THE CITY OF BURLESON TEXAS

Planning & Zoning Commission
Agenda

Tuesday, March 24, 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 March 10, 2026 Planning & Zoning Commission meeting

4. PUBLIC HEARING

A. Hold a public hearing and consider and take possible action on an ordinance amending the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to a Heavy & High Energy industrial district. *(Staff Contact: Tony D. McIlwain, Development Services Director)*

B. Hold a public hearing and consider and take possible action on an ordinance amending Section 50, “Definitions,” of Article II of Appendix B, “Zoning,” of the Code of Ordinances by amending the definition of Home Occupation by adding a new definition of No-Impact Home Based Business in accordance with State law. *(Staff Contact: Tony D. McIlwain, Development Services Director)*

5. **GENERAL**

6. **REPORTS AND PRESENTATIONS**

A. Receive a report, hold a discussion, and provide direction on approved plat's for the month of February 2026. *(Staff Contact: Emilio Sanchez, Deputy Director)*

B. Receive a report, hold a discussion on "How to be an Ethical Planning and Zoning Commissioner (aka How to Stay out of Trouble)". *(Staff Contact: Emilio Sanchez, Deputy Director)*

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 12th of March 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.

THE CITY OF BURLESON TEXAS

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: **Development Services**

FROM: **Peggy Fisher, Administrative Assistant Sr.**

MEETING: **March 24, 2026**

SUBJECT:

Approve the minutes from March 10, 2026 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the March 10, 2026 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the March 10, 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

March 10, 2026
MINUTES

Roll Call

Commissioners Present	Commissioners Absent
David Hadley	Dan Taylor
Cynthia Plonien	
Ashley Brookman	
Michael Tune	
Beth Lytner	
Clint Faram	
Brandon Crisp	
Michael Kurmes	
Bobby Reading	

Staff
Lidon Pearce, Principal Planner
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 February 24, 2026 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Ashley Brookman and second by Commissioner Clint Faram to approve the consent agenda.

Motion passed, 8-0. Commissioner Dan Taylor was absent.

4. Public Hearing

A. 116 N Clark ST (ZC26-001): Hold a public hearing and consider and take possible action on an ordinance for a zoning change request from "SF7" Single-family dwelling district-7 to "CC" Central Commercial. *(Staff Contact: Lidon Pearce, Principal Planner)*

Lidon Pearce 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 6:05 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:06 p.m.

Motion made by Commissioner Beth Lytner and second by Commissioner Clint Faram to approve.

Motion passed, 8-0. Commissioner Dan Taylor was 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 – 6:06PM

_____
Peggy Fisher
Administrative Assistant
Recording Secretary

THE CITY OF BURLESON TEXAS

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: **Development Services**

FROM: **Tony D. McIlwain, Development Services Director**

MEETING: **March 5, 2026**

SUBJECT:

Hold a public hearing and consider and take possible action on an ordinance amending the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to a Heavy & High Energy industrial district. *(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:

The proposed HI, Heavy & High Energy industrial district is established to accommodate industrial development, which represents a type of economic development appropriate for the diversification of the employment base of the city. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration.

This zoning district also incorporates certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts

The ordinance contains “by-right” primary land use categories as well as categories requiring approval of a specific use permit (SUP) and site plan. The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general

performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties. Additionally, there is a buffer requirement that is specific to high energy uses.

RECOMMENDATION:

Staff recommends approval of the draft ordinance.

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

January 20, 2026: Staff provided a briefing to the Council on data centers. Staff received direction to begin drafting a Heavy Industrial Zoning District to account for high energy uses.

February 24, 2026: Staff provided a briefing to the Planning and Zoning Commission on data centers.

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

THE CITY OF BURLESON TEXAS

Heavy & High Energy Industrial District

PRESENTED TO PLANNING AND ZONING COMMISSION– 3.24.26

TONY D. MCILWAIN, AICP, CFM

DEVELOPMENT SERVICES DIRECTOR

Purpose

- Staff previously briefed the Commission on data centers and Council's direction to implement a new zoning category to account for high energy uses.
- The proposed Heavy & High Energy industrial district (HI) is to incorporate certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts.
- Performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration.

PRIMARY USE CATEGORIES (“BY RIGHT”)

Aviation and Passage Terminals	Basic Utilities	Commercial Parking	Heavy Industrial Services
Light Industrial Services	Manufacturing and Production	Office	Quick Vehicle Services
Radio Frequency Transmission Facilities	Rail Lines and Utility Corridors	Religious Institutions	Retail Sales and Services
Self Service Storage	Vehicle Repairs	Warehouse and Freight Movement	Wholesales Sales

SPECIFIC USE PERMIT (SUP) CATEGORIES

Detention Facilities	Mining	Sexually Oriented Businesses	Waste Related Collection, Transfer or Disposal Facilities
Coal Power Plant	Data Centers	Electrical Power Plant	Geothermal Power Plant
Hydro/Hydro-Electric Power Plant	Natural Gas Plant	Nuclear Power Plant	Solar Panel Field (Electric Fields)
Thermal Power Plant	Wind Farms		

SITE PLAN REQUIREMENT AND BUFFER

- Any use requiring approval of a SUP also requires approval of a site plan. The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties.
- Additionally, the closest portion of any building or other structure requiring approval of a specific use permit shall be two hundred (200) feet from the nearest boundary of any district allowing residential uses and one hundred (100) feet from the nearest boundary of any retail or commercial zoning district.

Staff Recommendation

Staff recommends approval of the ordinance.

Questions / Comments

Tony D. McIlwain
Development Services Director
tmcilwain@burlesontx.com
817.426.9684

ORDINANCE

AN ORDINANCE AMENDING APPENDIX B ZONING, OF THE CITY OF BURLESON, TEXAS CODE OF ORDINANCES BY ADDING A HEAVY AND HIGH ENERGY INDUSTRIAL DISTRICT; 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 this ordinance is a "proposed comprehensive zoning change" in that it will adopt a new zoning code that will apply to the entire municipality by amending the current Zoning Ordinance by adopting a new zoning classification district; 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.

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

Section 1.

Article III, "Zoning Districts," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding Section 80, "HI, heavy and high energy industrial district" to read as follows:

"**Section 80. HI, heavy and high energy industrial district.**

80-100. Purpose. The HI, heavy and high energy industrial district is established to accommodate industrial development, which represents a type of economic development appropriate for the diversification of the employment base of the city. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration. This zoning district also incorporates certain businesses, with operations and facilities that may create energy, or require high energy consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts. To limit the cumulative impact that these businesses may have on the City, the City has determined that such businesses shall only be permitted within the boundaries of this District. The City will impose conditions on businesses to mitigate impacts from high energy consumption and other environmental impacts that may result from these businesses.

80-105. Primary uses allowed. In the HI, heavy and high energy industrial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:

Aviation and Passage Terminals
Basic Utilities
Commercial Parking
Heavy Industrial Services
Light Industrial Services
Manufacturing and Production
Office
Quick Vehicle Services
Radio Frequency Transmission Facilities
Rail Lines and Utility Corridors
Religious Institutions
Retail Sales and Services
Self Service Storage

Vehicle Repairs
Warehouse and Freight Movement
Wholesales Sales

80-110. Specific use permit. See section 130, specific use permit. Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations, and a public hearing is required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit.
The city council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties. Noise barriers shall use sound absorbing, rather than reflective, materials.

(a) Uses allowed with a specific use permit:
Detention Facilities
Mining
Sexually oriented businesses
Waste related collection, transfer or disposal facilities
<u>High Energy Industrial (as listed below):</u>

1. Coal power plant
2. Data centers (greater than 20,000 sq feet or 20 MW of electricity)
3. Electrical power plant
4. Geothermal power plant
5. Hydro/hydro-electric power plant
6. Natural gas plant
7. Nuclear power plant
8. Solar panel field (Electric fields)
9. Thermal power plant
10. Wind farm

80-115. Height requirements. No building shall exceed two stories or 35 feet except as permitted by section 133, special height requirements.

80-120. Development regulations. In the HI, heavy and high energy industrial district, the following regulations apply to all uses.
(a) Lot size: None.
(b) Depth of front yard: 40 feet minimum.
(c) Depth of rear yard adjacent to commercial or industrial districts: 40 feet minimum.
(d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: 50 feet minimum.
(e) Width of side yard adjacent to commercial or industrial districts: 20 feet minimum.
(f) Width of side yard adjacent to residential district whether separated by an alley or not: 25 feet minimum.
(g) Width of side yard adjacent to side street: 20 feet minimum.
(h) Width of lot: None.

(i) Depth of lot: None.
(j) Buffer: The closest portion of any building or other structure requiring approval of a specific use permit shall be two hundred (200) feet from the nearest boundary of any district allowing residential uses and one hundred (100) feet from the nearest boundary of any retail or commercial zoning district.
(k) Location criteria for sexually oriented businesses: See Chapter 14, Sections 14-473 and 14-474, Burleson Code of Ordinances.

80-125. Landscaping. Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

80-130. Parking. Parking shall be in compliance with section 134, vehicle parking regulations.

80-135. Off-street loading. Off-street loading shall be in compliance with section 135, off-street loading regulations.

80-140. General performance standards HI, heavy and high energy industrial district. All uses in the HI, heavy and high energy industrial district shall conform in operation, location and construction to the performance standards for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage and glare as contained in this section.
(a) *Smoke.* The requirements of the state law and regulations.
(b) *Particulate matter.* The requirements of the state law and regulations.
(c) *Odor.* No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.
(d) *Toxic material.* The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.
(e) *Glare.* All artificial light sources shall be shielded so as to prevent direct rays of light from crossing a zoning district boundary line.
(f) *Vibration.* Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earth born vibrations in excess of the limits set forth in the table below are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Frequency	Maximum Displacement
(Cycles per Second)	(Inches)
Below 10	0.0008
10-20	0.0005
20-30	0.0002
30-40	0.0002
40 and over	0.0001

This tabulation is for steady state vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 pulses per minute, must not produce in excess of twice (two times) the displacement stipulated above.

(g) *Noise.* At no point, either on the boundary of the zone or at 125 feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of these plant operation such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125Feet from Plant or Operation Lot Line
	Light Industrial
0—75	67
75—150	62
150—300	58
300—600	54
600—1,200	49
1,200—2,400	45
2,400—4,800	41
Above 4,800	37

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer.

Impulsive type noises capable of being so measured, which cause rapid fluctuations of the needle of the sound-level meter must have a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

(h) *Fire hazards.* The storage, use or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable city codes and ordinances. The storage, use or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable city codes and ordinances provided the following condition is met:

1. Materials or products shall be stored, used or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. The storage, use, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in [accordance] with (exclusive of storage of finished products in original sealed containers) the city's fire code as interpreted by the city fire marshal.

(i) *Water pollution.* No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the state laws and regulations.

(j) *Liquid or solid waste.* No discharge at any point will be allowed into any public sewer, private sewer disposal system."

Section 2.

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

Section 3.

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 4.

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 5.

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 6.

That 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 7.

That 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 8.

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 9.

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 captain 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.

PASSED AND APPROVED:

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

THE CITY OF BURLESON TEXAS

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: **Development Services**

FROM: **Tony D. McIlwain, Director**

MEETING: **March 24, 2026**

SUBJECT:

Hold a public hearing and consider and take possible action on an ordinance amending Section 50, “Definitions,” of Article II of Appendix B, “Zoning,” of the Code of Ordinances by amending the definition of Home Occupation by adding a new definition of No-Impact Home Based Business in accordance with State law. *(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; providing business – friendly environment; continuing efficient development review process; and enhancing partnership with the development community.

SUMMARY:

House Bill (HB) 2464, adopted by the 89th Texas Legislature, amends the Texas Local Government Code to limit how municipalities may regulate certain home-based businesses. The bill aims to reduce "red tape" for entrepreneurs, allowing for easier, lower-cost home-based business operations without needing government permission.

Effective September 1, 2025, the law prohibits cities from requiring rezoning, special permits, or restrictive parking or occupancy standards for a home-based business that qualifies as a “no-impact home-based business,” meaning it does not create additional traffic, noise, or visual impacts beyond typical residential use. The law does not apply to businesses that sell alcohol/illegal drugs, operate as sexually oriented businesses, or violate local noise ordinances. It also does not override private HOA deed restrictions.

The current home occupation regulations of the City of Burleson do not fully comply with this state law. The proposed ordinance amendment would allow home-based businesses that meet the

statutory definition of a “no-impact home-based business” and bring the City’s regulations into compliance with state requirements.

RECOMMENDATION:

Staff recommends approval of the ordinance amendment.

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

None

REFERENCE:

Texas Constitution and Statutes

FISCAL IMPACT:

None

STAFF CONTACT:

Tony D. McIlwain, AICP,CFM
Development Services Director
tmcilwain@burlesontx.com
817-426-9684

THE CITY OF BURLESON TEXAS

Ordinance Amendment: Home Occupation/No-Impact Home Based Business

PRESENTED TO PLANNING AND ZONING COMMISSION– 3.24.26

TONY D. MCILWAIN, AICP, CFM

DEVELOPMENT SERVICES DIRECTOR

BACKGROUND

- House Bill (HB) 2464, adopted by the 89th Texas Legislature, amends the Texas Local Government Code to limit how municipalities may regulate certain home-based businesses.
- The bill aims to reduce "red tape" for entrepreneurs, allowing for easier, lower-cost home-based business operations without needing government permission.
- Effective September 1, 2025, the law prohibits cities from requiring rezoning, special permits, or restrictive parking or occupancy standards for a home-based business that qualifies as a “no-impact home-based business,” meaning it does not create additional traffic, noise, or visual impacts beyond typical residential use.
- The law does not apply to businesses that sell alcohol/illegal drugs, operate as sexually oriented businesses, or violate local noise ordinances. It also does not override private HOA deed restrictions.

PURPOSE

- The current home occupation regulations of the City of Burleson do not fully comply with this state law.
- The proposed ordinance amendment would allow home-based businesses that meet the statutory definition of a “no-impact home-based business” and bring the City’s regulations into compliance with state requirements.
- Specifically, the proposed ordinance adds a new subsection 10 to the definition of **Home Occupation** to read as follows:

“(10) A home occupation that falls under the definition of a No-Impact Home Based Business shall be permitted.”

PURPOSE

➢Additionally, the following definition of **No-Impact Home Based Business** is added:

An occupation conducted in a dwelling unit that:

1) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

2) Does not generate on-street parking or a substantial increase in traffic through the area;

3) Operates in a manner in which none of its activities are visible from a street; and

4) Does not substantially increase noise in the area or violate the city's noise ordinance.

This definition does not include the sell of alcohol or illegal drugs, structured sober living homes, sexually oriented businesses, or short-term rentals."

Staff Recommendation

Staff recommends approval of the ordinance amendment.

Questions / Comments

Tony D. McIlwain
Development Services Director
tmcilwain@burlesontx.com
817.426.9684

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF BURLESON, TEXAS, AMENDING SECTION 50, "DEFINITIONS," OF ARTICLE II, "DEFINITIONS," OF APPENDIX B, "ZONING," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, BY AMENDING THE DEFINITION OF HOME OCCUPATION AND BY ADDING A NEW DEFINITION OF NO-IMPACT HOME BASED BUSINESS IN ACCORDANCE WITH STATE LAW; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, (the "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, Texas House Bill 2464, adopted during the 2025 legislative session, limits city authority to regulate no-impact home-based businesses; and

WHEREAS, the City Council desires to amend the City's regulations on home occupations that do not comply with state law; and

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

WHEREAS, the City Council has determined that the proposed ordinance amendment promotes the health, safety, and the general welfare within the City of Burleson and 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.

Section 50, "Definitions," of Article II, "Definitions," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding Subsection 10 to the definition of Home Occupation to read as follows:

"(10) A home occupation that falls under the definition of a No-Impact Home Based Business shall be permitted."

SECTION 2.

Section 50, "Definitions," of Article II, "Definitions," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding a new definition of No-Impact Home Based Business to read as follows:

"**NO-IMPACT HOME BASED BUSINESS**

An occupation conducted in a dwelling unit that:

(1) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

(2) Does not generate on-street parking or a substantial increase in traffic through the area;

(3) Operates in a manner in which none of its activities are visible from a street; and

(4) Does not substantially increase noise in the area or violate the city's noise ordinance.

This definition does not include the sell of alcohol or illegal drugs, structured sober living homes, sexually oriented businesses, or short-term rentals."

SECTION 3.

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 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be 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, or 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 5.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED:

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

Second 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

THE CITY OF BURLESON TEXAS

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: **Development Services**

FROM: **Emilio Sanchez, Deputy Director**

MEETING: **March 24, 2026**

SUBJECT:

Receive a report, hold a discussion, and provide direction on approved plat's for the month of February 2026. *(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:

The Development Assistance Committee (DAC) approved the following 8 plats for the month of February 2026:

- **Preliminary Plats**
  Legacy Hills

- **Final Plats**
  Southside Crossing
  Bear Ridge Phase 4B
  Cap Healey Addition
  Norman Management Addition

- **Minor Plats**
  The Highlands Addition

Mullins Addition

- **Replats**
  Bettie Bailey Addition

RECOMMENDATION:

None

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

None

REFERENCE:

https://ecode360.com/39937104

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez
Development Services Director
esanchez@burlesontx.com
817-426-8696

Projects Approved

City of Burleson

Date Range Between 2/1/2026 and 2/28/2026

PROJECT NUMBER	PROJECT TYPE	APPLICANT NAME
	PROJECT SUBTYPE	OWNER NAME
ADDRESS	STATUS	CONTRACTOR NAME
PARCEL NUMBER	APPROVED DATE	PLANNER
DESCRIPTION		
DETAILS		
FP25-229	FINAL PLAT	
	FINAL NONRESIDENTIAL	MADISON BURLESON PROPERTY LTD
440 JOHN JONES	APPROVED	
CPL48553	2/17/2026	LIDON PEARCE
Southside Crossing		

Number of FINAL PLAT/FINAL NONRESIDENTIAL Projects: 1

FP25-369	FINAL PLAT	
	FINAL RESIDENTIAL	
	APPROVED	
	2/10/2026	LIDON PEARCE
Bear Ridge Phase 4B		

FP25-340	FINAL PLAT	Lonestar Land Surveying
	FINAL RESIDENTIAL	Cap Healey Homes LLC
2915 RENFRO	Paid	
	2/17/2026	LIDON PEARCE
LOTS 1-3, BLK 1, CAP HEALEY ADDN		

FP25-262	FINAL PLAT	Lonestar Land Surveying
	FINAL RESIDENTIAL	NORMAN MANAGEMENT COMPANY LLC
816 WICKER HILL	Paid	
CPL39448	2/26/2026	Emilio Sanchez
NORMAN MANAGEMENT ADDITION, LOTS 1-3, BLK 1		

Number of FINAL PLAT/FINAL RESIDENTIAL Projects: 3

Projects Approved

City of Burleson

Date Range Between 2/1/2026 and 2/28/2026

MP26-001	MINOR PLAT	Coombs Land Surveying INC.
	AMENDING	John Clift
6415 COUNTY ROAD 809	APPROVED	
	2/23/2026	Emilio Sanchez
6415 CR 809 The Highlands Addition		

Number of MINOR PLAT/AMENDING Projects: 1

MP25-274	MINOR PLAT	Lonestar Land Surveying
	MINOR	ANDREW BERT MULLINS
420 WICKER HILL	Paid	
CPL11251	2/17/2026	Emilio Sanchez
LOT 1, BLK 1, MULLINS ADDN		

Number of MINOR PLAT/MINOR Projects: 1

PP25-328	PRELIMINARY PLAT	Wier & Associates, Inc.
	PRELIMINARY RESIDENTIAL	ARNOLD MICHAEL B
10732 COUNTY ROAD 1020	APPROVED	
CPL24383	2/4/2026	LIDON PEARCE
Legacy Hills		

Number of PRELIMINARY PLAT/PRELIMINARY RESIDENTIAL Projects: 1

RP26-001	REPLAT	Dirk Elliott
		BAILEY BETTIE J
344 WARREN	APPROVED	
CPL16169	2/23/2026	Emilio Sanchez
344 S Warren ST, Bettie Bailey Addition		

Number of REPLAT/ Projects: 1

Total Number of Projects: 8

THE CITY OF BURLESON TEXAS

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: **Development Services**

FROM: **Emilio Sanchez, Deputy Director**

MEETING: **March 24, 2026**

SUBJECT:

- Receive a report, hold a discussion on “How to be an Ethical Planning and Zoning Commissioner (aka How to Stay out of Trouble)”.

. *(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:

Staff will present a training presentation from the APA Texas Chapter to the Commission on the following topics:

- **How to be an Ethical Planning and Zoning Commissioner (aka How to Stay out of Trouble)**

RECOMMENDATION:

None

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

None

REFERENCE:

https://texas.planning.org/knowledge-center/planning-commissioners-corner/

APA Texas Chapter

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez
Development Services Director
esanchez@burlesontx.com
817-426-8696

How to be an Ethical Planning and Zoning Commissioner
aka
How to Stay out of Trouble

West Texas APA Texas Regional Workshop
August 14, 2018

Michelle D'Andrea, Esq.
Assistant City Attorney III, City of Plano

Based on *Ethical Principles in Planning*, American Planning Association, "Ethics and Planning Commissioner", *A Guide to Urban Planning in Texas Communities*, American Planning Association Texas Chapter , and APA Ethics Toolkit.

Morals versus Ethics

Moral Decision…

Judgment of the goodness or badness of human action and character—a value judgment.

Ethical Decision…

Principles of conduct based on system of rules/standards governing members of profession or group.

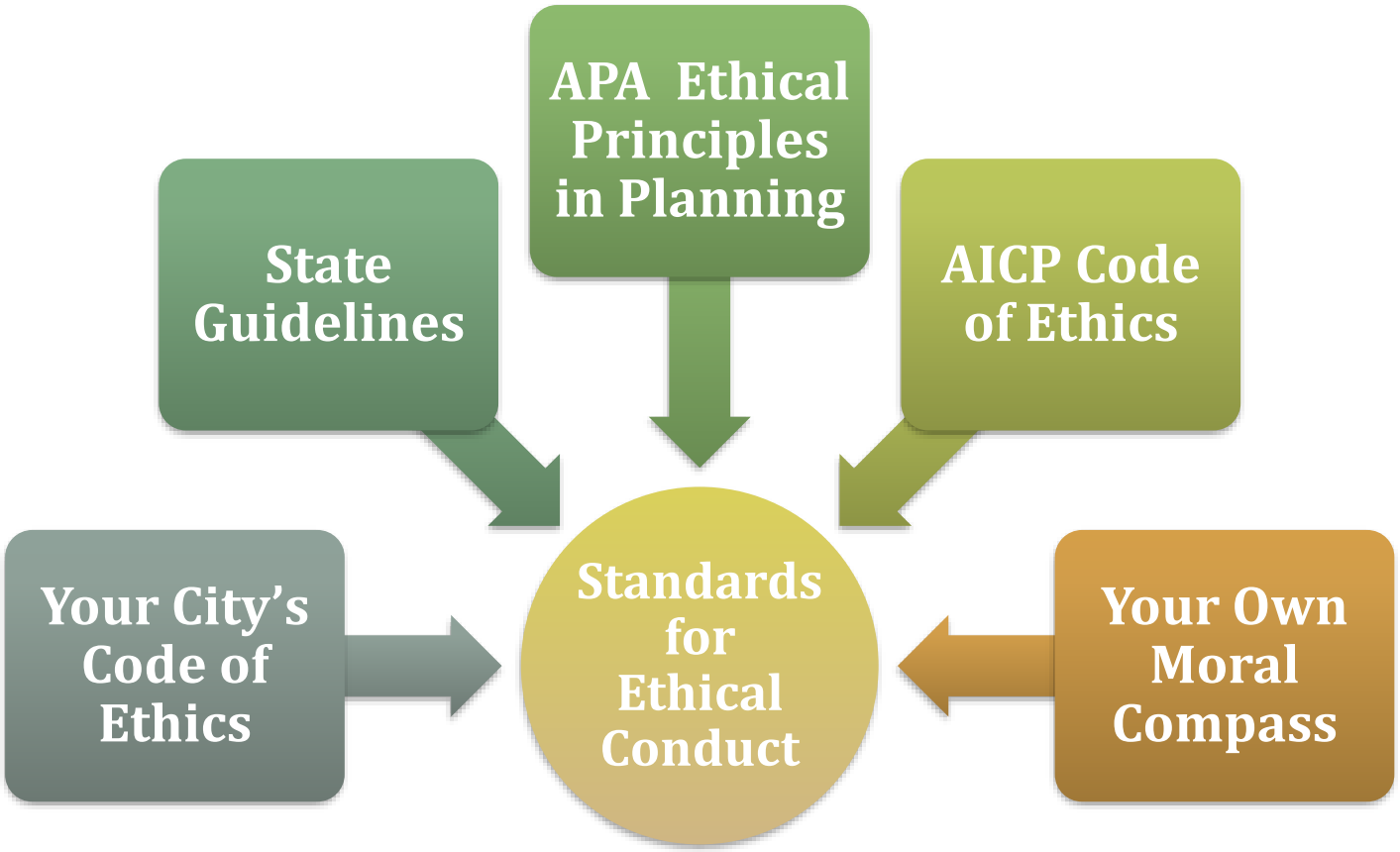
Ethics Code…

A formal system of rules explicitly adopted by group.

GUIDES FOR ETHICS

"Ethics are what you do when no one is looking."
–George Bernard Shaw

Ethics: the principles of conduct governing an individual or a group –*Merriam Webster*



Ethical behavior is not always easy to achieve,
but the *Statement of Ethical Principles* is a good place to start.

Ethics Ordinances in General

Prohibited conduct:

- Solicitation/acceptance of gifts
- Misuse of position
- Conflict of interest (generally financial)
- Ex Parte communications
- Serial meetings
- Open Meetings violation

Disclosure:

- Forms and/or procedure provided by the City -does not have to be very detailed

Ethical Principles in Planning

The American Planning Association has guidelines for ethics: *Ethical Principles in Planning**.

The **planning process** must continuously pursue and faithfully serve the **public interest**.

Planning process participants continuously strive to achieve **high standards of integrity and proficiency** so that **public respect** for the planning process will be maintained.

*www.planning.org

WHAT DO WE MEAN WHEN WE SAY…

"The **planning process** must continuously pursue and faithfully serve the **public interest**? (Part One of *Ethical Principles in Planning*)

1. Recognize the rights of citizens to participate in planning decisions.
2. Give citizens full, clear, and accurate information.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions."

REMEMBER THAT…

The planning process exists:

- To serve the public interest
- Requires a conscientiously held view of the policies
- Requires actions that best serve the community.

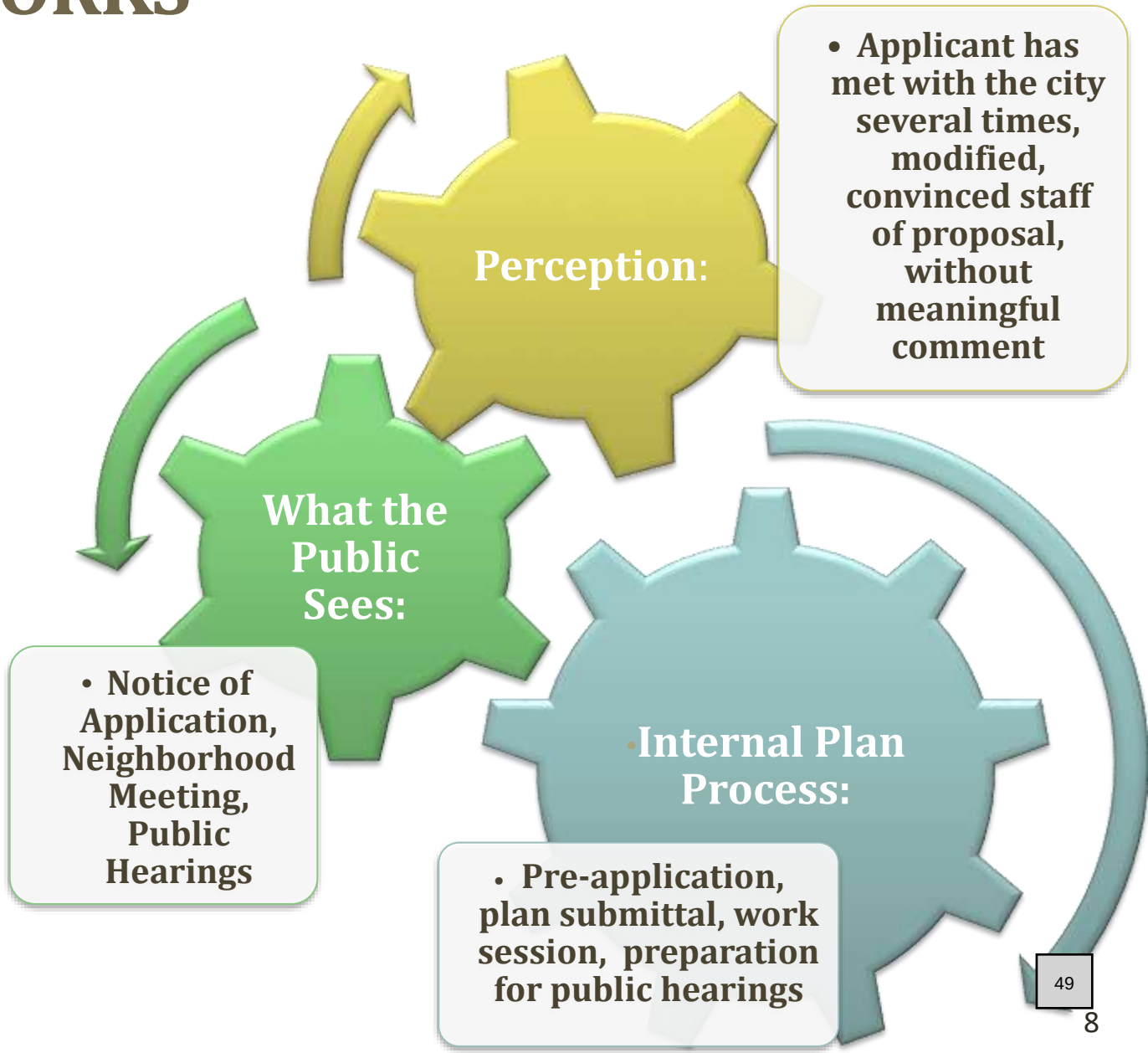
Planning issues and decision commonly involve:

- Large interests at stake
- Potential conflict of values
- Interpretation of plans, ordinances and codes
- Use of the Comprehensive Plan

Whether a professional or a volunteer, we are all planners.

How it works

The planning process is aimed at implementing the comprehensive plan and/or achieving the desired vision of the community.



What is Your Role as a Planning Commissioner?

A *Planning Commission* may be defined as:
A group of citizens appointed by the legislative body that performs both required and discretionary functions in land use matters. *
This can include:

- Develop and update the comprehensive plan
- Implement land use patterns
- Monitor current zoning ordinance
- Make recommendations on zoning changes
- Recommend approval of (or approve) subdivisions
- Make recommendations for annexation
- Interface with public on community vision through public meetings, focus groups, and neighborhood organizations

* Texas Local Government Code 211.007

To Be Fair--Questions to Ask:

Zoning

- What is the applicant asking for?
- What effect will it have on the site?
- What effect will it have on surrounding land uses?
- In accordance with the Comprehensive Plan?

Subdivisions

- Does it meet the requirements of the Regulations?

What should NOT play a part in the decision

- Illegal considerations
- Identity of applicant
- Financial capability of applicant*
- What the structures will look like**

* More of a City Council concern **Unless there are architectural controls in the ordinances

THE OPEN MEETINGS ACT*

Item B.

There are **NO** informal meetings!

General Rule: Every regular, special, or called meeting of a governmental body MUST be open to the public, and the public must be given adequate notice of the topics to be discussed.

https://www.texasattorneygeneral.gov/og/oma-trainin

YOU HAVE TO LET PEOPLE KNOW!

The City should:

- send Notice by mail to property owners in the notification area usually within 200 or more feet of subject property;
- put Notice in a newspaper in general distribution;
- post Notice at City Hall where it can be easily read, usually on window or outside public access bulletin board;
- have Notices on Commission and City's official websites;
- and more recently, but unofficially and sometimes controversially, put Notices on social media–**without any comments**; and
- also, have the case materials available for view at City Hall.

What is Ex Parte?

A discussion where only one side is presented

Ex Parte is any oral or written communication outside the record of the hearing with either proponents or opponents of a pending proceeding:

Why are we concerned about Ex Parte?

- The decision maker may be inaccurately informed.
- The perception that the commission can be susceptible to improper influence.
- Improper Ex Parte communications can invalidate the actions of the commission.

Note: This might happen if you might talk to the applicant or the opposition.

Save It for the Public Meeting!

POTENTIAL TROUBLE?

- A ***serial meeting (also call a walking quorum)*** can be a series of communications (direct communication, technological methods such as email, telephone calls, or social media.

Continuing the discussion after the meeting is adjourned is another kind of serial meeting.

Replying all to case related emails. All your correspondence could be subject to discovery if there is legal action.

Failure to forward all applicable correspondence to designated staff for distribution and file.

CONFLICTS OF INTEREST

The authorities for conflicts of interest is
the **Texas Local Government Code Chapter 171** and your city's **City Charter and Ordinances.**
It requires that you, before a vote or decision on any matter must state that you have a conflict and abstain from further participation in the matter.

That means you should:

Publicly disclose any personal interests. *

Define personal interest broadly.

Abstain from participation in a matter if a personal interest and leave the chamber when the matter is being deliberated.

* You need to be aware of your business, financial, and personal/family interests.

Have a Conflict of Interest?

You have a potential a conflict of interest if you…	live in the notification area.
	or close family member has a financial interest (determined by your city).
	have oversight of client (applicant) accounts.
	sit on another Board connected to the case.

CONFLICT OF INTEREST CONTINUED

What to do…

- Recognize that you might have a conflict.
- Get advice from staff or city attorney, if not sure.
- State at the meeting that you have a conflict.
- Recuse yourself and **LEAVE THE ROOM**.
- The Chair should state for the record that you have left and when you return.
- Fill out the appropriate form.
- Do not engage in **any** discussion or action on the case in or outside the meeting.

WHAT IS A FINANCIAL CONFLICT OF INTEREST?

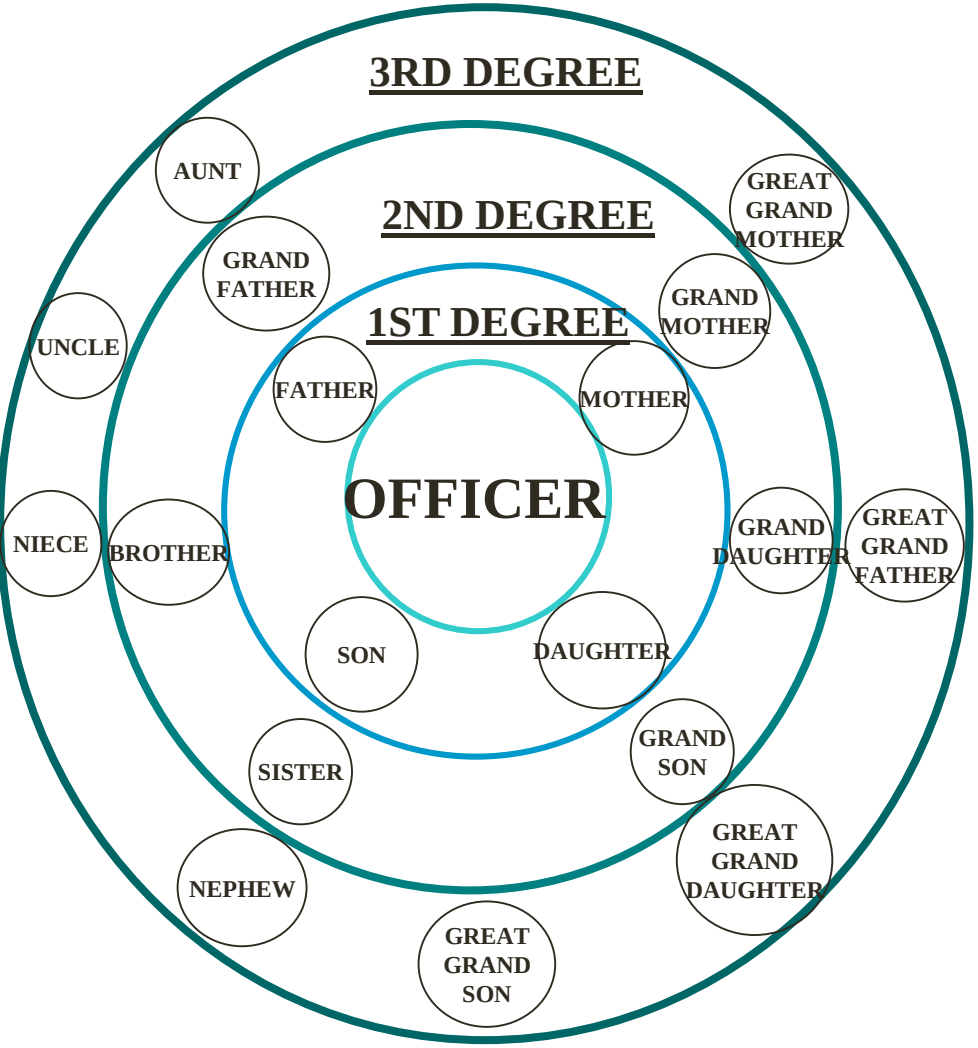
In general, conflicts of interest are conflicts due to an official's substantial interest in a "business entity" that has an issue before the City.

- Have financial interest in real estate involvement case.
- Have financial investments that exceed the local cap.
- Work for someone that has financial involvement in the case.

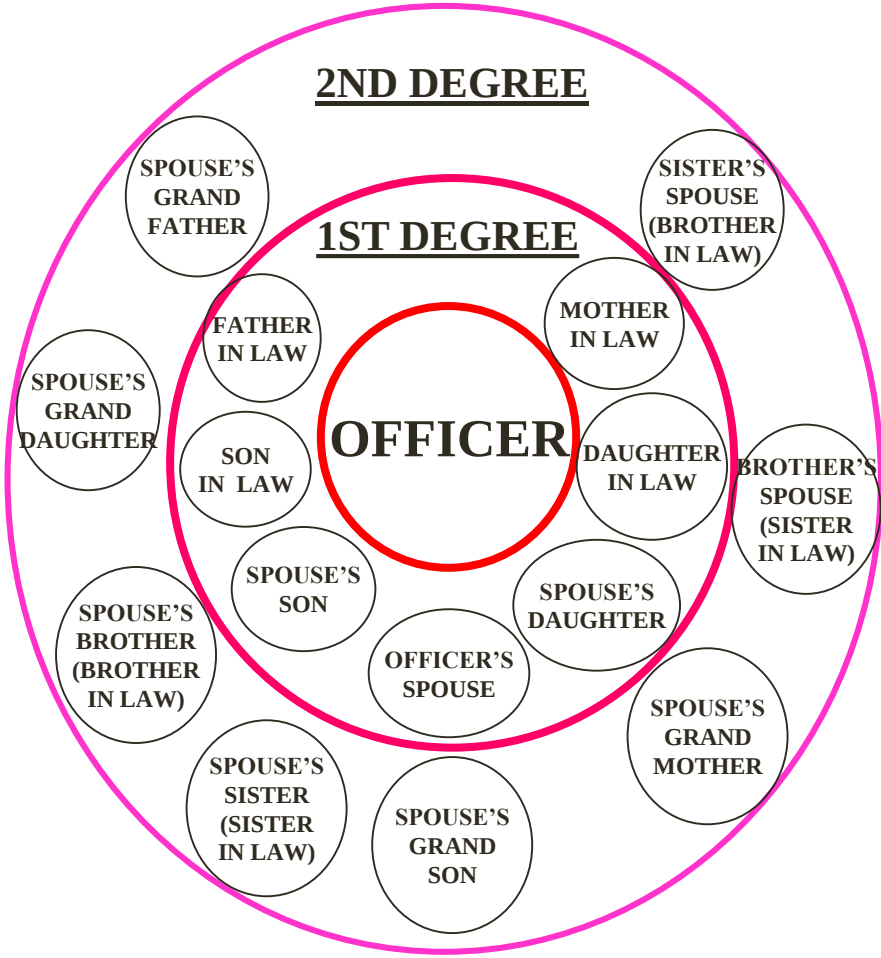
Financial Interest also Include:

- Stock Interest
- Business Ownership
- Interest Income
- Real Property
- Close ***Family Member*** or ***Relatives*** with any above Interests

Consanguinity Kinship Chart (Relationship by Blood)



Affinity Kinship Chart (Relationship by Marriage)



Charts credit: Alan D. Lathrom, Brown & Hofmeister, LLP

What To Do?

- When there is a social event where a quorum may be present, it is generally OK as long as cases or issues are not discussed.
- Do not use position title to request special treatment by city employees or private interests.
- Have a designated separate email for your commission correspondence. Why?
- Follow the relationship to the Comprehensive Plan!

To Think About…

- You have a friend who owns and large tract of land he wants to develop and wants your help. How can you help him?

- A local church has approached you about rezoning a tract for expansion of their activities. What is your advice?

- You are asked to recommend someone to represent a case. What do you do?
- How do you respond to a citizen that want to tell you about a case.

Out to dinner, the grocery store, the soccer game: don't discuss cases or activities related to work on the Commission.
You don't know who is at the next table.

Should You Seek /accept Gifts or Favors?

It is up to your city to determine a policy on gifts
and you to interpret it,
but remember it is the

PERCEPTION

that may matter more.

So…How can you Strive to Achieve High Standards of Integrity and Proficiency?

- Understand your role
- Know your relationships
- Do your homework
- Ask questions
- Listen carefully
- Vote your conscience

Training and Resources

Your planning staff

City orientation and training for new Commissioners

APA Texas and East Texas Section

- https://www.txplanning.org/
- Regional Workshops
- Annual APA Texas state conference

American Planning Association

- Planning Magazine including a section for Commissioners
- National Planning Conference
- https://www.planning.org/ Lots of information

Secretary of State of Texas

Texas Municipal League

Take the high road—there is less traffic!

QUESTIONS?