



CITY OF **BURNET**

PLANNING & ZONING

ITEM BRIEF

Meeting Date

November 4, 2024

Agenda Item

Public hearing and action: Ordinance No. 2024-48: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-51 (ENTITLED "PLANNED UNIT DEVELOPMENT – 'PUD' DISTRICT"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Information

Code of Ordinances, Section 118-51, establishes the Planned Unit Development "PUD" zoning district. The PUD district is a planning tool designed to allow more flexibility in land use regulations and allows the developer to use a more creative approach in developing the land. Zoning regulations may be adjusted to preserve natural features of a site, maximize the quality of the site design, and create a more compatible development with the surrounding area.

To provide greater flexibility in the utilization of the PUD as a planning tool, the proposed amendment removes the requirement that the PUD only be applied to property greater than or equal to three acres and cleans up some of the language to reflect more modern practices.

Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

ORDINANCE NO. 2024-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-51 (ENTITLED "PLANNED UNIT DEVELOPMENT – 'PUD' DISTRICT"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, February 28, 2012, City Council adopted Ordinance No. 2012-06, establishing the Planned-Unit Development ("PUD") zoning district; and

WHEREAS, City Council has determined the PUD ordinance should be amended to provide greater flexibility in its utilization as a planning tool; and

WHEREAS, on November 4, 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 November 12, 2024, 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 the 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 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. Code Amendment. The City Code of Ordinances Sec. 118-51 (entitled "Planned unit development—"PUD" district") is hereby amended by amending

subsections (b) and (d) by adding the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~) as follows:

Sec. 118-51. Planned unit development—"PUD" district.

- (b) *Mixed use development.* The PUD district ~~shall~~ may include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the city. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this chapter. The outer boundary of each such PUD zoning district shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references and other information shown thereon, shall be adopted by ordinance.
- (d) *Rules applicable.* The city council, after public hearing and proper notice to all parties affected and after recommendation from the commission, may attach a planned unit development district designation to any tract of land falling under the authority of this chapter ~~equal to or greater than three acres~~. Under the planned development designation, the following rules apply:
- (1) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
 - (2) Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the general retail, commercial and office districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.
 - (3) Standards required by the base zoning apply in a planned unit development, except that when sound urban planning and good

engineering practices support a modification to the standards such standards may be expressly modified by a plan. Standards that may be modified in a plan include, but are not limited to, the following: the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.

- (A) Front, side and rear setbacks.
 - (B) Maximum height.
 - (C) Maximum lot coverage.
 - (D) Floor area ratio.
 - (E) Off-street parking requirements.
 - (F) Special district requirements pertaining to the base zoning.
 - (G) Number of dwelling units per acre.
 - (H) Accessory building regulations.
 - (I) Sign standards.
- (4) In approving a planned unit development, no standards may be modified ~~unless such modification is expressly permitted by this chapter, and in no case may standards be modified~~ when such modifications are prohibited by this chapter.
 - (5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space and screening.
 - (6) The commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

Note to Editor: This amendment applies only to Subsections (b) and (d). Subsections (a), (c), and (e) through (j) shall remain in place and are unaffected by this amendment. This note shall not be published in the Code of Ordinances.

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 12th day of November 2024

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary