

ORDINANCE NO. 23-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS REZONING 302 N. AVE. G AND 203 E. CYPRESS, JOHNSON CITY, TEXAS 78636 FROM “SINGLE FAMILY RESIDENTIAL RESTRICTED DISTRICT” TO “DOWNTOWN DISTRICT”; DECLARING A PUBLIC PURPOSE; AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND ADOPTING AN EFFECTIVE DATE.**

**WHEREAS**, Mrs. Shirley Elder and Mr. / Mrs. Larry Guthrie, property owners of 302 N. Ave. G and 203 E. Cypress, Johnson City, TX 78636, respectively, have petitioned the City Council of the City of Johnson City to rezone said properties from “Single Family Residential Restricted District” to “Downtown District”; and

**WHEREAS**, notice of requisite Public Hearings was mailed U.S. Postal Service, first class, to property owners within two hundred feet (200’) of the subject parcels on December 22, 2022; and

**WHEREAS**, the Planning and Zoning Commission held a Public Hearing on the matter on January 24, 2022, and the Commission unanimously recommended approval of the zoning amendments on the same date; and

**WHEREAS**, the City Council published notice of the requisite Public Hearing in the Johnson City Record Courier on December 28, 2022 and held a Public Hearing on the matter on February 7, 2023.

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

**SECTION ONE. Rezoning and Approval.** 302 N. Ave. G and 203 E. Cypress, Johnson City, TX 78636 are rezoned from “Single Family Residential Restricted District” to “Downtown District”.

**SECTION TWO. Authorization.** The Chief Administrative Officer is authorized to take all necessary steps to implement the provisions of this Ordinance.

**SECTION THREE. Declaration of Compliance and Incorporation of Recitals.** The City Council declares that the Public Hearing held prior to the approval of the rezoning request was properly noticed in the manner prescribed by law, and the Ordinance was adopted at an open meeting in compliance with Tex. Gov. Code Ann Chapter 551. Additionally, the City Council finds that the recitals contained in the preamble to the Ordinance are true and correct and incorporates them as findings of fact.

**SECTION FOUR. Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION FIVE. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

**SECTION SIX. Effective Date.** This Ordinance shall become effective immediately upon the approval of the City Council.

**PASSED, ORDERED, AND APPROVED this 7<sup>th</sup> day of February 2023.**

By: \_\_\_\_\_  
Hon. Rhonda Stell  
MAYOR

**ATTEST:**

\_\_\_\_\_  
Whitney Walston  
CITY SECRETARY

State of Texas       §  
County of Blanco    §

**This instrument was acknowledged before me on February \_\_\_\_\_, 2023 by Rhonda Stell as Mayor of the City of Johnson City, Texas.**

**(Personalized Seal)**

\_\_\_\_\_  
Notary Public's Signature



P.O. Box 369 (Mail)  
303 E. Pecan Dr. (Physical)  
Johnson City, TX 78636  
830.868.7111 (Phone)  
830.868.7718 (Fax)

# ZONING AMENDMENT APPLICATION CHAPTER 14

NAME OF APPLICANT: Shirley Crossley Elder

MAILING ADDRESS: P.O. Box 364 Johnson City, TX 78636

PHONE NUMBER: (830)225-0042

STATUS OF APPLICANT:

OWNER: X

AGENT: \_\_\_\_\_ (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

### PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 302 N. Avenue G Johnson City, TX 78636

LEGAL DESCRIPTION: Johnson City, Blk 05, Lot 04 (Part Of) & 05 (Part Of), Acres .1971

CURRENT ZONING: Single Family Restricted PROPOSED ZONING: Downtown District

DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: None Known

EXISTING USE: Beauty Salon/Rental House PROPOSED USE: Property is For Sale - Rezoning expands permitted uses

LAND AREA: 0.1971 Acres DOES OWNER OWN ADJACENT PROPERTIES? Yes \_\_\_\_\_ No X

PURPOSE OF REQUEST: Rezoning provides additional development potential as outlined in Schedule of Uses

I hereby certify that I have read and examined this application and know the information I have provided to be true and correct. All provision of laws and ordinances governing this application will be complied with, whether specified herein or not. The granting of this zoning amendment or change does not presume to give authority to violate or cancel the provisions of any other local law regulating the use of the property.

