

**ORDINANCE NUMBER 936**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING ORDINANCE #589 ZONING ORDINANCE BY AMENDING SECTION 8 PLANNING AND ZONING COMMISSION, SECTION 29 ACCESSORY BUILDINGS AND USE REGULATIONS AND APPENDIX A-1 DEFINITIONS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of the City of Burkburnett to amend the Zoning Ordinance to remove ambiguity and amend the City rules regarding accessory buildings; NOW THEREFORE,

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

**Part I: Enacted**

THAT the Zoning Ordinance of the City of Burkburnett is hereby amended by amending portions of SECTION 8 PLANNING AND ZONING COMMISSION, SECTION 29 ACCESSORY BUILDINGS AND USE REGULATIONS and Appendix A-1 DEFINITIONS, which such amended portions shall read as follows:

**A. SECTION 8 PLANNING AND ZONING COMMISSION**

**8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:**

F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not be an elected official or employee of the City of Burkburnett, Texas.

**B. SECTION 29 ACCESSORY BUILDING AND USE REGULATIONS**

29.1 In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings are not permitted on a lot without a main structure.

29.2 All requests to construct accessory buildings shall be submitted to the Building Official with a completed application form and a scaled site or lot drawing showing the proposed location of the requested accessory building in relation to existing and other proposed buildings and structures and adjacent property lines. The drawing shall accurately show dimensions of the requested accessory building and all applicable setbacks.

29.5 **AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**

**A. Yard and Setback Requirements:**

1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.
2. **Setback Requirements:**
  - (a) There shall be a side and rear setback from the property line of not less than five (5) feet for all accessory buildings.
  - (b) A minimum separation of ten (10) feet shall be maintained between any detached accessory building or structure and the primary or main structure.
  - (c) If an accessory building has an access or garage door greater than seven (7) feet wide adjacent to an alley or street, then the accessory building shall be setback a minimum of fifteen (15) feet from the alley, street right-of-way, or easement line.
  - (d) On corner lots the required setback from a property line shall be 15 feet. If a garage door or other access is adjacent to the street, then (c) above applies.
3. **Area and Size Requirements:**
  - (a) The maximum floor area size of the accessory building or structure shall not exceed 10% of the lot.
4. **Height Requirements:**
  - (a) The maximum wall height of an accessory building shall be 14 feet to the top of the top plate. The maximum roof height shall be 25 feet.
  - (b) Accessory buildings higher than allowed in (a) above may be permitted by Specific Use Provision (see Section 26 for SUP requirements).

**C. A-1 DEFINITIONS**

1. **ACCESSORY BUILDING (RESIDENTIAL)** – In a residential district, a subordinate building that is attached or detached and is used for a purpose that is incidental to the main structure but not involving the conduct of a business. Accessory buildings are not rentable

apart from the main structure. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

261. **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from point representing the average slope from front to back (or side to side) of the building. For definitions and height requirements for accessory buildings, see Section 29 of the Zoning Ordinance.

### **Part II: Repealer**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

### **Part III: Severability**

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall 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 or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

### **Part IV: Compliance with Texas Open Meetings Act**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

### **Part V: Effective Date**

This Ordinance shall take effect immediately upon its passage.

**PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF JUNE 2018.**

**Carl law, Mayor  
City of Burkburnett, Texas**

**ATTEST:**

**Janelle Stahr, City Clerk**