

**ORDINANCE NO. 2016-28**

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING HEAVY COMMERCIAL – DISTRICT C-3 ZONING TO 1109 E POLK STREET WHICH IS FURTHER DESCRIBED AS BEING TWO TRACTS OUT OF THE JOHN HAMILTON SURVEY, NO. 1 WHICH ARE RESPECTIVELY COMPRISED OF 0.59 AND 1.041-ACRES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on October 3, 2016, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Heavy Commercial – District C-3 zoning to 1109 E. Polk Street which is further described as being two tracts out of the John Hamilton Survey, No. 1 which are comprised of 0.59 and 1.041-acres respectively; and

**WHEREAS**, The Planning and Zoning Commission, in deliberation following its public hearing did find the proposed zoning to be consistent with the City of Burnet Future Land Use Plan, consistent with development patterns in the surrounding area and consistent with the best public interest; and

**WHEREAS**, The Planning and Zoning Commission, by a unanimous vote of members present, did recommend assigning Heavy Commercial – District C-3 zoning to said 1101 E Polk Street: and

**WHEREAS**, The City Council, on October 11, 2016 conducted its own public hearing for the purpose of taking comment regarding said 1101 E Polk Street; and

**WHEREAS**, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did determine assignment of Heavy Commercial – District C-3 zoning to be consistent with the City of Burnet Future Land Use Plan, consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

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

**Section 1. Findings.** 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. Zoning Changed.** The two tracts out of the John Hamilton Survey, No. 1 which are comprised of 0.59 and 1.041-acres respectively and which are collectively described as being 1101 E. Polk Street are hereby assigned a zoning designation of Heavy Commercial – District C-3.

**Section 3. Repealer.** That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

**Section 4. Severability.** That 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.

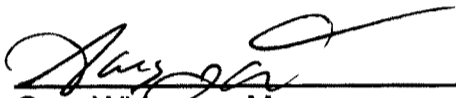
**Section 5. Effective Date.** That this ordinance is effective upon final passage and approval.

**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this 11<sup>th</sup> day of October, 2016.

**FINALLY PASSED AND APPROVED** on this 25<sup>th</sup> day of October, 2016.

**CITY OF BURNET, TEXAS**

  
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Gary Wideman, Mayor

**ATTEST:**

  
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Kelly Dix, City Secretary