

ORDINANCE NO. 2022-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Code provides that Trailer Camps and RV Parks are permitted uses in Heavy Commercial – District "C-3" as a matter of right; and

WHEREAS, City Council finds that the use of some properties designated with the Heavy Commercial – District "C-3" as a Trailer Camp and RV Park may not be appropriate as such use may not be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the use of other properties designated with the Heavy Commercial – District "C-3" as a Trailer Camp and RV Park may only be appropriate under specific conditions so such use would be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the requirement that Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks are located within the City at such locations and under such conditions that preserve and protect the health, safety and welfare of the City; and

WHEREAS, on, July 5, 2022, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; 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 amendments; and

WHEREAS, on, July 12, 2022, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, City Council finds that the requirement that Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks are located within Heavy Commercial – District "C-3" at

such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents; 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. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Section 118-47 (entitled “*Heavy commercial – District ‘C-3’*”) is hereby amended by adding the language that is underlined (underlined) to subsection (a) (entitled “purpose and permitted uses) as follows:

- (18) Trailer Camp or RV park requires conditional use permit.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Table 4.1 (entitled “*district name changes*”) is hereby amended by adding the language that is underlined to the excerpted section of the Table as follows:

RM-3	RV Parks	C-3	Heavy Commercial <u>with conditional use permit</u>
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Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Section 118-64 (entitled “conditional use permits”) subsection (b) entitled “*applicability*”) is hereby amended by adding to subsection (b)(6) the following language:

- n. Trailer camp and RV park. This use is only allowed in Heavy commercial – District ‘C-3’ with a conditional use permit issued by City Council under this section.

Section four. 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 five. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section six. 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 seven. 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.

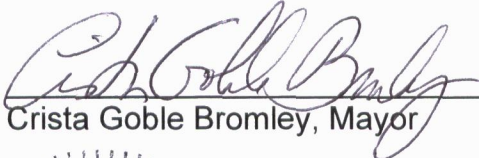
Section eight. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed and approved on first reading on the 9th day of August, 2022

Passed, Approved and Adopted on the 23rd day of August, 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary

