

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 2022-12, City Council established a 25-foot-wide municipal golf course vegetation buffer, (hereinafter sometimes the "buffer") on properties adjoining the golf course; and

WHEREAS, at its regularly scheduled meeting on March 14, 2023, City Council directed the City Manager to bring forward an amendment to Ordinance No. 2022-12 to protect live oak trees within the buffer; and

WHEREAS, on April 3, 2023, 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 April 11, 2023, 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, 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 periods prescribed by Section 3.14 and state law; 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") is hereby amended by adding to Section 118-63 (entitled "*Municipal Golf Course Vegetative Buffer Requirements*") a new subsection (h) (entitled "*Tree Protection*") and (g) ("*Administration*") to read as follows:

- (h) *Tree protection.* No live oak trees may be removed from the Municipal Golf Course Vegetative Buffer Zone, without the issuance of a permit by the City Manager authorizing such removal. Issuance of such permit shall be subject to the following:
 - (1) *Criteria:* The City Manager shall only issue a permit after making a finding that the live oak to be removed is located within ten feet of the slab of the main structure and is less than 36 caliper inches in diameter.
 - (2) *Administration.* Applications for a permit shall be made on such form as provided by the City Manager and shall be accompanied by the default application fee as referenced in Article VI of the Fee Schedule. The City Manager shall approve or deny the application within ten business days of receipt. The City Manager's failure to timely act on the application shall be deemed a denial.

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.

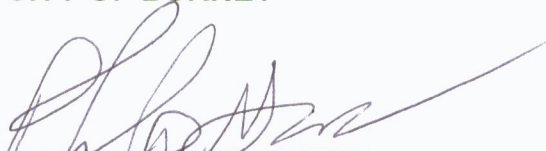
Section seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

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


Passed on first reading on the 11th day of April 2023.

Passed, Approved and Adopted on the 25th day of April 2023.

CITY OF BURNET


Philip Thurman, Mayor Pro Tem

ATTEST:


Kelly Dix, City Secretary