

ORDINANCE NUMBER 1098

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS, AMENDING CHAPTER 157 OF THE CODE OF ORDINANCES OF THE CITY, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY ESTABLISHING THE ZONING CLASSIFICATION ON A CERTAIN 0.7 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 1, BLOCK 1, HINSON EDITION, WICHITA COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF WICHITA COUNTY, TEXAS COMMONLY REFERRED TO AS 887 SCHMOKER ROAD, BURKBURNETT, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", AS RESIDENTIAL 2 (R-2); PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE ZONING OF RESIDENTIAL 2 (R-2) FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS LAWFULLY HELD IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING NO VESTED INTEREST/REPEAL, UNLAWFUL USE OF PROPERTY, REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burkburnett, Texas (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the Board of Commissioners of the City (the "City Commission") adopted Chapter 157 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the "Zoning Ordinance"); and

WHEREAS, Dennis Company (the "Owner") owns a 0.7 acre tract of land legally described as Lot 1, Block 1, Hinson Edition, Wichita County, Texas, as recorded in the real property records of Wichita County, Texas commonly referred to as 887 Schmoker Road, Burkburnett, Texas, and as more particularly described and depicted in **Exhibit "A,"** attached and incorporated herein (the "Property"), and has made an application under the provisions of the Zoning Ordinance to establish zoning on the Property as Residential 2 (R-2); and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Commission the adoption of the amendments to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Commission at which the City Commission considered the requested zoning change, the recommendation of the Planning and Zoning Commission, and among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Commission does hereby find that the rezoning approved hereby accomplishes such objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BURKBURNETT, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, are found to be true, and are adopted as legislative findings of the City Commission.

SECTION 2. Zoning Amendment. Chapter 157 of the Code of Ordinances of the City, the City's Comprehensive Zoning Ordinance, is hereby amended as follows: The zoning designation for the Property, and all streets, roads and alleyways contiguous and/or adjacent to the Property, is hereby zoned to Residential 2 (R-2). The Property shall be subject to all applicable City ordinances and regulations governing the zoning district of Residential 2 (R-2).

SECTION 3. Zoning Map and Code Requirements. The Zoning Map of the City, adopted by the Zoning Ordinance, and on file with the City is hereby amended to this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 4. No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed or amended by the City Commission in the manner provided for by law.

SECTION 5. Unlawful Use of Property. It shall be unlawful for any person, firm, association, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, association, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 6. Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases and words be declared unconstitutional or invalid.

SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 9. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption.

SECTION 10. Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.041, Texas Government Code.

PASSED AND APPROVED BY THE CITY COMMISSION ON THE 15th DAY OF SEPTEMBER 2025.

Lori Kemp, Mayor

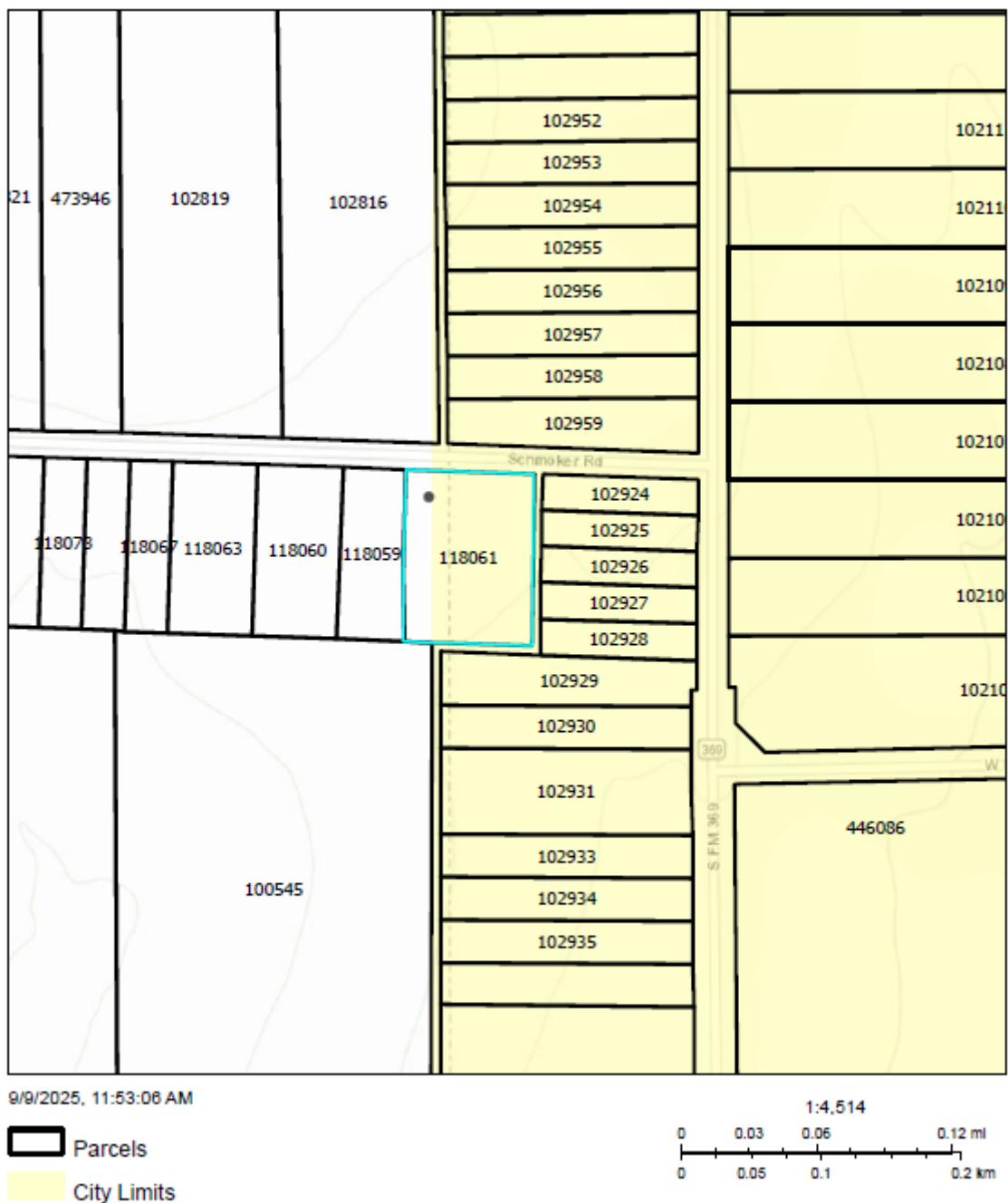
ATTEST:

Nikki Tepfer, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

Lot No. 1, Block No. 1, Hinson Addition, an addition to the City of Burk Burnett, Wichita County, Texas, according to the plat of record in Instrument #20258708, Wichita County Plat Records.

Wichita CAD Web Map



Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA