

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 41.50 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 179, JOHNSON COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN CALLED 41.54 ACRE TRACT OF LAND CONVEYED TO BURLESON PREMIERE REAL ESTATE INVESTMENTS, LP., AS RECORDED IN VOLUME 3963, PAGE 796 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY TEXAS, FROM A, AGRICULTURE, 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 ("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 **Rob Orr** on **November 27, 2023**, under **Case Number 23-370**, 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 **5 to 3** to recommend disapproval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Agricultural (A)** 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 **Agricultural (A)** 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
MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as approximately 41.50 acre tract or parcel of land situated in the H.G. Catlett survey, Abstract No. 179, Johnson County, Texas, and being part of that certain called 41.54 acre tract of land conveyed to Burleson Premier Real Estate Investments, LP., by special warranty deed, as recorded in Volume 3963, Page 796, official public records, Johnson County Texas, included on Exhibit A, from Agriculture to PD, Planned Development District which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

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 & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A
Property Description

BEING a 41.54 acre tract of land situated in the H.G. Catlett Survey, Abstract Number 179, Johnson County, Texas, in the City of Burleson, and being all of that tract of land described in the Warranty Deed to Burleson Premier Real Estate Investments, L.P., as recorded in Volume 3963, Page 796, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a found 3 inch steel post in concrete, being in the intersection of the south right-of-way line of a 35 foot public Right-of-way dedicated by the Southcliff Addition Plat, as recorded in Drawer K, Volume 11, Page 950, Plat Records, Johnson County, Texas, and the northwest right-of-way line of SW Wilshire Boulevard (State Highway 174) (having a variable width public right-of-way), and also being the easternmost northeast corner of said Burleson Premier Real Estate Investments, L.P. tract;

THENCE South 34° 58' 54" West a distance of 1,989.38 feet, along said northwest right-of-way line, to a found 1/2 inch iron rod with a cap stamped "Fort Worth Surveying", being in the intersection of said northwest right-of-way line and the northeast right-of-way line of Wicker Hill Road (County Road 1021) (having a variable width public right-of-way);

THENCE North 87° 48' 36" West, along said northeast right-of-way line, a distance of 106.02 feet to a found disturbed concrete monument;

THENCE North 44° 44' 07" West, continuing along said northeast right-of-way line, a distance of 621.46 feet to a found 5/8 inch iron rod;

THENCE North 46° 58' 16" West, continuing along said northeast right-of-way line, a distance of 299.56 feet to a found 5/8 inch iron rod with cap, being in the south corner of a tract described by deed to Charles W. O'Neal, as recorded in Volume 3068, Page 298, Deed Records, Johnson County, Texas;

THENCE North 44° 39' 42" East, leaving said northeast right-of-way line, a distance of 1,297.79 feet to a found 1/2 inch iron rod, being in the northeast corner of a tract described by deed to Elvia Smith, as recorded in Document No. 2022-31449, Deed Records, Johnson County, Texas;

THENCE North 45° 40' 32" West, along the north line of said Elvia Smith tract, a distance of 152.64 feet to a found 5/8 inch iron rod, being in the northwest corner of said Elvia Smith tract and being in the west line of a tract described by deed to Juanita Underwood Life Estate, as recorded in Document No. 2022-12838, Deed Records, Johnson County, Texas;

THENCE North 45° 10' 53" East, leaving said north line, a distance of 743.13 feet to a found 5/8 inch iron rod, being south right-of-way line of said 35 foot public Right-of-way dedicated by the Southcliff Addition Plat;

THENCE South 44° 57' 35" East, along said south right-of-way line, a distance of 810.47 feet to the POINT OF BEGINNING and containing 1,809,461 square feet, 41.54 acres of land, more or less.

Exhibit B – Development Standards

Section 1. Purpose and Intent

The purpose and intent of this zoning ordinance is to establish appropriate restrictions and development controls necessary to ensure that the future horizontal mixed-use development of the subject property maintains compatibility with the surrounding development and zoning.

Section 2. Development Standards

A. Applicability

All development located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this zoning ordinance.

B. Base Zoning

Any zoning, land use requirement or restriction shall conform to those requirements and/or standards of the base zoning detailed in the Site Plan Exhibit.

C. Concept Plans.

Development of any property within the boundaries of this Planned Development District shall generally conform with the Site Plan Exhibit. If there is any conflict between the text of this ordinance and the concept plan, the text of this article controls.

D. Detailed Zone Standards

1. Zone A – General Retail District

- a. **Base Zoning.** Zone A base zoning is the General Retail District.
- b. **Permitted Uses.** In addition to the uses permitted in the General Retail District a Convenience Store with Fuel Sales is allowed by right.
- c. **The land area of Zone A is 12.02 acres.**
- d. **Phasing .** This district will consist of seven stand alone retail pad sites and will be constructed as retailers make commitments.

2. Zone B – SFR-AT Single-Family Attached Townhomes

- a. Units shall conform to the attached concept elevations.
- b. **Individually Platted Lots.** Each residential structure must be on an individually platted lot.
- c. **The land area of Zone B is 10.32 acres.**
- d. **Base Zoning.** Zone B base zoning is SFA Single-Family Attached Townhomes.
- e. **General Description.** The SFR-AT single family attached dwelling district is established to provide adequate space for medium-density, single-family attached type residential

development.

- f. **Underlying Standards.** This district will adhere to the SFA zoning district as established by the City of Burleson Zoning Ordinance, Section 58, unless specifically altered in this section.
- g. **Lot Dimension Calculation.**
 - i. The average width of a lot may be calculated as the total width of all platted lots of the one-family attached dwelling complex contained within that block divided by the number of dwellings in the complex.
 - ii. The area of a lot may be calculated as the total square footage of all platted lots of the one-family attached dwelling complex divided by the number of dwellings in the complex for each block.
 - iii. The maximum width of a one-family attached dwelling complex utilizing this calculation shall be limited to 180 feet. The maximum number of dwellings shall be limited to eight (8) in one contiguous building.
- h. **SFR-AT Single-Family Attached Townhomes Standards.** Development complying with SFR-AT Single-Family Attached Townhomes standards shall comply with the following standards:
 - i. **Density.** The maximum residential density is 12 dwelling units per acre.
 - ii. **Living Area.** The minimum living area per unit is 600 square feet.
 - iii. **Lot Size.** The minimum lot size is 1,500 square feet.
 - iv. **Lot Coverage.** The maximum coverage per lot is 85 percent.
 - v. **Lot Width.** The minimum lot width is 20 feet.
 - vi. **Lot Depth.** The minimum depth allowed per lot is 75 feet
 - vii. **Units per Building.** Maximum number of units per building is 8 units.
 - viii. **Height.** The maximum building height is 40 feet; maximum 3 stories.
- i. **Yard Area Requirements**
 - i. Minimum front yard setback – 5 feet.
 - ii. Minimum side yard setback (attached units) – None.
 - iii. Minimum side yard setback (between structures) – 5 feet minimum between structures
 - iv. Minimum side yard (exterior lot street or alley corners) – 5 feet.
 - v. Minimum rear yard setback – 5 feet.

- vi. Front yard projections into setback – 2 feet.
 - vii. Rear yard projections into setback – 2 feet.
 - viii. Side yard projections into setback – 2 feet.
 - ix. Courtyard within front yard setback will be permitted to within 0 feet or front property line.
 - x. Fencing within front yard setbacks will be permitted to within 5 feet of property line. Front yard fencing on interior lots will be 50% opaque not to exceed 48" in height (i.e., wrought iron or picket fences).
 - xi. Privacy fencing of lots along the perimeter of the development may not exceed 6 feet in height.
 - xii. Accessory trellis within front yard setback permitted to within 2 feet of property line.
 - xiii. Minimum sidewalk width will be 3 feet.
- j. **Roof Pitch.** A minimum roof pitch of 4:12 will be allowed. No minimum pitch is required for accent or dormer roofs.
- k. **Landscaping.** An ornamental tree (30 gallon) will be provided at a minimum of one (1) per cluster of units (2 attached dwelling units) and 1 canopy tree per six (6) dwelling units.
- l. **Amenity Area.** Amenity areas must be built as shown on the attached landscape and is required and must include, passive open space, walking trails and a shade structure.
- m. **Lighting:** Pedestrian poles on major drives inside the property – every 200 feet; bollard lights – min. 2 per every interior sidewalk.
- i. Street and pedestrian lighting shall be of a decorative nature and have a black powder coat finish and must be raised at least nine inches above finished grade on a concrete pedestal.
- n. **Off-Street Parking:** 2 spaces per dwelling unit will be provided. These spaces can be tandem spaces with one space in an enclosed garage and one space directly in front of the garage. In addition, an additional 0.25 guest parking spaces are required for each unit.
- o. **Anti-Monotony Standards**
- i. **Interior lots:** No two of the same elevation shall exist on the same side of any street. This does not include the attached structure(s) sharing the same elevation.
 - ii. **Perimeter lots:** No structure shall have the same elevation within 4 structures of any unit. This does not include the attached structure(s) sharing the same elevation.
 - iii. Anti-monotony can be accomplished by having adjacent structures of different stories and/or utilizing different elevations / architectural styles or by utilizing different primary façade materials that comprise no less than 50 percent for

each adjacent structure (i.e., brick or stone)

