

ORDINANCE NO. 2021-01

ADOPTING THE BURNET ZONING MAP IN ITS ENTIRETY AS CURRENTLY PUBLISHED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in accordance with Texas Local Government Code Chapter 211, City Council adopted zoning regulations as codified in Chapter 118 of the Code of Ordinances; and

WHEREAS, City Council authorized the creation of a zoning map to memorialize the zoning classifications of each parcel of real property within the city's corporate limits; and

WHEREAS, it has come to City Council's attention that in a few instances city records of rezonings, reflected in the zoning map do not exist; or there are other discrepancies between the zoning map and city records regarding the zoning designations of certain properties; and

WHEREAS, the zoning map is the municipal record the public generally relies on to ascertain the zoning designation of properties; and

WHEREAS, to cure the few discovered zoning infirmities, as well as any undiscovered zoning infirmities that might exist, and to provide certainty as to the zoning designation of all properties going forward City Council determines it appropriate and necessary to readopt the zoning map pursuant to the notice and hearing requirements of Texas Local Government Code Chapter 211, the City Charter and Code of Ordinances Chapter 118; and

WHEREAS, in accordance with the requirements of the aforementioned authorities, City Council finds:

- Notice of Public Hearings on this Zoning Ordinance were timely published in the Burnet Bulletin; and delivered by United States Postal Service first class mail to every owner of property shown on the city's most recent tax rolls; and
- The Caption of this Ordinance was timely published in the Burnet Bulletin;
- The Planning and Zoning Commission conducted a public hearing on this Zoning Ordinance on Monday, January 4, 2020, and took action to make its recommendation to City Council at the conclusion of the public hearing;
- City Council conducted a public hearing on this Zoning Ordinance on Tuesday, January 12, 2021, and passed the first reading of this Ordinance at the conclusion of the public hearing; and
- City Council, passed and approved this Ordinance on second reading on Tuesday, January 26, 2020.

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

Section 1. Recitals. 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 City Council.

Section 2. Zoning Map. The Geographic Information System Zoning Map dated January 20, 2021, is attached hereto as **Exhibit "A"** and incorporated in this Ordinance for all purposes.

Section 3. Action. Exhibit "A" is hereby readopted and adopted as the Official Zoning Map of the City and each zoning classification that corresponds with a property on said map is, and shall continue to be, the zoning classification for such corresponding property.

Section 4. Conditional Use Permit Ordinances. This ordinance is cumulative of Ordinances Nos. 2014-16, and 2017-21, and said ordinances shall remain in full force and effect unless expressly repealed by future action of City Council.

Section 5. City initiated rezoning. The City Manager is hereby authorized and directed to initiate a case to rezoning any property where it is discovered in the city's records that City Council took prior formal action to rezone the property with a classification contrary to the classification shown for the property on **Exhibit "A"**; and where there is no explanation in the city's record for the discrepancy between the formal action and the **Exhibit "A"**. This Section 5 shall expire and no longer be of any effect after the third anniversary of the effective date of this ordinance.

Section 6. Repealer. All ordinances 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 7. Severability. Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.


Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

Section 5. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading this the 12th day of January 2021.

PASSED AND APPROVED on Second Reading this the 26th day of January 2021.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

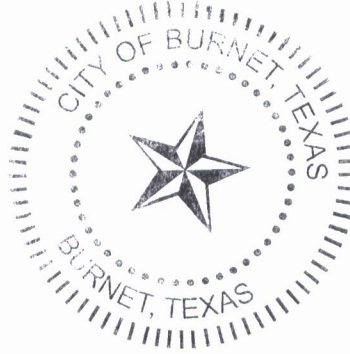


Exhibit A – Zoning Map

(36x42 Zoning Map to be Inserted)