



Planning & Zoning Commission Agenda

Tuesday, September 15, 2026
6:00 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. **CALL TO ORDER**

Invocation

Pledge of Allegiance

Texas Pledge:

Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God; one and indivisible

2. **CITIZEN APPEARANCES**

Each person in attendance who desires to speak to the Committee on an item NOT posted on the agenda, shall speak during this section. A speaker card must be filled out and turned in to the City Secretary prior to addressing the Committee. Each speaker will be allowed three minutes to speak.

Each person in attendance who desires to speak on an item posted on the agenda shall speak when the item is called forward for consideration.

3. **CONSENT AGENDA**

All items listed below are considered to be routine by the Planning and Zoning Commission and will be enacted with one motion. There will be no separate discussion of the items unless a Commissioner or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the Development Services Director to place each item on the City Council agenda in accordance with the Planning and Zoning Commission's recommendations.

[A.](#) Consider approval of the minutes from August 25, 2026 Planning & Zoning Commission meeting.

4. **PUBLIC HEARING**

[A.](#) 279 W Hidden Creek PKWY (ZC26-007): Hold a public hearing and consider and take possible action on a zoning ordinance change request on approximately 8.216 acres of land from "PD", Planned Development, to "PD", Planned Development. (Staff Contact: Emilio Sanchez, Deputy Director)

[B.](#) Hold a public hearing and consider and take possible action on an ordinance amending the text of the city's zoning ordinance codified in Appendix B, Zoning, Article V, Supplemental Regulations of the City of Burleson Code of Ordinances. (Staff Contact: Tony D. McIlwain, Development Services Director)

5. **REPORTS AND PRESENTATIONS**

6. **GENERAL**7. **COMMUNITY INTERESTS ITEMS**8. **RECESS INTO EXECUTIVE SESSION**

In accordance with Chapter 551 of the Texas Government Code, the Board may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda. The Board may reconvene into open session and take action on posted items.

Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code

9. **ADJOURN****Staff Contact**

Tony McIlwain
Director of Development Services
817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 8th of September 2026, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda Campos

City Secretary

ACCESSIBILITY STATEMENT

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building, accessible from Warren St. Accessible parking spaces are also available in the Warren St. parking lot. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: September 15, 2026

SUBJECT:

Approve the minutes from August 25, 2026 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the August 25, 2026 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the August 25, 2026 Regular Session of the Planning & Zoning Commission meeting.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

FISCAL IMPACT:

None

STAFF CONTACT:

Peggy Fisher
Recording Secretary
pfisher@burlesontx.com
817-426-9611

PLANNING AND ZONING COMMISSION

August 25, 2026

MINUTES

Roll Call

Commissioners Present

David Hadley
Cynthia Plonien
Ashley Brookman
Michael Tune
Clint Faram
Brandon Crisp
Michael Kurmes

Commissioners Absent

Dan Taylor
Beth Lytner

Staff

Matt Ribitzki, City Attorney
Tony McIlwain, Director Development Services
Emilio Sanchez, Assistant Director Development Services
Peggy Fisher, Administrative Assistant

REGULAR SESSION

1. Call to Order – 6:00 PM

Invocation – David Hadley

Pledge of Allegiance

Texas Pledge

2. Citizen Appearance

None

3. Consent Agenda

- A.** Consider approval of the minutes from August 11, 2026 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Ashley Brookman and second by Commissioner Michael Kurmes to approve the consent agenda.

Motion passed, 7-0. Commissioners Dan Taylor & Beth Lytner were absent.

4. Public Hearing

- A.** 1540 E Renfro Street (ZC26-009): Hold a public hearing and consider and take possible action on a zoning ordinance change request on approximately 1.793 acres of land from A, Agriculture district to C, Commercial district located at 1540 E Renfro Street. (Staff Contact: Emilio Sanchez, Deputy Director)

Emilio Sanchez presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Michael Tune opened the public hearing at 6:04 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:04 p.m.

Motion made by Commissioner David Hadley and second by Commissioner Ashley Brookman to approve.

Motion passed, 7-0. Commissioners Dan Taylor & Beth Lytner were absent.

- B.** Hold a public hearing and consider and take possible action on an ordinance amending the text of the city's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances. (*Staff Contact: Tony D. McIlwain, Development Services Director*)

Tony McIlwain presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Michael Tune opened the public hearing at 6:12 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:12 p.m.

Motion made by Commissioner Michael Kurmes and second by Commissioner Cynthia Plonien to approve.

Motion passed, 7-0. Commissioners Dan Taylor & Beth Lytner were absent.

5. Reports and Presentations

None

6. General

None

7. Community Interest Items

None

8. Executive Session

In accordance with Chapter 551 of the Texas Government Code, the City Commission may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda.

A. Pending or Contemplated Litigation or to Seek the Advice of the City of Attorney Pursuant to Section 551.071

9. Adjourn

There being no further business Chair Michael Tune adjourned the meeting.

Time – 6:13PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Emilio Sanchez, Deputy Director
MEETING: September 15, 2026

SUBJECT:

279 W Hidden Creek PKWY (ZC26-007): Hold a public hearing and consider and take possible action on a zoning ordinance change request on approximately 8.216 acres of land from "PD", Planned Development, to "PD", Planned Development. (Staff Contact: Emilio Sanchez, Deputy Director)

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
 Dynamic & Preferred City Through Managed Growth	2.2 Promote sustainable residential and commercial development through strategic and long-term planning

SUMMARY:

On April 27, 2026, an application was submitted by Tim Windmiller, on behalf of Ascent Development and The Standard at Chisen Hall (owners) to amend the existing Planned Development language on approximately 8.216 acres of land. The current Hidden Vistas Planned Development limits the building heights to 4-stories and the applicants are requesting amendments to the development standards that would allow a 6-story building so that they can construct a boutique hotel.

DEVELOPMENT OVERVIEW:

As stated above, this site is zoned as a Planned Development as part of the Hidden Vistas Planned Development for the use as a commercial development. The developers are proposing amendments to the existing Planned Development standards to allow for the construction of a 6-story boutique hotel where only a 4-story building is currently allowed. The proposed development standards have been paired down to only apply to Lot 3, Block 1 of the Hidden Vistas Addition (The Standard at Chisen Hall) and would not change any development standards

for the remaining Hidden Vistas Planned Development. The latest approved Planned Development for Hidden Vistas is attached as exhibit 4.

This site is designated in the Comprehensive Plan as Floodplain/ Open Space

This land use category is provided to identify public parks and open spaces within Burleson. This designation incorporates parks and trails proposed within the City's Parks, Recreation and Trails Master Plan as well as floodplain and flood prone areas. Development within the floodplain areas must adhere to ordinances related to floodplain development. This area is not intended to be zoned as Floodplain/Open Space, but to show areas to be preserved within the specified zoning district

Staff has determined that the requested use of Planned Development "PD" for the continued construction for commercial development aligns with the Comprehensive Plan.

RECOMMENDATION:

Recommend approval for an ordinance for the zoning change.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

8/4/2006: City Council approved the Planned Development for Hidden Vistas.

5/24/2007: City Council approved an amended Planned Development for Hidden Vistas.

3/12/2012: City Council approved an amended Planned Development for Hidden Vistas.

8/20/2012: City Council approved an amended Planned Development for Hidden Vistas.

12/8/2014: City Council approved an amended Planned Development for Hidden Vistas.

4/20/2015: City Council approved an amended Planned Development for Hidden Vistas.

3/20/2017: City Council approved an amended Planned Development for Hidden Vistas.

5/7/2018: City Council approved an amended Planned Development for Hidden Vistas.

REFERENCE:

<https://ecode360.com/39939092>

<https://ecode360.com/39939152>

FISCAL IMPACT:

None.

STAFF CONTACT:

Emilio Sanchez
Deputy Director
esanchez@burlesontx.com
817-426-9686



Planning and Zoning Commission

9.15.26



Case ZC26-007

PRESENTED TO P&Z– 9.15.2026

EMILIO SANCHEZ

DEVELOPMENT SERVICES DEPUTY DIRECTOR

ZC26-007– 279 W Hidden Creek PKWY

Location:

- 279 W Hidden Creek PKWY

Applicant:

- Tim Windmiller with Ascent Development and The Standard at Chisen Hall (Owners)

Item for approval:

Zoning Change from “PD” Planned Development to “PD” Planned Development district (Case ZC26-007).



Zoning

Planned Development



Comprehensive

Floodplain/Open Space



ZC26-007 – 279 W Hidden Creek PKWY

Rendering of
Future Building



ZC26-007 – 279 W Hidden Creek PKWY

Properties within 300' of Case ZC26-007

Public Hearing Notice:

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property.
- Published in the newspaper.
- Sign Posted on the property.



ZC26-007 – 279 W Hidden Creek PKWY

Staff Recommendation:

- Staff has determined that the requested zoning district of Planned Development would align with the Comprehensive Plan.
- Staff recommends approval of the ordinance.

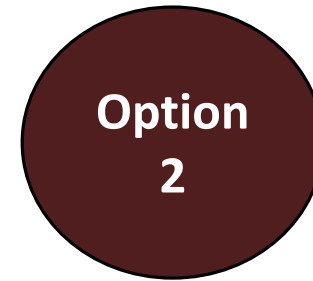
Floodplain/Open Space

This land use category is provided to identify public parks and open spaces within Burleson. This designation incorporates parks and trails proposed within the City's Parks, Recreation and Trails Master Plan as well as floodplain and flood prone areas. Development within the floodplain areas must adhere to ordinances related to floodplain development. This area is not intended to be zoned as Floodplain/Open Space, but to show areas to be preserved within the specified zoning district.

All zoning districts may apply.



**Recommend
Approval**



**Recommend
Denial**



Questions / Comments

Emilio Sanchez
Development Services Deputy Director
esanchez@burlesontx.com
817.426.9686

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 8.216 ACRES LOCATED IN THOMAS CHANDLER SURVEY ABSTRACT NUMBER 127, BEING ALL OF LOT 3, BLOCK 1, HIDDEN VISTAS ADDITION (THE ZONING AREA), CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM “PD”, PLANNED DEVELOPMENT ZONING DISTRICT TO “PD”, PLANNED DEVELOPMENT ZONING DISTRICT (THE STANDARD); 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 (“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 **Tim Windmiller representing The Standard at Chisen Hall** on **April 27, 2026**, under **Case Number ZC26-007**, 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 **0 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

A. 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 and Exhibit B (the Zoning Area), incorporated herein by reference, by changing the zoning of said property from an existing Planned Development Zoning, to a Planned Development district for Commercial development use, with the area and location for such uses being depicted on the Site Plan as shown on the attached Exhibit B incorporated herein by reference.

B. 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

DEVELOPMENT STANDARDS

Main Uses Permitted

The following uses are the only uses permitted:

3.00 Commercial/Retail/Office

3.01 General Description: This Commercial tract will provide the ability to encourage and accommodate the development of office, retail and commercial center(s).

3.02 Land Uses: Uses identified in Article 3, Section 78, Zoning Districts, of the Burleson Zoning Ordinance, under the heading of Commercial District (C) shall be permitted within the Planned Development District with the additional permitted uses listed below:

Restaurant or cafeteria with drive through service

Condominiums above Commercial Buildings

3.03 Prohibited Uses: The following are **prohibited**:

Airport or landing Field

Auto, new, used auto sales: outdoors

Auto parts sales and accessory sales (with outside storage)

Auto sales or auction

Batting cages

Bottling works

Cemetery or mausoleum

Country club, private

Fairgrounds or exhibition area

Feed store

Fraternity or sorority

Golf course; commercial

Helistop

Mold and tool shop

Monument manufacturing

Parking lot, trucks/trailers Pawnshop

Playfield or stadium (public)

Railroad passenger terminal

Railroad team track

Rodeo grounds

Theater: open drive-in

Tool rental

Trailer, manufactured home sales, or rental, assembly and manufacturing

3.04 Accessory uses allowed:

Accessory building, (neighborhood service, commercial, business, or industry) Off-street parking

Swimming pool

Lot Development Regulations

The following regulations apply to the tract as specified below:

4.00 Commercial/Retail/Office

All development regulations within the tract shall be subject to the requirements of Section 78-120 (C, Commercial District Development Regulations) of the City of Burleson Zoning Ordinance unless otherwise stated below.

4.01 Front yard – Eaves and roof extensions may project into the required front yard for a distance not to exceed six (6) feet.

4.02 Side yard - Eaves and roof extensions may project into the required side yard for a distance not to exceed two (2) feet.

4.03 Land Area Permitted: The amount of acreage permitted in the commercial tracts shall be outlined in the attached Zoning Exhibit/Development Plan.

4.04 Building Heights: The maximum permitted height of all buildings within the commercial tracts of the Planned Development District shall be four (4) stories, with the exception of Building B, which may go up to but not exceed eight (8) stories.

4.05 Lot Area: The minimum area of any lot shall be ten thousand (10,000) square feet.

4.06 Lot Coverage: In no case shall more than fifty (50) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 5

Landscape Regulations

All Planned Development Districts shall be subject to the requirements of the following sections of Chapter 86 Landscaping, Trees and Vegetation of the City of Burleson Code of Ordinances along with additional regulations listed below:

Section 86-103 Landscaping generally

Section 86-104 Landscaping plan required

Section 86-105 Location criteria

Section 86-106 Credits for landscape area reduction

Section 86-107 Installation and Maintenance

Street Trees: Street trees shall measure 3 inches in caliper at the time of planting. Suitable trees shall be from the following list:

Bald Cypress Pecan

Bradford Pear

Texas Sophora

Sweet Gum

Live Oak

Cedar Elm

Chinese Pistache Bur Oak

Shumard's Oak Deciduous Holly

Red Oak

Street trees shall not be located in any of the following areas:

a. Within an area that the mature canopy of the tree will interfere with overhead utility lines.

b. Within an area that the mature root zone of the tree will interfere with underground public utility lines (including water lines, sewer lines, transmission lines or other utilities).

- c. Within ten (10) feet of a fire hydrant; or,
- d. Closer than thirty-five (35) feet to any street corner, measure from the point of nearest intersection curbs or curblines.

A fifteen (15) foot wide strip of property devoted to landscaping shall be located adjacent to the edge of street paving that is adjacent to the south side of Hidden Creek Parkway. These areas shall be landscaped with trees identified on the preferred tree list.

- a. Detailed planting plans shall be submitted at the time of site plan and preliminary plat review and subject to approval by the Development Assistance Committee.
- b. Landscape areas shall be equipped with permanent irrigation systems.
- c. Public sidewalks shall be permitted within landscape areas.
- d. Visibility triangles, as required by the Burleson Zoning Ordinance shall be maintained at all driveway and street intersections.
- e. Landscape areas shall be considered common areas. As such, installation and perpetual maintenance shall be the responsibility of the property owners' association, the commercial property owner, or the multi-family property owner, respectively. The City of Burleson shall have no responsibility for the installation, watering, or other maintenance of the landscape areas established by this Section.

SECTION 6

Parking Regulations

All Planned Development Districts shall be subject to the requirements of Appendix B Zoning Ordinance Section 134 Vehicle Parking Regulations of the City of Burleson Code of Ordinances along with additional regulations listed below:

- (1) Parking and driveways shall be permitted within all required yard areas and must be paved with asphalt or concrete.
- (2) Handicapped parking shall be as set forth in the State of Texas Architectural Barriers Act.

SECTION 7

Architectural Development Standards

All buildings within all Planned Development Districts shall have an exterior finish of glass, stone, stucco, brick, tile, concrete, exterior wood or similar materials of any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces. Construction of buildings shall be subject to the requirements of Chapter 10 Buildings and Building Regulations Article XVI Masonry Construction Standards of the City of Burleson Code of Ordinances along with additional regulations listed below:

Commercial/Retail/Office

Office, Retail and Commercial District:

- (1) **Masonry:** Structures shall be constructed of masonry, stone, or other cementitious products, such as those offered by James Hardie. Concrete tilt walls may be appropriate as the principle component of office, retail and commercial construction. Concrete tilt walls shall have a finish or texture of pebble or stucco, or shall have a brick or stone pattern as part of the wall created in the stage of formation. Masonry may be brick or stone of earth tone colors, if

color and pattern are added to the form. However, it would be consistent to permit other brick colors, as accent brick, provided that in combination accent brick and non-masonry materials do not exceed the 25 percent non-masonry benchmark. Stone shall not be painted. Brick shall be painted only for the purpose of covering an inappropriate brick color with an earth-tone color.

(2) **Concrete Surfaces and Surfaces Other Than Masonry:** Exterior concrete wall surfaces and wall surfaces other than masonry shall consist of no more than three colors - a base color, and/or a trim color, and/or an accent color. The City shall permit a base color on up to a 100% of the surface area of any one façade of a building. However, the City shall permit other than a base color on up to only 15% of the surface area of any one façade, and an accent color on up to only 10% of the surface area of any one facade. For calculation purposes, wall surfaces shall include eaves, gables and parapets, but should exclude roofs, awnings or signs.

(3) **Attached Signs:** Signs attached to walls shall consist of individually mounted channel letters. There should be no restriction on the form they take, or on their typestyle, but colors should be restrained and, in unified developments, the same. Back-lit plastic in white, black, or neutral colors is appropriate, as well as back-lit metal in natural finishes or painted in white, black or neutral colors.

(4) **Awnings:** Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings shall be canvas, or a lusterless material which closely resembles canvas, at least 80 percent of which is a single deep or neutral solid color, the remaining up to 20 percent, if different, shall be contrasting. For example, if the majority is a deep solid, the trim shall be a neutral solid. If the majority is a neutral solid, the trim shall be a deep solid. Awnings shall not be back-lit. Lettering and logos shall be limited to a monogram.

(5) **Lights:** Parking lot light standards shall not exceed 30 feet in height. Lighting shall be required to minimize glare onto single family residential development.

(6) **Roofs:** Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least 3 percent of the height of the building. Pitched roofs shall have roofing material of a lusterless neutral color. Green colors shall be limited to dark forest greens, slate greens, pale bluish-gray

greens and copper patinas. Metal roofs shall be standing seam either with a baked-on lusterless finish made of copper.

(7) **Windows:** Glass shall not exceed 50 percent of any one façade of a building, with the exception of Building B. It shall be clear or tinted, including art glass and stained glass, but not mirror reflective. If used for advertising purposes, stained glass on any facade shall be limited to 10 percent of the total glass area on the facade.

(8) **Pavement:** Pavement shall be concrete or asphalt installed in accordance with the Burleson standards.

Institutional Uses: Unless a specific exception is granted by the Development Assistance Committee at a time of site plan approval, materials for institutional buildings shall have the same as those for office, retail and commercial development. One exception centers on the use of stucco for Romanesque and Spanish Colonial styles. Since churches and schools are permitted within residential zoning districts, the City may, at the time of site plan approval, allow stucco by special use permit. Therefore, when stucco is permitted in these styles, terra

cotta and burnt terra-cotta tile roofs would be architecturally consistent. Also, reflective metal may be appropriate for the spires and domes of landmark institutional buildings, if approved by the Burleson City Council at the time of site plan approval.

