

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY AMENDING THE NOTIFICATION AND HEARING PROCEDURES PRESCRIBED IN SECTION 98-22; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

WHEREAS, in Section 98-22 thereof city council has adopted procedures for the submission and disposition of preliminary plat applications; and

WHEREAS, in order to facilitate efficient and effective process of plat applications city council deems it appropriate amend the plat application and notification process to conform with state law requirements; and

WHEREAS, city council has conducted a public hearing allowing members of the public to provide testimony and comments on the proposed code amendment.

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

Section one. 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 two. Code Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-22 (entitled "preliminary plats") subsection (f) (entitled "notification") is hereby amended by replacing the existing language with the language that follows:

- (f) *Notification.*
 - (1) Except as provided in subsection (2), immediately below, notice of the commission's consideration of a preliminary plat application or preliminary replat application shall comply with the Texas Open Meeting Act.
 - (2) Notification of commission consideration of an application to replat property zoned within the preceding five years as single family/duplex

residential shall comply with the public notice/hearing requirements of Texas Local Government Code Sec. 212.015.

Section three. Code Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-22 (entitled "preliminary plats") subsection (g) (entitled "approval") is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

- (g) *Approval.* ~~The commission, after holding public hearings in accordance with city ordinances and codes, shall make a recommendation to the city council on the request for preliminary plat application.~~ approval. The plat will be considered at the next regularly scheduled public hearing of the city council, ~~but not earlier than five working days after the commission's hearing.~~
- (1) ~~The planning and zoning commission~~ shall act within 30 days of the preliminary plat filing date to either recommend approval, denial or modification to the application. Failure of the commission to act within the 30 days shall be deemed an approval of the plat, except as otherwise agreed to by the developer. Plans that are disapproved as submitted may be resubmitted without charge within 60 days of disapproval with additional fees being assessed. The city council shall act within 30 days of the approval or inaction of the application by the commission. A plat is considered approved by the city council unless it is disapproved within that period.
 - (2) Zoning of the tract, if applicable, that shall permit the uses proposed by the preliminary plat, or any zoning amendment necessary to permit the proposed uses shall have been adopted prior to or concurrently with the approval of the preliminary plat by the council.
 - (3) Approval of the preliminary plat shall not constitute approval of the final plat but shall constitute a vesting of the right to develop under city ordinances, codes, and policies in effect on the date the requested permit is filed, provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.
 - (4) The developer may elect to phase the subdivision project.
 - (5) The developer should be aware that specific approvals from other agencies may be required.
 - (6) Upon approval of the preliminary plat and all signatures having been executed, the developer shall furnish one Mylar reproducible copy of the approved plat to be kept on file at the city as public record.

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 the more restrictive provision shall apply.

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 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 seven. TOMA Compliance. It is officially found, determined, and declared 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 Texas Government Code Chapter 551.

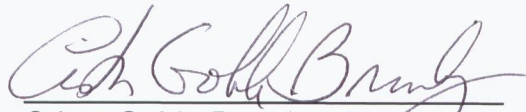
Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.


Passed on first reading on the 22nd day of June 2021

Passed, approved and adopted on the 13th day of July, 2021

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

