



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, **November 7, 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 October 3, 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 Bryce Van Arsdale, Planner.

- a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-26 (ENTITLED "SINGLE-FAMILY RESIDENTIAL ESTATE – DISTRICT "R-1 E"") BY PROVIDING FOR A ONE-ACRE MINIMUM LOT SIZE AND 2100 SQUARE FOOT MINIMUM LIVING AREA SIZE IN ZONING DISTRICTS CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL ESTATE – DISTRICT "R-1 E"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Van Arsdale

- (1) Staff Presentation – B. Van Arsdale
 - (2) Public Hearing
 - (3) Consideration and action.

- b) AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") SECTION 118-22 (ENTITLED ZONING OF ANNEXED AREAS") BY AUTOMATICALLY CLASSIFYING NEWLY ANNEXED

TERRITORY AS RESIDENTIAL DISTRICT "R-1E" SINGLE-FAMILY ESTATE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Van Arsdale

- (1) Staff Presentation – B. Van Arsdale
- (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 November 4, 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 3rd day of November 2022

Kelly Dix, 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

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, **October 3, 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, Derek Fortin, Calib Williams, Glen Gates, Glen Teague

Members Absent: None

Guests: None

Others present: Leslie Kimbler, Planning Manager and Bryce Van Arsdale, Planner

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 August 3, 2022

There being no objections, Chairman Gaut approved the minutes from August 3, 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, Planning Manager, and Habib Erkan, Assistant City Manager.

- a) 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 BY ASSIGNING THE PROPERTY AT 2947 E HWY 29 (LEGALLY DESCRIBED AS: 8.05 ACRES OUT OF THE SARAH ANN GUEST SURVEY, ABS. NO. 1525, AND THE JOSEPH BAKER SURVEY, NO. 28, ABS. NO. 125) WITH LIGHT COMMERCIAL - DISTRICT "C-1" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (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 2947 E Hwy 29, from its' present designation of Single Family Residential- District "R-1" to a designation of Light Commercial – District "C-1".

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

There being no one present to speak on the issue, the floor was closed at 6:04 p.m.

Commissioner Teague requested clarification on location of the proposed change.

Commissioner Fortin asked if the ordinance was proposed by the City or if a private citizen requested the ordinance.

Commissioner Williams made a motion to recommend approval of the ordinance as presented. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 5 to 0.

5. STAFF REPORTS:

6. REQUESTS FOR FUTURE AGENDA ITEMS: Commissioner Gaut made comments updating members who were absent at the last meeting about potential changes to the by-laws.

7. ADJOURN: Commissioner Gaut adjourned the meeting at 6:07p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest:_____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

Bryce Van Arsdale
Planner
512-715-3206
bvanarsdale@cityofburnet.com

Public Hearing and Action Item

Meeting Date: November 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY PROVIDING FOR A ONE-ACRE MINIMUM LOT SIZE AND 2100 SQUARE FOOT MINIMUM LIVING AREA SIZE IN ZONING DISTRICTS CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL ESTATE—DISTRICT "R-1 E"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Van Arsdale, Planner

Background: There is currently a discrepancy between "chart 1" of section 118-20 of the code and the text in section 118- 26 defining R1-E requirements. Minimum living area for this zone is currently 1100sqft.

Information: By standardizing the minimum lot size with the unit of (1) acre, or 43,560 square feet, the code is cleared of any contradiction in this section. Additionally, by increasing the minimum living area to 2100 sqft, the City preserves it's hill country heritage.

Fiscal Impact: No direct fiscal impact is anticipated.

Recommendation: Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING SEC. 118-26 (ENTITLED “SINGLE FAMILY RESIDENTIAL ESTATE – DISTRICT ‘R-1 E’”) BY PROVIDING FOR A ONE-ACRE MINIMUM LOT SIZE AND 2100 SQUARE FOOT MINIMUM LIVING AREA SIZE IN ZONING DISTRICTS CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL ESTATE—DISTRICT “R-1 E”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances provides for “R-1 E” single family zoning districts; and

WHEREAS, City Council finds that no property within the City was assigned an “R-1 E” single family zoning classification; and

WHEREAS, City Council finds that “R-1 E” single family is a zoning classification that can be applied to future development to preserve the community’s agrarian, hill country atmosphere, prevent the overtaxing of utilities and roadways, and provide protection both to underground aquifers and against stormwater flooding; and

WHEREAS, City Council finds it appropriate to update the “R-1 E” single family zoning classification; and

WHEREAS, on November 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this Ordinance; 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 code amendments; and

WHEREAS, on November 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; 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; 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 and Chapter 211 of the Texas Local Government Code.

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

Section one. Amendment. The City Code of Ordinances Sec. 118-26 (entitled "*Single-family residential estate—District 'R-1 E'*") is hereby amended by amending subsection (a) therein, (entitled "*purpose and permitted uses*") by adding the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~) as follows:

Sec. 118-26. Single-family residential estate—District "R-1 E".

- (a) *Purpose and permitted uses.* Permits detached single-family dwellings with a minimum of ~~1,100~~ 2,100 square feet of living area, ~~and related accessory structures,~~ on a minimum lot size of one-acre ~~60,000 square~~ foot.

Note to editor: Subsections (b) through (d) of Section 118-26 shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section two. 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 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.

Passed on first reading on the 8th day of November 2022

Passed, Approved and Adopted on the 13 day of December 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (b)

Bryce Van Arsdale
Planner
512-715-3206
bvanarsdale@cityofburnet.com

Public Hearing and Action Item

Meeting Date: November 7, 2022

Agenda Item: AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") SECTION 118-22 (ENTITLED ZONING OF ANNEXED AREAS") BY AUTOMATICALLY CLASSIFYING NEWLY ANNEXED TERRITORY AS RESIDENTIAL DISTRICT "R-1E" SINGLE-FAMILY ESTATE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Van Arsdale, Planner

Background: Current practice is to use standard residential "R-1" zoning for interim purposes applying to newly annexed areas. Due to legislative amendment to Texas Local Government Code Chapter 42, virtually all annexations are now initiated by petition of the property owner

Information: By changing interim zoning to residential estate "R-1E", the city guarantees larger lot sizes and protected uses in newly annexed areas. Preserving the character of the Hill Country.

Fiscal Impact: No direct fiscal impact is anticipated.

Recommendation: Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") SECTION 118-22 (ENTITLED "ZONING OF ANNEXED AREAS") BY AUTOMATICALLY CLASSIFYING NEWLY ANNEXED TERRITORY AS RESIDENTIAL DISTRICT "R-1 E" SINGLE-FAMILY ESTATE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, due to legislative amendment to Texas Local Government Code Chapter 42 virtually all annexations are now initiated by petition of the property owner; and

WHEREAS, this code amendment facilitates the implementation of a low-density zoning district, at the time of such annexation, as an interim measure until the appropriate permanent zoning can be placed on the newly annexed territory; and

WHEREAS, on November 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this Ordinance; 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 code amendments; and

WHEREAS, on November 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; 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; 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 and Texas Local Government Code Chapter 211.

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 118-22 (entitled “*zoning of annexed areas*”) is hereby amended by replacing the existing language with the language that follows:

Sec. 118-22. Zoning of annexed areas.

- (a) *Interim zoning district.* All territory hereafter annexed to the city shall be automatically classified as residential district "R-1 E" Single-Family Estate, pending subsequent action by the commission and council for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than agricultural, notice may be given and hearings held in compliance with Texas Local Government Code Chapter 211 and, upon annexation, such property may be permanently zoned as determined by the City Council after considering the Commission's recommendation.
- (b) *Permits in interim zoned areas.* In an area temporarily classified as residential district "R-1 E" Single-Family Estate, no permits for the construction of a building or use of land other than uses allowed in said district under this chapter shall be issued by the city building official nor shall any subdivision plat be approved under chapter 98 for any other lot dimensions than the dimensions authorized in the residential district "R-1 E" Single-Family Estate.

Section two. 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 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 nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed on first reading on the 8th day of November 2022

Passed, Approved and Adopted on the 13th day of December 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary