

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 111.948 ACRES OF LAND LOCATED IN THE JOSEPH WEST SURVEY, ABSTRACT NO. 855, JOHNSON COUNTY, TEXAS, FROM AGRICULTURAL (A) 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 Matt Powell on July 24, 2023, under Case Number 23-149 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 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

The Zoning Ordinance and Map is hereby amended insofar as it as 111.948 acres of land located in the Joseph West survey, Abstract no. 855, Johnson County, Texas as shown on the attached **Exhibit 1** incorporated herein by reference, by changing the zoning of said property from **Agricultural (A) to Planned Development (PD)**.being attached hereto and incorporated herein by reference for all purposes.

Section 2.

The Planned Development district, as described by Exhibit 1 and depicted on Exhibit 2, 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 permitted within this PD district shown on Exhibit 2 are limited to the Planned Development Single-Family Townhome District (PD SF-TH) and Single Family Residential (SFA – Single Family Attached Dwelling District) and Commercial (C1) zoning district as defined by the City of Burleson Zoning

Ordinance.

The purpose of the Planned Development District is to facilitate the development of high-quality Single-Family attached product located within the PD area.

3. DEVELOPMENT STANDARDS:

Except as otherwise provided herein, the acting development standards applied to this PD district shown on Exhibit A shall include the Planned Development Single-Family Townhome District (PD SF-TH) development area regulations and all the regulations contained in the City of Burleson development codes, except where amended by this Ordinance:

A - Planned Development Single-Family Townhome District (PD SF-TH)

1. Lot Requirements:

- a. Min. lot sizes: 1400 square feet per unit
- b. Lot width: 20 feet
- c. Lot depth: 70 feet
- d. Lot coverage: 75%
- e. Front yard setbacks
 - i. Garages: 20 feet
 - ii. All other portions of the building: 15 feet
- f. Rear yard setbacks: 0 feet (Adjacent to open space mews)
- g. Side yard: 0 feet
- h. 3 Stories; maximum height: 40 feet

B. Open Space Mews

- i. Open space mews required between all buildings as generally shown on Exhibit 2.
- ii. Minimum mews width: 20 feet

C. Walking Trail

- i. Minimum of eight (8) ft. wide with one bench per every one thousand (1000) ft and trash can per one thousand (1000) ft. Trash to be maintained by the HOA.
- ii. The trail system shall be accessible and open to the general public. The remaining open space/common area lots and amenities located within such areas may be reserved for private use, at the property owner's discretion.

D. Sidewalk

- i. There shall be a five (5) foot sidewalk in front of all buildings fronting onto. The sidewalk shall utilize enhanced paving.
- ii. Sidewalks shall be at least six (6) feet when adjacent to eighteen (18) foot parking spaces.

E. Parking

- i. Two (2) enclosed spaces behind the front yard line (labeled Building Line in Exhibit 2).

- ii. On-Street Parking shall be prohibited on 41' Private Road within the SF-TH development. Adequate signage shall be provided on every street to enforce this amendment.
- iii. Visitor parking within PD SF-TH: 0.25 per dwelling unit.

F. Common Area Maintenance

- i. To ensure the long-term maintenance of common land and facilities in townhome district the homeowners' association (HOA) or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land, and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities with a pro-rata formula for all property owners.
- ii. The General Retail Tract shall be exempt from required screening adjacent to the HOA common area lot as shown in Exhibit 2, in order to allow for patios and potential trail connection.

G. Official Zoning Map

The official Zoning Map of the City shall be corrected to reflect the change in zoning described herein.

B - Single Family Residential (SFA – Single Family Attached Dwelling District)

- No change

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 1:

LEGAL DESCRIPTION

BEING a 111.948 acre tract of land situated in the Joseph West Survey, Abstract No. 855, Johnson County, Texas and being the same land described as 117 acres in a deed to Weldon R. Woodard as recorded in Volume 1814, Page 837 of the Official Public Records, Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the Northeast corner of Lot 18 of the Sundance Subdivision, an addition to Johnson County, Texas according to the Map or Plat thereof recorded in Volume 1, Page 13 of the Map and Plat Records of Johnson County, Texas same being the Southwest corner of Lot 27 of the Walden Estates Subdivision, an addition to Johnson County, Texas according to the Map or Plat thereof recorded in Volume 4, Page 90 of said Map and Plat Records;

THENCE North 89 degrees 25 minutes 54 seconds East, along the common line of said Walden Estates, 1196.33 feet passing a 5/8 inch iron rod found for the Southeast corner of Lot 34 of said Walden Estates, and traveling a total distance of 1277.77 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585, on the West Right-of-Way line of the Chisholm Trail Parkway, a variable width Right-of-Way, for the Northwest corner of a called 1.200 acre tract of land described as Control Access - Partial Acquisition, in a deed to the State of Texas as recorded in Document Number 2008- 40878, same being the Northwest corner of a called 23.380 acre tract of land described in a deed to the State of Texas as recorded in Document Number 2007-26710 of said Official Public Records, and being the Northeast corner of this tract;

THENCE South 00 degrees 37 minutes 14 seconds West, along the West Right-of-Way line of said Chisholm Trail Parkway and said 23.380 acre tract, a distance of 1341.20 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585, for the beginning of a curve to the Left with the Radius of 11,459.16 feet;

THENCE with said curve to the left with a chord bearing of South 01 degrees 37 minutes 42 seconds East, chord length of 929.47', through a central angle of 04 degrees 38 minutes 55 seconds, an arc length of 929.47', to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585, for the North corner of a called 10.95 acre remainder portion of a 116.525 acres of land as described in a deed to Joshua Independent School District as recorded in Document Number 3103-984 of said Official Public Records;

THENCE South 00 degrees 11 minutes 17 seconds West, along the common line of said 10.95 acre tract, a distance of 706.59 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585 on the West line of said 10.95 acre tract for the Northeast corner of a called 0.592 acre tract of land described in a deed to County of Johnson as recorded in Volume 4467, Page 283 of said Official Public Records;

THENCE along the common line of said 0.592 acre tract the following courses and distances:

North 88 degrees 52 minutes 50 seconds West, a distance of 93.93 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585 for the beginning of a curve to the Left with a Radius of 80.00 feet;

THE PRAIRIE AT CHISHOLM TRAIL

Thence with said curve to the left with a chord bearing of South 43 degrees 52 minutes 18 seconds West, and chord length of 109.25', through a central angle of 86 degrees 07 minutes 48 seconds with an arc length of 120.26' to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585;

South 00 degrees 48 minutes 24 seconds West, a distance of 80.50 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585;

South 89 degrees 18 minutes 08 seconds East, a distance of 120.69 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585 on the South line of said 0.592 acre tract, for a Northwest corner of a called 5.739 acre tract of land described in a deed to Texas Utilities Electric Company as recorded in Volume 1419, Page 347 of said Official Public Records;

THENCE along the common line of said 5.739 acre tract the following courses and distances;

South 00 degrees 36 minutes 25 seconds West, a distance of 364.86 feet to a Texas Department of Transportation Monument with Brass cap;

North 89 degrees 04 minutes 23 seconds West, a distance of 399.97 feet to a 5/8 inch iron rod found;

South 00 degrees 36 minutes 20 seconds West, a distance of 523.44 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585 on the North line of a called 16.894 acre tract of land described in deed to Stephanie Kristine Coomer as recorded in Document Number 2017-18962 of said Official Public Records, same being the Southwest corner of said 5.739 acre tract;

THENCE South 89 degrees 51 minutes 27 seconds West, along the South line of said 117 acre tract, a distance of 828.75 feet to a 1/2 inch iron rod found on the East line of said Sundance Subdivision, for the Northwest corner of a called 8.99 acre tract of land as described in a deed to Michael Glenn Brothers as recorded in Document Number 2019-30817 of said Official Public Records, same being the Southwest corner of this tract;

THENCE North 00 degrees 28 minutes 06 seconds West, along the common line of said Sundance Subdivision, a distance of 1785.16 feet to a 1/2 inch capped iron rod set, marked DATAPOINT#10194585 for an angle point on the East line of said Sundance Subdivision and the West line of this tract;

THENCE North 00 degrees 23 minutes 54 seconds East, continuing along said common line, a distance of 2221.80 feet to the POINT OF BEGINNING, containing 111.948 acres of land, more or less

