

ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BURLESON CODE OF ORDINANCES BY AMENDING SECTIONS 11-100 (ORGANIZATION) AND 11-120 (VOTE REQUIRED FOR BOARD DECISIONS) OF SECTION 11 (BOARD OF ADJUSTMENT) OF ARTICLE I (ADMINISTRATIVE) OF APPENDIX B (ZONING) AND SECTION 4-91 (APPOINTMENT AND TERMS) OF DIVISION 5 (BURLESON OLD TOWN DEVELOPMENT STANDARDS REVIEW COMMITTEE) OF ARTICLE IV (OLD TOWN DESIGN STANDARDS) OF APPENDIX C (URBAN DESIGN STANDARDS) BY INCREASING THE NUMBER OF VOTING MEMBERS ON THE ZONING BOARD OF ADJUSTMENT AND OLD TOWN DEVELOPMENT STANDARDS REVIEW COMMITTEE AND TO LIMIT THE NUMBER OF CONSECUTIVE TERMS A MEMBER MAY SERVE ON SAID BOARDS, EXCEPT FOR YOUTH MEMBERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A CUMULATIVE CLAUSE, A SEVERABILITY CLAUSE, AND 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, the City Council desires to increase the number of voting members to nine (9) on the Zoning Board of Adjustment and Old Town Development Standards Review Committee; and

WHEREAS, except for youth members, the City Council desires to limit the number of consecutive terms a member may serve on the Zoning Board of Adjustment and Old Town Development Standards Review Committee to two (2); and

WHEREAS, the City Council desires to amend its ordinances as provided herein; and

WHEREAS, the City Council hereby finds and determines that the amendments and regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, welfare, morals, and general welfare.

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

Section 1.

Appendix B "Zoning," Article I "Administrative," Section 11 "Board of Adjustment," is hereby amended by repealing and replacing Section 11-100 "Organization" to read as follows:

“Sec. 11-100. Organization.

There is hereby created a board of adjustment. The board membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for the number of members, Section 2-33(a) for qualifications of members, and Section 2-31(d) for terms of members. The City Council may appoint three alternate members who shall serve in the absence of one or more regular. All cases to be heard by the board of adjustment must be heard by a minimum number of the seven members. The alternate members shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members.”

Section 2

Appendix B “Zoning,” Article I “Administrative,” Section 11 “Board of Adjustment,” is hereby amended by repealing and replacing Section 11-120 “Vote Required for Board Decisions” to read as follows:

“Sec. 11-120. Vote Required for Board Decisions.

The concurring vote of seven members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance to the ordinance.”

Section 3

Appendix C “Urban Design Standards,” Article IV “Old Town Design Standards,” Division 5 “Burleson Old Town Development Standards Review Committee,” is hereby amended by repealing and replacing Section 4-91 “Appointment and Terms” to read as follows:

“Sec. 4-91. Appointment and Terms.

- A. *Membership.* The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for number of members. The director of planning or that person’s duly authorized representative shall be an ex officio member of and shall act a secretary to the committee, but shall have no vote on any matter before the committee. Appointed members of the committee shall hold office at the pleasure of the City Council.
- B. *Terms.* Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

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 the City Code and other ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

Section 6

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 7

This ordinance shall be in full force and effect on and after April 1, 2023. The City Secretary shall provide for the publication of this ordinance after its passage and as provided by law.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

PASSED AND APPROVED this the _____ day of _____, 20____.

Chris Fletcher, Mayor

(Seal)

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney