

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"), ARTICLE II (ENTITLED "PROCEDURES"), BY AMENDING THE REQUIREMENT FOR BUILDING SETBACK LINES ON PLATS; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Code, Chapter 98 governs the platting of land into two or more tracts of land within the jurisdiction of the City of Burnet; and

WHEREAS, the City Code requires the location of building setback lines to be present on submitted plats; and

WHEREAS, City Council sees it fit to update Chapter 98 to conform with the more common and user-friendly standard that will remove the requirement that applicants include the setback lines at the platting stage; and

WHEREAS, on June 5, 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 amendments; and

WHEREAS, on June 13, 2023, 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 and citizen testimony, as well as its own deliberations, 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 One. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions"), Section 98-22 (entitled "Preliminary Plat"), Sub-Section 98-22(d)(3) (entitled "Improvements") is hereby amended by deleting the language that is stricken (~~stricken~~) as follows:

d. ~~If applicable, the location of building setback lines indicated by dashed lines on the plat.~~

Note to Publisher: Existing subsections 98-22(3)(a) to 98-22(3)(i) shall be recodified as subsections 98-22(3)(a) to 98-22(3)(h)

Section Two. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions"), Section 98-24 (entitled "Final Plat"), Sub-Section 98-24(c)(1) (entitled "General Information") is hereby amended by deleting the language that is stricken (~~stricken~~) as follows:

h. Lot area, width and depth, public utility and drainage easements, ~~and setbacks~~ shall conform to the requirements as established for the designated land use.

Section Three. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions"), Section 98-24 (entitled "Final Plat"), Sub-Section 98-24(c)(4) (entitled "Improvements") is hereby amended by deleting the language that is stricken (~~stricken~~) as follows:

f. The location of building setback lines, as required by the city's zoning ordinance and indicated by dashed lines on the plat, and the location, dimensions, and descriptions of all required easements within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

Section Four. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions"), Section 98-48 (entitled "Blocks and lots"), Sub-Section 98-48(2)(n) (entitled "Building Setback Lines") is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

5. All building setback lines shall be indicated on the subdivision plat. For non-residential developments, ~~a~~ **A plat** note stating that "all building setback lines shall be in accordance with the city's current zoning ordinance" shall be placed on the plat.

Section Five. 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 Six. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section Seven. 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 Eight. 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 Nine. 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 Ten. 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.

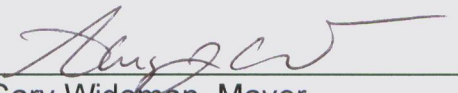
Section Eleven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Twelve. 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 13th day of June, 2023


Passed and Adopted on the 27th day of June, 2023

CITY OF BURNET



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