Shirley Elder  
Applicant's Signature

December 13, 2022  
Date

Office Use Only:



P.O. Box 369 (Mail)  
 303 E. Pecan Dr. (Physical)  
 Johnson City, TX 78636  
 830.868.7111 (Phone)  
 830.868.7718 (Fax)

Application Date: 12-05-2022

## ZONING AMENDMENT APPLICATION CHAPTER 14

NAME OF APPLICANT: Larry and Kerry Guthrie

MAILING ADDRESS: 1805 Apricot Glenn Westlake Hills, TX 78746

PHONE NUMBER: 512-801-2396

STATUS OF APPLICANT:

OWNER:

AGENT:  (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

### PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 203 E. Cypress Johnson City, TX 78636

LEGAL DESCRIPTION: Johnson City, Blk 08, <sup>Lot 5</sup> (Part Of), Acres .192

CURRENT ZONING: Single Family Restricted (SFR)      PROPOSED ZONING: Downtown District (DO)

DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: None Known

EXISTING USE: Vacant Lot      PROPOSED USE: Rezoning expands opportunity for permitted uses

LAND AREA: 0.192 Acres      DOES OWNER OWN ADJACENT PROPERTIES? YES  No

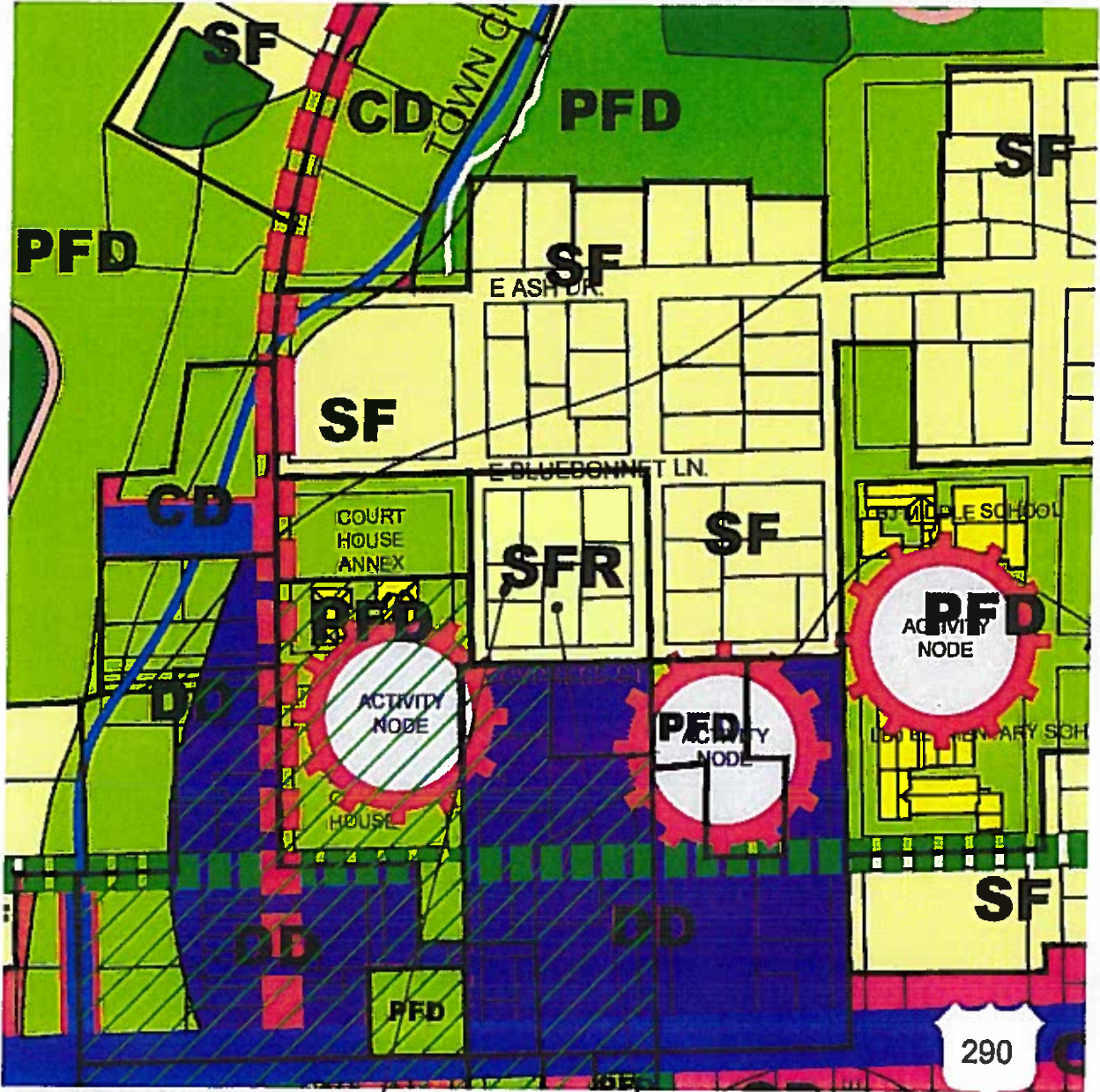
PURPOSE OF REQUEST: Rezoning provides additional development potential as outlined in Schedule of Uses

I hereby certify that I have read and examined this application and know the information I have provided to be true and correct. All provision of laws and ordinances governing this application will be complied with, whether specified herein or not. The granting of this zoning amendment or change does not presume to give authority to violate or cancel the provisions of any other local law regulating the use of the property.

Larry Guthrie  
 Applicant's Signature

12-05-2022  
 Date

Office Use Only:



↙ 302 N. Ave G  
 ↘ 203 E. Cypress

City of Johnson City  
PO Box 369  
Johnson City, TX 78636

Receipt #: 1592  
User: Patricia Mikla  
Payment Date: 12/22/2022  
Batch: 20552 - Trish 12.16.22

01-4601 Building Permits  
Permits

302 N Ave G and 203 E Cypress Rezoning

Amount Due: \$822.60  
Applied: \$822.60  
Balance: \$0.00

12/22/2022

Check #: 1192 & 6117

Check: \$822.60

Applied: \$822.60  
Change: \$0.00

**§ 8-1. Schedule of Uses.**

Zoning district abbreviations are as follows:

SF	Single-Family Residential
SFR	Single-Family Residential Restricted
MR	Mixed Residential
GHD	Garden Housing District
MHD	Micro Housing District
M	Manufactured Home District
CD	Commercial District
HC	Highway Commercial Corridor District
IP	Industrial Park
DO	Downtown District Overlay
PFD	Public Facilities District

Permitted use abbreviations are as follows:

C	Conditional Use Permit
P	Permitted

Schedule follows:

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
<b>AGRICULTURE</b>											
Community Garden	C		C	C		P					
Farmers Market						C					P
Plant Nursery (Small-Scale, retail)	P						P	P			
<b>RESIDENTIAL</b>											
Accessory Bldg/Structure (Nonresidential)											P
Accessory Bldg/Structure (Residential)	P		P	P	P	P					
Accessory Dwelling	C		C	C	C						
Caretaker's/Guard Residence	P		P	P	P						P
Community or Group Home	C	C	C	C	C	C	C	C			
Duplex/Two-Family			P			C					
Garage Residential Conversion	P		P								
Garden Home/Townhome			P								
Home Occupation	P		P	P	P						
HUD-Code Manufactured Home, Single Wide				P							
HUD-Code Manufactured Home, Double Wide	P			P							
Living Quarters onsite with a Business											
Multiple Family Dwelling			P								P
Residential Loft											
Single Family Dwelling, Detached	P		P	P	P	P					P
Single Family Industrialized Housing				P							
Swimming Pool Private	P		P	P	P						
<b>OFFICE</b>											
Armed Services Recruiting Center							P	P			P



Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PF	DO
Bank							P	P			P
Check Cashing Service								P			
Credit Agency								P			
Insurance Agency Offices							P	P			P
Offices, General/Professional							P	P			P
Office, Brokerage Services							P	P			P
Offices, Health Services							P	P			P
Offices, Legal Services							P	P			P
Offices, Patrol/Probation								P			
Offices, Professional							P	P			P
Offices, Real Estate Office							P	P			P
Saving & Loan								P			
Security Monitoring Company							P	P			
Telemarketing Center							P	P			
<b>PERSONAL &amp; BUSINESS SERVICES</b>											
Dealer (sales only)								P	P		
Ambulance Service (Private)							C	P			
Antique Shop							P	P			P
Appliance Repair								P			
Art Dealer/Gallery							P	P			P
Artisan's Shop							P	P			P
Artist Studio	C						P	P			P
Auto Sales (New and Used)			C	C		C		P			
Auto Supply Store								P			P

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Bakery or Confectionary (retail)							P	P			P
Barbershop							P	P			P
Beauty Shop							P	P			P
Bed & Breakfast Inn or Facility			C				P				P
Bicycle Sales and Repair							P	P			
Book Store							P	P			P
Building Materials Sales									P		
Cabinet/Counter/Woodworking Shop (Custom) Retail									P		
Cabinet/Counter/Woodworking Shop (Manufacturing) Wholesale									P		
Cafeteria									P		
Communication Equipment Repair							P	P			
Computer Sales							P	P			
Consignment Shop							P	P			
Convenience Store (With Gas Sales)							P	P			
Convenience Store (Without Gas Sales)							P	P			P
Cooking School							P	P			
Dance/Drama/Music Studio or School							P	P			P
Department Store							P	P			
Drapery, Blind Upholstery Store							P	P			
Exterminator Services							P	P			P
Financial Services							P	P			P
Florist Shop							P	P			P
Food or Grocery Store (general)							P	P			P

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Food or Grocery Store (Limited)				C		C	P	P			C
Funeral Home or Mortuary							P	P			
Furniture Store (New and/or Used)							P	P			
Garden Shop (Inside Storage)							P	P			
General or Community Retail Store							P	P			
Gravestone/Tombstone Sales									P		
Hardware Store							P	P			
Home Improvement Center								P	P		
Laundry/Dry Cleaning								P			
Lawnmower Sales & Repair								P			
Live-in Security Quarters											
Locksmith	P		P	P		P	P	P	P		P
Major Appliance Sales							P	P			
Market (public)							P	P			
Mini-Warehouse- Self Storage							P				C
Motorcycle Dealer (Sales, Repair)							P	P			
Motel or Hotel											
Needlework Shop								P			
Pet/Shop Supplies							P	P			P
Pharmacy							P	P			P
Photocopying/Duplicating							P	P			P
Photography Studio							P	P			P
Plant Nursery (Retail Sales, Outdoors)											
Radio or Television Studio							P	P			

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Recycling Center									P	P	
Restaurant (No Drive-Through Service)							P	P			P
Restaurant (With Drive-Through)								P			
Security Systems Installation Company							P	P			
Sexually Oriented Business								P			
Shoe Repair							P	P			
Studio, Tattoo or body piercing							P	P			C
Tailor Shop							P	P			P
Tool & Machinery Rental (Indoor Storage)								P			
Tool & Machinery Rental (Outdoor Storage)								P			
Travel Agency							P	P			P
Temporary Outdoor Sales/Promotion							P	P			P
Upholstery Shop							P	P			
Used Merchandise/Furniture							P	P			
Vacuum Cleaner Sales & Repair							P	P			
Veterinarian Clinic (Indoor Kennels)							P	P			
Woodworking Shop (Ornamental, Handmade)							P	P			P
<b>TRANSPORTATION &amp; AUTO SERVICES</b>											
Antique Vehicle Restoration							P	P			
Auto Body Repair							P	P			
Auto Financing & Leasing							P	P			
Auto Muffler Shop							P	P			
Auto Paint Shop							P	P			
Auto Tire Sales & Repair							P	P			

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PF	DO
Auto Upholstery Shop							P	P			
Auto Washing Facility, Attended							P	P			
Auto Washing Facility, Unattended							P	P			
Auto Wrecker Service									P		
Automobile Repair, Major								P			
Automobile Repair, Minor								P			
Limousine/Taxi Service							P	P			
Oil Change & Inspection								P			
Parking Structure, Commercial							P	P			
Tire Dealer, Indoor Storage							P	P			P
<b>AMUSEMENT/RECREATION</b>											
Amusement Arcade (Four or more devices)							P				
Amusement Services (Indoor)											
Amusement Services (Outdoor)							C	C			
Billiard/Pool Facility							P				
Bingo Hall							P	P			
Bowling Center							P	P			
Broadcast Station (With Tower)							P	P			
Country Club (Private)									P		
Dance Hall											
Day Camp for Children							P	P			C
Civic/Conference Center						C	P	P			
Dinner Theater							P	P			P
Driving Range							P	P			

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Fairgrounds/Exhibition Area							C	P			
Golf Course (Miniature)							P	P			
Gold Course (Public, Private)							P	P			
Health Club							P	P			
Motion Picture Studio, Commercial							P				
Motion Picture Theater							P	P			
Museum							P	P			
Park and/or Playground	P	P	P	P			P	P		P	P
Psychic Reading Services							P	P			
Rodeo Grounds							P	P			
Skating Rink											
Tennis Court	P	P	P	P	P		P	P			
Theater (Stage)							P				P
Video Rentals/Sales							P	P			P
<b>INSTITUTIONAL/GOVERNMENT</b>											
Assisted Living Facility			C				P	P		P	
Broadcast Tower (Commercial)							P	P	P	P	
Cemetery or Mausoleum								P	P		
Child Day-Care Facility			C	C		C	P	P		P	P
Church, Religious Assembly	P		P	P		P	P	P		P	P
Civic Club							P	P			P
Community Center (Municipal)	P		P	P		P	P	P		P	P
Electrical Generating Plant									P	P	
Electrical Substation									P	P	

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Emergency Care Clinic							P	P		P	
Fire Station	P	P	P	P	P	P	P	P	P	P	P
Fraternal Lodge or Union			C				P	P			P
Government Building (Local, State, Fed)	P	P	P	P	P	P	P	P	P	P	P
Group Day-Care Home	C		P				P	P			P
Medical Clinic or Office							P	P			P
Wireless Communications Tower							P	P	P		P
Heliport							P	P	P		P
Home for the Aged, Residential	C		C				P	P			C
Hospice	C		C	C		C	P	P			C
Hospital (Acute Care, General)							P	P	P		
Library	P	P	P	P	P	P	P	P	P	P	P
Nursing/Convalescent Home			P				P	P			
Philanthropic Organization							P	P			P
Post Office	P		P	P		P	P	P	P	P	P
Radio, Television, Microwave Tower							P	P	P		
School, K Through 12 (Public or Private)	P	P	P	P	P	P	P	P		P	P
Sewage Pumping Station	C	C	C	C	C	C	C	C	P	P	C
Telephone Switching/Exchange Bldg.							P	P	P	P	
Wastewater Treatment Plant	C		C	C	C	C	C	C	P	P	
Water Supply (Elevated Storage Tank)							C	C	P	P	
Water Supply Facility (Private)	P		P	P	P	P	P	P	P	P	C
<b>COMM. &amp; WHOLESALE TRADE</b>											
Book Bindery							P	P			P

Schedule of Permitted Uses

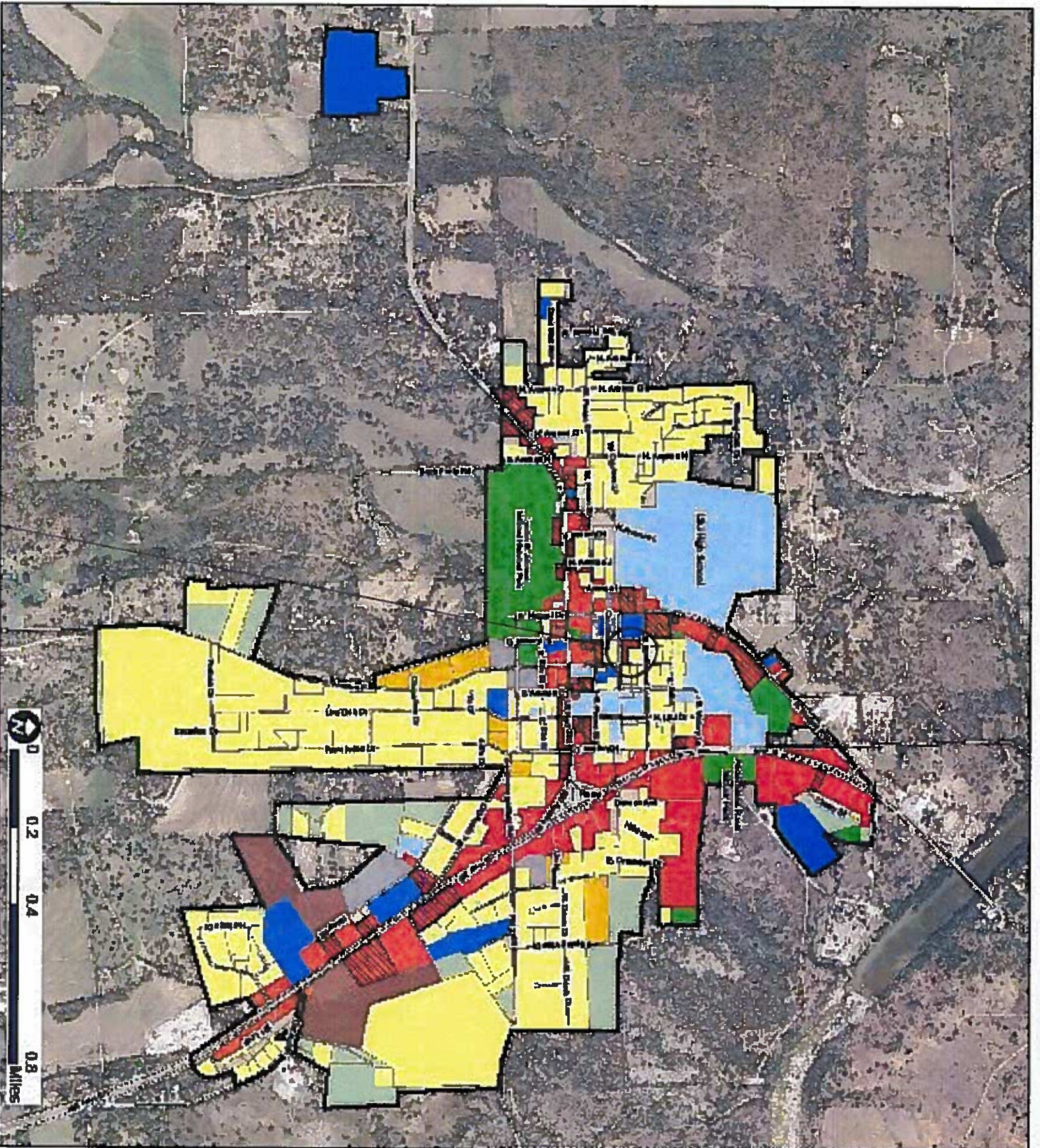
	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Feed & Grain Store								P			
Furniture Manufacturing									P		
Heating & Air conditioning Sales/Service								P	P		
Pawnshop							C				
Propane Sales (Retail)							C	P	P		
Taxidermist							C	P	P		
Transfer Station/Refuse Pickup											
Veterinarian (Outdoor Kennels or Pens)							C	P	P		
Warehouse/Office											
Welding Shop								P	P		
<b>LIGHT INDUSTRIAL/MFG.</b>											
Contractors Office (no outside Storage)							P	P	P		C
Contractors Office (With outside Storage)									P		
Contractor's Temporary on-site office								C	P		
Electronic Assembly									P		
Engine Repair or Manufacture									P		
Laboratory Equipment Manufacture									P		
Machine Shop									P		
Maintenance & Repair Services for Bldgs.									P		
Open Storage/Outside Storage									P		
Plumbing Shop											
Research Lab (nonhazardous)							P	P			
Sand/Gravel/Stone Sales or Storage							C	C	P		
Sand/Gravel Quarrying									P		C



Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
Sign Manufacturing							P	P	P		
Solar Farm									C	P	
Stone/Clay/Glass Manufacturing								P	P		

(Ordinance 19-0401, att. A, secs. F, G, adopted 5/3/19)



Subject Area



# Johnson City Future Land Use 2016-2030 DRAFT-2016

Legend	
	City Limits
<b>Future Land Use</b>	
	Agriculture/Undeveloped
	Semi-Developed
	Recreation/Open Space
	Single-Family
	Multi-Family
	Institutional
	Public Use
	Commercial/Retail
	Utility
	Industrial/Warehouse
	Streets
	Future Commercial Overlay*

\*Future Commercial Overlay indicates areas that are already developed or other uses in 2015 (i.e. housing, industrial, etc) that have been identified as areas ideal for future commercial development.

Prepared by: Bogert Law Firm, PC  
 Attorney: Derek Shuman, CAD, TNBRS  
 Disclaimer: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas LOC Sec. 213.005)  
 Bogert Law Firm does not warrant or guarantee the accuracy of this information and declines all liability.