

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF REMOVING THE USE “MANUFACTURED HOUSING AND SERVICES” FROM HEAVY COMMERCIAL – DISTRICT “C-3” AND RESTRICTING “MANUFACTURED HOMES SALES AND SERVICES” USES TO HEAVY COMMERCIAL – DISTRICT “C-3” AND LIGHT INDUSTRIAL “I-1” 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 Manufactured Housing and Services are permitted uses in Heavy Commercial – District “C-3” as a matter of right; and

WHEREAS, City Council finds that the use of properties designated with the Heavy Commercial – District “C-3” as Manufactured Housing conflicts with the prohibition against single-family dwellings within the commercial districts; and

WHEREAS, the sale of manufactured homes is an intensive commercial endeavor and may not be appropriate in all districts classified as Heavy Commercial – District “C-3” or Light Industrial “I-1”; and

WHEREAS, City Council finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial – District “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services 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, April 15, 2024, 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 April 23, 2024, 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 Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located

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 to correct the conflict of allowing single-family dwellings in commercial districts, the use of Manufactured Housing and Services shall be removed from the Heavy Commercial District “C-3” use table; 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 deleting the language that is italics stricken (~~stricken~~) from Section 118-47(a) as follows:

~~*(10) Manufactured housing and service.*~~

Note to Publisher: Existing subsections 118-47(a)(11) to 118-46(a)(22) shall be recodified as subsections 118-46(a)(10) to 118-46(a)(21).

Section two. 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 118-48(a)(22) as follows:

(22) Manufactured Sales and Services with conditional use permit.

Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-48 (entitled “Light Industrial – I-1”) is hereby amended by adding the language that is underlined (underlined) to subsection 118-48(a)(16) as follows:

(16) Manufactured Sales and Services with conditional use permit.

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 on first reading on the 23rd day of April, 2024

Passed, Approved and Adopted on the 14th day of May, 2024

CITY OF BURNET

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary