



NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

This notice is posted pursuant to the Texas Local Government Code, Chapter §551 – Open Meetings.

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **August 1, 2022**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

2. ROLL CALL:

3. **CONSENT AGENDA ITEMS:** All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on July 11, 2022.

4. PUBLIC HEARINGS:

- 4.1 Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance and Zoning Classifications presented by Leslie Kimbler, City Planner, and Habib Erkan, Assistant City Manager.

- a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

- b) AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") BY ADDING A NEW SECTION A NEW SECTION 118-9 ESTABLISHING A PROCESS TO CHANGE ZONING CLASSIFICATION AND ZONING CLASSIFICATION RULES

- (1) Staff Presentation – H. Erkan
- (2) Public Hearing
- (3) Consideration and action.

5. STAFF REPORTS:

6. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on July 1, 2022 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 27th day of July 2022

Leslie Kimbler, Asst. City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the Development Services Department at (512) 715-3215, FAX (512) 756-8560 or e-mail at lkimbler@cityofburnet.com for information or assistance.



NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

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Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **July 11, 2022**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairman Gaut

2. ROLL CALL:

Members Present: Tommy Gaut, Calib Williams, Glen Teague, and Derek Fortin

Members Absent: Glen Gates

Guests: Travis Spaulding, Sha Shaver, Hal Ferguson, Dough Franklin, Joy Biscotto, David & Elizabeth DeFily, Hailey Spaulding

Others Present: Leslie Kimbler, Planning Manager

3. **CONSENT AGENDA ITEMS:** All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on June 6, 2022.

A motion was made by Commissioner Fortin to approve the minutes from the June 6, 2022. The motion was seconded by Commissioner Williams and carried with a vote of 4 to 0.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Zoning Ordinance and Zoning Classifications presented by Leslie Kimbler, Planning Manager.

- a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Leslie Kimbler, Planning Manager, presented staff's report of the proposed ordinance amendment to Chapter 118 for the purpose of restricting Trailer Camps and RV Park uses to Heavy Commercial – District "C-3" with a Conditional Use Permit.

Chairman Gaut then opened the floor for public comment at 6:04 p.m.

Guest, Josh Godwin property owner of 3401 S Water Street, spoke to the Commission in opposition to the ordinance amendment.

There being no further public comments, Chairman Gaut closed the public hearing at 6:06 p.m.

Commissioner Gaut made a motion to approve the ordinance as presented; the motion was seconded by Commissioner Williams. The motion failed with a vote of 2 to 2 with Commissioners Gaut and Williams voting in favor and Commissioners Fortin and Teague voting in opposition.

b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-25 (ENTITLED "SINGLE-FAMILY RESIDENTIAL — DISTRICT "R-1") BY INCREASING THE MINIMUM LIVING AREA REQUIRED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1"

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Leslie Kimbler, Planning Manager, presented staff's report of the proposed ordinance amendment to Chapter 118 by increasing the Minimum Living Area required in the Single-Family Residential District "R-1" to 1350 square feet.

Chairman Gaut then opened the floor for public comment at 6:15 p.m.

Guest, Travis Spaulding, spoke to the Commission in opposition to the ordinance amendment.

There being no further public comments, Chairman Gaut closed the public hearing at 6:19 p.m.

Commissioner Williams made a motion to approve the ordinance as presented; the motion was seconded by Commissioner Fortin. The motion passed with a vote of 4 to 0.

c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT

DEVELOPMENT/MANUFACTURED
CLASSIFICATION

HOUSING

ZONING

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Leslie Kimbler, Planning Manager, presented staff's report regarding the request to assign permanent zoning of Planned Unit Development/Manufactured Housing zoning classification to the 75.87 acres to be known as the Hilltop Oaks Subdivision.

Chairman Gaut then opened the floor for public comment at 6:25 p.m.

There being no public comments, Chairman Gaut closed the public hearing at 6:26 p.m.

Commissioner Teague made a motion to approve the ordinance as presented; the motion was seconded by Commissioner Gaut. The motion passed with a vote of 4 to 0.

d) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY AT 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 1.036 ACRES) WITH HEAVY COMMERCIAL – DISTRICT "C-3" CLASSIFICATION

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Leslie Kimbler, Planning Manager, presented staff's report regarding the request to rezone property located at 1603 Buchanan Drive with Heavy Commercial – District "C-3".

Chairman Gaut then opened the floor for public comment at 6:34 p.m.

Property owner and applicant, Elizabeth DeFily, spoke to the Commission in favor of her request.

There being no further public comments, Chairman Gaut closed the public hearing at 6:36 p.m.

Commissioner Williams made a motion to approve the ordinance as presented; the motion was seconded by Commissioner Gaut. The motion passed with a vote of 4 to 0.

5. STAFF REPORTS:

None

6. REQUESTS FOR FUTURE AGENDA ITEMS:

None

ADJOURN

There being no further business, Chairman Gaut adjourned the meeting at 6:37 p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: August 1, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT: L. Kimbler

Background: Pursuant to City Code of Ordinance Section 118-47 Trailer camps or RV park is an allowable use in Heavy Commercial – District "C-3". Currently, there are some properties designated with the Heavy Commercial – District "C-3" zoning where Trailer Camps and RV Parks may not be appropriate, as such use may not be compatible with surrounding uses.

Information: The proposed ordinance requires any new development of Trailer Camps or RV Parks to request a Conditional Use Permit which allows the Planning and Zoning Commission and City Council the authority to assure that the proposed Trailer Camps or RV Parks are located at such locations and under such conditions that preserve and protect the health, safety and welfare of the City.

In order for an applicant to obtain a Conditional Use Permit, the Commission and Council must find that the proposed use complies with the following criteria:

1. The appearance, size, density and operating characteristics of the proposed conditional use are compatible with the surrounding neighborhood and uses;
2. The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;
3. The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;

4. The traffic that the proposed use can reasonable be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and
5. The proposed use complies with all other applicable ordinances and regulations.

Public Notification: Approximately 330 written notices were mailed on July 21st. Notices were mailed to the property owners of the approximate 118 properties currently zoned with Heavy Commercial – District “C-3” as well as property owners within 200 feet of those properties. There have been zero responses in favor and zero responses in opposition.

Recommendation: Staff recommends the Commission take action in support of the proposed Zoning Code Amendment.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" 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 Trailer Camps and RV Parks are permitted uses in Heavy Commercial – District "C-3" as a matter of right; and

WHEREAS, City Council finds that the use of some properties designated with the Heavy Commercial – District "C-3" as a Trailer Camp and RV Park may not be appropriate as such use may not be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the use of other properties designated with the Heavy Commercial – District "C-3" as a Trailer Camp and RV Park may only be appropriate under specific conditions so such use would be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the requirement that Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks 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, August 1, 2022, 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, August 9, 2022, 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 Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks are located within Heavy Commercial – District "C-3" 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 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 adding the language that is underlined (underlined) to subsection (a) (entitled “purpose and permitted uses) as follows:

(18) Trailer Camp or RV park requires conditional use permit.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “*zoning*”) Table 4.1 (entitled “*district name changes*”) is hereby amended by adding the language that is underlined to the excerpted section of the Table as follows:

RM-3	RV Parks	C-3	Heavy Commercial <u>with conditional use permit</u>
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Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “*zoning*”) Section 118-64 (entitled “conditional use permits”) subsection (b) entitled “*applicability*”) is hereby amended by adding to subsection (b)(6) the following language:

- n. Trailer camp and RV park. This use is only allowed in Heavy commercial – District ‘C-3’ with a conditional use permit issued by City Council under this section.

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 the 9th day of August 2022

PASSED AND APPROVED on this the 23rd day of August 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (b)

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Agenda Item Brief

Meeting Date: August 24, 2022

Agenda Item: Discuss and Consider: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") BY ADDING A NEW SECTION 118-9 ESTABLISHING A PROCESS TO CHANGE ZONING CLASSIFICATION AND ZONING CLASSIFICATION RULES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

Background: The Texas Supreme Court opined in 1938 the state's police powers included the power to place zoning restrictions on real property. The Texas Legislature delegated this authority to the City by the adoption of Texas Local Government Code Chapter 211. While that Chapter prescribes notice, hearing and other requirements relating to the imposition of, and amendment to zoning regulations and zoning district classifications, the application of some aspects of those rules is subject to interpretation.

Information: This ordinance is proposed to codify longstanding practices, clarifies code ambiguities; and provides greater flexibility to address future development of the City.

Fiscal Impact: Passage of this ordinance will cause no fiscal impact.

Recommendation: Approve the first reading of Ordinance 2022-XX as presented.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 118 (ENTITLED “ZONING”) BY ADDING A NEW SECTION 118-9 ESTABLISHING A PROCESS TO CHANGE ZONING CLASSIFICATION AND ZONING CLASSIFICATION RULES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority provided by Texas Local Government Code Chapter 211 City Council has established zoning district classifications and have designated the land within the City’s corporate limits in said zoning districts; and

WHEREAS, City Council has codified Chapter 118 of the City Code of Ordinances to govern the City’s zoning authority; and

WHEREAS, Texas Local Government Code Chapter 211, prescribes the notice and hearing requirements by which an amendment to the Code changes zoning classification or zoning classification rules; and

WHEREAS, the purpose of this ordinance is to prescribe processes for consideration of said proposed amendment by City Council and the Planning and Zoning Commission in a manner consistent with Texas Local Government Code Chapter 211 requirements; and

WHEREAS, City Council deems this ordinance to be of benefit to the general welfare, health and safety of the public as it codifies longstanding practices, clarifies code ambiguities; and provides greater flexibility to address future development of the City; 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. Code amendment. City Code Chapter 118 (entitled “zoning”), is hereby amended by the adoption of a new Section 118-9 (entitled “*process to change zoning classification and zoning classification rules*”) to read as follows:

Section 118-9 Process to change zoning classification and zoning classification rules.

- (a) *Authority.* City Council may change a zoning classification of a district, or a property or properties, or change the rules governing a zoning classification, as provide in Chapter 211 of the Texas Local Government Code.
- (b) *Initiation.*
 - (1) A change of zoning classification may be initiated by:
 - (A) City Council; or
 - (B) by direction of the City Manager; or
 - (C) an owner of the property or properties that is the subject of the reclassification by submission of written application and payment of all applicable fees.
 - (2) A change to the rules affecting a zoning classification may be initiated by:
 - (A) by direction of City Council; or
 - (B) by direction of the City Manager.
- (c) *Prerequisites.* A change to zoning classification, or a change to the rules governing a zoning classification, shall be adopted by Ordinance. City Council's action to adopt such Ordinance shall be subject to the following:
 - (1) compliance with the notice and public hearing requirements required by state law and this chapter; and
 - (2) City Council's receipt of the Planning and Zoning Commission's report on the merits of the proposed Ordinance; and
 - (3) if applicable, the Planning and Zoning Commission and City Council's receipt of written responses to any notices mailed to property owners.
- (d) *Planning and Zoning Commission Report.*
 - (1) After conducting a public hearing and receiving information from city staff, the Planning and Zoning Commission shall deliberate and make a report to City Council on the merits of the proposed Ordinance reclassifying a district, property, or properties, or changing the rules governing zoning classifications.
 - (2) The report may be made by recommendation of approval or disapproval of the proposed Ordinance. In the event the Planning and Zoning Commission fail to act to recommend approval of the proposed

Ordinance, for any reason, it shall be reported that the Planning and Zoning Commission failed to approve the proposed Ordinance.

- (3) If the Planning and Zoning Commission determines additional information is required, action on the Report may be tabled until its next meeting; but failure to act at that meeting shall constitute a report that the Planning and Zoning Commission failed to recommend approval of the proposed Ordinance.

- (e) *Presentation of the Planning and Zoning Commission Report to City Council.* At the meeting City Council conducts a public hearing on the merits of the proposed Ordinance, city staff shall advise City Council of the Planning and Zoning Commission's report as follows:

- (1) should the report consist of specific recommendations regarding the merits of the proposed Ordinance, City staff shall report such recommendations; or
- (2) should the report consist only of a recommendation to approval or disapproval of the proposed Ordinance, city staff shall report the vote of the Planning and Zoning Commission's members on the motion recommending approve or disapprove; or
- (3) should the report consist only of the failure of the Planning or Zoning Commission to take action to recommend either approval or disapproval of the proposed Ordinance; city staff shall report the basis of such failure.

- (f) *City Council Final Action on Change of Zoning Classification.* In consideration of an Ordinance changing the zoning classification of a property, or properties, City Council may adopt the Ordinance, deny the Ordinance, or modify the Ordinance to approve a change of zoning classification different than the change proposed, including the issuance of a conditional use permit allowing a specific use the property sought by an application; provided the modification to the proposed Ordinance:

- (1) does not downzone the property, or properties, to a use classification less intense than the existing use classification; or
- (2) does not upzone the property, or properties, to a use classification more intense than the proposed use classification.

Section two. 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 the City Council.

Section three. 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 Section 5, (entitled “Repealer”) shall be controlling.

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. 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 24th day of August, 2022

Passed, approved, and adopted on the 13th day of September, 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary