

## 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 39.696 ACRES OF LAND LOCATED IN THE H.G. CATLETT SURVEY NO. 12, ABSTRACT NO. 185, JOHNSON COUNTY, TEXAS, FROM AGRICULTURE (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 David Reaves (applicant) on December 27, 2022, under Case Number 22-169, 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 7 to 0 to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of Agriculture (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 Agriculture (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 relates to certain land described as 39.696 acres of land located in the H.G. Catlett Survey No. 12, Abstract No. 185, Johnson County, Texas (D.R.J.C.T.), as shown on the attached Exhibit A incorporated herein by reference, by changing the zoning of said property from Agriculture (A) to Planned Development (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

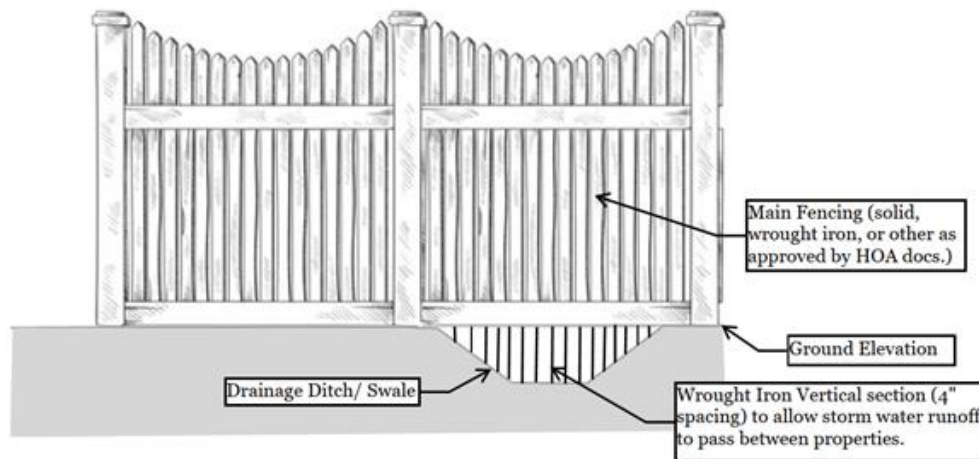
2. PERMITTED LAND USES

Except as otherwise provided herein, land uses permitted within this PD district shown on Exhibit A are limited to the Single-Family Estate (SFE) zoning district as defined by the City of Burleson Zoning Ordinance.

3. DEVELOPMENT STANDARDS:

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

- Minimum Lot Width: Sixty Feet (60')
- Any fences built across a drainage easement must be either open to allow the flow of surface water, or be constructed in a manner that allows water to flow freely underneath it. Acceptable options are depicted below:



**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 – Legal Description**

A 39.696 acre tract of land out of the H. G. Catlett Survey No. 12, Abstract No. 185, Johnson County, Texas, being a portion of those two tracts conveyed by B. S. DeBusk, and wife, Phyllis DeBusk to C. B. Green by Warranty Deed recorded in Volume 419, Page 53, Deed Records of Johnson County, Texas, and a portion of that tract conveyed to C. B. Green by Warranty Deed recorded in Volume 463, Page 210 of said Deed Records, said combined tract being more particularly described by metes and bounds as follows;

BEGINNING at a set 1/2" steel rod at the most northerly corner of Lot 1, Block 1, Monroe Addition, an addition in Johnson County, Texas, according to the plat recorded in Volume 9, Page 321, Drawer C, Plat Records, Johnson County, Texas, said point being in the westerly northwest line of said Green tract in Volume 419, Page 53 of said Deed Records;

THENCE North 45°04'57" East along the westerly northwest line of said Green tract, and along a fence, 746.92 feet to a found 1/2" steel rod;

THENCE North 45°13'15" West along a fence, 662.10 feet to a fence corner post;

THENCE North 46°03'11" East along a fence, 1443.25 feet to a found 1/2" steel rod;

THENCE South 44°31'00" East along a fence, 676.05 feet to a found 1/2" steel rod;

THENCE South 46°42'10" West along a fence, 1347.47 feet to a found 1/2" steel rod;

THENCE South 45°00'00" East along the southerly northeast line of said Green Tract, 922.30 feet to point;

THENCE South 45°42'43" West, 839.79 feet to a point in the southwesterly line of said Green Tract and the northeasterly line of said Lot 1, Block 1, Monroe Addition;

THENCE North 44°31'59" West along a fence, 540.00 feet to a found 1/2" steel rod at an angle point in the northeasterly line of said Lot 1, Block 1;

THENCE North 44°55'03" West, continuing along said northeasterly line of Lot 1, Block 1 and along a fence, 373.37 feet to the Point of Beginning and containing 39.696 acres (1,729,163 square feet) of land, more or less.