

ORDINANCE NO. 2016-29

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING PLANNED UNIT DEVELOPMENT – PUD DISTRICT TO THAT 10.41-ACRES OF LAND PLATTED FROM THE JOHN HAMILTON SURVEY, NO. 1, ABTRACT 405, KNOWN AS THE BAPTIST MEMORIAL GERIATRIC CENTER AND LOCATED AT THE EASTERN TERMINATION OF THE E TATE STREET RIGHT-OF-WAY; ESTABLISHING A DEVELOPMENT PLAN; ESTABLISHING PLANNED UNIT DEVELOPMENT STANDARDS; ESTABLISHING A HOMEOWNERS ASSOCIATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on October 3, 2016, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Planned Unit Development – PUD District zoning to that 10.41-acres platted and developed as the Baptist Memorial Geriatric Center; and; and

WHEREAS, The Planning and Zoning Commission, in deliberation following its public hearing did find the proposed zoning to be consistent with development regulations established by Code of Ordinances Chapter 118 – Zoning, Sec. 118-51 – Planned Unit Development – PUD District; and

WHEREAS, Following its public hearing, the Planning and Zoning Commission, by a unanimous vote of members present, did recommend assigning Planned Unit Development – PUD District zoning to said 10.41-acres of land platted as the Baptist Memorial Geriatric Center; and

WHEREAS, The City Council, on October 11, 2016 conducted its own public hearing for the purpose of taking comment regarding the proposed Planned Unit Development; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did determine assignment of Planned Unit Development – PUD District zoning to be consistent with the best public interest of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Zoning Changed. The property consisting of 10.41-acres which is more particularly described by the attached Exhibit "A" is hereby designated as the Woodlands Planned Unit Development District

Section 3. Development Plan. The use and development of the Property in the Planned Unit Development (PUD) shall conform to the plan attached hereto and made a part hereof as Exhibit "B" (the "PUD Plan") and to the land use and site development standards (the "PUD Standards") set forth below in this Ordinance. All general development plans, preliminary plans, final plats, amending plats, site development permits, building permits, and other permits or approvals required by the City for the use and development of Property in the PUD shall be consistent with the PUD Plan and PUD Standards. All aspects of such approvals which are not specifically covered by the PUD Plan or the PUD Standards shall be governed by the applicable sections of Chapter 118 of the City of Burnet Code of Ordinances ("Code of Ordinances"), as the same are in force and effect as of the effective date of this Ordinance. To the extent of any conflict between the Code of Ordinances, Chapter 118 and the PUD Plan or PUD Standards, the PUD Plan and PUD Standards shall control and supersede the conflicting provisions of the Code of Ordinances, Chapter 118.

Section 4. Planned Unit Development Standards.

(a) Permitted Uses. The permitted uses in the PUD shall be as follows:

- (1) With respect to all lots within the Property other than lots 15, 53, and 54, the same uses which are permitted in the District "R-1" base district (Single Family Residential 1), including without limitation single-family residential, together with the accessory uses allowed by such base district regulations. Notwithstanding the foregoing, no accessory structure may be constructed on any of said lots.
- (2) With respect to lots 15, 53, and 54 within the Property, (a) the same uses which are permitted in the District "OS" base district (Open Space), and (b) drainage, including the construction, maintenance, repair, and operation of all related facilities and improvements.

(b) Site Development Standards. The following site development standards shall apply in the PUD:

- (1) Lot Sizes. The minimum lot area, minimum lot depth, and minimum lot width for each lot within the Property shall be as shown on the PUD Plan.

- (2) Setbacks. The minimum front yard setback, side yard setback, street side yard setback, and rear yard setback requirements for each lot within the Property shall be as shown on the PUD Plan.
- (3) Lot Coverage. The maximum percentage of lot area which may be covered by the building on any lot within the Property shall not exceed fifty-five percent (55%).
- (4) Living Area. Any detached single family dwelling constructed on any lot within the Property shall have a minimum 1,100 square feet of living area exclusive of garage.
- (5) Maximum Height Limit. The maximum height limit for buildings on each lot within the Property shall be as established under the Code of Ordinances, Chapter 118.
- (6) Parking. The parking standards for each lot within the Property shall be as established under the Code of Ordinances, Chapter 118.
- (7) Architectural. The architectural standards for each lot within the Property shall be as established under the Code of Ordinances, Chapter 118.
- (8) Landscaping. The landscaping standards for each lot within the Property shall be as established under the Code of Ordinances, Chapter 118.
- (9) Existing Structures. Subject to the provisions of Section 118-65 of the Code of Ordinances, Chapter 118, and notwithstanding anything in this Ordinance to the contrary, any and all dwellings, buildings, structures, landscaping, driveways, pipelines, lines, cables, utilities, and other improvements (the "Existing Structures") located on, under, or across any lot within the Property as of the effective date of this Ordinance, are hereby deemed to be in compliance with the PUD Plan, the PUD Standards, and the Code of Ordinances, Chapter 118 until the occurrence of either event described in Sections 118-65(b)(1) or (2) of the Code of Ordinances, Chapter 118.

Section 5. Homeowner's Association

- (a) Establishment. The Woodlands at Burnet Homeowners Association Inc., a Texas non-profit corporation (the "*Association*") shall be formed prior to or shortly following the recording of the first final plat for the PUD.
- (b) Responsibilities of Association. In addition to the other responsibilities imposed on the Association in the Declaration (defined below), the Association shall be responsible for maintaining any detention ponds and other drainage structures located on Lots 15, 53, and 54 unless such responsibility is assigned to another

person or entity other than the City. The Association shall be responsible for enforcing the Declaration. The "Declaration" means the Declaration of Covenants, Conditions and Restrictions for The Woodlands, substantially in the form attached hereto as Exhibit "C".

Section 6. Modifications to Planned Unit Development Plan

- (a) Minor Modifications. Minor modifications to the PUD Plan which do not substantially and adversely change the PUD Plan may be approved administratively, if approved in writing, by the City Manager or the Manager's designee.
- (b) Major Modifications. All PUD Plan modifications not permitted under Subsection A. above shall be resubmitted following the same procedures required for the original PUD application.

Section 7. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 8. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

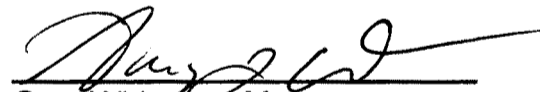
Section 9. Effective Date. That this ordinance is effective upon final passage and approval.

Section 10. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 11th day of October, 2016.

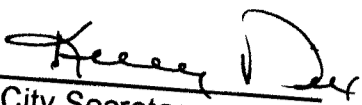
FINALLY PASSED AND APPROVED on this 25th day of October, 2016.

CITY OF BURNET, TEXAS



Gary Widenfarr, Mayor

ATTEST:



Kelly Dix, City Secretary

