

ORDINANCE B-582(O0114)

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, TO REFERENCE THE SEXUALLY ORIENTED BUSINESS REGULATIONS OF THE CITY OF BURLESON; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson is a home rule city located in Tarrant and Johnson Counties 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 of the City of Burleson has adopted Ordinance B-582, the Zoning Ordinance, which regulates and restricts the location and use of buildings, structures and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council had determined that it is in the best interest of the City of Burleson to amend Ordinance B-582, the Zoning Ordinance, to provide the appropriate reference to regulations affecting sexually oriented businesses in the City of Burleson; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission and City Council was published in a newspaper of general circulation in Burleson at least 15 days before such hearing; and

WHEREAS, the Planning and Zoning Commission has forwarded its recommendation to the City Council for consideration.

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

SECTION 1.

Subsection 103.5 of Section 103, "BP, business park overlay district," of Ordinance B-582, the Zoning Ordinance of the City of Burleson, Texas, is hereby amended to read as follows:

"103.5 Prohibited uses: The following uses are prohibited within the BP, business park overlay district:

- Animal pound, private
- Asphalt/concrete batching (permanent)
- Auto glass, seat cover, muffler shop
- Auto impoundment
- Auto, new used auto sales (outdoors)
- Auto painting or body shop
- Auto parts and accessory sales (with outside storage)
- Auto repair garage
- Auto sales or auction
- Automobile/truck rental service
- Brick kiln or tile plant
- Cement or hydrated lime
- Cleaning plant, commercial
- Contractors, electrical/mechanical/plumbing (with outside storage)
- Contractor, storage equipment
- Custom personal service shop
- Dump or sanitary landfill
- Dyeing/laundry plant, commercial
- Go-cart track
- Hatchery
- Hauling or storage company
- Heavy machinery sales/repair
- Kennel
- Livestock auction
- Maintenance and repair services for buildings
- Massage, therapeutic
- Motorcycle sales and repair
- Monopole antenna
- Open salvage yard
- Open storage of commercial goods
- Paint shop

Parking lot or structure, commercial (auto)
Parking lot, trucks/trailers
Plumbing shop (with outside storage)
Sand/gravel extraction storage (outside)
Sewage pumping station
Sewage treatment plant
Sexually oriented business — subject to compliance with all provisions of Chapter 14, Section 14-471 through 14-499, Burleson Code of Ordinances.
Stable or barn, private
Taxidermy
Tire retread, recapping and storage
Trailer, manufactured home sales, rental, assembly and manufacturing
Topsoil/sand extraction/storage
Veterinarian, office only
Veterinarian hospital
Veterinarian with outside animal pens
Welding or machine shop
Wrecking or auto salvage yard”

SECTION 2. CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas (2005), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3. SEVERABILITY

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 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 4. PENALTY

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 V.T.C.A. 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 5. SAVINGS PROVISION

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of any ordinances affecting open or outdoor burning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. PUBLICATION

The City Secretary of the City of Burleson is hereby directed to publish in the official newspaper of the City of Burleson after the passage of this ordinance as required by Section 36 of the Charter of the City of Burleson.

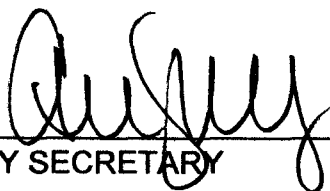
SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

[Signatures and date appear on the following page]

PASSED AND APPROVED ON THIS 3rd DAY OF February, 2014.


ATTEST:


CITY SECRETARY


MAYOR

EFFECTIVE: February 9, 2014

APPROVED AS TO FORM AND LEGALITY:


City Attorney

FIRST READING: 1.21.14