

## **ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 4.13 ACRES OF LAND, ADDRESSED AS 4139 S BURLESON BLVD, AND BEING SITUATED IN THE ISSAC SAUNDERS SURVEY, ABSTRACT NO. 800, CONVEYED BY DEED, AS RECORDED IN VOLUME 3143, PAGE 649, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM A, AGRICULTURAL TO PD, PLANNED DEVELOPMENT DISTRICT, 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, 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**, an application for a zoning change was filed by Daniel Welling, Applicant, on October 17, 2022, under Case Number 22-145; and

**WHEREAS**, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

**WHEREAS**, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

**WHEREAS**, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson and shall promote the health, safety and welfare of the community; and

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

**WHEREAS**, the City Council 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 to the Code of Ordinances of the City of Burleson.

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

### **Section 1.**

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 4.13 acres of land, addressed as 4139 S Burleson Blvd, and being situated in the Issac Saunders survey,

Abstract No. 800, conveyed by deed, as recorded in Volume 3143, Page 649, official public records, Johnson County, Texas, more particularly described in Exhibit “A” and illustrated in Exhibit “B”, all exhibits being attached hereto and incorporated herein by reference for all purposes, by changing the zoning of said property from Agricultural (A) to Planned Development District (PD).

## **Section 2.**

The Planned Development district, as defined by Exhibit A, shall be subject to the following conditions:

1. **GENERAL**

This property is subject to all the regulations contained in the City of Burleson development codes, except where amended by this Ordinance

2. **PERMITTED LAND USES**

Except as otherwise provided herein, land uses shall be permitted within this PD district shown on Exhibit A and are limited to Industrial district (I) and uses permitted within the IH35 overlay district as defined by the City of Burleson Zoning Ordinance. Except as otherwise provided herein, use and development of the property shall be in accordance with the Industrial district and IH35 design standards.

3. **PROHIBITED LAND USES**

The following land uses are prohibited within the PD district shown on Exhibit A:

- a. Auto salvage yards
- b. Asphalt/concrete batching
- c. Petroleum or gas well
- d. Petroleum storage/collection
- e. Railroad freight terminal
- f. Railroad passenger terminal
- g. Railroad team track
- h. Railroad track or right-of-way
- i. Sand/gravel/topsoil extraction/storage
- j. Sexually oriented business (SOB's)

## **Section 3.**

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 4.**

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 5.**

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 6.**

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 7.**

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 8.**

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 9.**

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\_\_\_\_\_.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney

## **Exhibit A- Legal Description**

Being all that certain lot, tract or parcel of land situated in the I. Saunders Survey, Abstract No. 800, in Johnson County, Texas and being the same land described in deed to John Glyn Morgan Jones and Constance Julia Jones, recorded in Book 3143, Page 649, Deed Records, Johnson County, Texas (D.R.J.C.T.) and being more particularly described as follows:

BEGINNING at a 3/4 inch iron pipe found for corner in the Northeast line of S. Burleson Boulevard, at the West corner of a tract of land described in deed to Bosque Disposal Systems, LLC., recorded in Instrument No. 200900030552 (D.R.J.C.T.) and at the South corner of said Jones tract;

THENCE North 29 degrees 36 minutes 29 seconds West, with the said Northeast line of S. Burleson Boulevard, a distance of 245.99 feet to a 1/2 inch iron rod found at the South corner of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Book 4370, Page 162 (D.R.J.C.T.);

THENCE North 61 degrees 08 minutes 00 seconds East, a distance of 731.49 feet to a 1 inch iron pipe found for corner in the Southwest line of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Manning's 4M Farm, LTD., a Texas Limited Partnership, recorded in Book 3464, Page 757, (D.R.J.C.T.), at the East corner of said Manning's 4M Farm tract (Book 4370, Page 162);

THENCE South 29 degrees 43 minutes 39 seconds East, a distance of 246.00 feet to a 1/2 inch iron rod found for corner in the said Southeast line of Manning's 4M Farm tract (Book 3464, Page 757), at the North corner of said Bosque Disposal Systems tract;

THENCE South 61 degrees 08 minutes 00 seconds West, a distance of 732.00 feet to the PLACE OF BEGINNING and containing 179,989 square feet or 4.13 acres of land.

MANNING'S 4M FARM, LTD., A TEXAS  
LIMITED PARTNERSHIP  
BOOK 3464, PG. 757

