

ORDINANCE 2019-15

AN ORDINANCE AMENDING THE CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – ZONING, SECTION 118-48 – LIGHT INDUSTRIAL – DISTRICT “I-1”, SUBSECTION (A); AND CHAPTER 118 – ZONING, SECTION 118-49 – HEAVY INDUSTRIAL – DISTRICT “I-2”, SUBSECTION (A); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING PROPER NOTICE OF MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council seeks to amend the Code of Ordinances, Chapters 118, incorporating amendments regarding permitted uses in the Light Industrial – District “I-1,” and Heavy Industrial – District “I-2” zoning districts; and

WHEREAS, the City Council determines that the amendments provided for herein promote the health, safety, morals and protects and preserves the general welfare of the community; and

WHEREAS, on the 6th day of May the Planning and Zoning Commission recommended approval of the proposed amendments; and

WHEREAS, on the 28th day of May, 2019, after proper notification, the City Council held a public hearing on the proposed amendment,

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

SECTION 1. That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. That the Code of Ordinances, Chapter 118 – Zoning, Section 118-48 – Light Industrial – District “I-1,” subsection (a) is hereby amended as follows:

(a) *Purpose and permitted uses.* This district is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for one or more of the uses hereinafter enumerated. Allows assembly, packaging and manufacture of non-hazardous, non-volatile products and the following listed uses:

- (1) Alcohol beverage-mixed drink and alcohol beverage-on premises with conditional use permit.
- (2) Carpentry, painting, plumbing or tinsmiths shop.
- (3) Frozen food lockers and cold storage plant.
- (4) Furniture manufacturers and upholsterers.
- (5) Light manufacturing.
- (6) Tire (retreading operations).

- (7) Warehouse, storage and distribution center.
- (8) Recycling operation (indoors).
- (9) Retail propane sales.
- ~~(10) Sexually oriented business.~~
- (10) Truck stops with repair and wash services.
- (11) Veterinary services and hospital.
- (12) Wood yard.
- (13) Welding shops.
- (14) Machine shops, sheet metal fabrication and metal products.

SECTION 3. That the Code of Ordinances, Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District “I-2,” subsection (a) is hereby amended as follows:

Permitted uses. Allows assembly, packaging, treatment, processing and manufacture of products that do not pose any materially potential hazard to persons and property outside the boundaries of the property, ~~and the following specifically listed uses~~ The permitted uses include the following specific uses as well as those permitted in I-1, to the extent such uses are contained or included within property as to not pose a potential hazard outside of the property on which such use is conducted:

- (1) Acetylene gas manufacture or storage.
- (2) Ammonia, bleaching powder or chlorine manufacture.
- (3) Apparel manufacturing.
- (4) Blacksmith shops.
- (5) Blast furnace, forge plant, iron, steel, brass or copper foundry or fabrication plant, coke ovens, coal yard or coke yard, smelting of tin, copper, zinc or iron ores.
- (6) Boiler works.
- (7) Box, broom and canvas goods manufacturers.
- (8) Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- (9) Bus lines, shops and garages.
- (10) Candle manufacture.
- (11) Celluloid manufacture or treatment.
- (12) Cement, lime, gypsum or plaster of paris manufacture, rock crusher, rolling mill, stone mill or quarry.
- (13) Central mixing plant for cement, mortar, plaster or paving materials.
- (14) Contractors yard.
- (15) Cotton gins and cottonseed oil manufacture.
- (16) Crating express storage.

- (17) Creosote manufacture or treatment.
- (18) Disinfectants manufacture.
- (19) Distillation of bones, coal or wood, fat rendering, garbage, offal or dead animal reduction, tallow, grease or lard manufacture or refining from, or an animal fat.
- (20) Drapery and bedding manufacturers.
- (21) Drug and pharmaceutical products manufacture.
- (22) Dye stuff manufacture.
- (23) Emery cloth and sandpaper manufacture.
- (24) Explosives or fireworks manufacture or storage.
- (25) Expressing, baggage and transfer delivery services.
- (26) Fabric cleaning and dyeing plants and laundries.
- (27) Fertilizer manufacture.
- (28) Fish and meat smoking and curing.
- (29) Fur goods manufacture, but not including tanning or dyeing.
- (30) Gas and petroleum storage.
- (31) Glass products from previously manufactured glass for wholesale distribution.
- (32) Glue or gelatin manufacture.
- (33) Greenhouses and wholesale growers.
- (34) Hatchery.
- (35) Household appliance and furniture manufacture.
- (36) Incinerator.
- (37) Industrial and manufacturing plants including the processing and assembling of parts from production of finished equipment where the process of manufacturing and treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted.
- (38) Insect poison manufacture.
- (39) Junk, iron, rag, garbage or paper storage.
- (40) Lampblack and carbon manufacture.
- (41) Lumber and building sales and storage.
- ~~(42) Machine shops, sheet metal fabrication and metal products.~~
- (42) Manufacture, assembly and processing of food and beverages, excluding meat packing plants and similar processes that place a significant demand on wastewater or water treatment, but including ice cream, dairy products, ice, candy, general food processing and dehydrating, beverage bottling and distribution.
- (43) Manufacture, assembly and testing of communication equipment, medical instruments and apparatus, optics, photographic equipment and supplies, timing equipment, musical instruments and related equipment, computer components, computers, electronics and precision instruments.

- (44) Manufacturing, assembly and packaging of products from previously prepared material such as cloth, plastic, paper, leather, and precious or semi-precious metal or stone.
- (45) Manufacture of personal cosmetics.
- (46) Match manufacture, acid manufacture, arsenal, liquid asphalt manufacture or refining.
- (47) Motion picture or video production facilities and sound stages.
- (48) Oilcloth or linoleum manufacture.
- (49) Oiled rubber goods manufacture.
- (50) Office equipment and supplies manufacturing.
- (51) Paper and pulp manufacture.
- (52) Petroleum products, refining and storage, tar distillation or manufacture, gas or alcohol manufacture.
- (53) Planing mills.
- (54) Plastic products manufacture, but not including the processing of raw materials.
- (55) Polish manufacture, paint, oil shellac, turpentine or varnish manufacture.
- (56) Pot ash works.
- (57) Printing, publishing and book binding.
- (58) Product assembly services (non-hazardous).
- (59) Product development services (general).
- (60) Product development services (hazard).
- (61) Public utility substations and distributing centers, regulation centers and underground stations.
- (62) Pyroxlin manufacture.
- (63) Radio/TV/microwave and similar towers.
- (64) Rail-served industries consistent with uses provided in this section.
- (65) Recycling operations (indoor).
- (66) Recycling operations (outdoor), automobile salvage and wrecking yards.
- (67) Research services (hazard).
- (68) Research services (general), engineering and development facilities or laboratories.
- (69) Retail propane sales.
- (70) Rubber or gutta-percha manufacture or treatment, but not the making of articles out of rubber.
- (71) Salt works.
- (72) Salvage processing.
- (73) Sexually oriented business.
- (74) Shoe polish manufacture.
- (75) Sign shops.

- (76) Soap manufacture.
- (77) Soda and compound manufacture.
- (78) Sporting and athletic equipment manufacture.
- (79) Stock yard or slaughter of animals or fowls.
- (80) Stone, marble and granite grinding and cutting operations.
- (81) Storage of garbage trucks and/or accessory containers.
- (82) Tanning, curing or storage of rawhides or skins.
- (83) Tar roofing or waterproofing manufacture.
- (84) Testing and research laboratories.
- (85) Tobacco manufacture or treatment.
- (86) Tool and die shops.
- (87) Vinegar manufacture.
- ~~(88) Welding shops.~~
- (88) Wool pulling or scouring.
- (89) Yeast plant.

SECTION 4. That the Code of Ordinances, Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District “I-2,” subsection (d) is hereby amended as follows:

Performance standards — Industrial districts. See: Subsection 118-478(d) of this chapter.

SECTION 5. *Savings clause.* The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 6. *Severability clause.* The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 7. *Repealer clause.* The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION 8. *Open meeting clause.* The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and

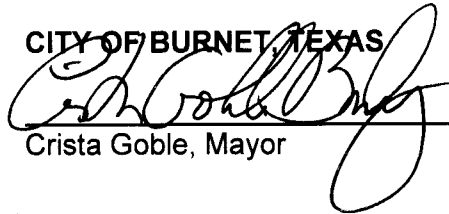
formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 9. *Effective date.* This ordinance shall take effect immediately from and after its passage.

READ AND APPROVED on first reading this 14th day of May, 2019.

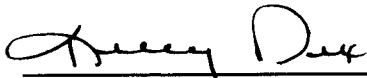
PASSED AND ADOPTED on second reading this 15th day of May, 2019.

CITY OF BURNET, TEXAS



Crista Goble, Mayor

ATTEST:



Kelly Dix, City Secretary

