

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 9.161 ACRES OF LAND KNOWN AS LOT 3, BLOCK 1, SHANNON CREEK DEVELOPMENT, AS DESCRIBED ON THE FINAL PLAT RECORDED IN INSTRUMENT NO.2020-033, ON FEBRUARY 18,2020, JOHNSON COUNTY PLAT RECORDS (J.C.P.R.T.), JOHNSON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT DISTRICT “PD” 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 **Drew Wegman representing Silver Leaf Homes** on **February 19, 2024**, under **Case Number 24-064**, 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 approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Planned Development (PD)** 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 **Planned Development (PD)**; 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 located in Burleson, Texas, described on the Final Plat attached as **Exhibit A**, by changing the zoning of said property from PD, Planned Development district to the PD, Planned Development district for a cottage style residential development, with the area and location for such uses being depicted as Lot 3, Block1 of the Shannon Creek Development Final Plat (attached as Exhibit A-1) and Tract 3 of the Shannon Creek Development Plan (attached as Exhibit A-2).

Section 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Standards attached as Exhibit B.

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____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

LOT 3, BLOCK 1, SHANNON CREEK DEVELOPMENT

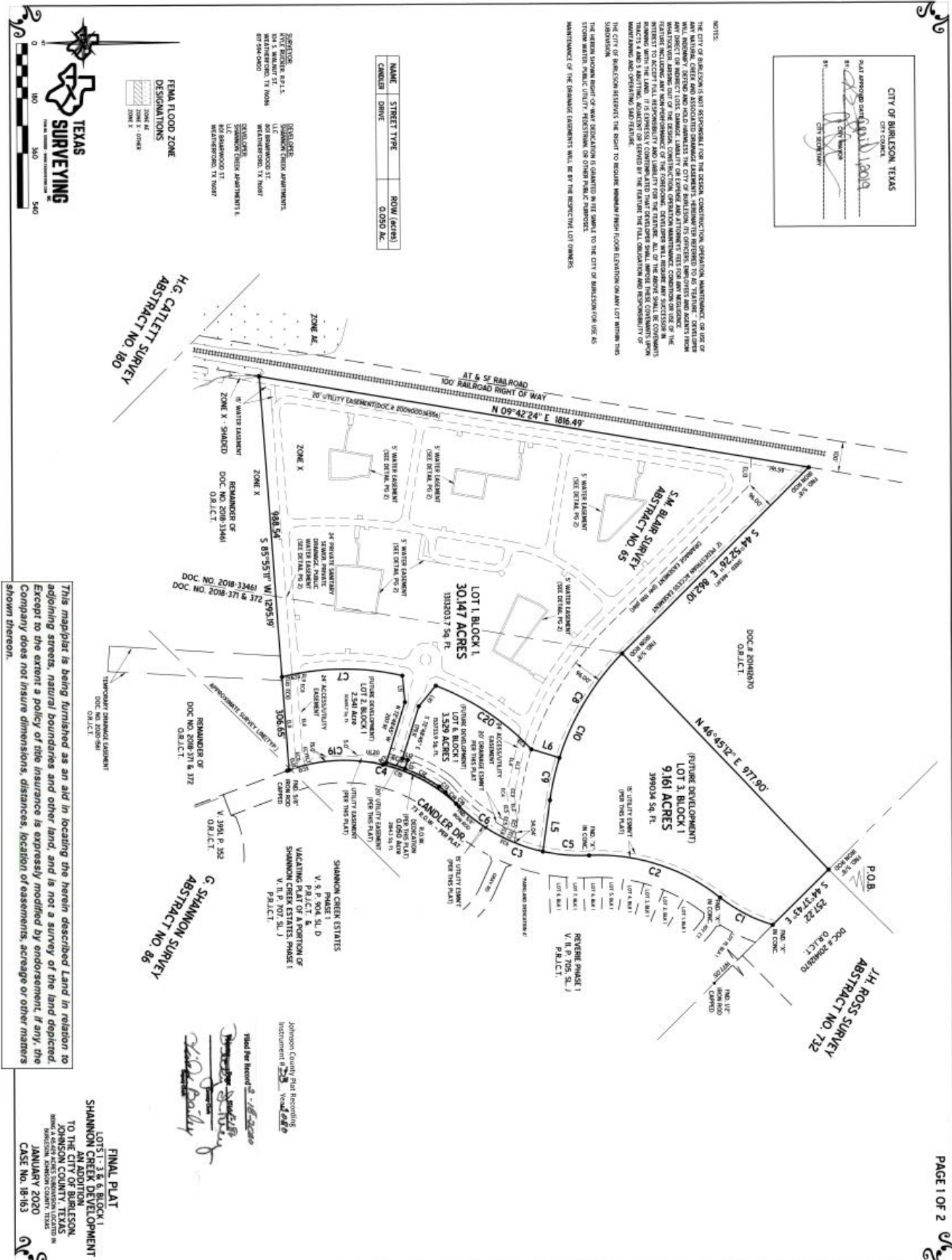


EXHIBIT "A-2"

SHANNON CREEK DEVELOPMENT PLAN

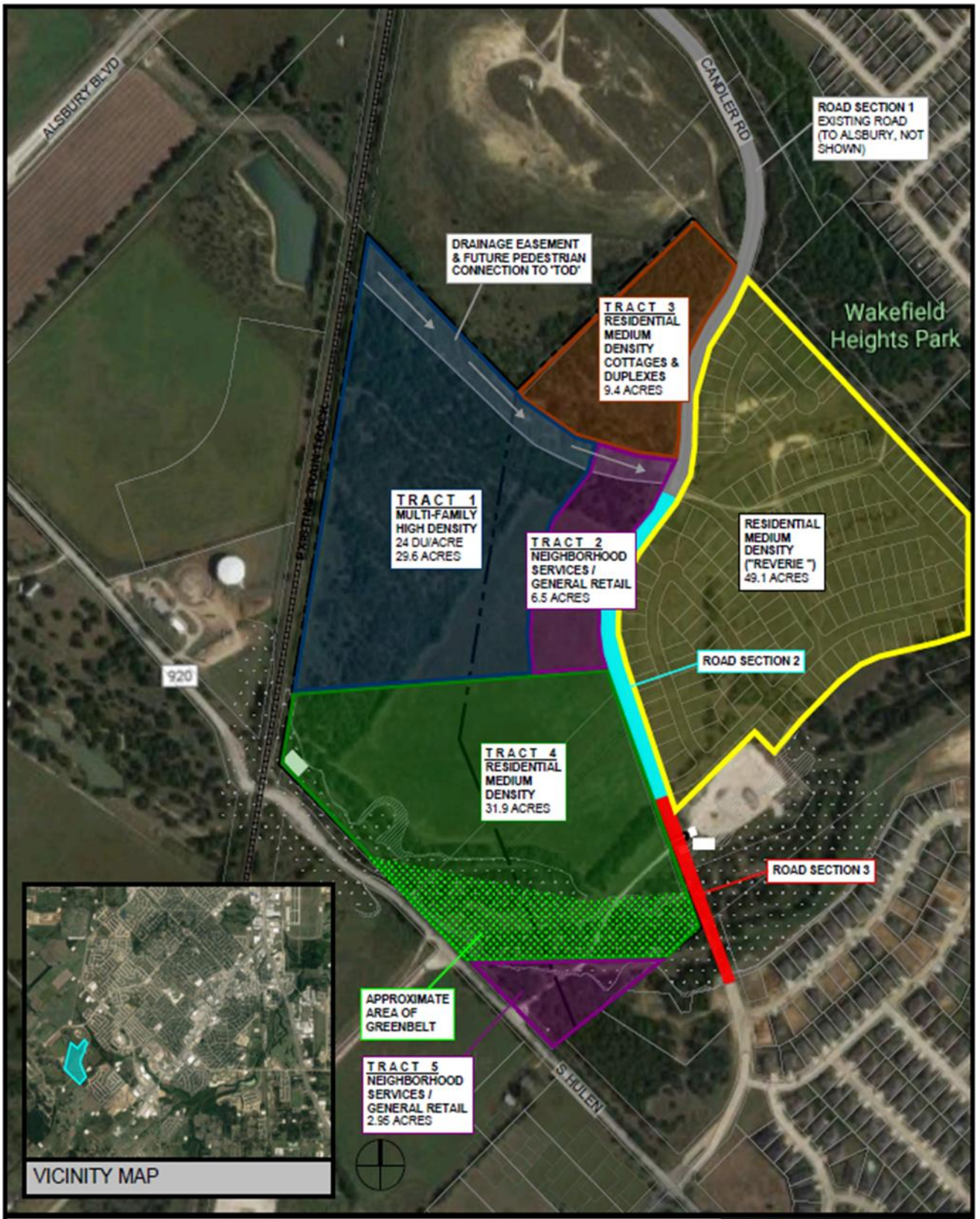


EXHIBIT “B”

SHANNON CREEK TRACT 3 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. All City of Burleson Engineering standards will be adhered to unless otherwise specified in this document or in the approval process of engineering plans.

B. Concept Plans.

Development of any property within the boundaries of this Planned Development District shall generally conform to the Site Plan Exhibit (attached as Exhibit C) and the Elevation Examples (attached as Exhibit D). If there is any conflict between the text of this ordinance and the concept plan or elevation examples, the text of this article controls.

C. Architectural, Dimensional and Density Standards

1. Concept Elevations. Units shall conform to the attached concept elevations. They are not the final architectural designs but instead are intended to be a concept of the architectural style and form for the community to act as a general guideline in design of the final product.
2. Density. The maximum residential density is 12 dwelling units per acre.
3. Living Area. The minimum living area per unit is 800 square feet
4. Units per Building. Maximum number of units per building is 6 units.
5. Height. The maximum building height is 35 feet; maximum 2 stories.
6. Lot Coverage. The maximum coverage per lot is 70 percent.
7. Yard Area Requirements
 - a. Front of building setback – 10 feet minimum from property line or 5’ minimum from street paving.
 - b. Side yard setback (attached units) – 0 feet.
 - c. Side yard setback (between structures) – 10 feet minimum between structures
 - d. Side yard (exterior lot street or alley corners) – 5 feet minimum.
 - e. Rear yard setback – 10 feet minimum from property line or 5’ minimum from alley paving.
 - f. Fencing within front yard setback will be permitted to within 5 feet of property line. Front yard fencing will be 50% opaque not to exceed 48” in height (i.e., wrought iron or picket fences).
8. Sidewalks. The minimum sidewalk width will be 4 feet and shall be located as indicated on the Site Plan Exhibit.
9. Roof Pitch. A minimum roof pitch of 4:12 will be allowed. No minimum pitch is required for accent or dormer roofs.
10. Fencing. Fencing along Candler Ave may not exceed 6’ in height and will 50% opaque (i.e., wrought iron or picket fences). Privacy fencing along the side and rear perimeter of the development may not exceed 8 feet in height.

11. Landscaping. An ornamental tree (30 gallon) will be provided at a minimum of one (1) per two (2) dwelling units and 1 canopy tree per six (6) dwelling units. 10 shrubs or bushes with a minimum size of 3 gallons, will be provided per dwelling unit. Landscaping calculations shall be made on a comprehensive basis for the entire site.

12. Lighting: Street and pedestrian lighting shall be of a decorative nature and have a black powder coat finish and must be on a concrete pedestal.

13. Park Amenities. Parkland dedication requirements for the City have already been satisfied by parks dedication by the Master Developer but additional open space and parks amenities will be installed within the community and shall include:

- a. Barbeque area – one location
- b. Dog park – minimum of 2,000 SF
- c. Dog cleanup stations – min. 2 along the trail and one in dog park area
- d. Benches – min. 2 along the trail.
- e. Walking Trails - will be provided throughout the community and used in conjunction with sidewalks to connect dwellings to open space and amenities in general accordance with the site plan exhibit.

14. Clubhouse – minimum 1,500 SF and will include business center, leasing office, fitness area, community game room and gathering areas.

- a. Swimming pool – minimum 1,500 SF of pool, lounge areas and associated decking.

15. Off-street parking. 2 parking spaces per dwelling unit will be provided by rear entry two car garage, front entry one car garage & one surface parking space or two surface parking spaces

16. Detached Garages. Detached garages will be allowed for lease to tenants of the property.

17. Anti-Monotony Standards. An anti-monotony plan will be enforced to provide for architectural diversity and harmony throughout the community. Units within a building will also have different architectural elements to create more interest with each building design.

- a. No building shall have the same elevation and exterior materials as any building directly adjacent.
- b. The buildings that front Cander Drive shall each have a unique elevation/exterior material combination.

18. Park Requirements: All regulations related to parkland dedication and development shall be subject to Article 8 of the Subdivision and Development Ordinance.

19. Cross Access: All tracts within this Planned Development shall be designed to allow pedestrian, vehicular and utility cross access to the greatest degree practical and as described below.

- a. In the case where multi-family is adjacent to retail or general office then pedestrian and utility access will be provided via code activated access gates.
- b. Vehicle cross access may be provided between all commercial tracts in addition to pedestrian and utility cross access.
- c. Cross access between the single family use and adjacent uses will be evaluated may be provided in order to eliminate unnecessary trips on Candler Dr.

20. Buffering and Screening Requirements: A buffer is required at any location a non-residential use is adjacent to a residential use. Any of the following or combination may be used to create a minimum eight foot (8') high screen:

- a. Screening Fence
 - i. Fencing shall be made of any combination of masonry, stone or decorative concrete panels. A decorative metal fence in combination with landscaping may only be used with approval of the Development Advisory Committee (DAC). If a decorative metal fence is proposed, the landscape shall be 100% opaque in nature to provide screening as intended.
 - ii. Decorative stone, masonry or stucco pilasters are required at a minimum of 50 foot centers.
 - iii. A cap is required in conjunction with other design elements to modulate the top of the wall.
 - iv. A minimum of ten feet (10') landscaped area with one (1) tree for every thirty (30) linear feet will be required if a wall is proposed.

EXHIBIT D

ELEVATION EXAMPLES (Page 1 of 3)



EXHIBIT D (Page 2 of 3)



EXHIBIT D (Page 3 of 3)





*These are not the actual elevations and plans since the design has not been completed. They are intended to be representation of the architectural style and form for the community to act as a general guideline in design of the final product.