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

EXHIBIT "A"

Legal Description

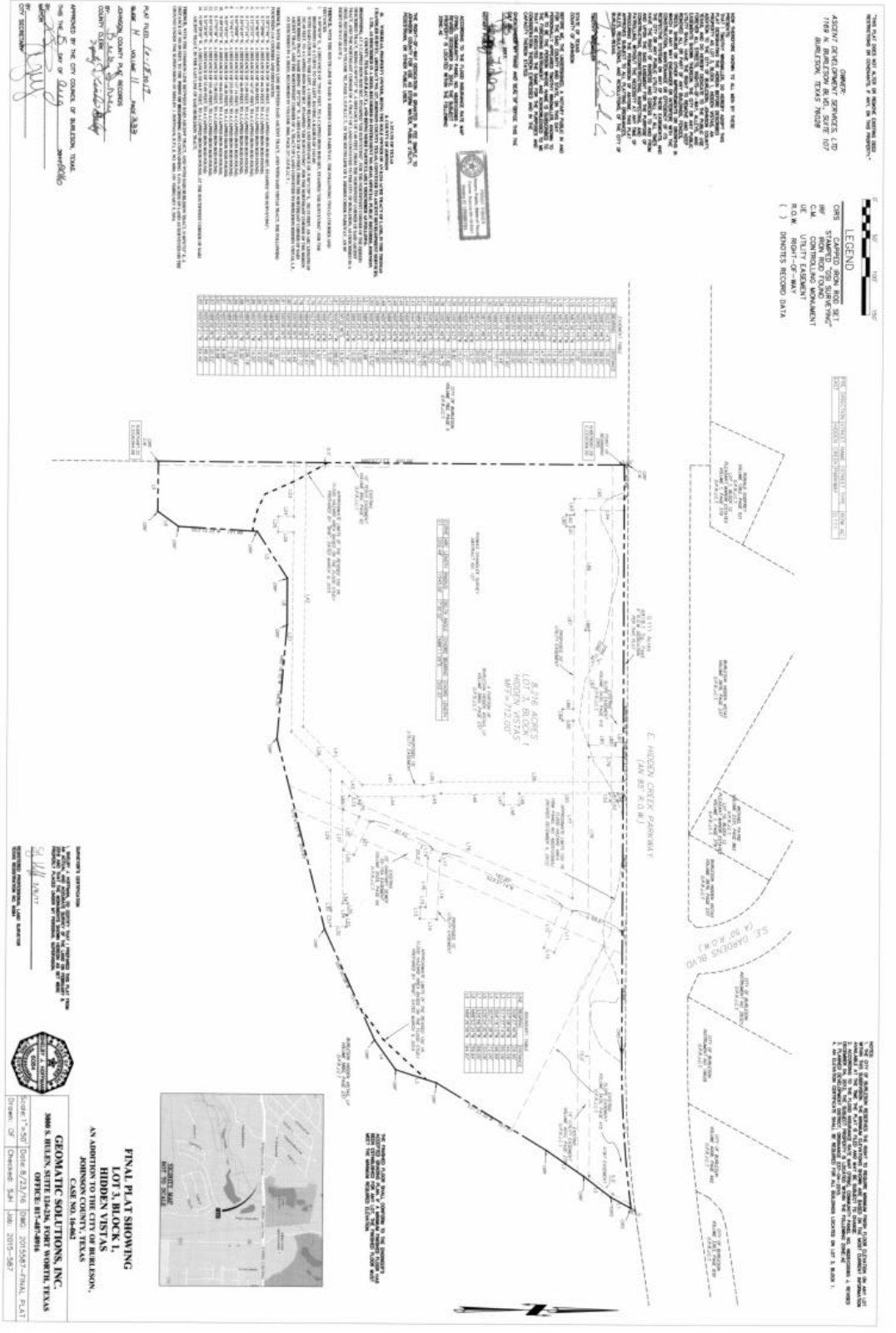


EXHIBIT "B"

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE D-081-07 (CSO# 608-03-2017) PD PLANNED DEVELOPMENT ZONING DISTRICT, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF 198.87 ACRES IN THE THOMAS CHANDLER SURVEY ABSTRACT NUMBER 127, JOHNSON COUNTY, TEXAS; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application was filed by Peter Thomas, Burleson Hidden Vistas, LP (property owner) for the Modification of the Hidden Vistas Planned Development Ordinance on January 4, 2018 and includes a Memorandum of Understanding regarding parkland dedication and development regulations, under Case Number 18-002; and,

WHEREAS, ordinance (CSO# 608-03-2017) PD Planned Development Zoning District was approved by the City of Burleson City Council on March 20, 2017; and,

WHEREAS, ordinance (CSO# 237-04-2015) PD Planned Development Zoning District was approved by the City of Burleson City Council on April 20, 2015; and,

WHEREAS, ordinance D-081-07 (CSO#106-12-2014) PD Planned Development Zoning District was approved by the City of Burleson City Council on December 8, 2014; and,

WHEREAS, ordinance D-081-07(B0212) PD Planned Development Zoning District was approved by the City of Burleson City Council on August 20, 2012; and

WHEREAS, ordinance D-081-07(A0212) PD Planned Development Zoning District was approved by the City of Burleson City Council on March 5, 2012; and

WHEREAS, ordinance D-081-07 PD Planned Development Zoning District was approved by the City of Burleson City Council on May 24, 2007; and

WHEREAS, ordinance D-070-06 PD Planned Development Zoning District was approved by the City of Burleson City Council on August 24, 2006; and

WHEREAS, an application for a zoning change was filed by Peter Thomas on October 20, 2014, under Case Number 14-084; 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 and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

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

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

SECTION 1 Development Plan

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown on the Zoning Exhibit Development Plan attached as Exhibit A and described by the metes and bounds description attached as Exhibit B.

Development and use of the property must comply with the development plan dividing the property into eight tracts of land. In the event of a conflict between the provisions of this ordinance and the development plan, the provisions of this ordinance control.

SECTION 2 APPLICABILITY

(a) Unless otherwise stated, the definitions in Appendix B Zoning Ordinance apply to this ordinance.

(b) Unless otherwise stated in this ordinance, no other ordinance shall apply.

SECTION 3 Main Uses Permitted

The following uses are the only uses permitted in each specified tract:

3.00 Tracts A-1, A-2 and C-3 Commercial/Retail/Office

3.01 General Description: The Commercial tracts will provide the ability to encourage and accommodate the development of office, retail and commercial center(s). The

provisions of this section shall apply to Tract A-1, A-2, and C3 as designed on the Zoning Exhibit Development Plan.

3.02 Land Uses: Uses identified in Article 3, Section 78, Zoning Districts, of the Burleson Zoning Ordinance, under the heading of Commercial District (C) shall be permitted within Tracts A-1, A-2, and C-3 in the Planned Development District with the additional permitted uses listed below:

Child Care Center will be permitted on Tract A-1 with the following caveats:

It is recognized that Hidden Creek Pkwy is a major collector street, designed, intended and utilized to move large volumes of traffic. Therefore, any Child Care Center located within Tract A-1 will be carefully reviewed during the commercial site plan process to ensure that adequate safeguards are in place to ensure separation from the roadway and screening of child accessible areas from vehicular traffic.

Restaurant or cafeteria with drive through service
Mini-warehouses in Tract A-2, subject to Commercial Site Plan approval by the City Council

3.03 Prohibited Uses: The following are **prohibited**:

Airport or landing Field
Auto, new, used auto sales: outdoors
Auto parts sales and accessory sales (with outside storage)
Auto sales or auction
Batting cages
Bottling works
Cemetery or mausoleum
Country club, private
Fairgrounds or exhibition area
Feed store
Fraternity or sorority
Golf course; commercial
Helistop
Mold and tool shop
Monument manufacturing
Parking lot, trucks/trailers
Pawnshop
Playfield or stadium (public)
Railroad passenger terminal
Railroad team track
Rodeo grounds
Theater: open drive-in
Tool rental
Trailer, manufactured home sales, or rental, assembly and manufacturing

3.04 Accessory uses allowed:

Accessory building, (neighborhood service, commercial, business, or industry)
 Off-street parking
 Swimming pool

3.10 Tracts B-1 and B-2 Open Space

3.11 General Description: All open space lots provided with a specific tract will be maintained by a Home Owners Association. This will include all improvements within the floodway/floodplain area, i.e. ponds, walks, etc. not specifically conveyed to the City of Burleson.

3.12 Permitted Uses: Land uses permitted within tract B-2 and further described on the Zoning Exhibit Development Plan shall be as follows:

Gas Wells

3.20 Tracts C-1, D-1 and D-2 Single Family Residential

3.21 General Description: The Residential tracts are intended to accommodate a variety of single family residential uses. The residential units will be comprised of Single Family Type I and Single Family Type II products. Development standards for each of the aforementioned housing types are outlined as follows. The provisions of this Section apply to tracts C-1, D-1 and D-2 as designated on the Zoning Exhibit Development Plan. The provisions shall also apply to any single family development that is to be located in Tract C-2 as designated on the Zoning Exhibit Development Plan.

3.22 Permitted Uses: Land uses permitted within the residential tract listed in Section 3.21 and further described on the Zoning Exhibit Development Plan shall be as follows:

Residential units as described herein

Private or public recreation facilities

Churches/rectories

Schools – public, private, or state accredited

Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts

Fire stations and public safety facilities

Real estate sales offices during the development and marketing of the Planned Development

Public streets and private streets

Electronic security facilities including gatehouse and control counter

Accessory buildings and uses customarily incidental to the permitted uses

Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

SECTION 4 Lot Development Regulations

The following regulations apply to each tract as specified below:

4.00 Tracts A-1, A-2, and C3 Commercial/Retail/Office

All development regulations within tracts A-1, A-2, and C3 shall be subject to the requirements of Section 78-120 (C, Commercial District Development Regulations) of the City of Burleson Zoning Ordinance unless otherwise stated below.

4.01 Front yard – Eaves and roof extensions may project into the required front yard for a distance not to exceed six (6) feet.

4.02 Side yard – Eaves and roof extensions may project into the required side yard for a distance not to exceed two (2) feet.

4.03 Land Area Permitted: The amount of acreage permitted in the commercial tracts shall be outlined in the attached Zoning Exhibit/Development Plan.

4.04 Building Heights: The maximum permitted height of all buildings within the commercial tracts of the Planned Development District shall be four (4) stories.

4.10 Tracts C-1, C-2, D-1 and D-2 Single Family Residential

4.11 Density - Dwelling unit per acre densities for each tract shall be based on the net acreage of the tract. The maximum allowable densities and unit counts are not transferable between single family tracts.

Tract C-1	Type I	4.5 dwelling units per net acre
Tract C-2	Type II	5.0 dwelling units per net acre

Tract D-1	Type I	4.5 dwelling units per net acre
Tract D-2	Type I	5.5 dwelling units per net acre

The amount of acreage in each single family residential tract shall be outlined in the attached Zoning Exhibit/Development Plan. Net acreage is the total area of a tract defined and described on the Zoning Exhibit/Development Plan, minus the area to be dedicated for parkland and right-of-way dedications for the proposed 90' right-of-way and the proposed 60' collector. The single family residential tracts acreage and density maximums are subject to the Planning and Zoning Commission and City Council approval of final alignments of the proposed Thoroughfare and the proposed 60' collector at the time of platting.

4.12 Minimum Dwelling Size: The minimum floor area, exclusive of garages, breezeways and porticos, for single family residential units shall be:

Tract C-1 – 2,000 square feet
 Tract C-2 – 1,200 square feet
 Tract D-1 – 2,000 square feet
 Tract D-2 – 2,000 square feet

4.13 Single-Family Type I (Tracts C-1, D-1 and D-2): Single-family Type I units are a form of single family, detached housing. This residential type will consist of smaller units and lots, having access and frontage on a public or private street. Should private streets be desired, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

4.13.0 Lot Area: The minimum area of any lot shall be six thousand (6,000) square feet.

4.13.1 Lot Coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

4.13.2 Lot Width: The minimum width of any lot shall not be less than sixty (60) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty-five (55) feet at the building line; provided all other requirements of this section are fulfilled.

4.13.3 Lot Depth: The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

4.13.4 Front Yard: The minimum depth of the front yard shall be fifteen (15) feet, not including front entry garages, "J" swing garages will be allowed. The minimum depth of the front yard shall be twenty (20) feet to the face of the garage. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement.

4.13.5 Side Yard: The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than fifteen (15) feet.

4.13.6 Rear Yard: The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

4.13.7 Building Height: Buildings shall be a maximum of two and one-half (2 ½) stories.

4.14 Single-Family Type II (Tract C-2): Single-Family Type II units are a form of single family, detached housing. This residential type is designed to provide housing at a slightly higher density than permitted in Single-Family Type I housing, having access and frontage on a public or private street. Building and area requirements are as follows:

4.14.0 Lot Area: The minimum area of any lot shall be five thousand (5,000) square feet.

4.14.1 Lot Coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

4.14.2 Lot Width: The minimum width of any lot shall not be less than fifty (50) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of forty-five (45) feet at the building line; provided all other requirements of this section are fulfilled.

4.14.3 Lot Depth: The minimum depth of any lot shall be eighty-five (85) feet.

4.14.4 Front Yard: The minimum depth of the front yard shall be fifteen (15) feet, not including front entry garages, "J" swing garages will be allowed. The minimum depth of the front yard shall be twenty (20) feet to the face of the garage. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement.

4.14.5 Side Yard: The minimum side yard on each side of a lot shall be five (5) feet to the assumed lot line. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than ten (10) feet.

4.14.6 Rear Yard: The minimum depth of the rear yard shall be five (5) feet to the assumed lot line. No portion of a structure including roof eaves may encroach into any utility easement.

4.14.7 Building Height: Buildings shall be a maximum of two and one-half (2 ½) stories.

SECTION 5 Landscape Regulations

All Planned Development Districts shall be subject to the requirements of the following sections of Chapter 86 Landscaping, Trees and Vegetation of the City of Burleson Code of Ordinances along with additional regulations listed below:

Section 86-103 Landscaping generally
 Section 86-104 Landscaping plan required
 Section 86-105 Location criteria
 Section 86-106 Credits for landscape area reduction
 Section 86-107 Installation and Maintenance

Street Trees: A minimum of one (1) street tree shall be required on all residential lots within the street parkway. Street trees shall measure 3 inches in caliper at the time of planting. Suitable trees shall be from the following list:

Bald Cypress	Cedar Elm
Pecan	Chinese Pistache
Bradford Pear	Bur Oak
Texas Sophora	Shumard's Oak
Sweet Gum	Deciduous Holly
Live Oak	Red Oak

Street trees shall not be located in any of the following areas:

- a. Within an area that the mature canopy of the tree will interfere with overhead utility lines.
- b. Within an area that the mature root zone of the tree will interfere with underground public utility lines (including water lines, sewer lines, transmission lines or other utilities).

- c. Within ten (10) feet of a fire hydrant; or,
- d. Closer than thirty-five (35) feet to any street corner, measure from the point of nearest intersection curbs or curblines.

A fifteen (15) foot wide strip of property devoted to landscaping shall be located adjacent to the edge of street paving that is adjacent to the south side of Hidden Creek Parkway. These areas shall be landscaped with trees identified on the preferred tree list.

- a. Detailed planting plans shall be submitted at the time of site plan and preliminary plat review and subject to approval by the City of Burleson.
- b. Landscape areas shall be equipped with permanent irrigation systems.
- c. Public sidewalks shall be permitted within landscape areas.
- d. Visibility triangles, as required by the Burleson Zoning Ordinance shall be maintained at all driveway and street intersections.
- e. Landscape areas shall be considered common areas. As such, installation and perpetual maintenance shall be the responsibility of the property owners' association, the commercial property owner, or the multi-family property owner, respectively. The Burleson shall have no responsibility for the installation, watering, or other maintenance of the landscape areas established by this Section.

Additionally, when the multi-family units are located on the portion of Tract C-2 identified on Exhibit D, the following is applicable:

- a. Contoured berming shall be required along Hidden Vistas Boulevard to provide a visual buffer from single-family uses. The berming shall be complimented by grouping of trees and landscaping, as well as wrought iron (or equivalent fencing) with masonry columns along Hidden Vistas Boulevard and,
- b. The landscaping standards from the Burleson Code of Ordinances, Appendix C, Section VIII, "Multi-Family Design Standards" shall be applicable.

SECTION 6

Parking Regulations

All Planned Development Districts shall be subject to the requirements of Appendix B Zoning Ordinance Section 134 Vehicle Parking Regulations of the City of Burleson Code of Ordinances along with additional regulations listed below:

- (1) Parking and driveways shall be permitted within all required yard areas and must be paved with asphalt or concrete.
- (2) Handicapped parking shall be as set forth in the State of Texas Architectural Barriers Act.

Tracts C-1, C-2, D-1 and D-2 Single Family Residential.

Additional parking requirements for single family residential tracts developed for single family use shall be as follows:

- a. Boat and RV parking are prohibited in front yard areas.
- b. Two-car garages are required.
- c. Driveway access shall be from streets and/or alleys.
- d. Parking is only permitted on paved surfaces of asphalt or concrete.

SECTION 7

Architectural Development Standards

All buildings within all Planned Development Districts shall have an exterior finish of glass, stone, stucco, brick, tile, concrete, exterior wood or similar materials of any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces. Construction of buildings shall be subject to the requirements of Chapter 10 Buildings and Building Regulations Article XVI Masonry Construction Standards of the City of Burleson Code of Ordinances along with additional regulations listed below:

Tracts A-1, A-2 and C-3 Commercial/Retail/Office

Office, Retail and Commercial District:

- (1) **Masonry:** Structures shall be constructed of masonry, stone, or other cementitious products, such as those offered by James Hardie. Concrete tilt walls may be appropriate as the principle component of office, retail and commercial construction. Concrete tilt walls shall have a finish or texture of pebble or stucco, or shall have a brick or stone pattern as part of the wall created in the stage of formation. Masonry may be brick or stone of earth tone colors, if color and pattern are added to the form. However, it would be consistent to permit other brick colors, as accent brick, provided that in combination accent brick and non-masonry materials do not exceed the 25 percent non-masonry benchmark. Stone shall not be painted. Brick shall be painted only for the purpose of covering an inappropriate brick color with an earth-tone color.
- (2) **Concrete Surfaces and Surfaces Other Than Masonry:** Exterior concrete wall surfaces and wall surfaces other than masonry shall consist of no more than three colors – a base color, and/or a trim color, and/or an accent color. The City shall permit a base color on up to a 100% of the surface area of any one façade of a building. However, the City shall permit other than a base color on up to only 15% of the surface area of any one façade, and an accent color on up to only 10% of the surface area of any one facade. For calculation purposes, wall surfaces shall include eaves, gables and parapets, but should exclude roofs, awnings or signs.
- (3) **Attached Signs:** Signs attached to walls shall consist of individually mounted channel letters. There should be no restriction on the form they take, or on their typestyle, but colors should be restrained and, in unified developments, the same. Back-lit plastic in white, black, or neutral colors is appropriate, as well as back-lit metal in natural finishes or painted in white, black or neutral colors.
- (4) **Awnings:** Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings shall be canvas, or a lusterless material which closely resembles canvas, at least 80 percent of which is a single deep or neutral solid color, the remaining up to 20 percent, if different, shall be contrasting. For example, if the majority is a deep solid, the trim shall be a neutral solid. If the majority is a neutral solid, the trim shall be a deep solid. Awnings shall not be back-lit. Lettering and logos shall be limited to a monogram.
- (5) **Lights:** Parking lot light standards shall not exceed 30 feet in height. Lighting shall be required to minimize glare onto single family residential development.
- (6) **Roofs:** Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least 3 percent of the height of the building. Pitched roofs shall have roofing material of a lusterless neutral color. Green colors shall be limited to dark forest greens, slate greens, pale bluish-gray

greens and copper patinas. Metal roofs shall be standing seam either with a baked-on lusterless finish made of copper.

- (7) **Windows:** Glass shall not exceed 50 percent of any one façade of a building. It shall be clear or tinted, including art glass and stained glass, but not mirror reflective. If used for advertising purposes, stained glass on any facade shall be limited to 10 percent of the total glass area on the facade.
- (8) **Pavement:** Pavement shall be concrete or asphalt installed in accordance with the Burleson standards.

Institutional Uses: Unless a specific exception is granted by the City Council at a time of site plan approval, materials for institutional buildings shall have the same as those for office, retail and commercial development. One exception centers on the use of stucco for Romanesque and Spanish Colonial styles. Since churches and schools are permitted within residential zoning districts, the City may, at the time of site plan approval, allow stucco by special use permit. Therefore, when stucco is permitted in these styles, terra cotta and burnt terra-cotta tile roofs would be architecturally consistent. Also, reflective metal may be appropriate for the spires and domes of landmark institutional buildings, if approved by the Burleson City Council at the time of site plan approval.

Mini-Warehouses: Mini-warehouse buildings shall have a different building design character. Therefore, wall colors shall be very light, in either white or neutral shades. In addition, a trim color in combination with an optional accent color shall be permitted on up to 15 percent of the surface area of any once façade, with the accent color limited to no more than 10 percent of the surface area of a facade.

In this setting, walls are not required to have a cap or cornice, large expanses of glass should be permissible, and glass selection may, subject to approval by the City Council at the time of site plan review, include reflective materials. Attached signs, awnings, lights, pitched roofs and pavement, however, should observe the same design standards set for office, retail and commercial areas.

Tracts C-1, C-2, D-1 and D-2 Single Family Residential

- (1) **Design Elevations:** No house plan elevations may be repeated for a distance of four lots, either on the same side or opposite side of the street.
- (2) **Roofs:** Residential structures shall have a minimum of 7/12 pitch roof.
- (3) **Chimneys:** All exterior chimneys shall be of either, stucco, stone or brick. No siding on chimneys will be permitted.
- (4) **Type I (C-1, D-1, and D-2) Residential Structures:** Shall have 2 different height plate limits and 3 offsets in the front elevation.

(5) **Type II (C-2) Residential Structures:** Shall have 2 different height plate limits and 2 offsets in the front elevation.

(6) **Materials:** the city of Burleson Masonry Ordinance shall apply except for:

- a. D-1 cementitious fiberboard products shall be prohibited.

Screening: A minimum six (6) foot screening fence shall be provided where any property or tract designated for single family residential development abuts property or tract that is designated for commercial development. The commercial user and property owner shall be responsible for the construction and maintenance of the screening fence. Screening fences shall be maintained in good repair. The design, color, or materials used in construction of the wall shall not be modified when repairs are made to the wall. This screening wall shall be constructed at the time a commercial property is developed and shall only be required adjacent on the specific commercial property this is being developed.

The above referenced screening fence shall be constructed of stone, brick, cementitious, wrought iron or similar materials or any combination thereof. Screening fence plans shall be included as a component of required site plans and will be subject to approval by the Burleson City Council at the time of site plan approval.

SECTION 8 CUMULATIVE CLAUSE

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 9 SEVERABILITY CLAUSE

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 10 PENALTY CLAUSE

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.

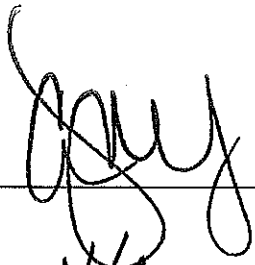
SECTION 11 EFFECTIVE DATE

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

PASSED AND APPROVED this the 7th day of May, 2018.


MAYOR

ATTEST:



City Secretary

First Reading: N/A



EXHIBIT A

Zoning Exhibit Development Plan

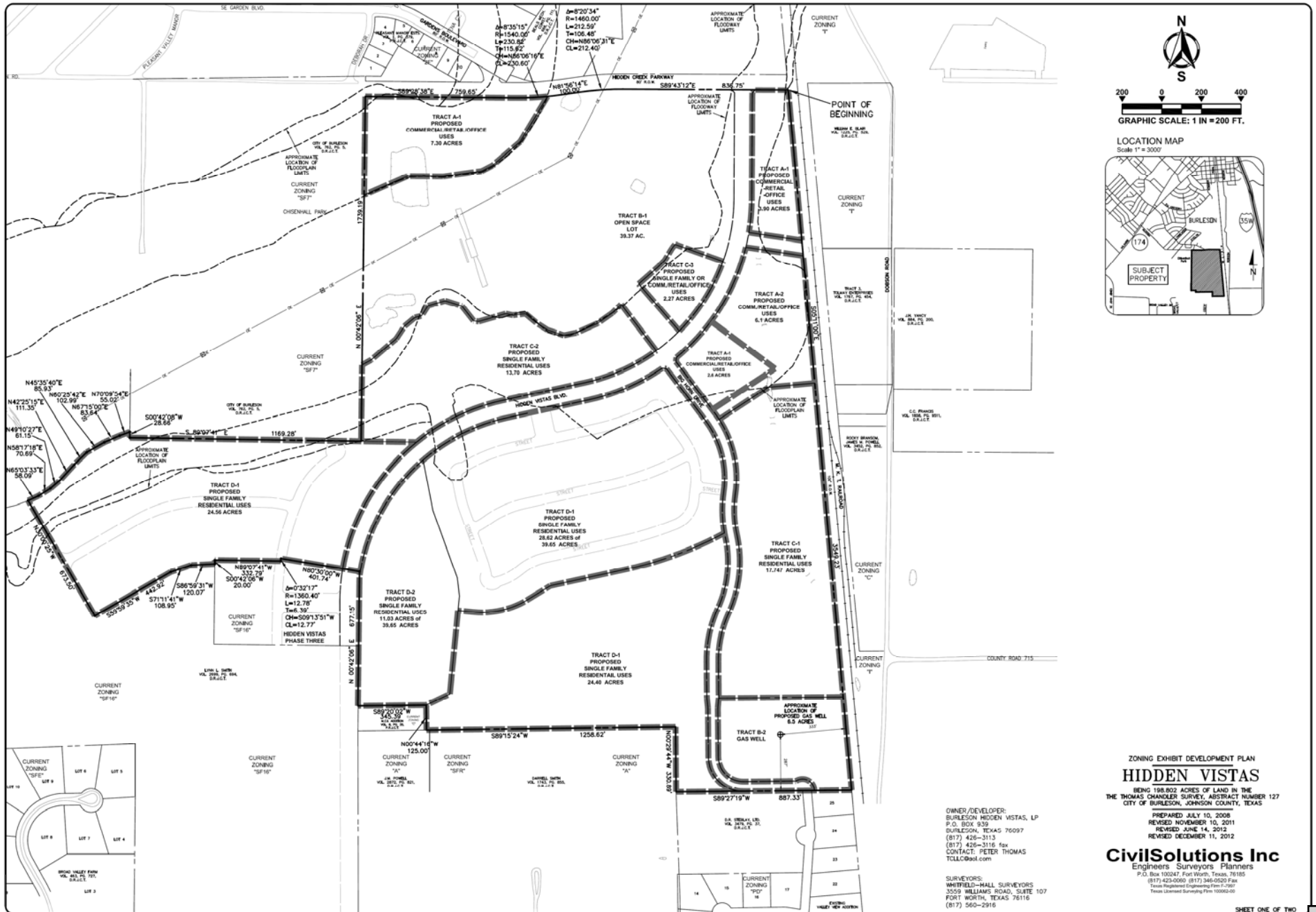


EXHIBIT B
Metes and Bounds

DESCRIPTION OF PROPERTY

BEING 198.802 acres of land in the THOMAS CHANDLER SURVEY, ABSTRACT NUMBER 127, Johnson County, Texas and being the remainder of that certain tract of land conveyed to Burleson Hidden Vistas, LP according to the deed recorded in Volume 3860, Page 237, and Volume 3922, Page 574, Deed Records of Johnson County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found being the intersection of the existing south right-of-way line of Hidden Creek Parkway and the existing west right-of-way line of the M.K.T. Railroad;

THENCE, South 05 degrees 11 minutes 00 seconds East, along the existing east right-of-way line of said M.K.T. Railroad, 3549.23 feet to a 1/2" iron rod found for corner;

THENCE, South 89 degrees 27 minutes 19 seconds West, along the north line of a tract of land conveyed to D.R. Stebley according to the deed recorded in Volume 3479, Page 37, D.R.J.C.T., 887.33 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, North 00 degrees 29 minutes 44 seconds West, along the east line of a tract of land conveyed to Darrell Smith according to the deed recorded in Volume 1743, Page 855, D.R.J.C.T., 330.89 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 15 minutes 24 seconds West, along the north line of said Smith tract, 1258.62 feet to a 3/4" iron rod found for corner;

THENCE, North 00 degrees 44 minutes 16 seconds West, along the east line of MCI Addition according to the plat recorded in Volume 8, Page 35, Plat Records of Johnson County, Texas, 125.00 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 20 minutes 02 seconds West, along the north line of said MCI Addition, 345.39 feet to a 5/8" iron rod found for corner;

THENCE, North 00 degrees 42 minutes 06 seconds East, along the west line of said Burleson Hidden Vistas tract, 677.15 feet to a point for corner;

THENCE, North 80 degrees 30 minutes 00 seconds West, 401.74 feet to an "x" cut in concrete found for corner, being the northwest corner of Lot 89, Block 11, Hidden Vistas Phase Three according to the plat recorded in Volume 9, Page 948, Drawer D, Plat

Records of Johnson County, Texas and being the beginning of a curve to the left with a radius of 1360.40 feet and a long chord bearing South 09 degrees 13 minutes 21 seconds West, 12.77 feet;

THENCE, along said curve to the left, along the west line of said Lot 89, Block 11, passing through a central angle of 00 degrees 32 minutes 17 seconds an arc length of 12.78 feet to an "x" cut in concrete found for corner;

THENCE, North 89 degrees 07 minutes 41 seconds West, 332.79 feet to a point for corner;

THENCE, South 00 degrees 42 minutes 06 seconds West, 20.00 feet to a 1/2" iron rod found for corner, being the northwest corner of Lot 35, Block 11, of said Hidden Vistas Phase Three;

THENCE, South 86 degrees 59 minutes 31 seconds West, 120.07 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, South 71 degrees 11 minutes 41 seconds West, 108.95 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, South 59 degrees 59 minutes 35 seconds West, 442.92 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, North 30 degrees 00 minutes 25 seconds West, 673.50 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set, being in the southerly line of a tract of land conveyed to the City of Burleson according to the deed recorded in Volume 2959, Page 638, D.R.J.C.T.;

THENCE, the following courses and distances along the southerly line of said City of Burleson tract:

North 65 degrees 03 minutes 33 seconds East, 58.09 feet, to a 1/2" iron rod found;
 North 58 degrees 17 minutes 18 seconds East, 70.69 feet, to a 1/2" iron rod found;
 North 49 degrees 10 minutes 27 seconds East, 61.15 feet, to a 1/2" iron rod found;
 North 42 degrees 25 minutes 15 seconds East, 111.35 feet, to a 1/2" iron rod found;
 North 45 degrees 35 minutes 40 seconds East, 85.93 feet, to a 1/2" iron rod found;
 North 60 degrees 25 minutes 42 seconds East, 102.99 feet, to a 1/2" iron rod found;
 North 67 degrees 15 minutes 00 seconds East, 83.64 feet, to a 1/2" iron rod found;
 North 70 degrees 09 minutes 54 seconds East, 55.02 feet to a 1/2" iron rod found, being the southeast corner of said City of Burleson tract;

THENCE, South 00 degrees 42 minutes 08 seconds West, 28.66 feet to a 1/2" iron rod found for corner, being the southwest corner of a tract of land conveyed to the City of Burleson according to the deed recorded in Volume 762, Page 5, D.R.J.C.T.;

THENCE, South 89 degrees 07 minutes 41 seconds East, along the south line of said City of Burleson tract, 1169.28 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set, said iron rod being in the west line of said Burleson Hidden Vistas tract (3860/237);

THENCE, North 00 degrees 42 minutes 06 seconds East, along the west line of said Burleson Hidden Vistas tract (3860/237), 1739.19 feet to a 1/2" iron rod found;

THENCE, South 89 degrees 28 minutes 38 seconds East, along the existing south right-of-way line of said Hidden Creek Parkway, 759.65 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818", being the beginning of a curve to the left with a radius of 1540.00 feet and a long chord bearing North 86 degrees 06 minutes 16 seconds East, 230.60 feet;

THENCE, along said curve to the left and continuing along the existing south right-of-way line of said Hidden Creek Parkway, passing through a central angle of 08 degrees 35 minutes 15 seconds an arc length of 230.82 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, North 81 degrees 56 minutes 14 seconds East, continuing along the existing south right-of-way line of said Hidden Creek Parkway, 100.00 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818", being the beginning of a curve to the right with a radius of 1460.00 feet and a long chord bearing North 86 degrees 06 minutes 31 seconds East, 212.40 feet;

THENCE, along said curve to the right and continuing along the existing south right-of-way line of said Hidden Creek Parkway, passing through a central angle of 08 degrees 20 minutes 34 seconds an arc length of 212.59 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 43 minutes 12 seconds East, continuing along the existing south right-of-way line of said Hidden Creek Parkway, 836.75 feet to the POINT OF BEGINNING.

The tract of land herein described contains 198.802 acres.

MEMORANDUM OF UNDERSTANDING

BETWEEN

BURLESON HIDDEN VISTA, LP AND THE CITY OF BURLESON, TEXAS

REGARDING PARK IMPROVEMENTS IN THE HIDDEN VISTA DEVELOPMENT

PARK MOU #2018-03

On October 3, 2013, a letter was sent by the City of Burleson (the City) to Peter Thomas, authorized agent for Burleson Hidden Vista, LP (the Developer), that detailed park improvements proposed by the Developer. The construction of the improvements were to count as credit toward the required park infrastructure fee for phases 2, 3, 3A and 7 of the Hidden Vistas development (the Development). The park improvements were never initiated. Therefore, the City and the Developer wish to nullify the previous agreement and replace it with this Memorandum of Understanding (the MOU). The following outlines the commitments made between Burleson Hidden Vista, LP, and or assigns, with the address P. O. Box 939, Burleson, TX 76097, and the City of Burleson, Texas, with the address 141 W Renfro St, Burleson, TX 76028-4296, for park improvements in and around the Hidden Vistas development, DAC Case #18-002.

Developer agrees that it will:

1. Construct a concrete hike and bike trail along the alignment shown in Exhibit A before Phase 4 is completed. The trail will generally have a width of 10' with a 3' shoulder on each side, but an 8' width with 2' shoulders over a short distance is permissible if dictated by site conditions. The trail alignment along the Hidden Vista Dr. ROW shall be the width of the sidewalks typical of the development. The pedestrian connections to the cul-de-sacs shall be 5' wide minimum.
2. Provide electric service for, and install, one (1) aeration fountain in the pond shown in Exhibit A before Phase 4 is completed.
3. Improve the low water crossing shown in Exhibit A to include a 16' wide trail path (10' trail with 3' shoulders) that is compliant with the 2012 Texas Accessibility Standards before Phase 6 is completed. Coordinate efforts with the City's Floodplain Administrator to insure compliance with all relevant floodplain-related regulations and hydraulic requirements.
4. Obtain final approval from the City for all park improvements before proceeding with construction.
5. Strictly adhere to the approved grading plan for the Development, including the dedicated park land, which facilitates the construction of streets, water, sewer, drainage, etc.

City agrees that it will:

1. Pay for the electricity required to operate the aeration fountain.
2. Waive escrow for the park land dedication.
3. Provide a metes and bounds survey and legal description of the property to be dedicated as park land shown in Exhibit A.
4. Maintain all dedicated park land.

The City and the Developer agree that any modification to the MOU requires the written consent of both parties. The parties also agree that the MOU does not exhaustively cover all details of the Development or the park improvements and will work, in good faith, to coordinate these efforts as Hidden Vistas is developed.

This MOU shall remain binding in the event of a change of developer.

City of Burleson, Texas**Burleson Hidden Vista, LP**

by

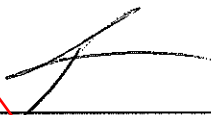


Marc D. Marchand, Director
Recreation and Lifelong Learning

Date

5-7-18

by



Peter Thomas
Authorized Agent

Date

5/8/18

[illegible]

50

AMENDMENT #1

MEMORANDUM OF UNDERSTANDING

BETWEEN

BURLESON HIDDEN VISTA, LP AND THE CITY OF BURLESON, TEXAS

REGARDING PARK IMPROVEMENTS IN THE HIDDEN VISTA DEVELOPMENT

PARK MOU #2018-03

WHEREAS, the City of Burleson ("City") and Burleson Hidden Vista, LP ("Developer") entered into a Memorandum of Understanding on May 7, 2018 ("Park MOU #2018-03 ") regarding certain park improvements in the Hidden Vista Development; and

WHEREAS, the City and Developer now desire to amend Park MOU #2018-03 to account for changes in the Hidden Vista Development; and

WHEREAS, the City and Developer both feel it is in the best interests of both parties or the Park MOU #2018-03 to be amended.

NOW THEREFORE, Developer and City agree to amend Park MOU #2018-03 by repealing and replacing the previous commitments with the following:

Developer agrees that it will:

1. Construct a 10-foot concrete hike and bike trail along the alignment shown in Exhibit A as part of Hidden Vista Phase 4B. These improvements shall be constructed as part of the proposed public infrastructure and shall be completed prior to the city issuing a substantial or final acceptance letter, whichever comes first. The trail will generally have a width of 10' with a 3' shoulder on each side, but an 8' width with 2' shoulders over a short distance is permissible if dictated by site conditions. Coordinate efforts with the City's Floodplain Administrator to insure compliance with all relevant floodplain-related regulations and hydraulic requirements.
2. The trail alignment along the Hidden Vista Dr. ROW shall be the width of the sidewalks typical of the development, four (4) feet.
3. Provide electric service for, and install, one (1) aeration fountain in the pond shown in Exhibit A before Phase 4 is completed.
4. Dedicate the land shown in Exhibit A as parkland prior to substantial or final acceptance of Hidden Vista, Phase 4B, whichever comes first.
5. Obtain final approval from the City for all park improvements before proceeding with construction.

6. Strictly adhere to the approved grading plan for the Development, including the dedicated park land, which facilitates the construction of streets, water, sewer, drainage, etc.

City agrees that it will:

1. Pay for the electricity required to operate the aeration fountain.
2. Waive escrow for the park land dedication.
3. Provide a metes and bounds survey and legal description of the property to be dedicated as park land shown in Exhibit A.
4. Maintain all dedicated park land.

The City and the Developer agree that any modification to this MOU requires the written consent of both parties. The parties also agree that the MOU does not exhaustively cover all details of the Development or the park improvements and will work, in good faith, to coordinate these efforts as Hidden Vistas is developed.

This MOU shall remain binding in the event of a change of developer.

City of Burleson, Texas

Burleson Hidden Vista, LP

by

Robert Ranc

Deputy City Manager, Acting Director of
Parks and Recreation

Date

7/20/20

by

Peter Thomas

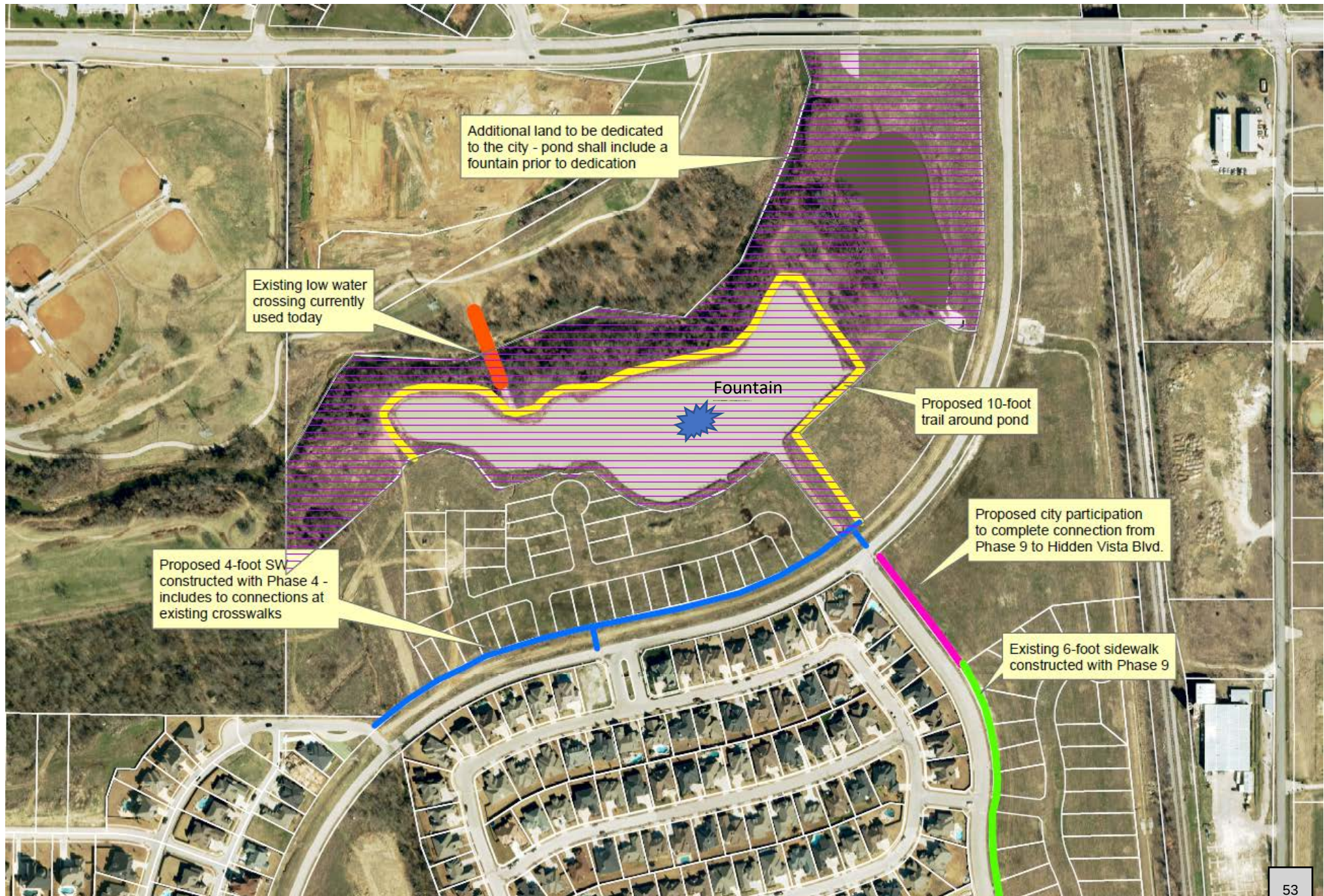
Authorized Agent

Date

7/30/20

Exhibit A

Item A.



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Tony D. McIlwain, Development Services Director

MEETING: September 15, 2026

SUBJECT:

Hold a public hearing and consider and take possible action on an ordinance amending the text of the city's zoning ordinance codified in Appendix B, Zoning, Article V, Supplemental Regulations of the City of Burleson Code of Ordinances. (*Staff Contact: Tony D. McIlwain, Development Services Director*)

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
 Dynamic & Preferred City Through Managed Growth	2.2 Promote sustainable residential and commercial development through strategic and long-term planning

SUMMARY:

Burleson Code of Ordinances, Appendix B, Zoning, Article V, Supplemental Regulations contain development standards, processes and requirements, which are applicable to city properties. City staff is proposing amendments to the following supplemental regulation sections:

- Amending various Code sections relating to **Site plans** to update text references, processes and requirements. Most notably, it includes a new requirement to illustrate the location and full extents of any on-site sewage facility (OSSF).
- Amending various provisions of the **Accessory building and structure yard** regulations to include increasing the setback of an alley or side street garage or carport from 18' to 20'.

- Amending Code section 133-100 relating to **height** to replace the Spinks Airport Air Hazard Zoning ordinance with the IH35 overlay district restrictions.
- Amending Code section 136-103 to remove **snow cone stands** as a seasonal use; they are governed by the State's mobile food vendor regulations.
- Amending Code section 136-105 to replace stationary food vendor with **mobile food vendor**.
- Deleting Code section 136-106 relating to **stationary food vendors**; which are governed by the State's mobile food vendor regulations.

RECOMMENDATION:

Staff recommends approval of the proposed amendments to the supplemental standards of the zoning code.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

n/a

REFERENCE:

Insert CSO# if applicable

Insert resolution or ordinance change

FISCAL IMPACT:

Proposed Expenditure/Revenue: n/a

Account Number(s): n/a

Fund: n/a

Account Description: n/a

Procurement Method: n/a

STAFF CONTACT:

Tony D. McIlwain, AICP, CFM
Development Services Director

tmcilwain@burlesontx.com

817-426-9684

Supplemental regulations

PLANNING AND ZONING COMMISSION: 9.15.2026

Background

- The purpose of this effort is to continue the updating of various provisions within the city's zoning ordinance.
- This item proposes various amendments to provisions within the supplemental regulations within the city's zoning ordinance.
- The proposed amendments are detailed in the next two slides.

Supplemental Regulations

Amends various Code sections relating to **Site plans** to update text references, processes and requirements. Most notably, it includes a new requirement to illustrate the location and full extents of any on-site sewage facility (OSSF).

Amends various provisions of the **Accessory building and structure yard** regulations to include increasing the setback of an alley or side street garage or carport from 18' to 20'.

Amending Code section 133-100 relating to **height** to replace the Spinks Airport Air Hazard Zoning ordinance with the IH35 overlay district restrictions.

Supplemental Regulations (cont'd.)

Amending Code section 136-103 to remove **snow cone stands** as a seasonal use. This use is governed by the State's mobile food vendor regulations.

Amending Code section 136-105 to replace stationary food vendor with **mobile food vendor**.

Deleting Code section 136-106 relating to **stationary food vendors**. This use is now governed by the State's mobile food vendor regulations.

Recommendation

- Staff recommends approval of the proposed amendments to the city's supplemental regulations.

ORDINANCE

AN ORDINANCE AMENDING APPENDIX B, “ZONING”, OF THE CITY OF BURLESON, TEXAS CODE OF ORDINANCES BY AMENDING VARIOUS SECTIONS OF ARTICLE V “SUPPLEMENTAL REGULATIONS”; PROVIDING FOR THE INCORPORATION OF THE RECITALS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE CODICIATION INTO THE CODE OF ORDINANCES; FINDING THAT MEETINGS AT WHICH THIS ORDINANCE WERE PASSED COMPLIED WITH LAW; 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 of the City of Burleson has adopted Ordinance B-582 (A0508), being Appendix B - Zoning Ordinance, Code of Ordinances, City of Burleson, which establishes zoning regulations and districts in accordance with the City's comprehensive land use plan in order to promote health, safety, morals and the general welfare within the City of Burleson; and

WHEREAS, the City Council finds that the Planning and Zoning Commission of Burleson, Texas, held a public hearing, notice for said hearing having been given not less than ten (10) days before the date set for the hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and voted ___ to ___ to recommend approval to the City Council of Burleson, Texas, that the ordinance be approved; and

WHEREAS, the City Council finds that the City Council held a public hearing, said notice was given of the further public hearing to consider the advisability of amending the Zoning Ordinance 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 by posting such notice to the City's Internet website; and

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

WHEREAS, the City Council finds that all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed zoning amendment and the City Council of the City of Burleson, Texas, have found and determined 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.

WHEREAS, pursuant to Section 2-4(b) of the Code of Ordinances, City of Burleson, Texas, the City Council must consider and approve ordinance amendments at two separate sessions of the City Council unless an exception applies, and no such exception applies to amendments of the City's zoning ordinance; and

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

SECTION 1.

Section 131-105, “Site plan requirements generally”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-105 Site plan requirements generally.

Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section.. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the development assistance committee. Site plans shall be reviewed by the development assistance committee at the next scheduled meeting after submittal. Comments shall be returned within five working days after the review by the development assistance committee. In no event shall the review process exceed 15 working days after submittal. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the development assistance committee.

SECTION 2.

Section 131-115, “Changes to the site plan”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-115 Changes to the site plan.

Changes to the site plan shall be processed in the same manner as the original approved site plan.

- (a) Except as otherwise provided in subsection 131-115, changes to site plan (c), any site plan that is amended shall require approval as provided in subsection 131-120.
- (b) Changes to the site plan which will affect the use of the land may require either an amendment to a PD or a rezoning of property, whichever applies.
- (c) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the development services director or his/her designee. An aggrieved party may appeal the decision of the development services director or his/her designee to the planning and zoning commission in accordance with the provisions of this ordinance.

SECTION 3.

Section 131-125, “Site plan content”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-125

Site plan content.

The site plan shall contain the information listed below and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the planning and zoning commission, the city council, and the staff personnel required to enforce and interpret this ordinance:

- (a) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, and when applicable, the location and full extents of any on-site sewage facility (OSSF), easements, roadways, sidewalks, emergency access easements and public rights-of-way.
- (b) Floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
- (c) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.
- (d) Total number, location and arrangement of off-street parking and loading spaces, where required.
- (e) All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- (f) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
- (g) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- (h) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
- (i) If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
- (j) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address or common description of the property.
- (k) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
- (l) Buildings on the exterior of the site and within 25 feet of all property lines.
- (m) The location and size of existing and proposed surface and subsurface drainage facilities,

including culverts, drains, and detention ponds, showing size and direction of flow.

- (n) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.

SECTION 4.

Section 132-115, “Accessory building and structure yard regulations”, of Section 132, “General yard requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

132-115 Accessory building and structure yard regulations.

(a) Front yard.

Attached accessory buildings or structures shall have a front yard not less than the main building.

(b) Side yard.

A side yard of three feet shall be maintained for any accessory building or structure located in a residential district as measured from the side lot line; except that adjacent to a side street the accessory building side yard shall be not less than ten feet and a garage or carport entered from and opening onto the side shall provide a side yard of not less than 20 feet.

(c) Rear yard.

- (1) There shall be a rear yard for accessory buildings or structures of not less than three feet measured from the rear lot line. In residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within this rear portion of the lot shall not be located closer than six feet to the main building or nearer than three feet to any side lot line, (See Appendix Illustration 3).
- (2) Where a garage or carport is designed and constructed to be entered from an alley or side street, the garage or carport shall be set back from the side street or alley a minimum distance of 20 feet.

SECTION 5.

Section 133-100, “Generally”, of Section 133, “General height requirements”, of Article V,

“Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

133-100

Generally.

The following height requirements shall apply:

- (a) Cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of a building. Water standpipes and tanks, religious institution steeples, domes and spires, school buildings, and institutional buildings may exceed three stories in height in residential districts restricted to two or three stories in height, provided that one additional foot is added to the width and depth of side and rear yards for each foot that a structure exceeds 35 feet in height.
- (b) In the GR, CC, C and I districts a building may exceed a height of 35 feet if the following conditions are met:
 - (1) A site plan is provided; and
 - (2) For every one foot above the height of 35 proposed, an additional one foot of set back is provided on the front, side, and rear yards. The maximum height shall not exceed 60 feet.
- (c) Height regulations do not apply to steeples, domes and spires, or other architectural design elements, communication towers and/or antennas. (For antenna and tower regulations see section 137, antenna facilities.)
- (d) Applicable height restrictions identified in the IH35, 35 overlay district shall be observed.

SECTION 6.

Section 136-103, “Seasonal uses”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

136-103

Seasonal uses.

A permit for a seasonal use shall be granted only for farmers markets . They shall be permitted as follows:

- a. The duration of the permit shall be for a period between April 1st and October 31st.
- b. Such events shall be on a site in the A, NS, GR, CC, C or I zoning districts.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the development services director or designee and/or code enforcement officer.

SECTION 7.

Section 136-105, “Temporary outdoor sales”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

136-105

Temporary outdoor sales.

Temporary outdoor sales are defined as any temporary outdoor sales event that is not classified as a special event, seasonal use, holiday sales, a mobile food vendor. These temporary uses shall be permitted as follows:

- a. They shall only be permitted on properties in the A, NS, GR, CC, C, or I zoning districts.
- b. Temporary outdoor sales will only be conducted by the existing occupants of existing businesses on the property where the sales will be held.
- c. The duration of a temporary outdoor sale shall not exceed 30 days upon the application and granting of a temporary use permit. In no event shall any temporary outdoor sales be allowed for more than 30 consecutive days for more than once per year for each property (lot, tract or parcel).
- d. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- e. All sales shall meet the special conditions, if any imposed by the code enforcement officer and/or fire marshal for the protection of the public health, safety and welfare.
- f. No tent or similar structure shall be erected in any required setbacks or designated easements. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No use of property, for temporary outdoor sales, will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

SECTION 8.

Section 136-106, “Stationary food vendors”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby deleted in its entirety:

SECTION 9.

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

SECTION 10.

This Ordinance shall be cumulative of all provisions of the City, 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.

SECTION 11.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 12.

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 13.

It is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Burleson, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 14.

It is hereby officially found and determined that the meetings at which this ordinance is passed were open to the public and that public notice of the time, place, and purpose of said meetings were given as required by law.

SECTION 15.

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 16.

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to

be published once in a newspaper of general circulation in the city and on the city's website.

AND IT SO ORDAINED.

PASSED AND APPROVED: the _____ day of _____, 20____.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney

ORDINANCE

AN ORDINANCE AMENDING APPENDIX B, “ZONING”, OF THE CITY OF BURLESON, TEXAS CODE OF ORDINANCES BY AMENDING VARIOUS SECTIONS OF ARTICLE V “SUPPLEMENTAL REGULATIONS”; PROVIDING FOR THE INCORPORATION OF THE RECITALS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE CODICIATION INTO THE CODE OF ORDINANCES; FINDING THAT MEETINGS AT WHICH THIS ORDINANCE WERE PASSED COMPLIED WITH LAW; 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 of the City of Burleson has adopted Ordinance B-582 (A0508), being Appendix B - Zoning Ordinance, Code of Ordinances, City of Burleson, which establishes zoning regulations and districts in accordance with the City's comprehensive land use plan in order to promote health, safety, morals and the general welfare within the City of Burleson; and

WHEREAS, the City Council finds that the Planning and Zoning Commission of Burleson, Texas, held a public hearing, notice for said hearing having been given not less than ten (10) days before the date set for the hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality, and voted ___ to ___ to recommend approval to the City Council of Burleson, Texas, that the ordinance be approved; and

WHEREAS, the City Council finds that the City Council held a public hearing, said notice was given of the further public hearing to consider the advisability of amending the Zoning Ordinance 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 by posting such notice to the City's Internet website; and

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

WHEREAS, the City Council finds that all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed zoning amendment and the City Council of the City of Burleson, Texas, have found and determined 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.

WHEREAS, pursuant to Section 2-4(b) of the Code of Ordinances, City of Burleson, Texas, the City Council must consider and approve ordinance amendments at two separate sessions of the City Council unless an exception applies, and no such exception applies to amendments of the City's zoning ordinance; and

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

SECTION 1.

Section 131-105, “Site plan requirements generally”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-105 Site plan requirements generally.

Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. ~~Except as otherwise provided herein, all site plans must be approved by the city council upon recommendation of the planning and zoning commission.~~ The site plan submitted in support of an application ~~(form provided by the building official)~~ shall satisfy the requirements for site plan submittals as set forth by the development assistance committee. Site plans shall be reviewed by the development assistance committee at the next scheduled meeting after submittal. Comments shall be returned within five working days after the review by the development assistance committee. In no event shall the review process exceed 15 working days after submittal. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the development assistance committee.

SECTION 2.

Section 131-115, “Changes to the site plan”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-115 Changes to the site plan.

Changes to the site plan shall be processed in the same manner as the original approved site plan.

- (a) Except as otherwise provided in subsection 131-115, changes to site plan (c), any site plan that is amended shall require approval as provided in subsection 131-120.
- (b) Changes to the site plan which will affect the use of the land may require either an amendment to a PD or a rezoning of property, whichever applies.
- (c) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the ~~community~~-development services director or his/her designee. An aggrieved party may appeal the decision of the ~~community~~ development services director or his/her designee to the planning and zoning commission ~~board of adjustment~~ in accordance with the provisions of this ordinance.

SECTION 3.

Section 131-125, “Site plan content”, of Section 131, “Site plan requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

131-125

Site plan content.

The site plan shall contain the information listed below and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the planning and zoning commission, the city council, and the staff personnel required to enforce and interpret this ordinance:

- (a) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, and when applicable, the location and full extents of any on-site sewage facility (OSSF). easements, roadways, sidewalks, emergency access easements and public rights-of-way.
- ~~(b)~~ ~~Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.~~
- ~~(e)~~(b) Floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
- ~~(d)~~(c) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.
- ~~(e)~~(d) Total number, location and arrangement of off-street parking and loading spaces, where required.
- ~~(f)~~(e) All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- ~~(g)~~(f) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
- ~~(h)~~(g) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- ~~(i)~~(h) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
- ~~(j)~~(i) If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
- ~~(k)~~(j) Vicinity map, north point, scale, name of development, name of owner, name of

- planner, total acreage of project, street address or common description of the property.
- (+)(k) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
- (+)(l) Buildings on the exterior of the site and within 25 feet of all property lines.
- (+)(m) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
- (+)(n) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.

SECTION 4.

Section 132-115, “Accessory building and structure yard regulations”, of Section 132, “General yard requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

132-115 Accessory building and structure yard regulations.

(a) Front yard.

Attached accessory buildings or structures shall have a front yard not less than the main building. ~~Detached accessory buildings or structures shall be located in the area defined as the rear yard.~~

(b) Side yard.

A side yard of three feet shall be maintained for any accessory building or structure located in a residential district as measured from the side lot line; except that adjacent to a side street the accessory building side yard shall be not less than ten feet and a garage or carport entered from and opening onto the side shall provide a side yard of not less than 20 feet.

(c) Rear yard.

- (1) There shall be a rear yard for accessory buildings or structures of not less than three feet measured from the rear lot line. In residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within this rear portion of the lot shall not be located closer than six feet to the main building or nearer than three feet to any side lot line, (See Appendix Illustration 3).
- (2) Where a garage or carport is designed and constructed to be entered from an alley

or side street, the garage or carport shall be set back from the side street or alley a minimum distance of ~~20~~¹⁸ feet.

SECTION 5.

Section 133-100, “Generally”, of Section 133, “General height requirements”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

133-100

Generally.

The following height requirements shall apply:

- (a) Cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of a building. Water standpipes and tanks, religious institution steeples, domes and spires, school buildings, and institutional buildings may exceed three stories in height in residential districts restricted to two or three stories in height, provided that one additional foot is added to the width and depth of side and rear yards for each foot that a structure exceeds 35 feet in height.
- (b) In the GR, CC, C and I districts a building may exceed a height of 35 feet if the following conditions are met:
 - (1) A site plan is provided; and
 - (2) For every one foot above the height of 35 proposed, an additional one foot of set back is provided on the front, side, and rear yards. The maximum height shall not exceed 60 feet.
- (c) Height regulations do not apply to steeples, domes and spires, or other architectural design elements, communication towers and/or antennas. (For antenna and tower regulations see section 137, antenna facilities.)
- (d) ~~Applicable Height~~ restrictions identified in the ~~IH35, 35 overlay district Spinks Airport Air Hazard Zoning Ordinance as adopted by Resolution No. 503~~ shall be observed.

SECTION 6.

Section 136-103, “Seasonal uses”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

136-103

Seasonal uses.

A permit for a seasonal use shall be granted only for farmers markets ~~and snow cone stands~~. They~~se~~ shall be permitted as follows:

- a. The duration of the permit shall be for a period between April 1st and October 31st.
- b. Such events shall be on a site in the A, NS, GR, CC, C or I zoning districts.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the ~~community~~ development services director or designee and/or code enforcement officer.

SECTION 7.

Section 136-105, “Temporary outdoor sales”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

136-105

Temporary outdoor sales.

Temporary outdoor sales are defined as any temporary outdoor sales event that is not classified as a special event, seasonal use, holiday sales, a mobile food vendor ~~or stationary food vendor~~. These temporary uses shall be permitted as follows:

- a. They shall only be permitted on properties in the A, NS, GR, CC, C, or I zoning districts.
- b. Temporary outdoor sales will only be conducted by the existing occupants of existing businesses on the property where the sales will be held.
- c. The duration of a temporary outdoor sale shall not exceed 30 days upon the application and granting of a temporary use permit. In no event shall any temporary outdoor sales be allowed for more than 30 consecutive days for more than once per year for each property (lot, tract or parcel).
- d. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- e. All sales shall meet the special conditions, if any imposed by the code enforcement officer and/or fire marshal for the protection of the public health, safety and welfare.
- f. No tent or similar structure shall be erected in any required setbacks or designated easements. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No use of property, for temporary outdoor sales, will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

SECTION 8.

Section 136-106, “Stationary food vendors”, of Section 136, “Temporary use regulations”, of Article V, “Supplemental Regulations” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby deleted in its entirety:

136-106

Stationary food vendors.

~~Stationary food vendors are defined as food vendors with temporary structures that are stationary at one location. These stationary food vendors shall be permitted as follows:~~

- ~~a. Stationary food vendors shall only be permitted on properties in the C, or I zoning districts.~~
- ~~b. Stationary food vendors will only be allowed:~~
 - ~~1. With a special events permit; and/or~~
 - ~~2. Within the building footprint of a 80,000 square feet or greater business with the business owners written permission.~~
- ~~c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.~~
- ~~d. All stationary food vendors shall meet the special conditions, if any imposed by the code enforcement officer and/or fire marshal for the protection of the public health, safety and welfare.~~
- ~~e. Mobile food vendors shall be regulated by a separate ordinance and not permitted through the zoning ordinance.~~

SECTION 9.

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

SECTION 10.

This Ordinance shall be cumulative of all provisions of the City, 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.

SECTION 11.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 12.

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 13.

It is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Burleson, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 14.

It is hereby officially found and determined that the meetings at which this ordinance is passed were open to the public and that public notice of the time, place, and purpose of said meetings were given as required by law.

SECTION 15.

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 16.

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

AND IT SO ORDAINED.

PASSED AND APPROVED: the _____ day of _____, 20____.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney