ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND BY AMENDING PLANNED DEVELOPMENT ZONING ORDINANCE CSO#932-11-2018 OF APPROXIMATELY 34.49 ACRES LOCATED IN DAVID CLARK SURVEY, ABSTRACT NO. 138 (THE ZONING AREA), CITY OF BURLESON, JOHNSON COUNTY, TEXAS,; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR 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, an application for a zoning request was submitted by L.W. Investments, LLC on September 24, 2018, under Case Number 18-122; and

WHEREAS, an application to amend the Planned Development was filed by John Cornelsen with Evolving Texas on behalf of Windmiller Properties, Property Owner, on February 10, 2020 under Case Number 20-013; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing;

WHEREAS, the Planning and Zoning Commission made a recommendation on the proposed amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council 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 Code of Ordinances of the City of Burleson.

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

Section 1.

That the Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown by the Legal Description attached as Exhibit A (the Zoning Area), incorporated herein by reference, to a Planned Development district for Single Family Detached residential use, with the area and location for such uses being depicted on the Concept Plan as shown on the attached Exhibit B incorporated herein by reference.

All development occurring within the boundaries of the Zoning Area shall conform to all applicable land use and development requirements prescribed in the City of Burleson, Texas, Code of Ordinances, with additional restrictions and regulations provided herein.

Section 2. SUBDIVISION DESIGN

- A. The developer is providing approximately 8.25 acres of open space that will include a playground area, pond with fountain, and small dog park and shall be credited towards the parkland dedication requirement of 0.81 acres. The parkland development fee of \$24,300 dollars (81 lots x \$300 per lot) may be credited towards proposed improvements within the Pecan Grove gated community. A detailed plan including renderings of the proposed improvements with associated estimated costs shall be submitted to the Department of Parks and Recreation for review and shall be presented to the City Council for consideration and approval prior to release of the civil construction plans. Commercial grade playground equipment shall be purchased and installed by an approved vendor. All improvements proposed within the open space areas included on Exhibit B shall be constructed and accepted by the city prior to final acceptance of the infrastructure in the subdivision. The HOA shall be responsible for all maintenance of the open space and associated improvements. Prior notification and plan acceptance for any modifications of the area designated as a dog park must be provided to staff for City approval.
- B. The design and location of residential lots, drainage areas, open space, common areas and park land shall substantially conform to the Concept Plan as shown on the attached Exhibit B incorporated herein by reference.
 - 1. A six foot (6') high wrought iron type fence with stone columns 2 foot by 2 foot with a 30-inch cap constructed along rear and side lot lines that share a common property line with any designated open space, common areas or corner lots. Stone columns are to be staged equally between fence sections +/- every 35 feet. Such fences shall not encroach into the required front yard setback of any lot, and shall only be (and remain) painted black in a powder

- setback of any lot, and shall only be (and remain) painted black in a powder coated finish or equivalent type of finish. No structural or decorative attachments, other than vegetative landscaping, shall be constructed or applied to any surface of such fences.
- 2. A minimum 6-foot-high masonry wall shall be constructed adjacent to CR 714 and will not exceed 8 feet in height.
- C. The Zoning Area should have at least two points of access for traffic distribution. Second point of access may be utilized for emergency purposes only and shall be a minimum of 24 foot in width and constructed to fire lane standards or equivalent and approved by the fire marshal.
- D. Development shall include landscaping and open spaces that are planned and coordinated throughout the development. Any common area or open space dedicated and used for private purposes shall be maintained by a mandatory home owners association.
- E. In lieu of the City's landscape ordinance requirement for front yard trees, street trees in accordance with the attached landscape plan (Exhibit F):
 - i. Street Trees will be provided within a 6-foot wide tree lawn and shall be centered within the tree lawn.
 - ii. Street trees shall be planted in accordance with Exhibit F, but each lot shall have a minimum of one tree.
 - iii. Street trees will only be selected from the following: Live Oak, Red Oak, Chinese Pastiche, Lace Bark Elm, and Thornless Honey Locust.
 - iv. The minimum spacing between trees will be 30 feet.
 - v. For any corner lots requirements refer to the landscape plan included within this ordinance as Exhibit F.
 - vi. Street trees shall be maintained by the HOA and kept trimmed above the roadway.
 - vii. Trees must be 3" caliper at time of planting.
- F. Corner lots on any block face shall have front yards described below and as shown on Exhibit D incorporated herein by reference.
 - 1. Back to back corner lots (lots with rear yards that abut each other) shall each have one front yard.
 - 2. A corner lot with a rear yard that abuts the front yard of another lot shall have a front yard along both street corner frontages. The remaining yards are side and rear yards.

Section 3. ARCHITECTURAL, DIMENSIONAL AND DENSITY CONTROLS

- A. The Zoning Area shall offer a variety of single family housing and lot types in a variety of sizes in conformance with the density and dimensional standards shown on the attached Exhibit C, Density and Dimensional Table, incorporated herein by reference, with certain standards being more particularly described below.
- B. A Traditional Neighborhood Design (TND) Plan shall be established for the Zoning Area. <u>Traditional Neighborhood Development or TND</u> is an area designated with unique development characteristics that:
 - 1. Is comprised of architecturally significant design themes;
 - 2. Utilizes traditional masonry, stone or other exterior building products, such as cementitious fiber board;
 - 3. Reflects historic architecture or modern interpretations of historic architecture applicable to the region, such as Mediterranean, Texas Prairie, Craftsman, Bungalow, Modern Farmhouse, Prairie Modern, Tudor, Modern, Victorian or other significant architecture found throughout history, as long as it is used for the purpose of achieving a distinctive or definitive architectural style consistent with the provisions of this Ordinance. Acceptable and non-acceptable examples of this architectural style are shown in the attached Exhibit E incorporated herein by reference; and
 - 4. The building design principles employed in achieving the TND architectural concept shall include the following schematic features:
 - a. Building design shall exhibit articulated wall planes with sufficient wall plane fenestration and ornamentation to avoid a flat, unarticulated visual appearance. All garage doors on front facing buildings shall be of decorative carriage style doors.
 - b. For all lots 65-feet in width, single two-car garage doors are prohibited on front facing garages. For front facing garages on 65-foot-wide lots, the setback shall be 20-feet. Minimum setback for J-swing type garages shall be 15-feet.
 - c. For lots 75 foot in width or greater, front entry garages shall be prohibited within 50-feet from the fronting street right-of-way (interior lots).
 - d. Any detached garages shall be front facing and shall be a minimum of 50-feet from the fronting street right-of-way.
- C. The use of cementitious fiber board siding and engineered wood siding (with at least a 20-year warranty), stone and masonry, shall be allowed for residential structures

designed with a distinctive and articulated building design that is based on an historic architectural style for residential design.

- 1. A "Masonry TND Residence" shall be defined as one constructed with brick or stone masonry that consumes 100 percent (100%) of an exterior wall surface for the first floor, or a collective series of exterior wall surfaces, composing a front and/or side façade. The second floor facades shall be constructed with brick or stone masonry for at least sixty percent (60%) of the exterior wall surface. Cementitious fiber board siding or engineered wood siding may comprise the remainder forty percent (40%) of the of the exterior wall surface that is fitting of architectural style
- 2. A "Siding TND Residence" shall be defined as one constructed entirely with cementitious fiber board siding or engineered wood siding. The use of brick or stone masonry shall not consume more than thirty percent (30%) of an exterior wall surface, or a collective series of exterior wall surfaces, composing a front and/or side façade.
- 3. A "Three-phase TND Residence" shall be defined as one constructed entirely with three-phase stucco or engineered wood siding. The use of brick or stone masonry shall not consume more than sixty percent (60%) of an exterior wall surface, or a collective series of exterior wall surfaces, composing a front and/or side façade.
- 4. The developer/builder reserves the right to construct either the "Masonry" or "Siding" styled residences for any quantity or proportion of lots within the Zoning Area as shown on the Concept Plan attached as Exhibit B to this Ordinance.
- D. Minimum roof pitch for single family detached structures to be 4:12 for all roof structures covering main (climate controlled) living areas, to be determined per architectural style. Flat or lower sloped roofs shall be allowed on modern architectural styles.
- E. A minimum roof pitch of 3:12 shall be permitted for front yard porches. This provision applies to both single family detached and single family attached structures.
- F. An alternate design standard may be utilized for any building within this Planned Development as long as the architectural style meets the above requirements in Section 3A 3E. The required masonry coverage percentage may be reduced to 50 percent (50%) of the total exterior walls of all stories of the structure meet the design requirements below.
 - 1. Primary residential building utilizes at least two of the following design features to provide visual relief along the front of the residence:

- a. A covered front porch of a unified architectural design. The front porch shall have a minimum area of 72 square feet, with a minimum depth of six (6) feet. The front porch shall face the street.
- b. Architectural pillars or posts. The pillars or posts shall be round, square, or tapered, and shall have a minimum diameter or diagonal dimension of six (6) inches.
- c. Two or more dormer windows on the front elevation of the structure.
- d. Two or more roof gables on the front elevation of the structure.
- e. One bay window with a minimum 24-inch projection.
- f. One box window with a minimum 12-inch projection.
- 2. The minimum roof pitch of the dwelling shall be at least 6:12. The roof pitch over a front porch may be a minimum of 3:12.
- 3. The garage doors of front-facing garages shall be recessed from the front plane of the structure by at least five (5) feet. This requirement applies to both attached and detached garages. This requirement does not apply to garages that face a side street on a corner lot, front-swing or side-entry garages, or those that face a rear property line.

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.

The recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 6.

That 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 7.

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 8.

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

Section 9.

Any person, firm, association of persons, company, corporation, or their agents, 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 10.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

Amanda Campos, City Secretary

day of August, 20 20

Ken Shetter, Mayor
City of Burleson, Texas

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney

84: WATT RIBITZLI

DEPUTY CITY ATTORNEY

EXHIBIT A (Page 1 of 2)

LEGAL DESCRIPTION OF PROPERTY (The Zoning Area)

EXHIBIT A (Page 1 of 2) LEGAL DESCRIPTION OF PROPERTY (The Zoning Area)

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE JAMES W. HENDERSON SURVEY, ABSTRACT NO. 376, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, BEING ALL OF HERITAGE VILLAGE PHASE 1 AS PER THAT PLAT RECORDED IN VOLUME 10, PAGE 584, PLAT RECORDS JOHNSON COUNTY TEXAS, TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO R.A. DEVELOPMENT, LTD. BY DEED RECORDED IN INSTRUMENT NO. 30303, DEED RECORDS, JOHNSON COUNTY, TEXAS, TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO R.A. DEVELOPMENT, LTD. BY DEED RECORDED IN INSTRUMENT NO. 27638, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BURLESON BY DEED RECORDED IN INSTRUMENT NO. 3228, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2" IRON ROD FOUND WITH CAP STAMPED "CSI" IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PINE STREET (50' R-O-W);

THENCE, N 43'57'26'51" W, 57.12 FEET TO A 1/2" IRON ROD FOUND FOR CORNER:

THENCE, N 46°02'34" E, 50.00 FEET TO A 60D NAIL FOUND FOR CORNER, BEING IN THE EXISTING NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID PINE STREET;

THENCE, N 43°57'26" W, ALONG THE EXISTING NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID PINE STREET, 160.57 FEET TO A 5/8" IRON ROD FOUND FOR CORNER, BEING THE SOUTHWEST CORNER OF LOT 22, THE GARDENS ACCORDING TO THE PLAT RECORDED IN VOLUME 488, PAGE 911, D.R.J.C.T.;

THENCE, N 44*59'00" E, ALONG THE NORTHWESTERLY LINE OF SAID HERITAGE VILLAGE PHASE 2, 1611.23 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE S 88*11'26" E, ALONG THE NORTH LINE OF SAID HERITAGE VILLAGE PHASE 2, 81.72 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S21*28'28", 302.60 FEET;

THENCE, ALONG SAID CURVE TO THE RIGHT, PASSING THROUGH A CENTRAL ANGLE OF 98*18'53" AN ARC LENGTH OF 343.18 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, BEING THE BEGINNING OF A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 135.00 FEET AND A LONG CHORD BEARING S 57*48'27" E, 59.93 FEET;

THENCE, ALONG SAID CURVE TO THE LEFT, PASSING THROUGH A CENTRAL ANGLE OF 25°38'55" AN ARC LENGTH OF 60.43 FEET TO A 1/2" IRON ROD FOUND FOR CORNER:

THENCE, S44°59'00"W, 86.14 FEET TO A 1/2" IRON ROD WITH A RED CAP STAMPED "CSI" SET FOR CORNER;

THENCE S 45°01'00", 91.75 FEET TO A 1/2" IRON ROD WITH A RED CAP STAMPED "CSI" SET FOR CORNER;

THENCE S 09*44'04" W, 254.78 FEET TO A 1/2" IRON ROD FOUND, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 600.00 FEET AND A LONG CHORD BEARING S09*41'58", 92.17 FEET;

THENCE, ALONG SAID CURVE TO THE LEFT, PASSING THROUGH A CENTRAL ANGLE OF 100°21'54" AN ARC LENGTH OF 105.10 FEET TO A 1/2" IRON ROD FOUND;

THENCE S 09°44'04" W ALONG SAID EASTERLY LINE, A DISTANCE OF 1282.10 FEET TO A 1/2" IRON FOUND FOR THE MOST NORTHEASTERLY CORNER OF SAID R.A. DEVELOPMENT TRACT AS RECORDED IN INSTRUMENT NO. 30303 (D.R.J.C.T.);

EXHIBIT A (Page 2 of 2) LEGAL DESCRIPTION OF PROPERTY

(The Zoning Area)

THENCE S 09°39'49" W ALONG SAID EASTERLY LINE, A DISTANCE OF 315.04 FEET TO A 1/2" IRON FOUND FOR THE MOST SOUTHEASTERLY CORNER OF SAID R.A. DEVELOPMENT TRACT AS RECORDED IN INSTRUMENT NO. 30303 (D.R.J.C.T.);

THENCE N 78°33'41" W ALONG THE SOUTH LINE OF SAID R.A. DEVELOPMENT TRACT AS RECORDED IN INSTRUMENT NO. 30303 (D.R.J.C.T.), A DISTANCE OF 1266.50 FEET TO A 1/2" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID R.A. DEVELOPMENT TRACT:

THENCE N 47°22'10" W ALONG AN EAST LINE OF A VARIABLE WIDTH UTILITY & DRAINAGE EASEMENT AS SHOWN ON THE PLAT RECORDED IN VOLUME 1, PAGE 111, PLAT RECORDS, JOHNSON COUNTY, TEXAS A DISTANCE OF 34.27 FEET TO A 1/2" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF LOT 1, BLOCK 4, SENTER MEADOWS, PHASE ONE, ACCORDING TO THE PLAT RECORDED IN VOLUME 9, PAGE 181, PLAT RECORDS, JOHNSON COUNTY, TEXAS;

THENCE ALONG THE SOUTHEASTERLY LINE OF SENTER MEADOWS, PHASE ONE, THE FOLLOWING COURSES AND DISTANCES:

- N 14'12'27" E, A DISTANCE OF 33.17 FEET TO A 1/2" IRON ROD FOUND; N 62'56'39" E, A DISTANCE OF 130.98 FEET TO A 1/2" IRON ROD FOUND;
- N 77°11'50" E, A DISTANCE OF 133.01 FEET TO A 1/2" IRON ROD FOUND;
- S 88'36'45" E, A DISTANCE OF 90.03 FEET TO A 1/2" IRON ROD FOUND; N 05'48'31" E, A DISTANCE OF 225.21 FEET TO A 1/2" IRON ROD FOUND; N 80'32'30" W, A DISTANCE OF 45.64 FEET TO A 1/2" IRON ROD FOUND;
- N 07'31'54" E, A DISTANCE OF 8.30 FEET TO A 1/2" IRON ROD FOUND;
- N 25'36'52" E, A DISTANCE OF 42.83 FEET TO A 1/2" IRON ROD FOUND; N 42'29'42" E, A DISTANCE OF 42.56 FEET TO A 1/2" IRON ROD FOUND;
- N 44'52'55" E, A DISTANCE OF 264.65 FEET TO A 1/2" IRON ROD FOUND;
- N 43'49'48" W, A DISTANCE OF 36.04 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 46'08'38" E, A DISTANCE OF 158.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.342 ACRES OF LAND, MORE OR LESS.

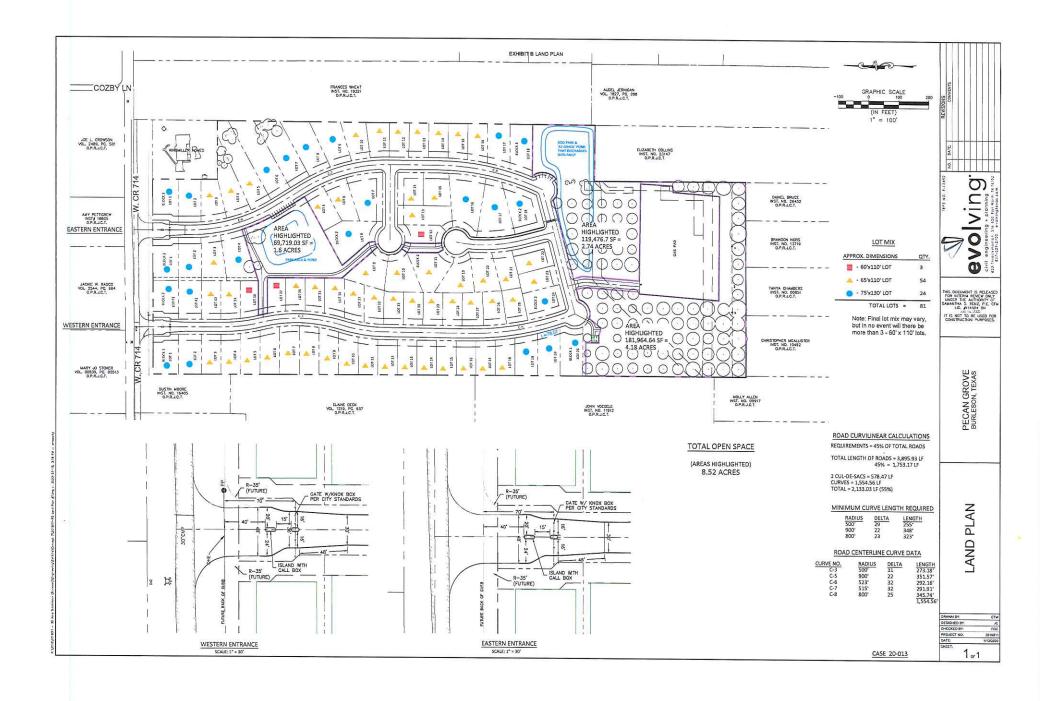


EXHIBIT CDENSITY AND DIMENSIONAL TABLE

	T DEI 10	III AND	T	OIVIL	TTIDEE							
Minimum Lot Width	Building Type/Use	Minimum Living Area SF per Unit	Minimur Dimens		Min Yard Setbacks in Feet						Max. Height (Feet)	Max. Bldg. Cov.
			Area (SF)	Depth (Feet)	Front for Main Residence	Front for Street Facing Porches	Front for Garage	Internal Rear	Internal Side	Side and Rear on Street w/ equal or less than a 50- foot right- of-way		
60	Single Family Detached Attached or Detached Front Entry Garage	1,800 SF	6,600	110	15	15 tt)	20' for front entry config. 15' for J- Swing Garages	10 for Main Res. 3 for Detached Garage or Accessory Bldg	5	15 for all bldgs. (4)	35 (To top plate)	70%
65	Single Family Detached Attached or Detached Front Entry Garage	2,200 SF with 1st floor min of 1,750 SF for two story	7,150	110	15	15 (1)	20' for front entry config. 15' for J- Swing Garages	10 for Main Res. 3 for Detached Garage or Accessory Bldg	5	15 for all bldgs. (4)	35 (To top plate)	70%
75	Single Family Detached Attached or Detached Front Entry Garage	2,600 SF with 1st floor min of 2,000 SF for two story	9,750	130	15	15 (t)	20' for front entry config. 15' for J- Swing Garages	10 for Main Res. 3 for Detached Garage or Accessory Bldg	5	15 for all bldgs. (4)	35 (To top plate)	70%

⁽¹⁾ All detached garage structures shall maintain a minimum ten foot (10') separation from any other vertical structure within the Zoning Area.

⁽²⁾ The water's edge of a below-grade pool structure shall be permitted to be constructed within ten feet (10°) of any type of rear or side lot line. No pool structures, or any other type of accessory structure, shall be constructed within an existing utility easement.

EXHIBIT D FRONT AND SIDE YARD SETBACK CONFIGURATIONS FOR BLOCK FACE

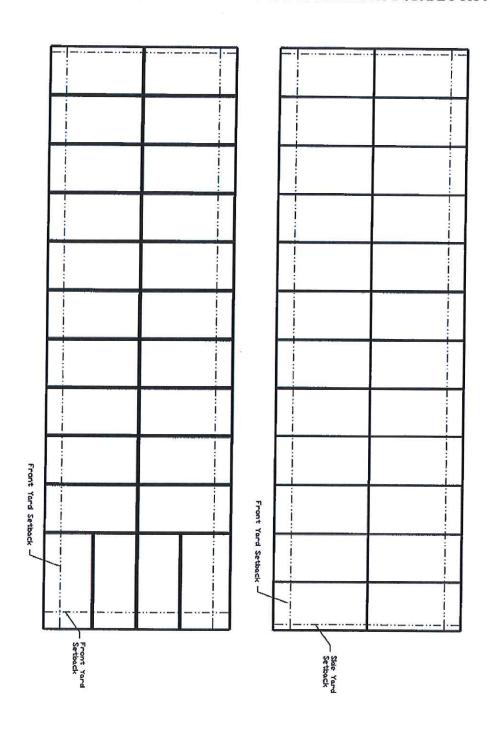


EXHIBIT E

Examples of facades that substantially conform to the PD architectural requirements



Colonial













Farmhouse and Modern Farmhouse



Victorian





Old World Traditional

Painted Brick or Stucco/Mediterranean







Prairie Modern

Tudor





Modern

