commercial—District “C-1” Amended.**

Chapter 118, Sec. 118-45 – Light Commercial—District “C-1” is hereby amended for the purpose of creating a new subsection (b) as follows:

(b) *Uses permitted with Conditional Use Permit.* Uses listed in this section may be permitted in the Light Commercial—District C-1 zoning district if first granted a Conditional Use Permit obtained in accordance with the provisions of Sec. 118-64.

- (1) Carwash

**Section 4. Chapter 118, Sec. 118-46 – Medium Commercial—District “C-2” Amended.**

Chapter 118, Sec. 118-46 – Medium Commercial—District “C-2” (a) Purpose and permitted uses is hereby amended as follows

**Sec. 118-46. - Medium commercial—District "C-2".**

(a) *Purpose and permitted uses.* This district allows the following commercial land uses in facilities under 20,000 square feet. The permitted uses include the following specific uses as well as those permitted in C-1:

- (1) Air conditioning and heating sales and services.
- (2) Amusement (indoor).
- (3) Amusement (outdoor) and swimming pool (commercial).
- (4) Automobile repair or retail service station and garage
- (5) Automobile service station, gasoline station (full and limited), filling or retail service station.
- (6) Apartment hotel, assisted retirement living, boarding house, bed and breakfast, convalescent home, family home, home for the aged and group day care.
- (7) Bakeries with goods primarily prepared for in-store retail sales on site.
- (8) Bonded warehouse and local wholesale distributors.
- (9) Carwash
- (810) Child care center (small, intermediate and large) and child development facilities.
- (911) Cleaning or laundry self-service shop and cleaning shop or laundry (small).
- (4012) Clinic and safety services.
- (4413) Convenience stores, grocery stores and supermarkets (including the sale of alcoholic beverages for off premise consumption and/or gasoline).
- (4214) Cultural services and community center (public and private).
- (4315) Day camp.
- (4416) Drive-in theaters.
- (4517) Dancing and music academies.
- (4618) Farm implement display and sales room.
- (4719) Farms or truck gardens, limited to the propagation and cultivation of plants; provided that no poultry or livestock other than household pets shall be housed within 50 feet of any property line.
- (4820) Florist shops, greenhouses and nurseries with outdoor service and display.
- (4921) Golf course (commercial), playfield or stadium (public).
- (2022) Hospital services, hospital (acute and chronic care) sanitariums, nursing homes, hospice and home for the aged.
- (2423) Hotels, tourist homes, and motels.

- (2224) Milk and bread distributing stations.
- (2325) Mini storage warehouse and storage garage.
- (2426) Parking lots and commercial garage.
- (2527) Package liquor stores for off-premise consumption sales.
- (2528) Radio and television broadcasting stations and studios, excluding broadcasting towers.
- (2629) Recycling collection use.
- (2730) Restaurant, cafe or cafeteria, drive-in eating establishment with alcoholic beverage sales for on-premise consumption.
- (2831) Sale of new automobile parts.
- (2932) Shopping center.
- (3033) Small animal clinic/veterinary services.
- (3134) Heliport.
- (3235) Taxi cab stations.
- (3336) Upholstering shops.
- (3437) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that store and distribute goods and materials, and are in general dependent on raw materials refined elsewhere.
- (3538) Wholesale sales establishments and warehouses.
- (3639) Wholesale bakeries.

**Section 5. Chapter 118, Sec. 118-62 – Landscaping and Screening Requirements Amended**

Chapter 118, Sec. 118-62 – Landscaping and Screening is hereby amended for the purpose of creating a new subsection (k) (4) “Screening of incompatible uses” as follows:

(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.

<b>Adjacent District</b>
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	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

**Section 6. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

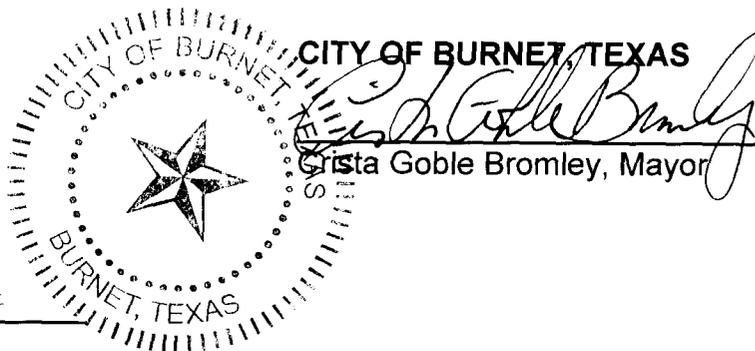
**Section 7. Severability.** Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

**Section 8. Effective Date.** This ordinance is effective upon final passage and approval.

**Section 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this 10<sup>th</sup> day of September, 2019.

**FINALLY PASSED AND APPROVED** on this 24<sup>th</sup>, day of September, 2019.



**ATTEST:**

*Kelly Dix*  
 Kelly Dix, City Secretary