

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 16.343 ACRES TOTAL; 16.343 OF SAID ACRES BEING A TRACT OF LAND SITUATED A TRACT OF LAND SITUATED IN THE J.M. MCKINSEY SURVEY, ABSTRACT NO. 610, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RICHARD M. HAWPE IN THAT DEED RECORDED IN VOLUME 1357, PAGE 354, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO MARY HAWPE, LIFE ESTATE ONLY THAT DEED RECORDED IN VOLUME 1357, PAGE 358, D.R.J.C.T., TOGETHER WITH A PORTION OF A TRACT OF LAND CONVEYED TO WILLIAM ROLLEN HAWPE IN THAT DEED RECORDED IN VOLUME 2098, PAGE 123, D.R.J.C.T., LOCATED AT THE INTERSECTION OF FM 1902 AND CR 1019, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM THE DEFAULTED "A" AGRICULTURE 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 **Grant Decker** on **October 14, 2024**, under **Case Number 24-315**, 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 0 to recommend XXX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications 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

MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 16.343 of said acres being a tract of land situated in the J.M. McKinsey survey, Abstract No. 610, Johnson County, Texas, included on Exhibit A, from Agriculture to PD, Planned Development District which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

Section 2.

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 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 & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A
Property Description

A TRACT OF LAND SITUATED IN THE J.M. MCKINSEY SURVEY, ABSTRACT NO. 610, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RICHARD M. HAWPE IN THAT DEED RECORDED IN VOLUME 1357, PAGE 354, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO MARY HAWPE, LIFE ESTATE ONLY IN THAT DEED RECORDED IN VOLUME 1357, PAGE 358, D.R.J.C.T., TOGETHER WITH A PORTION OF A TRACT OF LAND CONVEYD TO WILLIAM ROLLEN HAWPE IN THAT DEED RECORDED IN VOLUME 2098, PAGE 123, D.R.J.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF FARM TO MARKET HIGHWAY NO. 1902 (80' R-0-W) FOR THE SOUTHWESTERLY CORNER OF SAID MARY HAWPE, LIFE ESTATE ONLY TRACT AND FOR THE NORTHWESTERLY CORNER OF SAID WILLIAM ROLLEN HAWPE TRACT;

THENCE ALONG SAID RIGHT-OF-WAY LINE N 01°22'39" E, A DISTANCE OF 687.55 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 2904.79 FEET, WHOSE LONG CHORD BEARS N 01°19'24" E, 5.49 FEET;

THENCE WITH SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 00°06'30", AN ARC LENGTH OF 5.49 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE N 52°30'39" E, A DISTANCE OF 64.54 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE N 00°19'21" W, A DISTANCE OF 16.57 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 913 (VARIABLE R-0-W) FOR THE MOST NORTHWESTERLY CORNER OF SAID RICHARD M. HAWPE TRACT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE NORTHERLY LINE OF SAID RICHARD M. HAWPE TRACT S 89°35'21" E, A DISTANCE OF 607.21 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" FOR THE MOST NORTHEASTERLY CORNER OF SAID RICHARD M. HAWPE TRACT, FROM WHICH A 1/2" IRON ROD FOUND BEARS N 89°50'16" W, 1.69 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID RICHARD M. HAWPE TRACT S 00°05'21" E, A DISTANCE OF 164.64 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 89°54'39" E, A DISTANCE OF 33.66 FEET TO A 1/2" IRON ROD FOUND;

THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID RICHARD M. HAWPE TRACT, ALONG THE EASTERLY LINE OF SAID MARY HAWPE, LIFE ESTATE ONLY TRACT, AND ALONG THE EASTERLY LINE OF SAID WILLIAM ROLLEN HAWPE TRACT S 00°05'21" E, A DISTANCE OF 861.34 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544":

THENCE LEAVING SAID EASTERLY LINE N 89°01'02" W, A DISTANCE OF 716.80 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" IN SAID EASTERLY RIGHT-OF-WAY LINE OF FARM TO MARKET HIGHWAY NO. 1902 AND IN THE WESTERLY LINE OF SAID WILLIAM ROLLEN HAWPE TRACT;

THENCE N 01'22'39" E ALONG SAID RIGHT-OF-WAY LINE AND SAID WESTERLY LINE, A DISTANCE OF 269.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.343 ACRES OF LAND, MORE OR LESS.

FLOOD ZONE NOTE:

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48251C0160J DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE:

ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

BASIS OF BEARINGS:

BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.

EASEMENT NOTES:

1. 20' RIGHT-OF-WAY EASEMENT GRANTED TO WEST PRAIRIE WATER SUPPLY CORPORATION RECORDED IN VOLUME 531, PAGE 525, DEED RECORDS, JOHNSON COUNTY, TEXAS, AFFECTS THE SUBJECT PROPERTY BUT IS NOT PLOTTABLE FROM RECORD.
2. RIGHT-OF-WAY EASEMENT GRANTED TO THE PRAIRIE LINE CO. RECORDED IN VOLUME 230, PAGE 500, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND AFFECTED BY VOLUME 413, PAGE 476, DEED RECORDS, JOHNSON COUNTY, TEXAS, AFFECTS THE SUBJECT PROPERTY BUT IS NOT PLOTTABLE FROM RECORD.
3. RIGHT-OF-WAY AND EASEMENT GRANTED TO THE PEREGRINE PIPELINE COMPANY, LP. RECORDED IN VOLUME 4523, PAGE 409, DEED RECORDS, JOHNSON COUNTY, TEXAS, AFFECTED BY VOLUME 4538, PAGE 304, DEED RECORDS, JOHNSON COUNTY, TEXAS, AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON.

Exhibit B – Development Standards

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 Regulations set forth below:

A. GENERAL DESCRIPTION: The purpose of this district is for Retail, Office, and Warehouse, Commercial Uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public roadways. Requirements for development shall be governed by standards as described below.

B. PERMITTED USES: Land uses permitted are as follows:

Permitted Uses

Amusement, commercial (indoor)
Antique shop
Art gallery
Art supply store
Auto glass, seat cover, muffler shop (Indoor) (extra distance requirement)
Auto parts and accessory sales, tint or wrap shop (No outside storage, no work on vehicles outdoors, extra distance requirement)
Auto sales or auction (No outside storage, no outdoor storage or outdoor display of vehicles for sale)
Building materials sales (No outside storage)
Carpentry shop (extra distance requirement)
Clean/press shop pickup
Clothing or similar manufacturing (see extra distance requirement)
Contractors, electrical/mechanical/plumbing/roofing
Drapery, sewing or weaving shop
Drugstore or pharmacy
Electrical Supply Store (no outside storage)
Exhibition area (Indoor)
Feed store
Florist shop
Food/beverage sales store
Furniture or appliance store
Gym (indoor)
Hardware or hobby shop
Home or business service
Household appliance repair
Key shop
Landscape service (no outside storage, extra screening requirement)
Laboratory manufacturing (extra distance requirement)
Laboratory research
Laboratory, medical or dental
Light manufacturing or assembly (extra distance requirement)
Lithography or print shop
Maintenance and repair services for buildings
Medical appliances sale/rent
Mini warehouse
Motorcycle sales and repair (no outside storage, no outdoor storage of vehicles for sale)

Musical instrument sales and manufacturing
Office, business and professional
Office, medical or dental
Office, tech
Party rental (no outside storage)
Pet shop
Plumbing shop (no outside storage, extra distance requirement)
Private club
Restaurant or cafeteria
Restoration service shop
Retail shop
School, commercial trade
Small tractor and farm equipment sales and repair (no outside storage, extra distance requirement)
Storage warehouse
Studio, artist and/or photographer
Studio, health and fitness
Studio, music, dance, and/or drama
Taxidermy
Theater or indoor playhouse
Tool rental (no outside storage)
Variety or similar retail store
Veterinarian
Wholesale sales/storage (no outside storage)

Prohibited Uses

Amusement, commercial (outdoor)
Animal pound
Asphalt/concrete batching
Auto impoundment

Auto, new used auto sales (outdoors)
Automobile/truck rental service
Brick kiln or tile plant
Bus station or terminal
Cement or hydrated lime
Cemetery or mausoleum
Cleaning plant commercial
Community center: public
Dump or sanitary landfill
Dyeing/laundry plant; commercial
Electrical generating station
Exhibition area (Outdoor)
Fairgrounds
Go-cart track (Outdoor)
Greenhouse or plant nursery (on-premises sales)
Hatchery

Heliport
Helistop
Hotel
Livestock auction
Milk depot, ice cream plant
Motor freight terminal
Outdoor auto parts sales and accessory sales
Outdoor auto sales or auction
Outdoor batting cages
Radio, microwave, TV tower
Railroad freight terminal
Railroad passenger terminal
Railroad team track
Railroad track or right-of-way
Rodeo grounds
Sand/gravel extraction/storage
Sewage treatment plant
Sexually oriented business
Stable or barn, private
Tattoo studio
Telephone office
Theater: open drive-in
Topsoil/sand extraction/storage
Trailer, manufactured home sales, rental, assembly and manufacturing
TV tower
Veterinarian with outside animal pens
Wrecking or auto salvage yard
School, primary and secondary

SUP Required

Liquor store
Meat product processing or manufacturing (Retail only)

C. Bulk Restrictions

- a. Minimum Lot Area - forty thousand (40,000) square feet
- b. Maximum Lot Coverage - no more than fifty percent (50%) of the total lot area shall be covered by the combined area of the main buildings and accessory buildings.
- c. Minimum Lot Width - one hundred feet (100')
- d. Minimum Front Yard - twenty feet (20')
- e. Side Yard - a side yard adjacent to a public street shall be a minimum of fifteen feet (15'). A side yard adjacent to a residential or commercial lot shall be a minimum of twenty (20'). A minimum building separation of ten feet (10') shall be provided between building structures on a single lot. Nothing in this section is intended to or shall eliminate or supersede any requirements of the City of Burleson's

building or fire codes that establish regulations dealing with building separations or fire resistive construction.

- f. Minimum Rear Yard - minimum depth of the rear yard shall be thirty feet (30') when adjacent to a residential use. Otherwise it is zero feet (0').

D. Café Seating: Outdoor café seating for restaurant, café, deli or coffee shop uses shall be permitted but the café seating must be contained within the building's private lot. Café seating may not extend into public right-of-way or privately owned common areas.

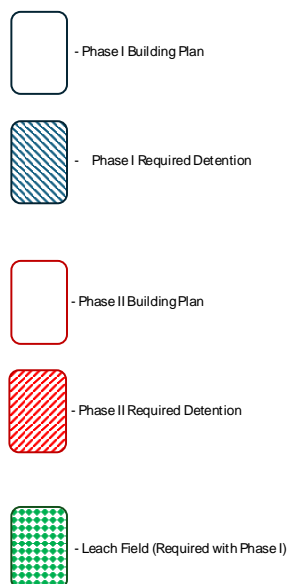
E. Required Parking: Parking requirements within the Planned Development Commercial Tracts shall be based on the City of Burleson Zoning Ordinance requirements for the types and sizes of proposed uses. Shared parking and loading zone agreements are permissible between allowed commercial uses with the prior approval of the City of Burleson. All commercial vehicles must be park in the rear of the building overnight or front of the dock door.

F. Building Standards

1. No building shall have an overhead door directly facing FM 1902 unless it is screened by another building or screening wall
2. No building shall have an overhead door directly facing CR 913 unless it is screened by another building or screening wall
3. All primary personnel doors facing public right of way of CR 913 and FM 1920 shall have a canopy (fire exit doors excluded)
4. Buildings in Phase 1 with a building footprint fronting 1902 or within one hundred and fifty feet (150') of FM 1902 public right of way shall be constructed with architectural design features including a single slope roof and at least thirty six inches (36") of roof overhang on the building side facing the roadway.

G. Attached Signs: All exposed conduit, junction boxes, and electrical transformer boxes must be concealed from public view. Individual channel letters (with or without internal illumination) are preferred. Channel letters incorporated on a cloud background are also acceptable. Wireways are preferred over exposed raceways, and shall be as thin and narrow as possible so as to not extend in width or height beyond the area of the sign's lettering or graphics, finished to match the color and texture of the façade background, or be integrated into the overall design of the sign. Exposed raceways are discouraged and subject to administrative review. Freestanding signage will be in accordance with the City of Burleson's sign ordinance.

- H. Lights:** Parking lot light standards shall not exceed 30 feet (30') in height and shall comply with City of Burleson shielding requirements. Pole lights max height next single-family zoning of 100' or less shall be no taller 15 feet (15'). Wall lights shall be cobra style head that is shielded light source to the ground. All lights must be a shielded light source.
- I. Landscaping:** Requirements for landscaping shall be in accordance with the City of Burleson Code of Ordinances for the size and type of use proposed. Detention ponds shown on the master plan shall be landscaping only. No structure shall be built in this area without approval of the City of Burleson, TX. The leach field shall be converted into a building site when sewer is available from the City of Burleson or JCSUD.
- J. Screening Requirement:** Phase 1: On South property line a 6' wood privacy fence shall be required next to residential uses and minimum of 30' set back with Eastern Red Cedars or similar tree 6' on center planting tree of min height of 6'-0". Phase 2: On East property line a 6' wood privacy fence shall be required next to residential uses and minimum of 30' set back with Eastern Red Cedars or similar tree 6' on center planting tree of min height of 6'-0".
- K. Extra Distance Requirement:** Permitted uses with "Extra Distance Requirement" noted will require at least one hundred feet (100') between suite overhead door and residential uses
- L. Dumpster Screening:** All free-standing dumpsters shall be screened on all four sides with CMU split face block an opaque closure measuring to a height of at least six inches (6") above the top of the dumpster. Dumpster gates cannot face single family district or public ROW.
- M. Building Height:** Maximum Building Height within the Planned Development shall be three (3) stories or 45'. Additional height may be granted by City Council with the formal submittal of a site plan.
- N. Phase I and Phase II shall be constructed as shown below:**



O. Ambiguity in Regulations: If these standards do not regulate a particular aspect of development, or there is ambiguity between these regulations and the base zoning district requirements, then such aspect of development shall be treated as follows:

If the type of land use affected by the ambiguity in regulation or lack of regulation is related to the development of commercial property, then the standards applied for resolving an issue shall be those that would be applicable if the property in question was zoned C.