



## NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

This notice is posted pursuant to the Texas Local Government Code, Chapter §551 – Open Meetings.

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **September 11, 2023**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

### 1. CALL TO ORDER:

### 2. ROLL CALL:

### 3. CONSENT AGENDA ITEMS:

All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on July 10, 2023.

### 4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Plat applications, Zoning Amendments and Zoning Classifications presented by Carly Pearson, Director of Public Works & Development Services, and Leslie Kimbler, Planning Manager:

- (a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 ( ENTITLED "ZONING"); SEC.118-20 (ENTITLED "GENERAL REQUIRMENTS AND LIMITATIONS") PROVIDING FOR PERMISSIONS FOR SHORT TERM RENTAL USES

- (1) Staff Presentation – C. Kehoe Pearson
- (2) Public Hearing
- (3) Consideration and action.

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) FROM AGRICULTURE – DISTRICT "A" TO NEIGHBORHOOD COMMERCIAL – DISTRICT "NC" CLASSIFICATION.

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION.

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

(d) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY LEGALLY DESCRIBED AS: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 404 E MARBLE ST (LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION), FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT “R-1”; AND PROPERTY KNOWN AS 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

(e) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 1402 N. WATER ST (LEGALLY DESCRIBED AS: LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION), FROM MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

(f) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "MINI STORAGE WAREHOUSE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR PROPERTY KNOWN AS 2435 W HWY 29, LEGALLY DESCRIBED AS: 6.06 ACRE TRACT, MORE OR LESS (INSIDE CITY LIMITS), OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405.

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

**5. STAFF REPORTS:**

**6. REQUESTS FOR FUTURE AGENDA ITEMS:**

**ADJOURN:**

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on September 8, 2023 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

**Dated this the 8<sup>th</sup> day of September 2023**

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Kelly Dix, City Secretary

***NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:***

The City of Burnet Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the Development Services Department at (512) 715-3215, FAX (512) 756-8560 or e-mail at [lkimbler@cityofburnet.com](mailto:lkimbler@cityofburnet.com) for information or assistance.



## NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

This notice is posted pursuant to the Texas Local Government Code, Chapter §551 – Open Meetings.

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **July 10, 2023** at **6:00 p.m.** at the City of Burnet’s Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

### 1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairman Gaut.

### 2. ROLL CALL:

Members present: Tommy Gaut, Calib Williams, Glen Gates, Glean Teague

Members absent: Derek Fortin

Guests: Rebecca Webster, Dan Brouillette

Others present: Carly Pearson, Director of Public Works and Development Services, and Leslie Kimbler, Planning Manager

### 3. CONSENT AGENDA ITEMS:

All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on June 5, 2023.

There being no objections, Chairman Gaut approved the minutes as presented.

### 4. PUBLIC HEARINGS:

4.1) Public Hearing and Consideration of the following: Zoning Amendments and Zoning Classifications presented by Carly Pearson, Director of Public Works and Development Services, and Leslie Kimbler, Planning Manager:

(a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED “SUBDIVISIONS”), SECTION 98-7 (ENTITLED “DEFINITIONS”), BY AMENDING THE DEFINITION OF SIGNIFICANT TREE

- (1) Staff Presentation – C. Pearson
- (2) Public Hearing
- (3) Consideration and action.

Director, Carly Pearson, presented staff’s report regarding the proposed ordinance amendment. Chairman Gaut opened the public hearing at 6:02 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:02 p.m. Commissioner Teague made a motion to approve the proposed ordinance

amendment. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

(b) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ ZONING”), ARTICLE II (ENTITLED “ZONING DISTRICTS”), BY REMOVING THE USE “MINI STORAGE WAREHOUSE AND STORAGE GARAGE” FROM MEDIUM COMMERCIAL – DISTRICT “C-2” AND AUTHORIZING THE USE MINI STORAGE WAREHOUSE AND STORAGE GARAGE IN THE LIGHT INDUSTRIAL – DISTRICT “I-1”

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed ordinance amendment. Chairman Gaut opened the public hearing at 6:03 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:03 p.m. Commissioner Gates made a motion to approve the proposed zoning amendments. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: BEING 26.085 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-4” CLASSIFICATION; AND PROPERTY LEGALLY DESCRIBED AS: BEING 16.610 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-2” CLASSIFICATION

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:07 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:07 p.m. Commissioner Williams made a motion to approve the request for zoning change. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

(d) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF

GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; AND PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for Future Land Use amendment. Chairman Gaut opened the public hearing at 6:11 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:11 p.m. Commissioner Teague made a motion to approve the proposed request for Future Land Use amendment. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

(e) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT "G" CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT "G" CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES WITH GOVERNMENT – DISTRICT "G" CLASSIFICATION; PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY AS IDENTIFIED ON THE CITY OF BURNET PLAT ACCEPTED BY ORDINANCE NO. 320 WITH GOVERNMENT – DISTRICT "G" CLASSIFICATION

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:14 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:14 p.m. Commissioner Gates made a motion to approve the proposed request for zoning change. The motion was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

(f) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY LOCATED AT 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) FROM ITS PRESENT DESIGNATION OF INDUSTRIAL TO A DESIGNATION OF RESIDENTIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for FLUM amendment. Chairman Gaut opened the public hearing at 6:16 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:16 p.m. Commissioner Teague made a motion to approve the proposed request for FLUM amendment. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

(g) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" CLASSIFICATION

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:18 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:18 p.m. Commissioner Teague made a motion to approve the proposed request for zoning change. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- 4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 76.06 acres out of John Hamilton Survey Abs. No. 405. The proposed "Preliminary Plat" will establish Hilltop Oaks Subdivision, consisting of 92 residential lots: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed Hilltop Oaks Subdivision Preliminary Plat. Chairman Gaut opened the public hearing at 7:19 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:19 p.m.

- 4.3) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Re-plat" for approximately 10.686 acres. The proposed plat will establish lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405, consisting of 6 residential lots: L. Kimbler

Planning Manager, Leslie Kimbler presented staff's report regarding the proposed re-plat. Chairman Gaut opened the public hearing at 6:23 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:23 p.m.

## 5. ACTION ITEMS:

- 5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF HILLTOP OAKS SUBDIVISION: L. Kimbler

Commissioner Teague made a motion to approve the variances to Hilltop Oaks Subdivision Preliminary Plat. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “PRELIMINARY PLAT” OF HILLTOP OAKS SUBDIVISION, A PROPOSED 92-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 76.06 ACRES: L. Kimbler

Commissioner Gates made a motion to approve the proposed Hilltop Oaks Subdivision Preliminary Plat. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

- 5.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “REPLAT” OF lots 17-A, 19-A, 21-B AND 22-B OF HIGHLAND ACRES EAST, SECTION NO. FOUR, AND LOTS 1-A AND 2-A OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, A PROPOSED 6-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 10.686 ACRES: L. Kimbler

Commissioner Williams made a motion to approve the proposed “Re-plat” establishing lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

## **6. STAFF REPORTS:**

## **7. REQUESTS FOR FUTURE AGENDA ITEMS:**

### **ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:29 p.m.

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Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

**Attest:** \_\_\_\_\_  
Herve Derek Fortin, Secretary



## Development Services

### ITEM 4.1 (a)

Carly Kehoe Pearson  
Director Public Works &  
Development Services  
(512)756-2402 Ext 3515  
ckehoe@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** September 11, 2023

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 ( ENTITLED "ZONING"); SEC.118-20 (ENTITLED "GENERAL REQUIRMENTS AND LIMITATIONS") PROVIDING FOR PERMISSIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson

**Background:** The City of Burnet has received numerous and increasing inquiries for short term rental units from companies and agents that specialize in utilizing existing housing stock and building new units to be utilized as commercial hotel-alternative businesses. On May 23, 2023 the City Council held a Workshop and provided staff direction to proceed with the proposed amendments to address Short Term Rentals in the Code of Ordinances. The proposed amendment would update the current Code to address short term rental units within the jurisdiction of the City of Burnet in order to promote the viability of the community and its housing market while encouraging tourism in a balanced way that allows such uses in the same manner that hotels are required to operate.

**Information:** Requesting Council to approve amending Chapter 118, Sections 118-5 and 118-20, adding the industry standard definition of Short Term Rental and providing for appropriate districts allowing such uses, which may be modified or amended by City Council in the future.

**Fiscal Impact:** This ordinance has a no fiscal impact.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

**ORDINANCE NO. [REDACTED]**

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"); SEC. 118-20 (ENTITLED "GENERAL REQUIRMENTS AND LIMITATIONS") PROVIDING FOR PERMISSIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Code of Ordinances Ch. 118 (entitled "Zoning") by adding provision for Short Term Rental uses within zoning districts within the jurisdiction of the City of Burnet; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of Ch. 118 (entitled "Zoning") and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The City Council finds all matters stated hereinabove are true and correct and are incorporated herein by reference as if copied in their entirety.

**Section two. Amendment.** The Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-5 (entitled "Definitions"), is hereby amended by amending the definition language that follows:

*Bed and Breakfast* means an establishment used by the record owner of the property and who is also a resident of the property, with not more than 7 rooms for let, engaged in providing rooms or groups of rooms, for compensation, for temporary lodging for overnight transient or prearranged guests for definite periods. Where hot meals are provided and served on-site per day and included in the lodging rate charged. Where lodging of guests is for periods of less than 30 days. Bed and Breakfasts shall be classified as a Lodging Facility. Bed and Breakfasts shall not be classified as a home-based business.

~~*Boarding House* means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.~~

*Hotel or Motel* means a building in which lodging is provided and offered to individual transient guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house or bed and breakfast, a short-term rental unit such as a residential structure or apartment, or a long-term rental unit such as a residential structure or an apartment. To be classified as a hotel an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in V.T.C.A., Tax Code § 156.001. Hotels and motels shall be classified as a Lodging Facility.

~~*Motel* means a building or group of detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.~~

**Section three. Amendment.** The Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-5 (entitled "Definitions"), is hereby amended by adding the definition language that follows:

*Lodging Facilities* means for-profit facilities where lodging is provided to transient or prearranged visitors and guests for a defined period of time shorter than 30 days for compensation.

*Short-term rental (STR)* means the rental for compensation of dwellings or accessory dwelling units or portions thereof for the purpose of overnight lodging for a period of not less than one night and not more than 29 consecutive days, other than ongoing month-

to- month tenancy granted to the same renter for the same unit as their primary residence. This is not applicable to rentals made for less than thirty days upon the sale of a dwelling when the tenancy is by the former owner. Short-term rentals shall be classified as a Lodging Facility. Short-term rentals shall not be classified as a home-based business.

**Section three. Amendment.** The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-20 (entitled “*General Requirements and Limitations*”), is hereby amended by adding the language that follows:

*(r) Short Term Rental Uses.* Short Term Rental uses are allowed in any district where a hotel or bed-and-breakfast is a by-right permitted use. Short Term Rental uses are not allowed in any residential, multifamily or historic district. All Short Term Rentals operating in the City of Burnet shall operate legally within a district in which they are allowed and shall register with the City and comply with all regulations and requirements of state law, in the Code of Ordinances Chapter 22, and any other regulation as allowed by state law. All Short Term Rentals shall pay the Hotel Occupancy Tax as required in Chapter 102 Article III.

**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 7, (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** on first reading on the \_\_\_<sup>rd</sup> day of \_\_\_\_\_, 2023.

**Passed, Approved and Adopted** on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.

CITY OF BURNET

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary



## Development Services

### ITEM 4.1 (b)

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

## Public Hearing and Action

**Meeting Date:** September 11, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) FROM AGRICULTURE – DISTRICT “A” TO NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”  
CLASSIFICATION: L. Kimbler

**Background:** The subject property is located along County Road 108 just west of North Water Street. The current zoning of the property is Agriculture – District “A”; however, the property is just under one acre, which does not meet the minimum square footage for property zoned Agriculture and is currently utilized as a single-family residence. The Agriculture district is intended to preserve large tracts of land permitting agriculture uses; therefore, this property would be better suited with a more compatible zoning district.

**Information:** The applicant is requesting to change the zoning district to Neighborhood Commercial – District “NC” to allow the home to be sold or rented as a small office or a business/residence for a service business.

**Staff Analysis:** Neighborhood Commercial – District “NC” is governed by code of ordinances, Sect. 118-44, and allows for a variety of commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Some examples of these types of uses include accountants, barber or beauty shops, doctor or dental offices, bed and breakfast, real estate offices and other uses that will aesthetically blend with the residential character of the area. The “NC” district does also allow single-family dwellings.

Section 118-20, Chart 1, states properties zoned “NC” must be a minimum of 7600 square feet with a minimum lot width of 60 feet. The subject property does exceed both requirements.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on August 23, 2023, and written notices were mailed to 14 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit A – Location and Current Zoning



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) FROM AGRICULTURE – DISTRICT “A” TO NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 12<sup>th</sup> day of September 2023

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of September 2023.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**  
Subject Property





## Development Services

## ITEM 4.1 (c)

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

### Public Hearing and Action

**Meeting Date:** September 11, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION: L. Kimbler

**Background:** The subject property is an undeveloped residential property located along North West Street directly adjacent to residential properties and behind Storm’s restaurant. The owners of the property are the owners and operators of the Storm’s restaurant.

**Information:** The applicant is requesting to change the zoning district from Residential to Light Commercial District “C-1” to develop a parking lot for the Storm’s restaurant. This property is located in a residential neighborhood, abuts a single-family residential property and fronts along a residential street.

**Staff Analysis:** The requested Light Commercial District “C-1” is governed by Code of Ordinances Sec. 118-45, and allows for a permissive mix of commercial uses. If zoned C-1 it could be developed and/or sold as a regular Commercial property at any time, which may not be appropriate for a residential neighborhood location.

An example of some allowable uses would be:

- Gas Stations
- Substations
- Restaurant or other drive-in eating establishment

The recommended Neighborhood Commercial – District “NC” is governed by Code of Ordinances Sec. 118-44, and allows for the requested use of a parking lot ((19) Public parking areas), as well as an appropriate mix of neighborhood commercial uses including retail and office space.

An example of some allowable uses would be:

- Parking lot
- Churches
- Doctors and Lawyer Offices

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on August 23, 2023, and written notices were mailed to 13 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Under the City of Burnet Code of Ordinances the Neighborhood Commercial Zone (NC) would allow for the requested use as a parking lot, while adequately protecting the neighbors from other uses allowed in a C-1 that might not be compatible with the surrounding neighborhood. Staff recommends approval of NC Zoning, rather than C-1 as requested.

Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit A – Location and Current Zoning



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is property legally described as: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** LIGHT COMMERCIAL – DISTRICT “C-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 12<sup>th</sup> day of September 2023

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of September 2023.

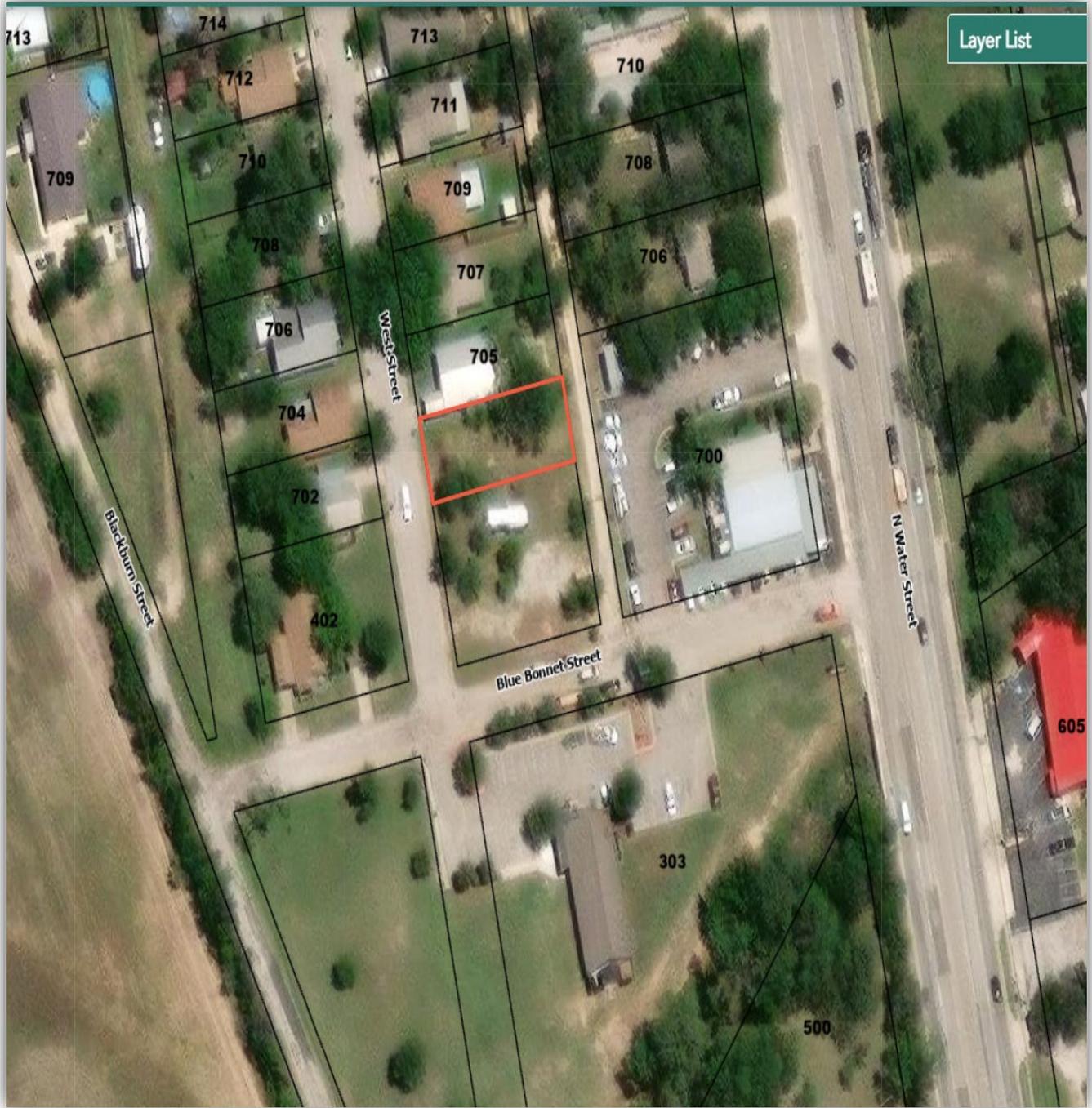
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**  
Subject Property





## Development Services

## ITEM 4.1 (d)

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

### Public Hearing and Action Item

**Meeting Date:** September 11, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY LEGALLY DESCRIBED AS: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 404 E MARBLE ST(LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION), FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT “R-1”; AND PROPERTY KNOWN AS 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.: L. Kimbler

**Background:** On August 22<sup>nd</sup>, City Council conducted a workshop to discuss certain properties within residential areas that were designated with a more intense zoning than the surrounding residential uses. As a result of the workshop, City Council directed staff to present zoning amendments to these properties to ensure their zoning designation was more inline with the surrounding uses.

**Information:** This request is a city-initiated request to bring the zoning of the properties more in line with the surrounding uses. The current use of these properties will be allowed to continue; if the use ever ceases, the property will lose the “grandfathering” rights and would have to come into compliance with the current zoning.

**Staff Analysis:** Neighborhood Commercial – District “NC” is governed by code of ordinances, Sect. 118-44, and allows for a variety of commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Some examples of these types of uses include accountants, barber or beauty shops, doctor or dental offices, bed and breakfast, real estate offices and other uses that will aesthetically blend with the residential character of the area.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on August 23, 2023, and written notices were mailed to 30 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

## Exhibit A – Location and Current Zoning

PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST  
EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION  
PROPERTY KNOWN AS 404 E MARBLE ST (LEGALLY DESCRIBED AS: BEING A  
PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION)

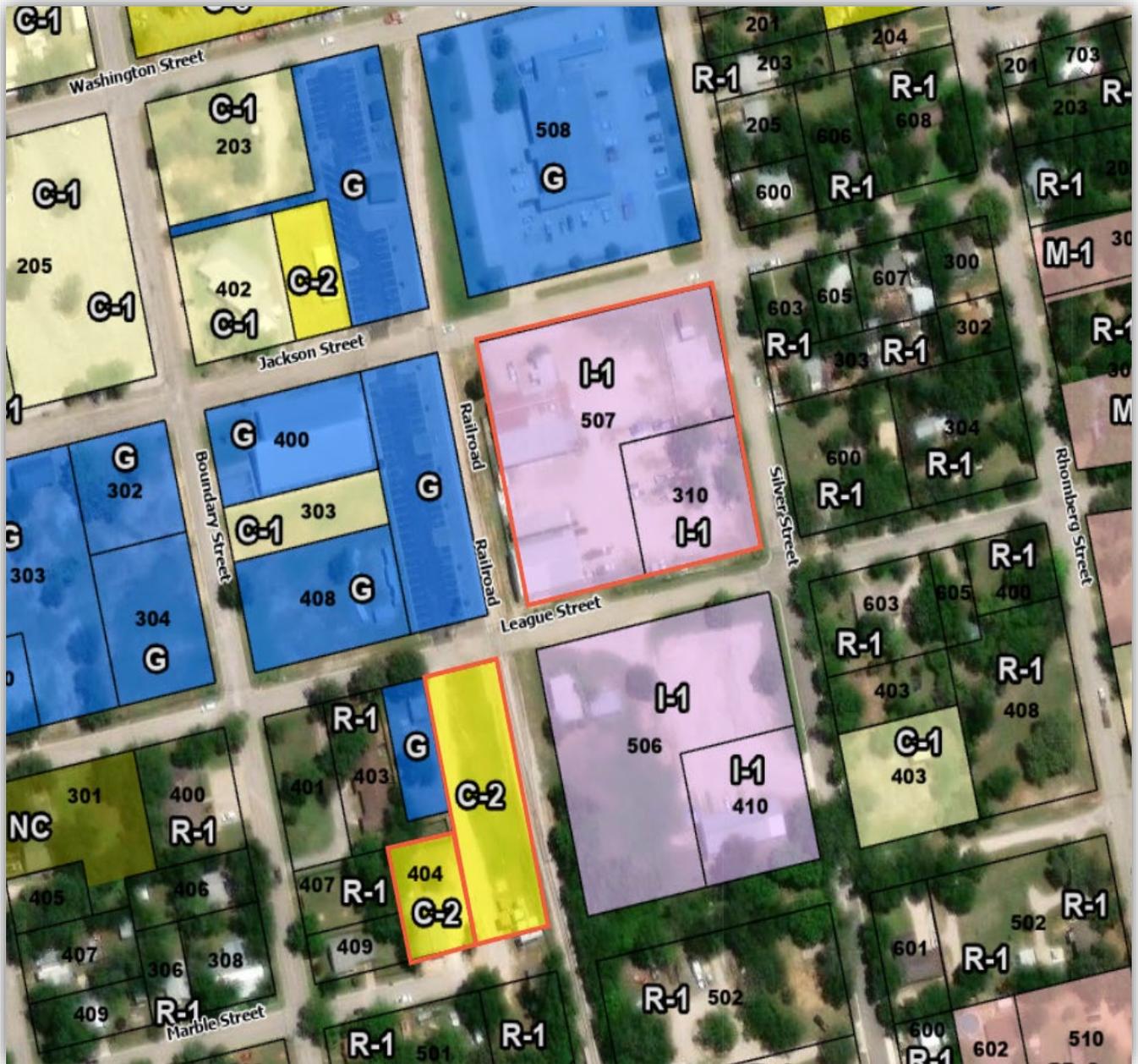
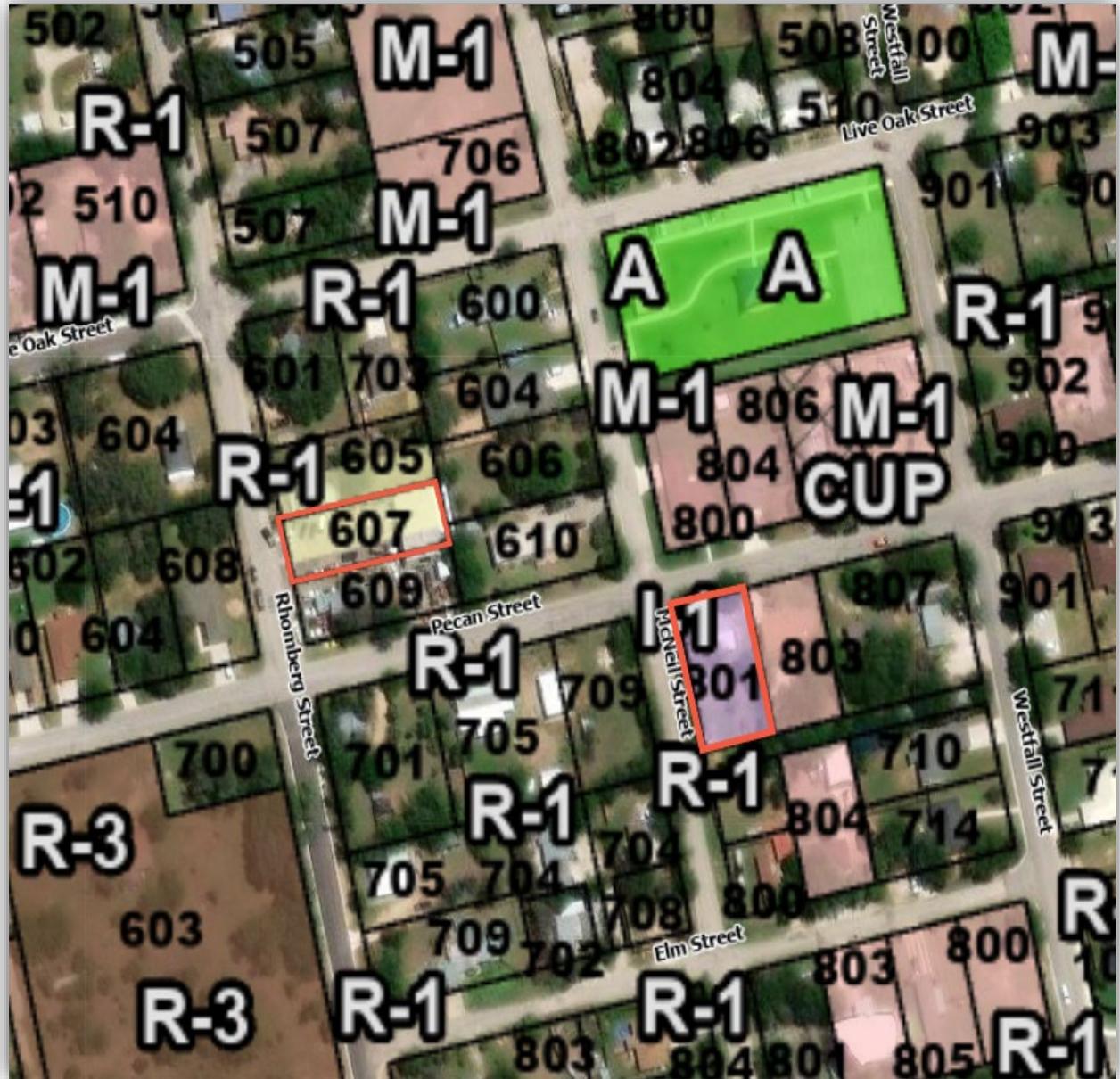


Exhibit A – Location and Current Zoning (cont.)

PROPERTY KNOWN AS 801 E PECAN STREET  
PROPERTY KNOWN AS 607 S RHOMBERG STREET



ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY LEGALLY DESCRIBED AS: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 404 E MARBLE ST (LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION), FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT “R-1”; AND PROPERTY KNOWN AS 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) as shown on **Exhibit “A”** hereto.

**Section three. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Property.** The Property that is the subject to this Zoning District Reclassification is legally described as: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION as shown on **Exhibit “B”** hereto.

**Section five. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section six.

**Section six. Property.** The Property that is the subject to this Zoning District Reclassification is property know as: 404 E MARBLE ST(LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION)as shown on **Exhibit “C”** hereto.

**Section seven. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section eight.

**Section eight. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) as shown on **Exhibit “D”** hereto.

**Section nine. Zoning District Reclassification.** SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” Zoning District Classification is hereby assigned to the Property described in section ten.

**Section ten. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) as shown on **Exhibit “E”** hereto.

**Section eleven. Zoning District Reclassification.** SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” Zoning District Classification is hereby assigned to the Property described in section twelve.

**Section twelve. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section thirteen. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section fourteen. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section fifteen. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 12<sup>th</sup> day of September 2023

**PASSED AND APPROVED** on this the 26<sup>h</sup> day of September 2023.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**

507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION)



**Exhibit "B"**  
EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER  
ADDITION

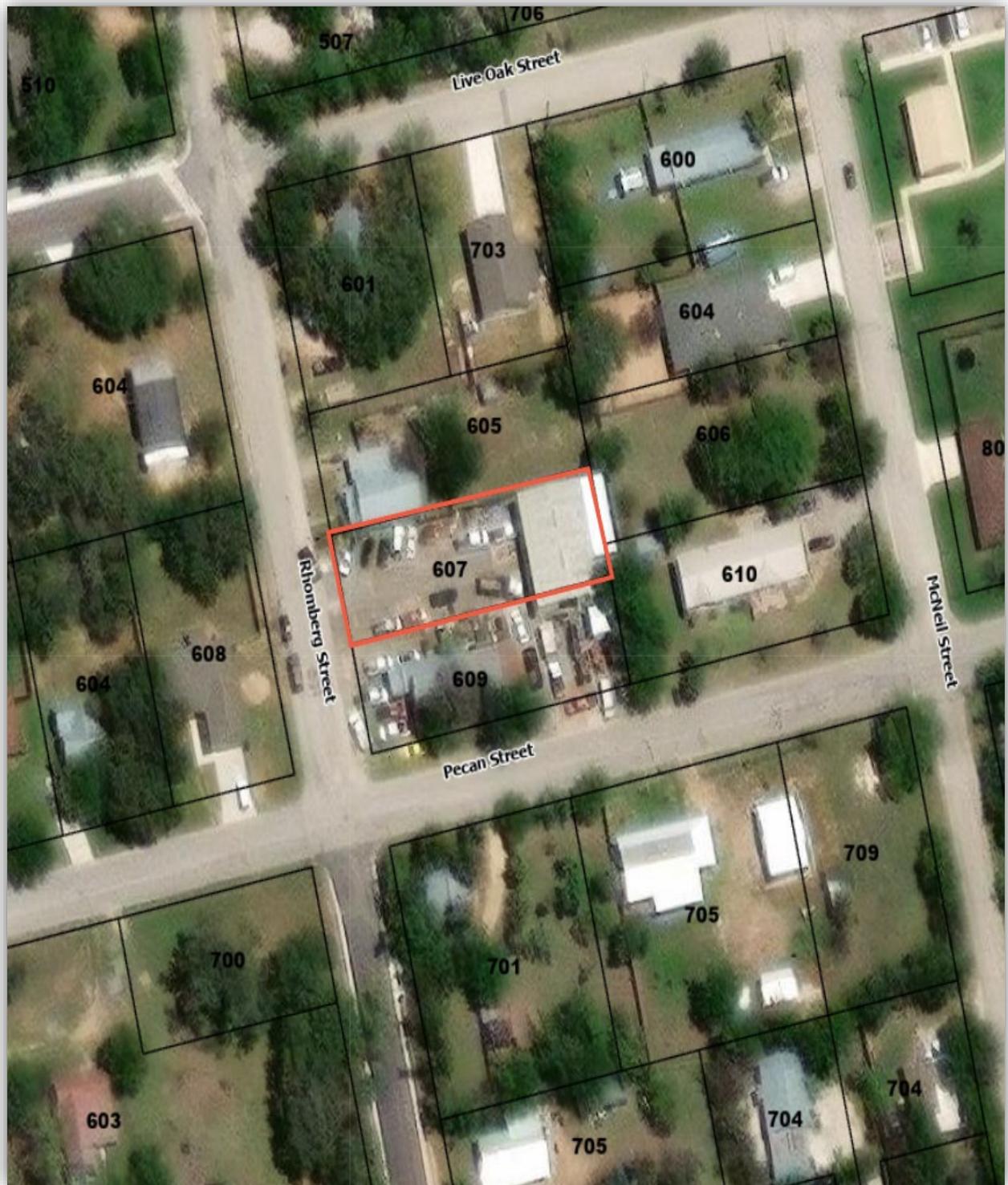


**Exhibit "C"**

PROPERTY KNOWN AS 404 E MARBLE ST (LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION)

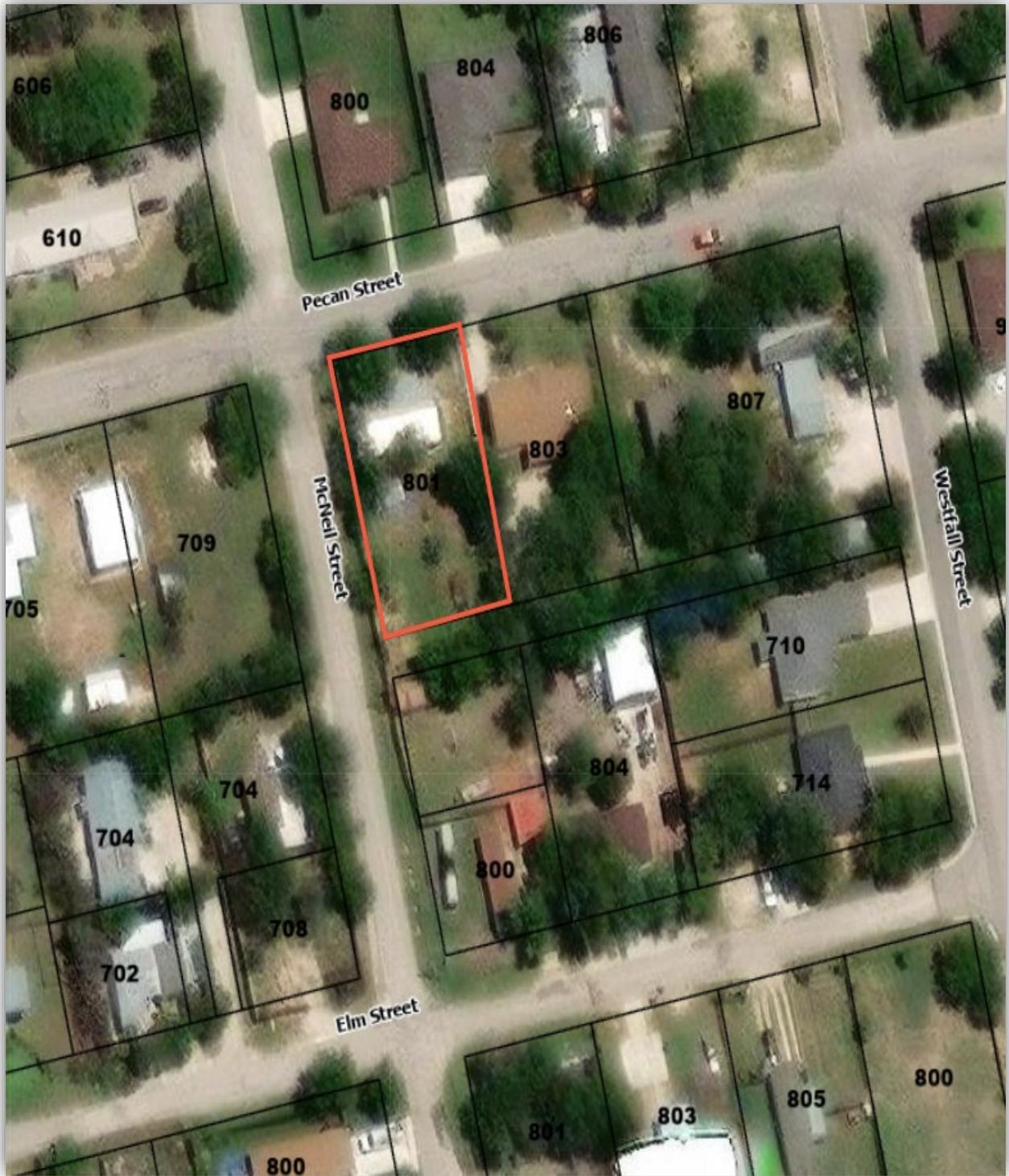


**Exhibit "D"**  
801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON  
ADDITION)



**Exhibit "E"**

607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44)





## Development Services

### ITEM 4.1 (e)

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

### Public Hearing and Action

**Meeting Date:** September 11, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 1402 N. WATER ST (LEGALLY DESCRIBED AS: LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION), FROM MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.: L. Kimbler

**Background:** The subject property is located on North US Highway 281 (Exhibit A). It is currently zoned as Multi-family Residential – District “R-3” with a vacant single-family residence located on the property. In March of 2022, staff presented this property to Planning and Zoning Commission and City Council to rezone the property from a designation of district “R-1” to the current district “R-3”. At that time, the property owner planned to tear down the existing house, plat the property with the neighboring property to the north, and develop up to 12-24 apartment units.

**Information:** The new property owner for the subject property is requesting to zone the property back to Single-family Residential – District “R-1” to allow them to renovate the existing single-family dwelling. Under the current zoning, district “R-3”, single-family dwellings are not permitted.

**Staff Analysis:** Single-family Residential – District “R-1” is governed by code of ordinances, Sect. 118-25, and would allow the existing dwelling to be remodeled and occupied.

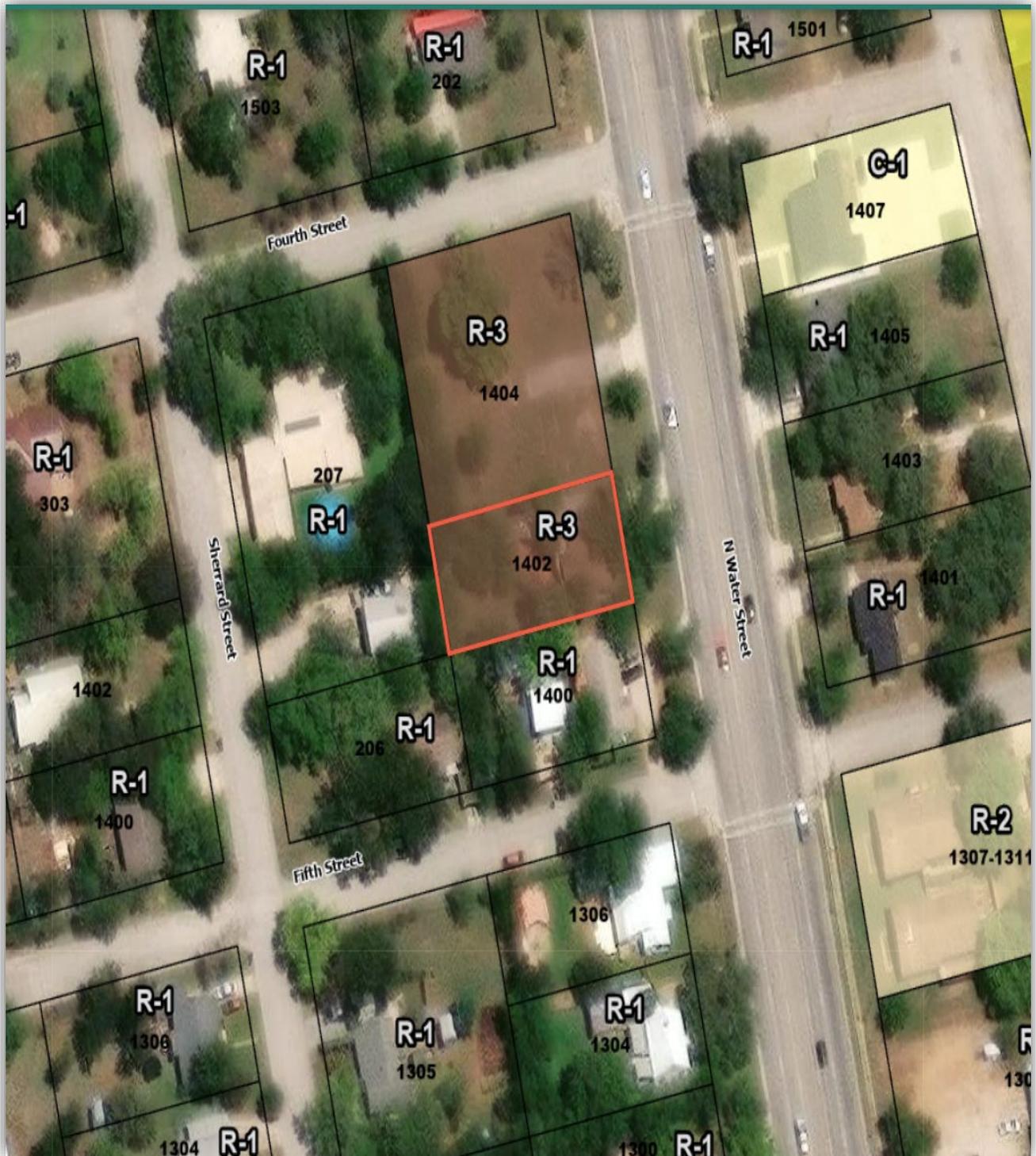
Section 118-20, Chart 1, states properties zoned “R-1” must be a minimum of 9000 square feet with a minimum lot width of 75 feet. The subject property is almost exactly 75 feet wide and approximately 12,000 square feet in size.

Previously, the Future Land Use for the lot was amended for residential use; therefore the requested zoning is suitable.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on August 23, 2023, and written notices were mailed to 16 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit A – Location and Current Zoning



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 1402 N. WATER ST (LEGALLY DESCRIBED AS: LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION), FROM MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 1402 N. WATER ST (LEGALLY DESCRIBED AS:

LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION) as shown on Exhibit "A" hereto.

**Section three Zoning District Reclassification.** SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 12<sup>th</sup> day of September 2023

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of September 2023.

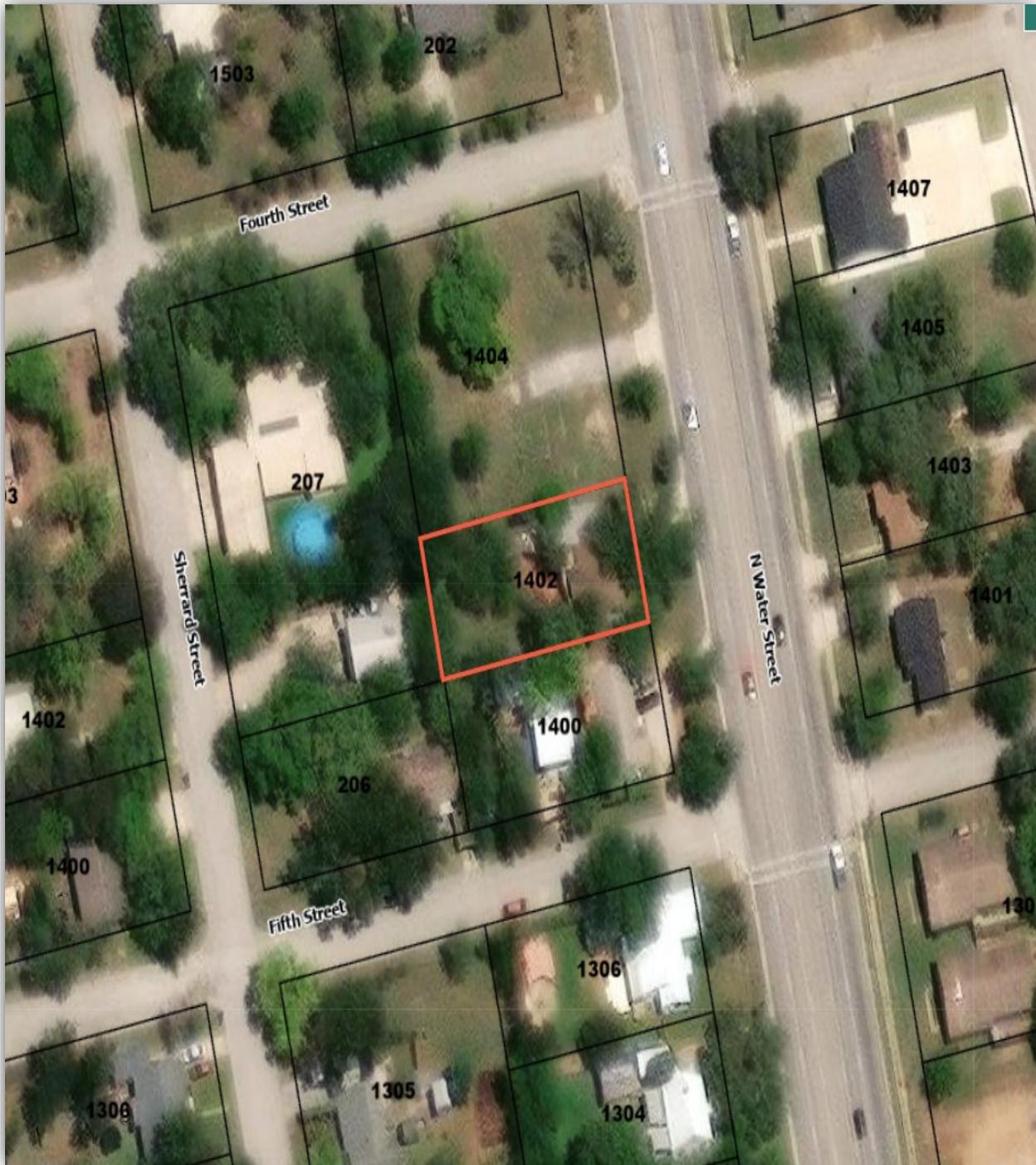
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**  
Subject Property







## Development Services

### ITEM 4.1 (f)

Leslie Kimbler  
Planner  
512-715-3215  
lkimbler@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** September 11, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “MINI STORAGE WAREHOUSE” IN A HEAVY COMMERCIAL – DISTRICT “C-3” FOR PROPERTY KNOWN AS 2435 W HWY 29, LEGALLY DESCRIBED AS: 6.06 ACRE TRACT, MORE OR LESS (INSIDE CITY LIMITS), OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405.:  
L. Kimbler

**Background:** This property is located along the south side of West Highway 29. The property is currently undeveloped and zoned Heavy Commercial – District “C-3”. The applicant is requesting a Conditional Use Permit to allow for the development storage units. Under the City of Burnet’s Code of Ordinances, Sec. 118-48 Mini Storage Warehouse is an allowable use in a Light Industrial – District “I-1” zoning.

**Information:** The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- **Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- **Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;**
- **Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- **Comply with other applicable ordinances and regulations.**

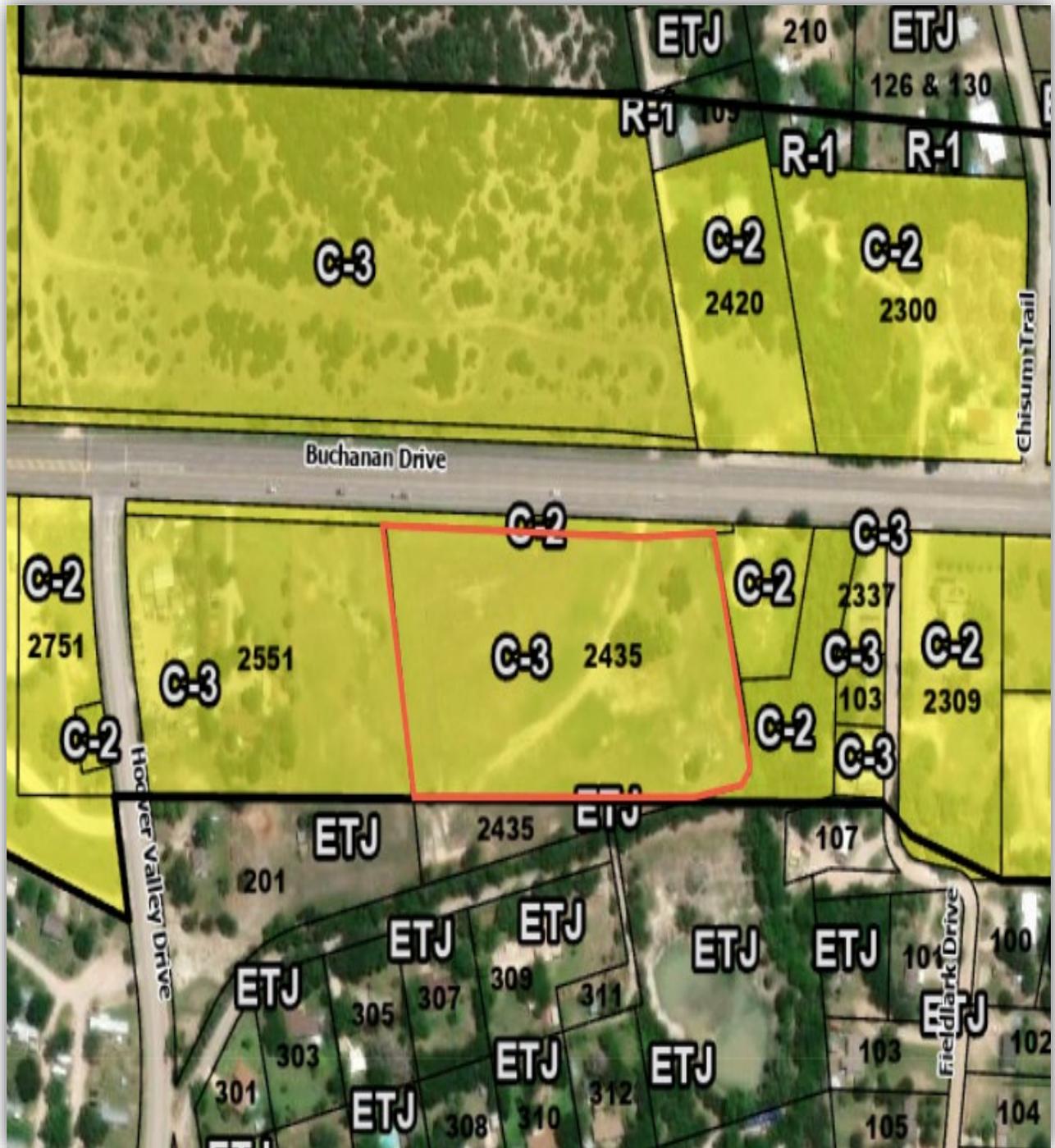
**Staff Analysis:** Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- This property is in area that is mostly undeveloped. When looking at the existing development further east of this area, there are existing storage units in proximity; therefore, this use could be considered as compatible for surrounding uses.
- As previously noted, most surrounding properties are undeveloped and, when considering some of the developed areas, they are of similar nature. Staff does not feel this use would adversely affect the value of surrounding properties.
- The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property abuts the highway; the traffic generated by this use should not create nor add significantly to the existing traffic patterns.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on August 23, 2023, and written notices were mailed to 10 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit "A" - Location Map



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “MINI STORAGE WAREHOUSE” IN A HEAVY COMMERCIAL – DISTRICT “C-3” FOR PROPERTY KNOWN AS 2435 W HWY 29, LEGALLY DESCRIBED AS: 6.06 ACRE TRACT, MORE OR LESS (INSIDE CITY LIMITS), OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is PROPERTY LOCATED AT THE CORNER OF NORTH US HIGHWAY 281 AND TAMI DRIVE, LEGALLY DESCRIBED AS: LOT NO. 1, BLOCK NO. 10, PHASE ONE, HIGHLAND OAKS as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** Conditional Use Permit to allow the use of a “Mini-Storage Warehouse” in a Heavy Commercial – District “C-3”, Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 12<sup>th</sup> day of September 2023.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of September 2023.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

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Kelly Dix, City Secretary

Exhibit "A"  
Location Map

