

## ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY .334 ACRES OF LAND SITUATED IN THE THOMAS CHANDLER SURVEY, ABSTRACT NUMBER 127, SITUATED IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING A PORTION OF LOT B, BLOCK 17, AN OPEN SPACE LOT, HIDDEN VISTAS PHASE 4B, RECORDED IN DRAWER L, INSTRUMENT NUMBER 2021-139, PLAT RECORDS, JOHNSON COUNTY, TEXAS (O.P.R.J.C.T.), FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the “Zoning Ordinance and Map”); and

WHEREAS, an application for a zoning change was filed by **Peter Thomas** on **May 1, 2023**, under **Case Number 23-045**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **X to X** to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of **Planned Development (PD)** to **Planned Development (PD)**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **Planned Development (PD)**; and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council of the City of Burleson, Texas, finds that this Ordinance may be considered and approved in only one meeting because the provisions of this Ordinance concern an individual zoning case that does not propose a change to the language of the City of Burleson Code of Ordinances.

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

#### **Section 1**

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as **0.334 acre tract of land in the Thomas Chandler Survey, Abstract Number 127, situated in the City of Burleson, Johnson County, Texas, and being a portion of Lot B, Block 17, an open space lot, Hidden Vistas Phase 4B, recorded in Drawer L, Instrument Number 2021-139, Plat Records, Johnson County, Texas (O.P.R.J.C.T.), as described in Exhibit A,** by changing the zoning of said property from **Planned Development (PD)** to **Planned Development (PD)** which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

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#### **Section 2.**

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

### **Section 3.**

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

### **Section 4.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

### **Section 5.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **Section 6.**

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

### **Section 7.**

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

### **Section 8.**

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED AND APPROVED:**

**First and Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPERTY**

BEING a 0.334 acre tract of land in the Thomas Chandler Survey, Abstract Number 127, situated in the City of Burleson, Johnson County, Texas, and being a portion of Lot B, Block 17, an open space lot, Hidden Vistas Phase 4B, recorded in Drawer L, Instrument Number 2021-139, Plat Records, Johnson County, Texas. The bearings for this description are based on the Texas State Plane Coordinate System, Texas North Central Zone (4202) North American Datum 1983, using static observation and NOAA/NGS Opus calculations. Said 0.334 acre tract of land being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "RPLS 4818" found at the northeast corner of Lot 23, Block 17 of said Hidden Vistas, Phase 4B;

THENCE North 82°58'55" West, continuing along the north line of said Lot 23, a distance of 92.57 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found in the east Right of Way line of Catskill Court, a 50' wide public Right-of-Way, for the point of curvature of a non-tangent curve, concave to the west, having a radius of 50.00 Feet a central angle of 54°45'22", and a chord of 45.99 Feet bearing North 11°24'35" West;

THENCE northerly along said curve and said east Right-of-Way line, a distance of 47.78 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

THENCE North 51°12'44" East, a distance of 27.62 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set in a south line of that certain tract of land described as Burleson Hidden Vistas LP as described in Volume 3860, Page 237, Deed Records, Johnson County, Texas;

THENCE continuing along said south lines the following courses and distances:

South 38°47'16" East, a distance of 80.49 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

South 82°58'55" East, a distance of 26.05 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

North 73°19'26" East, a distance of 142.27 Feet;

South 78°30'21" East, a distance of 37.50 Feet;

North 82°22'07" East, a distance of 63.48 Feet;

South 50°46'16" East, a distance of 70.39 Feet to a to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set ;

South 58°06'22" East, a distance of 26.57 Feet to a to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the most northerly northwest corner of Lot 13, Block 17 of said Hidden Vistas Phase 4B;

THENCE South 77°06'43" West, continuing along the north line of said Lot 13, a distance of 90.32 Feet to a to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found in the east Right-of-Way line of Wasatch Court, a 50 foot public Right-of-Way for the point of curvature of a non-

tangent curve, concave to the south, having a radius of 50.00 Feet, a central angle of  $176^{\circ}37'32''$ , and a chord of 99.96 Feet bearing North  $76^{\circ}07'56''$  West;

THENCE Northerly along said curve and said east Right-of-Way line, a distance of 154.13 Feet to a to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found for the northeast corner of Lot 14, Block 17, Hidden Vistas, Phase 4A as recorded in Drawer K, Volume 11, Page 948, Plat Records, Johnson County, Texas;

THENCE South  $77^{\circ}06'42''$  West, departing said east Right-of-Way and continuing along the north line of said Lot 14, a distance of 128.08 Feet to a to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found in the east line of said Lot 23 for the northwest corner of said Lot 14;

THENCE North  $00^{\circ}07'30''$  East, departing said north line and continuing along said east line, a distance of 33.76 Feet to the POINT OF BEGINNING and containing a computed area of 0.334 Acres, more or less.

## **EXHIBIT “B”**

### **DEVELOPMENT STANDARDS**

**Single-Family:** Single-family units are a form of single family, detached housing. This residential type will consist of smaller units and lots, having access and frontage on a public or private street. Should private streets be desired, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

**Lot Area:** The minimum area of any lot shall be six thousand (6,000) square feet.

**Lot Coverage:** In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

**Lot Width:** The minimum width of any lot shall not be less than sixty (60) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty-five (55) feet at the building line; provided all other requirements of this section are fulfilled.

**Lot Depth:** The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

**Front Yard:** The minimum depth of the front yard shall be fifteen (15) feet, not including front entry garages, “J” swing garages will be allowed. The minimum depth of the front yard shall be twenty (20) feet to the face of the garage. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement.

**Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than fifteen (15) feet.

**Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

**Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories.

**Fences** adjacent to dedicated open spaces and or parkland shall be wrought iron.

