



## Item Brief

### **Meeting Date**

December 10, 2024

### **Agenda Item**

Public hearing and action: Ordinance No. 2024-51: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING THE HEIGHT LIMITATIONS IN CHART 1; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and considering action

### **Information**

Code of Ordinances, Section 118-20, establishes the maximum building height of structures for each zoning classification. The current code restricts structures within commercial zoning districts to a maximum of 35-feet. To encourage economic growth and more efficient use of limited land, the attached amendment raises the maximum height for commercial districts to 55-feet. Staff have discussed the increase with the Fire Chief and Fire Marshal who agree with the increase if the fire lane width requirements are strictly adhered to during development to ensure proper emergency response.

### **P&Z Report**

The Planning and Zoning Commission met on Monday, December 2nd, and did recommend approval of Ordinance 2024-51 as presented.

### **Recommendation**

Open the public hearing.

Discuss and consider Ordinance No. 2024-51.

**ORDINANCE NO. 2024-51**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING THE HEIGHT LIMITATIONS IN CHART 1 AND SECTION 118-35 (ENTITLED “MULTI-FAMILY RESIDENTIAL – DISTRICT R-3”); PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Code of Ordinances Sec. 118, Chart 1 establishes the maximum height limitation for all zoning districts; and

**WHEREAS**, the Fire Chief and Fire Marshal have no objection to increasing the maximum height requirements for multi-family and commercial developments while adhering to the fire lane width requirements as set forth in the fire code; and

**WHEREAS**, City Council determines it appropriate to increase the maximum height requirements to encourage economic growth and more efficient use of limited land; and

**WHEREAS**, on December 2, 2024, 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 December 10, 2024, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; 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.** Section 118-20 (entitled “General requirements and limitations”) is hereby amended by amending Chart 1 adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

**Sec. 118-20. General requirements and limitations.**

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 feet of pavement.  25 ft. for roads shorter than 31 ft.	7½ft.	15 ft.	15 ft.	9,000 s.f.	75 ft.	35 ft.
R-1 E	30 ft.	15 ft.	15 ft.	15 ft.	1 acre	150 ft.	30 ft.
R-1-17	25 ft.	7½ft.	15 ft.	15 ft.	9,000	75 ft.	30 ft.
R-1-10	25 ft.	7½ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-4	R-1-4	7½ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-4E	25 ft.	7½ft.	15 ft.	15 ft.	10,890	75 ft.	30 ft.
R-1-3	25 ft.	10 ft.	20 ft.	20 ft.	14,520	90 ft.	30 ft.
R-1-3E	25 ft.	10 ft.	20 ft.	20 ft.	14,520	90 ft.	30 ft.
R-1-2	35 ft.	20 ft.	25 ft.	25 ft.	21,780	100 ft.	30 ft.
R-1-2E	35 ft.	20 ft.	25 ft.	25 ft.	21,780	100 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.	10ft.and one foot per unit	15 ft.	10 ft.  15 ft. when abutting R1	4,000 s.f. per unit	150 ft.	35 ft.
R-6	20 ft. for any road over 31 feet of pavement.  25 ft. for roads shorter than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft.
M-1	20 ft. for any road over 31 feet of pavement  25 ft. for roads shorter 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.	10ft.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. on roads with 31 feet of pavement  25 ft. on roads of less than 31 ft.	7 1/2 ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft.
C-1	50 ft.	15 ft.	15 ft.	15 ft.	10,000 s.f.	50 ft.	<del>35 ft.</del> 55 ft.
C-2	50 ft.	15 ft.	20 ft.	15 ft.	10,000 s.f.	60 ft.	<del>35 ft.</del>

							<u>55 ft.</u>
C-3	50 ft.	15 ft. for single tenant 25 ft for multi-tenant	20 ft.	15 ft.	15,000 s.f.	60 ft. for single tenant  100 ft. for multi-tenant	<del>35 ft.</del> <u>55 ft.</u>
I-1	25 ft.	25 ft.	25 ft.	25 ft.	10,000 s.f.	50 ft.	<del>60 ft</del>
I-2	25 ft.	25 ft.	25 ft.	25 ft.	10,000 s.f.	60 ft.	<del>60 ft</del>
PUD	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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

**PASSED, APPROVED, AND ADOPTED** on this 10<sup>th</sup> day of December 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary