



Planning & Zoning Commission Agenda

Tuesday, August 25, 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 11, 2026 Planning & Zoning Commission meeting.

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)

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)

5. **COMMUNITY INTERESTS ITEMS**

6. 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

7. 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 18th of August 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: August 25, 2026

SUBJECT:

Approve the minutes from August 11, 2026 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the August 11, 2026 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the August 11, 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 11, 2026
MINUTES

Roll Call

Commissioners Present

David Hadley
Dan Taylor
Cynthia Plonien
Ashley Brookman
Michael Tune

Commissioners Absent

Beth Lytner
Michael Kurmes
Clint Faram
Brandon Crisp

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 July 28, 2026 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Ashley Brookman and second by Commissioner Cynthia Plonien to approve the consent agenda.

Motion passed, 5-0. Commissioners Beth Lytner, Clint Faram, Brandon Crisp & Michael Kurmes were absent.

4. Public Hearing

- A. 449 E Renfro ST/217 Village Creek PKWY (ZC26-004): Hold a public hearing and consider and take possible action on a zoning ordinance change request on approximately 2.315 acres of land from PD, Planned Development to SP, Site Plan District, with an underlying zoning district of GR, General Retail with the additional use of Auto Laundry/Car Wash generally located at 449 E Renfro ST/217 Village Creek PKWY. (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 6:05 p.m.

Crystal Brasfield, 12709 Panther Creek, addressed the commissioners and spoke against this item.

Crystal Brasfield, 12709 Creek, addressed the commissioners and read a statement from Steve Hopkins, Highmark Residential who was opposed to this development.

Ben Williams, applicant, made a brief presentation before the commissioners regarding this item and answered questions from the commissioners.

Commission Chairman Michael Tune closed the public hearing at 6:25 p.m.

Motion made by Commissioner Cynthia Plonien and second by Commissioner Dan Taylor to approve.

Motion passed, 4-1. Commissioner Ashley Brookman was opposed. Commissioners Beth Lytner, Clint Faram, Brandon Crisp & Michael Kurmes were absent

5. Reports and Presentations

None

6. General

- A. Chisholm Summit Community Park located approximately at 9325 County Road 1016/ Lakewood Drive (CSP26-011): Consider and take possible action on a resolution for a Commercial Site Plan with a variance to the

number of park amenities required by the Planned Development Ordinance (CSO# 5464-0524). (Staff Contact: Emilio Sanchez, Deputy Director)

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

Justin Bond, applicant, addressed the commissioners regarding this item and answered questions.

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

Motion passed, 5-0. Commissioners Beth Lytner, Clint Faram, Brandon Crisp & Michael Kurmes were absent

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 – 6:37PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Emilio Sanchez, Deputy Director

MEETING: August 25, 2026

SUBJECT:

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)

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 July 20, 2026, an application was submitted by Cynthia Rivera with Manley's Boiler Holdings (owner) to change the zoning of approximately 1.793 acres of land from "A" Agriculture to "C" Commercial to develop a future company headquarters.

DEVELOPMENT OVERVIEW:

Prior to any development of the site, platting and civil plan review will be required. If the zoning change request is approved, all development will have to conform to the requirements and land uses of the "C" Commercial district.

Zoning and Land Use Table

	Zoning	Use
Subject Site	A, Agriculture	Undeveloped
North	A, Agriculture	Undeveloped
East	C, Commercial	Auto Repair
South	A, Agriculture	Undeveloped
West	C, Commercial	Contractor's Office

This site is designated in the Comprehensive Plan as Community Commercial.

Community Commercial is generally located along major streets and at significant nodes. This category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development. Corresponding zoning districts may include (but not limited to) NS, Neighborhood Services and GR, General Retail.

Staff has determined the requested zoning change of C, Commercial aligns with the Comprehensive Plan and the surrounding land uses.

RECOMMENDATION:

Recommend approval of the ordinance for the zoning change to C, Commercial.

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

N/A

REFERENCE:

<https://ecode360.com/39939092>

FISCAL IMPACT:

None.

STAFF CONTACT:

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

Planning and Zoning Commission

8.25.26

Case ZC26-009

PRESENTED TO P&Z– 8.25.2026

EMILIO SANCHEZ

DEVELOPMENT SERVICES DEPUTY DIRECTOR

ZC26-009– 1540 E Renfro St

Location:

- 1540 E Renfro Street

Applicant:

- Cynthia Rivera with Manley's Boiler Holdings (Owner)

Item for approval:

Zoning Change from “A” Agriculture to “C” Commercial district (Case ZC26-009).

Zoning

Agriculture

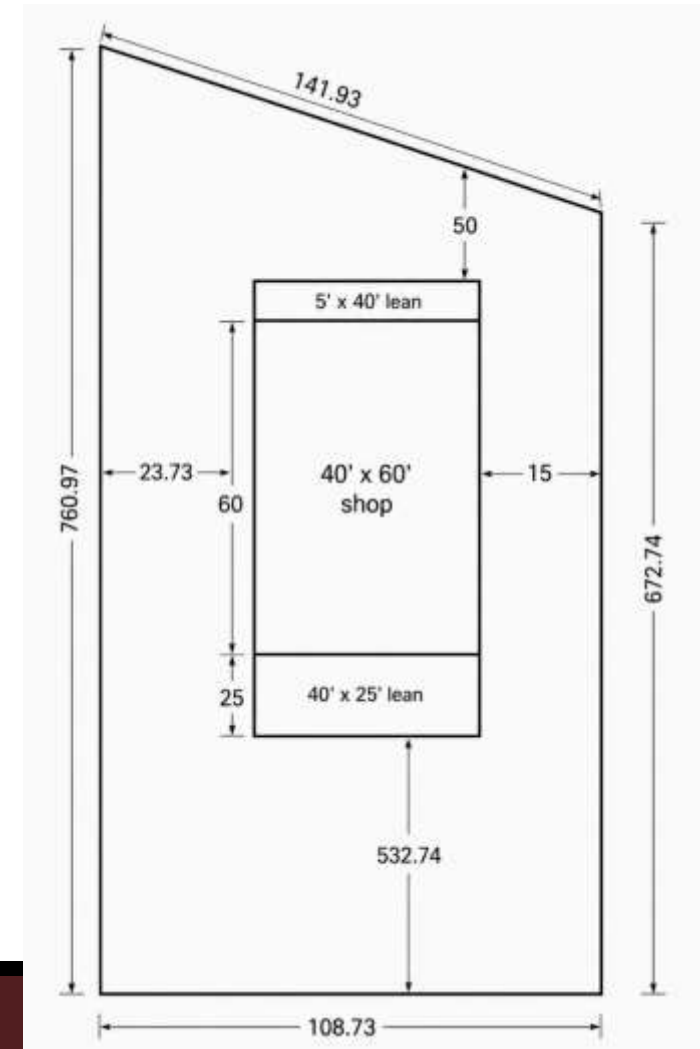


Comprehensive Community / Commercial



ZC26-009 – 1540 E Renfro St

Concept Plan and Future Building



ZC26-009 – 1540 E Renfro St

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.

Properties within 300' of Case ZC26-009



ZC26-009 – 1540 E Renfro St

Staff Recommendation:

- Staff has determined that the requested zoning district of Commercial is appropriate at this location and would align with the Comprehensive Plan.
- Staff recommends approval of the ordinance.

Community Commercial

Community Commercial is generally located along major streets and at significant nodes. This category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development.

Landscaping and urban design should enhance visitors' experiences, separate sidewalks from major roads and define pedestrian routes to promote connectivity and walkability. Cross-access between developments and visibility from adjacent streets are important components to the success of developments in these areas.

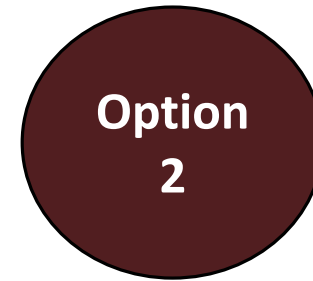
Mixed-use development should be integrated at key nodes, focusing on placemaking and walkability, both within the node and from surrounding neighborhoods. Node locations will be identified during the upcoming review of the City's zoning ordinance and addressed through the creation of a form-based code.

Corresponding zoning districts may include (but are not limited to):

- NS, Neighborhood Services
- GR, General Retail



**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 AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 1.793 ACRE TRACT OF LAND SITUATED IN THE JOSE M. ZAMBRANO SURVEY, ABSTRACT NUMBER 934, JOHNSON COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO BENNETT FAMILY BROPERTIES, LLC, IN THE DEED RECORDED IN VOLUME 4085, PAGE 607, DEED RECORDS, JOHNSON COUNTY TEXAS, FROM “A” AGRICULTURE TO “C” COMMERCIAL DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the “Zoning Ordinance and Map”); and

WHEREAS, an application for a zoning change was filed by Cynthia Rivera on behalf of Manley’s Boiler Holdings on July 20, 2026, under Case Number ZC26-009, 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 Agriculture (A) to Commercial (C); 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 **Agriculture (A)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council of the City of Burleson, Texas, finds that this Ordinance may be considered and approved in only one meeting because the provisions of this Ordinance concern an individual zoning case that does not propose a change to the language of the City of Burleson Code of Ordinances.

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

Section 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described on the legal description attached as **Exhibit A**, by changing the zoning of said property from A, Agricultural district to the C, Commercial district for a commercial development.

Section 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances.

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 DESCRIPTIONS:**

A tract of land situated in the JOSE M. ZAMBRANO SURVEY, ABSTRACT NUMBER 934, Johnson County, Texas, being all of that certain tract of land conveyed to Bennett Family Properties, LLC, in that deed recorded in Volume 4085, Page 607, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows: BEGINNING at a TXDOT Monument found in the Southwesterly right-of-way line of East Renfro Street (140' R-OW) for the Northwesterly corner of said Bennett Tract; Thence S 51°45'00" E along said Southwesterly right-of-way line of said Bennett Tract, a distance of 141.93 feet to a TXDOT Monument found; Thence leaving said Southwesterly right-of-way line S 01°27'31" E along the Easterly line of said Bennett tract, a distance of 672.74 feet to a 5/8" iron rod found for the Southeasterly corner of said Bennett tract; Thence S 89°49'40" W along the Southerly line of said Bennett Tract, a distance of 108.73 feet to a 5/8" iron rod found for the Southwesterly corner of said Bennett Tract; Thence N 01°29'41" W along the Westerly line of said Bennett Tract, a distance of 760.97 feet to the point of beginning and containing 1.793 acres of land, more or less.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Tony D. McIlwain, Development Services Director

MEETING: August 25, 2025

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 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:

The City of Burleson's zoning regulations (i.e. Zoning Ordinance) contain land use and development requirements, which are separated into distinct classifications (i.e. zones), on all properties within the municipal boundaries. These zones provide specific standards that govern the purpose of land such as permitted uses, minimum yard sizes, height and bulk regulations, etc. This item proposes various amendments to provisions within the city's zoning ordinance. Highlights of some of the proposed changes include:

- new zoning definitions;
- auto laundry/ car wash site orientation standards
- New provisions to allow accessory dwelling units; and
- Updated Planned Development use regulations

Staff emailed a draft of the zoning code document to members of the development community and conducted a Developers Roundtable on June 26th. The previous draft contained new garage standards for SF-7 zoned properties and a new *MF-18 multi-family dwelling*, which was to replace the existing MF-1 and MF-2 zoning districts.

Members of the development community questioned the necessity for the proposed garage regulations. They expressed concerns that the garage criteria will negatively affect overall lot size, lot yield, residential density, and result in an increased cost burden that will be passed down to homebuyers. There is concern that the *MF-18 multi-family dwelling* district arbitrarily limits developer's choice between MF-1 and MF-2, and the density of 18 units per acre was contrary to the Council's expressed desire for more residential density where appropriate.

As a result of this feedback, staff has not included those proposed changes within these amendments.

Additionally, the previous draft of the zoning code amendments included multiple sections of changes, which if approved, would have resulted in significant non-conforming uses. While the City could elect to proceed with the previous proposed amendments, it would require a significant notification process, continued non-conforming use of property, or remedies to discontinue the use.

The remedies are: (1) payment for costs directly related to stopping the nonconforming use and payment for loss of market value of the property; or (2) continued nonconforming use of the property until the owner or lessee recovers the amount that would otherwise be payable under (1) through the continued business activities.

Staff's determination was to remove any subject sections that could expose the city to the remedies detailed above.

RECOMMENDATION:

Staff recommends approval of the proposed amendments to the city's zoning code.

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

April 14, 2026: Proposed changes were presented and discussed at a Joint City Council and Planning and Zoning Commission meeting.

July 28, 2026: The Planning and Zoning Commission opened a public hearing, received feedback, and continued the public hearing to the meeting of August 25, 2026.

REFERENCE:

n/a

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

Zoning Code Update

PLANNING AND ZONING COMMISSION: 8.25.2026

Background

- The purpose of this effort is to update various provisions within the city's zoning ordinance.
- Staff has worked on the zoning code update over the last several months utilizing feedback from the City Council, Infrastructure and Development Council Committee and Planning and Zoning Commission.
- April 14, 2026: Proposed changes were presented and discussed at the Joint City Council and Planning and Zoning Commission meeting.
- July 28, 2026: The Planning and Zoning Commission opened a public hearing, received feedback, and continued the public hearing to the meeting of August 25, 2026.

Zoning Code Highlights

This item proposes various amendments to provisions within the city's zoning ordinance. Highlights of some of the proposed changes include:

- New zoning definitions;
- New site orientation standards for auto laundry/car wash;
- New provisions to allow accessory dwelling units;
- Updated Planned Development zoning criteria;
- The next several slides detail some of the changes.

Amended Auto Laundry/ Car Wash Definition

Includes following additional standards:

1. Tunnel or drive thru (automatic) auto laundry/car wash. Shall be oriented so that the entrance and exit of the car wash tunnel are not seen from the parkway. The tunnel should be oriented parallel to the parkway. For sites located on corner lots, the tunnel shall be oriented parallel to the street with the higher classification in accordance with the master thoroughfare plan. Vacuums and self-service cleaning areas shall be located to the rear of the primary structure.
2. Self-service or pull in bay (manual) auto laundry/car wash. Shall be oriented perpendicular to the parkway so that entrance and exit points to the bays are not seen from the parkway. For sites located on corner lots the bays shall be oriented so that the interior of the bays can only be seen from the street with the lower classification in accordance with the master thoroughfare plan. Vacuums and self-service cleaning areas shall be located to the rear or side of the primary structure. When vacuum areas are located in the side yard of the lot, they shall be screened so to not be seen from the street with the higher classification.

Accessory Dwelling Unit (ADU) regulations

Accessory Dwelling Unit Standards:

1. Either the primary residence or ADU shall be occupied by the property owner.
2. The accessory dwelling unit shall be subordinate to the primary structure in overall height and size and placed in accordance with applicable zoning district setbacks.
3. ADUs shall not be larger than a GFA (Gross-Floor-Area) of 900 square feet or one-half the GFA of the Primary Dwelling, whichever is smaller.
4. There is a limit of one (1) accessory dwelling unit per lot.
5. Short-term rental (STR) permits will not be issued for ADUs.
6. One additional off-street parking space, accessible from the current drive-way; shall be required prior to approval of the final inspection for the ADU.
7. Additional utility meters and the issuance of separate addresses for the ADU are prohibited.

Accessory Dwelling Unit (ADU) regulations

ADUs in the following zoning districts shall require approval of a specific use permit (SUP):

- MF-1, multiple-family dwelling district.

- MF-2, multiple-family dwelling district.

- NS, neighborhood service district.

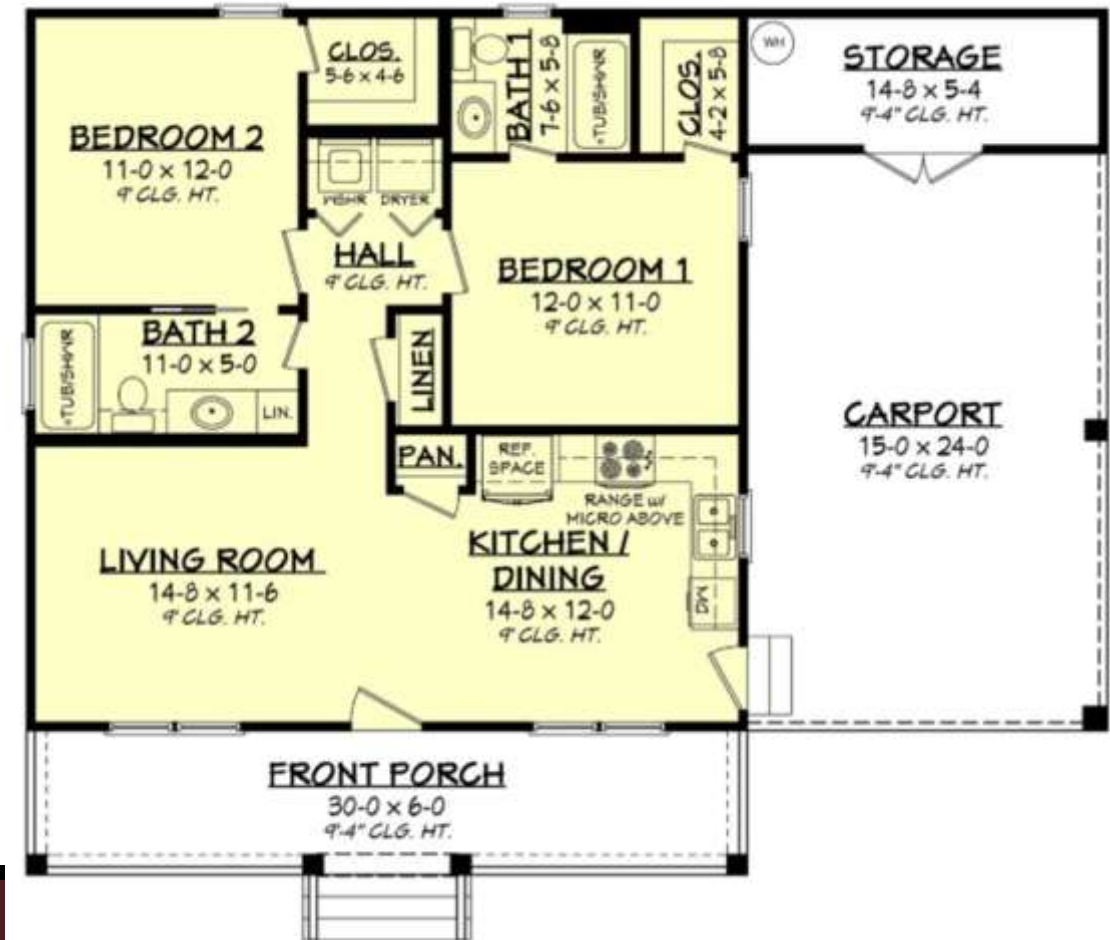
- GR, general retail district.

- CC, central commercial district.

- C, commercial district.

Additionally, ADUs approved per SUP shall be occupied by the building owner and shall require one dedicated parking spot.

Examples of a 900 sq. ft home



Developers Roundtable

- Staff emailed the draft zoning code document to members of the development community and conducted a Developers Roundtable on June 26th. The previous draft contained new garage standards for SF-7 zoned properties and a new *MF-18 multi-family dwelling*, which was to replace the existing MF-1 and MF-2 zoning districts.
- Participants questioned the necessity for the proposed garage regulations. They expressed concerns that the garage criteria will negatively affect overall lot size, lot yield, residential density, and result in an increased cost burden that will be passed down to homebuyers.
- There is concern that the *MF-18 multi-family dwelling* district arbitrarily limits developer's choice between MF-1 and MF-2, and the density of 18 units per acre was contrary to the Council's expressed desire for more residential density where appropriate.
- As a result of this feedback, staff has not included those proposed changes within these amendments.

SB 929

The previous draft of the zoning code amendments included multiple sections of changes, which if approved, would have resulted in significant non-conforming uses. While the City could elect to proceed with the previous proposed amendments, it would require a significant notification process, continued non-conforming use of property, or remedies to discontinue the use.

The remedies are: (1) payment for costs directly related to stopping the nonconforming use and payment for loss of market value of the property; or (2) continued nonconforming use of the property until the owner or lessee recovers the amount that would otherwise be payable under (1) through the continued business activities.

Staff's determination was to remove any subject sections that could expose the city to the remedies detailed above.

Supplemental Standards

- Staff will bring forward additional zoning code amendments specific to various supplemental standards at the next Planning and Zoning Commission meeting.

Recommendation

- Staff recommends approval of the proposed amendments to the city's zoning code.

ORDINANCE

AN ORDINANCE AMENDING APPENDIX B, "ZONING", OF THE CITY OF BURLESON, TEXAS CODE OF ORDINANCES BY AMENDING VARIOUS SECTIONS OF ARTICLE I "ADMINISTRATION", ARTICLE II, "DEFINITIONS," ARTICLE III "ZONING DISTRICTS," AND ARTICLE V "SUPPLEMENTAL REGULATIONS"; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING 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.

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 2, “Zoning districts established”, of Article I, “Administrative,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

2-100 Zoning districts.

The city is hereby divided into 19 zoning districts. The use, height, and development regulations as established are uniform in each district. The 19 districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural district
SFE	Single-family estate district
SF16	Single-family dwelling district-16
SF10	Single-family dwelling district-10
SF7	Single-family dwelling district-7
SFA	Single-family attached dwelling district
2F	Two-family dwelling district
MF1	Multiple-family one dwelling district
MF2	Multiple-family two dwelling district
MH	Manufactured housing dwelling district
MHP	Manufactured housing park district
NS	Neighborhood service district
GR	General retail district
CC	Central commercial district
C	Commercial district
HI	Heavy and high energy industrial district
I	Industrial district
SP	Site Plan district
PD	Planned development district
SFR	Single-family rural district

SECTION 2.

Section 3, “Zoning districts map”, of Article I, “Administrative,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

3-101 Adoption.

Original, official, and identical copies of the zoning district map are hereby adopted bearing the signature of the mayor and the attestation of the city secretary and shall be filed and maintained as follows:

- (a) One copy shall be filed with the city secretary and retained as the original record and shall not be changed in any manner.
- (b) One reproducible copy shall be filed with the development services director and shall be the official zoning district map and shall be maintained by posting on the map all changes and subsequent amendments after their enactment for the use of the planning and zoning commission.
- (c) One copy shall be filed with the building official and shall be maintained by posting on the map all changes and subsequent amendments.
- (d) Other sectional maps for interpretation purposes are approved by resolution by the city council.
- (e) Reproductions for information purposes may, from time to time, be made of the official zoning district map.

SECTION 3.

Section 18, “Classification of new and unlisted uses”, of Article I, “Administrative,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

18-100 Generally.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

Development services director action.

The development services director or his her designee may refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, hazardous or class 1 materials and vibration likely to be

generated and the general requirements for public utilities such as water and sanitary sewer.

SECTION 4.

Section 50, “Definitions,” of Article II, “Definitions,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows:

50-105 Definitions.

The following words, when used in this ordinance, shall have the meanings respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise:

ACCESSORY DWELLING UNIT — A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same lot as a primary dwelling, subject to otherwise applicable dimensional and parking requirements.

AUTO LAUNDRY/CAR WASH — An automated or motor assisted system or automotive washing device including assisted and coin-operated equipment.

Additional standards related to auto laundry/car wash:

1. Tunnel or drive thru (automatic) auto laundry/car wash. Shall be oriented so that the entrance and exit of the car wash tunnel are not seen from the parkway. The tunnel should be oriented parallel to the parkway. For sites located on corner lots, the tunnel shall be oriented parallel to the street with the higher classification in accordance with the master thoroughfare plan. Vacuums and self-service cleaning areas shall be located to the rear of the primary structure.

2. Self-service or pull in bay (manual) auto laundry/car wash. Shall be oriented perpendicular to the parkway so that entrance and exit points to the bays are not seen from the parkway. For sites located on corner lots the bays shall be oriented so that the interior of the bays can only be seen from the street with the lower classification in accordance with the master thoroughfare plan. Vacuums and self-service cleaning areas shall be located to the rear or side of the primary structure. When vacuum areas are located in the side yard of the lot, they shall be screened so to not be seen from the street with the higher classification.

DEVELOPMENT SERVICES DIRECTOR — The person or group of persons or consultants that have been appointed development services director.

MANUFACTURED HOME — A structure that: 1) was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; 2) was built on a permanent chassis; 3) was designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; 4) is transportable in one or more sections; 5) includes the plumbing, heating, air conditioning, and electrical systems of the home; and 6) does not include a recreational vehicle.

MIXED-USE — Development that permits a broad range of commercial, institutional, and residential development at varying densities within one building, lot, or district. Mixed-use is generally categorized as one of the following:

- **Vertical mixed-use** allows for a combination of different uses in the same building and most frequently the non-residential uses occupy the bottom portion of the building, with the residential on top.
- **Horizontal mixed-use** allows distinct uses on separate parcels to be combined in a particular area or district. This helps avoid the complexities of combining uses that may have different safety or regulatory requirements in a single building.
- **Mixed-use walkable** combines vertical mixed-use and horizontal mixed-use, thus creating an area containing mixed-use buildings as well as distinct single-use buildings in close proximity to each other.

SECTION 5.

Section 52, “A, agricultural district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

52-105 Primary uses allowed. In the A, agricultural 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:

- (b) Accessory uses allowed:
- Accessory building, residential
 - Accessory building, agricultural
 - Accessory dwelling unit
 - Caretaker's or guard's residence
 - Home occupation
 - Off-street parking
 - Swimming pool, private

Section 54, “SFE, single-family estate district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

54-105 Primary uses allowed. In the SFE, single-family estate 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:

- (b) Accessory uses allowed:

Accessory building, agricultural
 Accessory building, residential
 Accessory dwelling unit
 Caretaker's or guard's residence
 Home occupation
 Off-street parking
 Swimming pool, private
 Stable or barn private

Section 55, “SF16, single-family dwelling district-16”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

55-105 Primary uses allowed. In the SF16 single-family dwelling 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:

(b) Accessory uses allowed:

Accessory building, agricultural
 Accessory building, residential
 Accessory dwelling unit
 Caretaker's or guard's residence
 Home occupation
 Off-street parking
 Swimming pool, private

Section 56, “SF10, single-family dwelling district-10”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

56-105 Primary uses allowed. In the SF10 single-family dwelling 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:

(b) Accessory uses allowed:

Accessory building, agricultural
 Accessory building, residential
 Accessory dwelling unit
 Home occupation
 Off-street parking
 Swimming pool, private

Section 57, “SF7, single-family dwelling district-7”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

57-105 Primary uses allowed. In the SF7 single-family dwelling 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:

(b) Accessory uses allowed:

- Accessory building, agricultural
- Accessory building, residential
- Accessory dwelling unit
- Home occupation
- Off-street parking
- Swimming pool, private

Section 58, “SFA, single-family attached dwelling district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

58-105 Primary uses allowed. In the SFA, single-family dwelling 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:

(b) Accessory uses allowed:

- Accessory building, agricultural
- Accessory building, residential
- Accessory dwelling unit
- Home occupation
- Off-street parking
- Swimming pool, private

Section 65, “2F, two-family attached dwelling district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

65-105 Primary uses allowed. In the 2-F, two-family dwelling 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:

(b) Accessory uses allowed:

- Accessory building, agricultural

Accessory building, residential

Accessory dwelling unit

Home occupation

Off-street parking

Swimming pool, private

Section 66, “MF1, multiple-family attached dwelling district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

66-110 Specific use permit. See section 130, specific use permit. The following uses require an ordinance amendment. Unless otherwise stated, 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.

- (a) Uses allowed with a specific use permit:

Accessory dwelling unit .

Section 67, “MF2, multiple-family attached dwelling district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

67-110 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.

- (a) Uses allowed with a specific use permit:

Accessory dwelling unit .

Section 68, “MH, manufactured housing dwelling district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

68-105 Primary uses allowed. In the MH, manufactured home dwelling 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:

- (b) Accessory uses allowed:

Accessory building, agricultural

Accessory building, residential

Accessory dwelling unit

Caretaker's or guard's residence
 Home occupation
 Off-street parking
 Swimming pool, private

Section 69, “MHP, manufactured housing park district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

69-105 Primary uses allowed. In the MHP, manufactured housing park 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:

(b) Accessory uses allowed:

Accessory building, agricultural
 Accessory building, residential
 Accessory dwelling unit
 Caretaker's or guard's residence
 Home occupation
 Off-street parking
 Swimming pool, private

Section 75, “NS, neighborhood service district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

75-110 Specific use permit.

Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations, and a regular public hearing meeting the requirements of section 9, public hearing, 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.

(a) Uses allowed with a specific use permit:

Accessory dwelling unit
 Community center, private
 Convenience store with automotive fuel sales
 Drapery, sewing or weaving shop
 Drugstore or pharmacy
 See conditions in subsection (b) below.
 Laundry/clean self service

Office, business and professional

Office, medical or dental

Pet shop

See conditions in 75-110(b) below.

Restaurant or cafeteria (not of drive-in type)

See conditions in 75-110(b) below.

Retail shop, apparel, gift and accessories and similar items

See conditions in 75-110(b) below.

Studio, artist and/or photographer

See conditions in 75-110(b) below.

Studio, health and fitness

See conditions in 75-110(b) below.

Studio, music, dance, and/or drama

See conditions in 75-110(b) below.

Travel bureau or consultant

See conditions in 75-110(b) below.

Variety or similar retail store

See conditions in 75-110(b) below.

Section 76, “GR, general retail district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

76-110 Specific use permit.

Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations. 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:

(a) Uses allowed with a specific use permit:

Accessory dwelling unit

Amusement, commercial (indoor)

Automobile/truck rental service, except no rental trucks or trailers shall be located in any multi-use/multi-tenant shopping center.

1. In considering whether to grant a specific use permit, the following shall be considered while granting an SUP:
 - a. Number and location of parking of rental units versus customer parking.
 - b. Type of vehicles and trailers to be let.

- c. Traffic impact on surrounding areas.
- d. Location and screening of outdoor service areas.
- e. Screening from residentially zoned properties.
- f. Hours of operation.
- g. Lighting.

Automotive oil change and lubrication shop

(See conditions in 76-110(b) below)

Batting cages

(See conditions in 76-110(b) below)

Community center, private

Fairgrounds or exhibition area

(See conditions in 76-110(b) below) Paint shop

Liquor store

1. In considering whether to grant a specific use permit, the following supplemental regulations must be met unless otherwise approved by City Council:
 - a. Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage without City Council approval.
 - b. Minimum building size shall be 5,000 sq. ft.
 - c. No liquor stores shall be allowed within 1,000 feet of another liquor store as measured in a straight line from their respective property lines.
 - d. A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.
 - e. The liquor store has an independent entrance for deliveries and customers. "Partitioned" means walls or other physical divisions separating the liquor store from all other retail or commercial establishments.
 - f. All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.
 - g. Shall provide additional landscaping between front facade and the parkway.
 - i. Shall maintain a 15-foot landscaping buffer with canopy trees planted no less than 20 feet on center along entire frontage.

Plumbing shop (with outside storage)

Taxidermy shop

Section 77, "CC, central commercial district", of Article III, "Zoning Districts," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

77-110 Specific use permit. The following uses require an ordinance amendment. Unless otherwise stated, a site plan meeting the requirements of section 131, site plan regulations and a public hearing are required before a recommendation is made by the planning and zoning commission and action 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.

(a) Uses allowed with a specific use permit:

- Accessory dwelling unit
- Amusement, commercial (indoor)
- Child care center
- Community center, private
- Electrical substation
- Electrical transmission
- Engine repair (small)
- Exhibition area
- Feed store
- Greenhouse or plant nursery (on-premises sales)
- Greenhouse or commercial nursery (off-premises sales)
- Local franchise utility
- Natural gas regulating station
- Parking lot or structure, commercial (auto)
- Radio, microwave, TV tower
- Radio, television station
- School, commercial trade
- Sewage pumping station
- Swimming pool, commercial
- Taxidermy
- Telephone exchange, switching, relay, or transmission station
- Water pumping station
- Water storage facility

Section 78, “C, commercial district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

78-110 Specific use permit. See section 130, specific use permit. The following uses require an ordinance amendment. Unless otherwise stated, a site plan meeting the requirements of section 131, Site plan regulations and a public hearing are 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.

(a) Uses allowed with a specific use permit:

Accessory dwelling unit

Amusement, commercial (indoor)

Animal pound, private

1. Facilities adjacent to residentially zoned property shall have no outside animal pens.
2. Screening between residentially zoned property with a 20-foot buffer and trees planted on 20-foot centers.

Automobile/truck rental service, except no rental trucks or trailers shall be located in any multi-use/multi-tenant shopping center.

1. In considering whether to grant a specific use permit, the following shall be considered while granting an SUP:
 - a. Number and location of parking of rental units versus customer parking.
 - b. Type of vehicles and trailers to be let.
 - c. Traffic impact on surrounding areas.
 - d. Location and screening of outdoor service areas.
 - e. Screening from residentially zoned properties.
 - f. Hours of operation.
 - g. Lighting.

Community center, private

Kennel (indoor)

Liquor store

1. In considering whether to grant a specific use permit, the following supplemental regulations must be met unless otherwise approved by City Council:
 - a. Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage without City Council approval.
 - b. Minimum building size shall be 5,000 sq. ft.
 - c. No liquor stores shall be allowed within 1,000 feet of another liquor store as measured in a straight line from their respective property lines.
 - d. A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.
 - e. The liquor store has an independent entrance for deliveries and customers. "Partitioned" means walls or other physical divisions separating the liquor store from all other retail or commercial establishments.
 - f. All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.
 - g. Shall provide additional landscaping between front facade and the parkway.
 - i. Shall maintain a 15-foot landscaping buffer with canopy trees

planted no less than 20 feet on center along entire frontage

Miniwarehouse

1. No outside storage, sales, service or repair activities other than the rental of dead storage of units.
2. No stall or locker doors shall face any public streets or residentially zoned property.
3. Outdoor storage of trash receptacles shall be at the side or rear of the lot and completely screened by a wall or fence no less than six feet in height.

Miniature golf course

Petroleum or gas well

Small tractor and farm equipment sales and repair

Tattoo studio

1. In considering whether to grant a specific use permit, the following shall be required:
 - a. Hours of operations (cannot commence application of a tattoo other than stated hours of operation)
 - i. No earlier than 10AM
 - ii. Sundays no later than 6PM
 - iii. All other days no later than Midnight
 - b. Tattoo Studios not allowed to operate in residential areas
 - c. Signage requirement
 - i. No flashing signs
 - ii. No neon signs
 - d. No loitering on permitted premises
2. In considering whether to grant a specific use permit, the following shall be considered in addition to the other factors to be considered while granting an SUP:
 - a. Distance to residentially zoned areas, churches, schools, day-care facilities, and other tattoo studios.
3. The application for a building permit shall be accompanied by a copy of the applicant's state license.
4. After five affirmative findings of violations of either state or local regulations relating to the operations of the tattoo studio the specific use permit will be automatically terminated.

Taxidermy Zoo, public

Section 85, "PD, planned development district", of Article III, "Zoning Districts," of Appendix B, "Zoning," of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

85-105 Use regulations. The permitted use or uses of property located in the PD district shall be determined at the time the district is approved. A PD district may include a combination of different dwelling types and/or a variety of residential and nonresidential land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

Planned Development Districts shall be used in conjunction with base zoning district, unless changed by zoning amendment. Base districts or changes in existing base districts may be requested at the same time planned development districts are requested. Unless otherwise specified, all permitted uses in the base district are applicable for a planned development district.

In the PD District, uses shall conform to the standards and regulations of the base-zoning district to which it is most similar. The base zoning district shall be stated in the granting Ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Code (applications without this list will be considered incomplete) specifically any deviation not requested is deemed to comply with this Code even if shown graphically on a Site Plan. The Planned Development District shall conform to all other sections of this Code unless specifically excluded in the granting Ordinance.

Section 132, “General yard requirements”, of Article V, “Supplemental Regulations,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, are hereby amended to read as follows:

132-116 Accessory dwelling unit (ADU) regulations.

- (a) There is a limit of one (1) accessory dwelling unit per lot.
- (b) The accessory dwelling unit shall be subordinate to the primary structure in overall height and size and placed in accordance with applicable zoning district setbacks.
- (c) ADUs shall not be larger than a GFA (Gross-Floor-Area) of 900 square feet or one-half the GFA of the Primary Dwelling, whichever is smaller.
- (d) Either the primary residence or ADU shall be occupied by the property owner.
- (e) Short-term rental (STR) permits will not be issued for ADUs.
- (f) One additional off-street parking space, accessible from the current drive-way, shall be required prior to approval of the final inspection for the ADU.
- (g) Additional utility meters and the issuance of separate addresses for the ADU are prohibited.
- (f) ADUs in the following zoning districts shall require approval of a specific use permit (SUP):

- 1. MF-1, multiple-family dwelling district.

2. MF-2, multiple-family dwelling district.
3. NS, neighborhood service district.
4. GR, general retail district.
5. CC, central commercial district.
6. C, commercial district.

Additionally, ADUs approved per SUP shall be occupied by the building owner and shall require one dedicated parking spot.

SECTION 6.

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 7.

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 8.

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