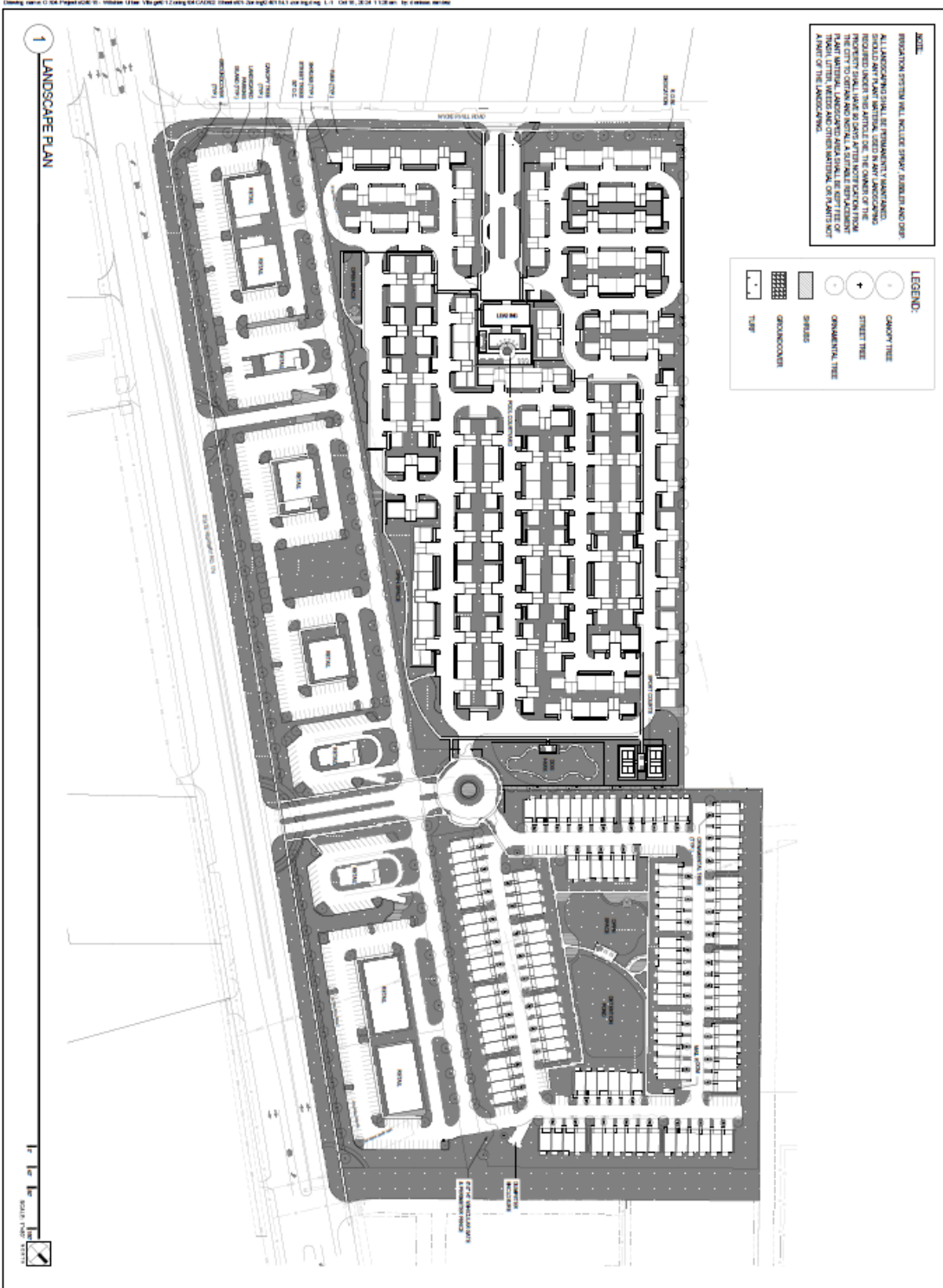
- p. **Phasing** . All amenities detailed in Section I above, must be completed once 75% of the dwelling units are ready to be occupied.

3. Zone C – BTR For Rent (BTR)

- a. Units shall conform to the attached concept elevations.
- b. The land area for Zone C is 18.88 acres.
- c. **Base Zoning.** Zone C base zoning is SF-A, but residential structures do not have to be individually plated lots.
- d. **General Description.** The BTR- multifamily dwelling district is established to provide adequate space for low-density, multi-family type residential development.
- e. **Underlying Standards.** This district will adhere to the SFA zoning district as established by the City of Burleson Zoning Ordinance, Section 58, unless specifically altered in this section.
- f. **Lot Dimension Calculation.**
 - i. All dwelling units in this district can be on a single parcel.
 - ii. The maximum width of a one-family attached dwelling complex shall be limited to 270 feet. The maximum number of dwellings shall be limited to eight (8).
- g. **BTR - Standards.** Development complying with BTR standards shall comply with the following standards:
 - i. **Density.** The maximum residential density is 12 dwelling units per acre.
 - ii. **Living Area.** The minimum living area per unit is 600 square feet.
 - iii. **Units per Building.** Maximum number of units per building is 8 units.
 - iv. **Lot Coverage.** The maximum lot coverage is 75%.
 - v. **Height.** The maximum building height is 30 feet; maximum 1 story.
- h. **Yard Area Requirements**
 - i. Minimum front yard setback – 5 feet.
 - ii. Minimum side yard setback (attached units) – 0 feet.
 - iii. Minimum side yard setback (between structures) – 5 feet minimum between structures
 - iv. Minimum side yard (exterior lot street or alley corners) – 5 feet.
 - v. Minimum rear yard setback – 5 feet.
 - vi. Front yard projections into setback – 2 feet.
 - vii. Rear yard projections into setback – 2 feet.
 - viii. Side yard projections into setback – 2 feet.

- ix. Courtyard within front yard setback will be permitted to within 2 feet of the front property line.
 - x. Fencing within front yard setbacks will be permitted to within 5 feet of property line. Front yard fencing on interior lots will be 50% opaque not to exceed 48" in height (i.e., wrought iron or picket fences).
 - xi. Privacy fencing of lots along the perimeter of the development may not exceed 6 feet in height.
 - xii. Accessory trellis within front yard setback permitted to within 2 feet of property line.
 - xiii. Minimum sidewalk width will be 3 feet.
- i. **Roof Pitch.** A minimum roof pitch of 4:12 will be allowed. No minimum pitch is required for accent or dormer roofs.
 - j. **Landscaping.** Not less than 10 % of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas driveways, and internal streets, but can include detention areas if programmed.
 - k. **Amenity Area.** Amenity areas must be built as shown on the attached landscape and is required and must include a pool area, sports court, a dog park, passive open space, walking trails and a shade structure.
 - l. **Bicycle Parking.** A total of 12 bicycle parking spaces will be required.
 - m. **Off-street parking:** 2 spaces per dwelling unit will be provided. These spaces can be tandem spaces with one space in an enclosed garage and one space directly in front of the garage. In addition, an additional 0.25 guest parking spaces are required for each unit.
 - n. **Lighting:** Pedestrian poles on major drives inside the property – every 200 feet; bollard lights – minimum 2 per every interior sidewalk.
 - i. Street and pedestrian lighting shall be of a decorative nature and have a black powder coat finish and must be raised at least nine inches above finished grade on a concrete pedestal.
 - o. **Phasing .** All amenities detailed in Section I above, must be completed once 75% of the dwelling units are ready to be occupied.

Site Plan Exhibit



<p>BRUCE VAN DYKE DESIGN 1000 W. WILSON ROAD BURLESON, TX 76028 TEL: 817.291.1111 WWW.BVDDESIGN.COM</p>	<p>WILSHIRE URBAN VILLAGE BURLESON, TEXAS</p>	<table border="1"> <tr> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION							<p>PROJECT NUMBER: 2013-001 DATE: NOVEMBER 19, 2013 SCALE: AS SHOWN</p> <p>LANDSCAPE PLAN</p> <p>L-1</p>
DATE	DESCRIPTION										