

**ORDINANCE NO. 2022-49**

**AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") SECTION 118-22 (ENTITLED "ZONING OF ANNEXED AREAS") BY AUTOMATICALLY CLASSIFYING NEWLY ANNEXED TERRITORY AS RESIDENTIAL DISTRICT "R-1 E" SINGLE-FAMILY ESTATE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, due to legislative amendment to Texas Local Government Code Chapter 42 virtually all annexations are now initiated by petition of the property owner; and

**WHEREAS**, this code amendment facilitates the implementation of a low-density zoning district, at the time of such annexation, as an interim measure until the appropriate permanent zoning can be placed on the newly annexed territory; and

**WHEREAS**, on November 7, 2022, 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 November 8, 2022, 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; 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 and Texas Local Government Code Chapter 211.

**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 118-22 (entitled "zoning of annexed areas") is hereby amended by replacing the existing language with the language that follows:

**Sec. 118-22. Zoning of annexed areas.**

- (a) *Interim zoning district.* All territory hereafter annexed to the city shall be automatically classified as residential district "R-1 E" Single-Family Estate, pending subsequent action by the commission and council for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than agricultural, notice may be given and hearings held in compliance with Texas Local Government Code Chapter 211 and, upon annexation, such property may be permanently zoned as determined by the City Council after considering the Commission's recommendation.
- (b) *Permits in interim zoned areas.* In an area temporarily classified as residential district "R-1 E" Single-Family Estate, no permits for the construction of a building or use of land other than uses allowed in said district under this chapter shall be issued by the city building official nor shall any subdivision plat be approved under chapter 98 for any other lot dimensions than the dimensions authorized in the residential district "R-1 E" Single-Family Estate.

**Section two. 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 three. Penalty.** A violation of this Ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

**Section four. 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 five. 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 six. 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

Interim zoning

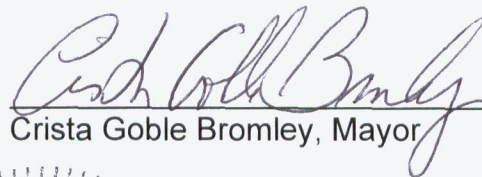
and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

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


Passed on first reading on the 8<sup>th</sup> day of November 2022

Passed, Approved and Adopted on the 13<sup>th</sup> day of December 2022

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
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Kelly Dix, City Secretary

