



# CITY OF BURNET

## PLANNING AND ZONING

### ITEM BRIEF

#### **Meeting Date**

March 3, 2025

#### **Agenda Item**

Public hearing and action: Ordinance No. 2025-12: L. Kimbler

AN ORDINANCE OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF CREATING A NEW RESIDENTIAL SINGLE-FAMILY ZONING CLASSIFICATION "R-6-13"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

#### **Information**

On February 11, 2025, City Council directed staff to prepare an ordinance which creates an additional zoning district similar to the Single-family residential "R-6" district with a minimum house size of 1,350 square feet.

The attached ordinance creates the Single-family Residential – District "R-6-13" zoning district which allows a 60-foot wide lot, with a minimum lot square footage of 7,600 square feet, and a main living area square footage of 1,350 square. The setbacks and building lot coverage areas will be the same as all existing residential zoning districts.

The creation of this new zoning district will allow the development of existing lots which cannot meet the "R-1" zoning district requirements due to pre-existing conditions, while ensuring new homes to be built will be developed in a manner that preserves the hill country atmosphere the community provides.

#### **Fiscal Impact**

None.

## **Recommendation**

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

## **ORDINANCE NO. 2025-12**

**AN ORDINANCE OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF CREATING A NEW RESIDENTIAL SINGLE-FAMILY ZONING CLASSIFICATION "R-6-13"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, City Council adopted Ordinance No. 2023-17, creating numerous single-family residential zoning districts with varying minimum lot and living area sizes; and

**WHEREAS**, City Council finds, to continue to facilitate compatibility between the increase in the size of residential structures to be constructed on lots so zoned it is appropriate to create the R-6-13 Single Family Zoning District; and;

**WHEREAS**, on March 3, 2025, 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 March 11, 2025, 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, 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 within the period prescribed by Section 3.14; 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.** Section 118-20 (entitled “General Requirements and Limitations”) of the Code of Ordinances of the City of Burnet is hereby amended by amending Chart 1 by adding the rows as shown below:

**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-6-13	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.

**Section Two. Code Amendment.** Section 118-20 (entitled “General Requirements and Limitations”) of the Code of Ordinances of the City of Burnet is hereby amended by amending Chart 2, therein, by adding to the second-row abbreviated zoning designations as shown in bold (**bold**) below:

Chart 2

District	Coverage Main Buildings and all Accessory Buildings
OS, A, R1 E	10%
R1, R2, R-2, R-6, <b>R-6-13</b> , R-1-17, R-1-10, R-1-4, R-1-4E, R-1-3, R-1-3E, R-1-2, R-1-2E, A, NC, M1	40%
M-2, C-1, C-2, G	50%
C-3, I-1, I-2	60%
PUD	N/A

**Section Three. Code Amendment.** Section 118-21 (entitled “establishment of zoning districts”) of the Code of Ordinances of the City of Burnet is hereby amended by amending the table, found therein, by adding a new row therein stating the zoning district names for the abbreviated designations as shown in bold (**bold**) below:

Abbreviated Designation	Zoning District Name
<b>R-6-13</b>	<b>Single-family residential —District "R-6-13"</b>

**Note to publisher:** Except as expressly amended in sections one, two and three of this ordinance, Section 118-20, and charts 1 and 2 therein; as well as Section 118-21, and the undesignated table therein, 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 Four. Code Amendment.** Section 118-25 (entitled “Single-Family Residential 1—District ‘R-1’”) of the Code of Ordinances of the City of Burnet is hereby amended by amending Table 118-25(1) by adding a new row therein stating the zoning district name, the minimum living area, and the minimum lot size as shown in bold (**bold**) below:

Table 118-25(1)

Single-Family Residential — District	Minimum living area:	Minimum lot size:
"R-1"	1,350 square feet	9,000 square feet
"R-1-17"	1,750 square feet	9,000 square feet
"R-1-10"	1,350 square feet	10,890 square feet (1/4 acre)
"R-1-4"	1,750 square feet	10,890 square feet (1/4 acre)
"R-1-4E"	2,000 square feet	10,890 square feet (1/4 acre)
"R-1-3"	1,750 square feet	14,520 square feet (1/3 acre)
"R-1-3E"	2,000 square feet	14,520 square feet (1/3 acre)
"R-1-2"	1,750 square feet	21,780 square feet (1/2 acre)

"R-1-2E"	2,000 square feet	21,780 square feet (1/2 acre)
"R-1E"	2,100 square feet	43,560 square feet (1 acre)
"R-6"	1,100 square feet	7,600 square feet
"R-6-13"	<b>1,350 square feet</b>	<b>7,600 square feet</b>

**Note to publisher:** Section 118-25 subsections (b), (c) and (d) 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 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. 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 Eleven. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

**PASSED, APPROVED, AND ADOPTED** on this 11<sup>th</sup> day of March 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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MAYOR