

ORDINANCE 2019-16

AN ORDINANCE AMENDING THE CITY OF BURNET CODE OF ORDINANCES, CHAPTER 62 – MANUFACTURED HOMES AND TRAILERS, SECTION 62-2 – RECREATIONAL VEHICLES; AND CHAPTER 118 – ZONING, SECTION 118-20 – GENERAL REQUIREMENTS AND LIMITATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING PROPER NOTICE OF MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council seeks to amend the City of Burnet Code of Ordinances, Chapters 62 and 118, incorporating amendments regarding recreational vehicles; and

WHEREAS, the City Council determines that the amendments provided for herein promote the health, safety, morals and protects and preserves the general welfare of the community; and

WHEREAS, on the 6th day of May the Planning and Zoning Commission recommended approval of the proposed amendments; and

WHEREAS, on the 28th day of May, 2019, after proper notification, the City Council held a Public Hearing on the proposed amendments;

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

SECTION 1. That 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. That the Code of Ordinances, Chapter 62 – Manufactured Homes and Trailers, Section 62-2 – Recreation Vehicles is hereby amended as follows:

- a) Recreational vehicles, boats, and major recreational equipment shall only be stored:
 1. Inside an enclosed garage or other accessory building on any lot;
 2. In the side or rear yard of a residential lot, only when parked on a durably improved surface as described in Sec. 118-20(m); or
 3. On commercial lot, only if located in a duly permitted recreational vehicle or boat sales or storage facility, or in a duly permitted recreational vehicle park, as provided for in Chapter 118.
 4. On a driveway of a residential lot for no more than seventy-two (72) consecutive hours.
- b) Except as otherwise provided for herein, no recreational vehicle, boat, or major recreational equipment shall be parked or stored within the front yard setback or in front of the front building plane of the primary residential building in any residential district.

- c) No vehicle, trailer, boat, recreational vehicle, or major recreational equipment shall be used for living, sleeping, office space, or operation of a business when parked or stored on a lot in a residential district, or in any location not approved for such use, either permanently or temporarily.
- d) It shall be unlawful for any person to park, or cause to be parked, any recreational vehicle, boat, or major recreational equipment on a public street within the corporate limits of the City for longer than seventy-two (72) consecutive hours.
- e) The City Manager may temporarily suspend the requirements of this section during times of emergency.

SECTION 3. That the Code of Ordinances, Chapter 118 – Zoning, Section 118-20 – General Requirements, Subsection (m) is hereby amended as follows:

Parking. No vehicle, trailer, boat, recreational vehicle, or major recreational equipment shall be parked or stored in any location not approved for such use, either permanently or temporarily, except that it shall be enclosed in a building or parked on a durably improved surface, including but not limited to: asphalt, concrete, paving stones, granite gravel, road base, caliche, railroad ballast, or other similar material, as determined by the City Manager or his or her designee. Such durably improved surface shall be large enough that the entire vehicle, trailer, boat, recreational vehicle, or major recreational equipment sits completely within the outer limits of the durably improved surface. Inoperable vehicles, trailers, boats, and recreational vehicles shall be parked or stored only in a completely enclosed building or garage.

Subsections 118-20(m)(1) through 118-20(m)(6), including Chart 3, will remain unchanged.

SECTION 4. *Savings clause.* The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. *Severability clause.* The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 6. *Repealer clause.* The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION 7. *Open meeting clause.* The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code,

as amended.

SECTION 8. *Effective date.* This ordinance shall take effect immediately from and after its passage.

READ AND APPROVED on first reading this 18 day of ^{May}~~June~~, 2019.

PASSED AND ADOPTED on second reading this 21 day of June, 2019.

ATTEST:

Kelly Dix
Kelly Dix, City Secretary

CITY OF BURNET, TEXAS

Crista Goble Bromley
Crista Goble Bromley, Mayor

