

ORDINANCE NO. 2022-07

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") by AMENDING SECTION 118-35 (ENTITLED "MULTI-FAMILY RESIDENTIAL—DISTRICT 'R-3'"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, City Council, by adoption of City Code Sec. 118-35, established the multi-family residential—District "R-3" to allow multi-family housing which serves as a transitional zone between single-family residential and less intense commercial uses; and

**WHEREAS**, the fire marshal has no objection in increasing the number of maximum stories in the "R-3" District from two to three, provide the maximum height of 35 feet is not increased; and

**WHEREAS**, City Council determines it appropriate to clarify that the maximum allowed density in the "R-3" district is 20 units per acre; and

**WHEREAS**, City Council determines it appropriate to impose a minimum lot size for a multi-family project in the "R-3" district; and

**WHEREAS**, City Council determined that resources for parkland maintenance and enhancement can be more efficiently and effectively spent on regional parks instead of "pocket parks"; and

**WHEREAS**, in setting the fee in lieu of parkland dedication City Council takes legislative notice that the average price for an acre of land in Burnet exceeds \$30,000.00; 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 Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-35 (entitled "*Multi-family residential—District 'R-3'*") is hereby amended by adding the language that is underlined (underlined) deleting the language that is stricken (~~stricken~~) as follows:

**Sec. 118-35. Multi-family residential—District "R-3.**

- (a) *Permitted uses.* Attached single family structures with a minimum of 500 square feet of living area and permitted accessory structures generally known as apartments, with buildings not exceeding ~~two~~ three stories, ~~on a minimum lot size of 4,000 square feet per unit.~~
- (b) *Conditions and limitations.*
  - (1) More than one building or structure may be located upon a lot.
  - (2) All buildings and structures shall be separated by a minimum horizontal distance of ten feet or meet the separation requirements of the adopted fire code.
  - (3) Recreation open space. ~~Unless otherwise satisfied pursuant to the city's subdivision ordinance, A park land dedication fee of \$200.00 per dwelling unit shall be required prior to issuance of a building permit. Provided however, council may, at its discretion, allow on-site recreational dedication at one acre per 100 dwelling units, or five percent of the total site area subject to the following: requirements; provided that the council may, at its discretion, require the payment of the established fee in lieu of land dedication for each such dwelling unit.~~
    - (A) Such recreational open space shall be located or arranged so as to function as a recreational area and be uniformly beneficial to all of the dwelling units in the project or development; and

- (B) Open space required to separate structures shall not be considered to be a part of the required recreational open space.
- (4) *Parking.*
  - a. There shall be a minimum five-foot setback from the rear most wall of any garage, and from the curb line of any parking area, to the nearest property line.
  - b. Private garages and covered parking, if any, may be attached or detached.
  - c. A minimum of two off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.
- (5) *Driveways.*
  - a. All ingress and egress must be located on major collectors or arterials as designated in the comprehensive plan.
  - b. Ingress and egress shall be through driveways designed to convey residents, visitors, and staff of the apartment over a common driveway.
  - c. There shall be no head-in parking on any public collector or arterial streets abutting the lot.
- (6) The commission and the council may consider number of units proposed, the availability of mass-transit and the impact the development may have on existing traffic patterns, with respect to any application for multi-family zoning.
- (7) See Chart 1.
- (8) See Chart 3.
- (c) *Site development regulations.* The following site development regulations shall be applicable to apartment buildings and property zoned multi-family residential, district "R-3":
  - (1) Maximum dwelling units per acre: 20 units.
  - (2) Minimum lot size shall be 10,000 square feet for a multi-family project.

**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.

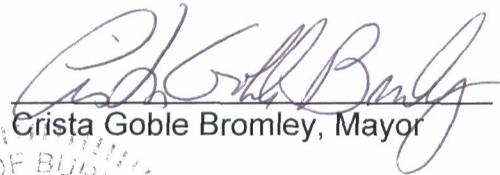
**Section seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**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 8<sup>th</sup> day of February 2022

Passed, Approved and Adopted on the 22<sup>nd</sup> day of February 2022

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

