

ORDINANCE NO. 2020-13

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 FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT “C-1”, THE MEDIUM COMMERCIAL – DISTRICT “C-2”, AND THE HEAVY COMMERCIAL – DISTRICT “C-3” FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25’); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Zoning Administrator proposed certain amendments to the setback requirements in Section 118-20 of the City Code; and

WHEREAS, on May 4, 2020, 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 May 12, 2020 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 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. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-20 (entitled “General requirements and limitations”) is hereby amending by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) to Chart 1 as follows:.

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 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.	60 ft.	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.	1 acre	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	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	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.	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.	60 ft.	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 abutting R-1	4,000 s.f. per unit	150 ft.	35 ft.
OS	25 ft.	10 ft.	15 ft.	25 ft.	7,500 s.f.	60 ft.	35 ft.
A	25 ft.	25 ft.	15 ft.	25 ft.	2 Acres	150 ft.	35 ft.
Gov	25 ft.	15 ft.	15 ft.	15 ft.	7,600 s.f.	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.	60 ft.	35 ft.
C-1	25 50 ft.	15 ft.	15 ft.	15 ft.	10,000 s.f.	50 ft.	35 ft.
C-2	25 50 ft.	15 ft.	20 ft.	15 ft.	10,000 s.f.	60 ft.	35 ft.
C-3	50 ft.	15 ft. for single tenant 25 ft. for multi-tenant	20 ft.	15 ft.	10,000 s.f.	60 ft. for single-tenant 100 ft. for multi-tenant	35 ft.
I-1	25 ft.	25 ft.	25 ft.	25 ft.	10,000 s.f.	50 ft.	60 ft.
I-2	25 ft.	25 ft.	25 ft.	25 ft.	10,000 sf.	60 ft.	60 ft.
PUD	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Section 2. 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 3. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section 4. 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 5. 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 6. 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 7. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

Section 8. 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 9. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, in substantial form as **Exhibit "A"**, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section 10. 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 26th day of May, 2020

Passed and Adopted on the 9th day of June, 2020

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

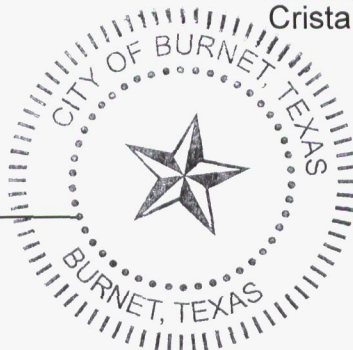


EXHIBIT "A"

PUBLIC NOTICE

IN ACCORDANCE WITH SECTION 3.14 OF THE CHARTER OF THE CITY OF BURNET, TEXAS THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS PROVIDES NOTICE OF THE READING AND ADOPTION OF ORDINANCE NO. 2020-13 AS FOLLOWS:

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 FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT "C-1", THE MEDIUM COMMERCIAL – DISTRICT "C-2", AND THE HEAVY COMMERCIAL – DISTRICT "C-3" FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25'); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

VIOLATION OF THE ORDINANCE IS A CLASS "C" MISDEMEANOR AND THE MAXIMUM FINE UPON CONVICTION IS \$2000.00