

**ORDINANCE NO. 2022-48**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-26 (ENTITLED "SINGLE FAMILY RESIDENTIAL ESTATE – DISTRICT 'R-1 E'") BY PROVIDING FOR A ONE-ACRE MINIMUM LOT SIZE AND 2100 SQUARE FOOT MINIMUM LIVING AREA SIZE IN ZONING DISTRICTS CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL ESTATE—DISTRICT "R-1 E"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Code of Ordinances provides for "R-1 E" single family zoning districts; and

**WHEREAS**, City Council finds that no property within the City was assigned an "R-1 E" single family zoning classification; and

**WHEREAS**, City Council finds that "R-1 E" single family is a zoning classification that can be applied to future development to preserve the community's agrarian, hill country atmosphere, prevent the overtaxing of utilities and roadways, and provide protection both to underground aquifers and against stormwater flooding; and

**WHEREAS**, City Council finds it appropriate to update the "R-1 E" single family zoning classification; and

**WHEREAS**, on November 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 November 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

**WHEREAS**, 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; 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 and Chapter 211 of the Texas Local Government Code.

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

**Section one. Amendment.** The City Code of Ordinances Sec. 118-26 (entitled "*Single-family residential estate—District 'R-1 E'*") is hereby amended by amending subsection (a) therein, (entitled "*purpose and permitted uses*") by adding the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~) as follows:

**Sec. 118-26. Single-family residential estate—District "R-1 E".**

- (a) *Purpose and permitted uses.* Permits detached single-family dwellings with a minimum of ~~1,100~~ 2,100 square feet of living area, ~~and related accessory structures,~~ on a minimum lot size of one-acre ~~60,000 square foot.~~

**Note to editor:** Subsections (b) through (d) of Section 118-26 shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

**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.

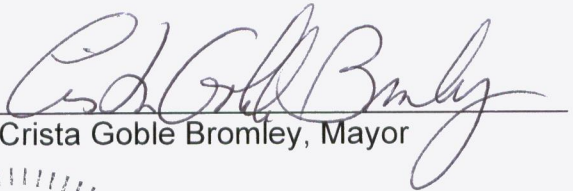
**Section seven. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

Passed on first reading on the 8th day of November 2022


R-1 E Zoning District

Passed, Approved and Adopted on the 13 day of December 2022

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

