ORDINANCE NUMBER 1042

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE BASIC ZONING ORDINANCE NUMBER 589 BY CREATING A DOWNTOWN DISTRICT OVERLAY DEFINED BY ILLUSTRATION 13; MAKING FINDINGS OF FACT; PROVIDING FOR REPEAL OF PORTIONS OF ORDINANCES IN CONFLICT AND PROVIDING FOR RELATED MATTERS.

WHEREAS, The City of Burkburnett has been working with stakeholders to create and adopt a Downtown Revitalization Plan; and

WHEREAS, part of the revitalization plan is to allow for work/live units for the area identified by Illustration 13 as the downtown area; and

WHEREAS, the Board of Commissioners finds allowing work/live units in a downtown overlay district will serve the public purpose of encouraging the revitalization of the downtown district;

WHEREAS, on July 10, 2023, after having given proper notice and holding a public hearing, the City of Burkburnett Planning and Zoning Commission considered the addition of a Work/Live Unit Allowance for a Downtown District, and recommends the Board of Commissioners adopt the amendments to the Basic Zoning Ordinance; and

WHEREAS, the Board of Commissioners gave public notice and held a public hearing regarding the proposed supplement to the zoning ordinance. The Board of Commissioners find that it is in the best interests of the citizens of the City to grant approval of the amendment described therein and amend the basic Burkburnett Zoning Ordinance No. 589 as herein provided.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AS FOLLOWS:

SECTION 1. Findings.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Board of Commissioners and made a part hereof for all purposes as findings of fact.

SECTION 2. Amendment of Zoning Ordinance.

THAT the City of Burkburnett Basic Zoning Ordinance is hereby modified and amended by creating a Downtown District Overlay (DDO) by incorporating Exhibit “A” as Illustration 13.

SECTION 3. Authorization “Work/Live Units” in Downtown District.

The Zoning Ordinance is hereby amended by creating a Downtown District Overlay. “Work/Live Units” are residential units incidental to the commercial base zoning district within the Downtown District area. The Downtown District Overlay will allow work/live units that comply with all applicable City of Burkburnett ordinances, with a “work/live unit” with at least 150 square feet exclusive of kitchen, bath, closets, and hallways in the “work/live unit”; with at least one exit which does not require persons to exit through the work area; and a minimum of 25% of the square footage of a street level floor dedicated exclusively to commercial uses as allowed in the
commercial base zone. The City Clerk is hereby authorized and directed to supplement the official Burkburnett Zoning Ordinance to add Illustration 13; add a General Purpose and Description, Permitted Uses, Area Regulation for “Work/Live Units” within the Downtown District Overlay; and update the “Use Charts” to authorize “Work/Live Units” within the Downtown District Overlay.

SECTION 4. SEVERABILITY.

That it is hereby declared to be the intention of the Board of Commissioners of the City of Burkburnett, Texas that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections of this Ordinance, since the same would have been enacted by the Board of Commissioners without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. REPEAL.

All ordinances and parts of ordinances in conflict herewith shall be and are hereby amended and repealed only to the extent of such conflict, as of the effective date of this ordinance; save and except that any such amended and repealed ordinance or provision shall remain in full force and effect with respect to any notice given, complaint filed, or charge levied prior to the effective date of this ordinance.

SECTION 6. 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 Meetings Act, Chapter 551, Texas Government Code and Chapter 211, Texas Local Government Code.

PART 7. EFFECTIVE DATE.

That this Ordinance shall be in force and effect from the date it is passed and approved.

PASSED AND APPROVED THIS 21ST DAY OF AUGUST 2023.

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Lori Kemp, Mayor

ATTEST:

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Margie Poole, City Clerk