

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 8.216 ACRES LOCATED IN THOMAS CHANDLER SURVEY ABSTRACT NUMBER 127, BEING ALL OF LOT 3, BLOCK 1, HIDDEN VISTAS ADDITION (THE ZONING AREA), CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM “PD”, PLANNED DEVELOPMENT ZONING DISTRICT TO “PD”, PLANNED DEVELOPMENT ZONING DISTRICT (THE STANDARD); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, an application for a zoning change was filed by **Tim Windmiller representing The Standard at Chisen Hall** on **April 27, 2026**, under **Case Number ZC26-007**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the

City of Burleson, Texas voted **0 to 0** to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Planned Development (PD)** to **Planned Development (PD)**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **Planned Development (PD)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

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

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

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

SECTION 1

A. That the Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown by the Legal Description attached as Exhibit A and Exhibit B (the Zoning Area), incorporated herein by reference, by changing the zoning of said property from an existing Planned Development Zoning, to a Planned Development district for Commercial development use, with the area and location for such uses being depicted on the Site Plan as shown on the attached Exhibit B incorporated herein by reference.

B. All development occurring within the boundaries of the Zoning Area shall conform to all applicable land use and development requirements prescribed in the City of Burleson, Texas, Code of Ordinances, with additional restrictions and regulations provided herein.

SECTION 2

DEVELOPMENT STANDARDS

Main Uses Permitted

The following uses are the only uses permitted:

3.00 Commercial/Retail/Office

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

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

Restaurant or cafeteria with drive through service

Condominiums above Commercial Buildings

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

Airport or landing Field

Auto, new, used auto sales: outdoors

Auto parts sales and accessory sales (with outside storage)

Auto sales or auction

Batting cages

Bottling works

Cemetery or mausoleum

Country club, private

Fairgrounds or exhibition area

Feed store

Fraternity or sorority

Golf course; commercial

Helistop

Mold and tool shop

Monument manufacturing

Parking lot, trucks/trailers Pawnshop

Playfield or stadium (public)

Railroad passenger terminal

Railroad team track

Rodeo grounds

Theater: open drive-in

Tool rental

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

3.04 Accessory uses allowed:

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

Swimming pool

Lot Development Regulations

The following regulations apply to the tract as specified below:

4.00 Commercial/Retail/Office

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

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

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

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

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

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

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

SECTION 5

Landscape Regulations

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

Section 86-103 Landscaping generally

Section 86-104 Landscaping plan required

Section 86-105 Location criteria

Section 86-106 Credits for landscape area reduction

Section 86-107 Installation and Maintenance

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

Bald Cypress Pecan

Bradford Pear

Texas Sophora

Sweet Gum

Live Oak

Cedar Elm

Chinese Pistache Bur Oak

Shumard's Oak Deciduous Holly

Red Oak

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

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

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

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

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

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

SECTION 6

Parking Regulations

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

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

SECTION 7

Architectural Development Standards

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

Commercial/Retail/Office

Office, Retail and Commercial District:

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

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

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

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

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

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

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

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

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

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

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

Section 3.

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

Section 4.

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

Section 5.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

Section 8.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be

fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 9.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

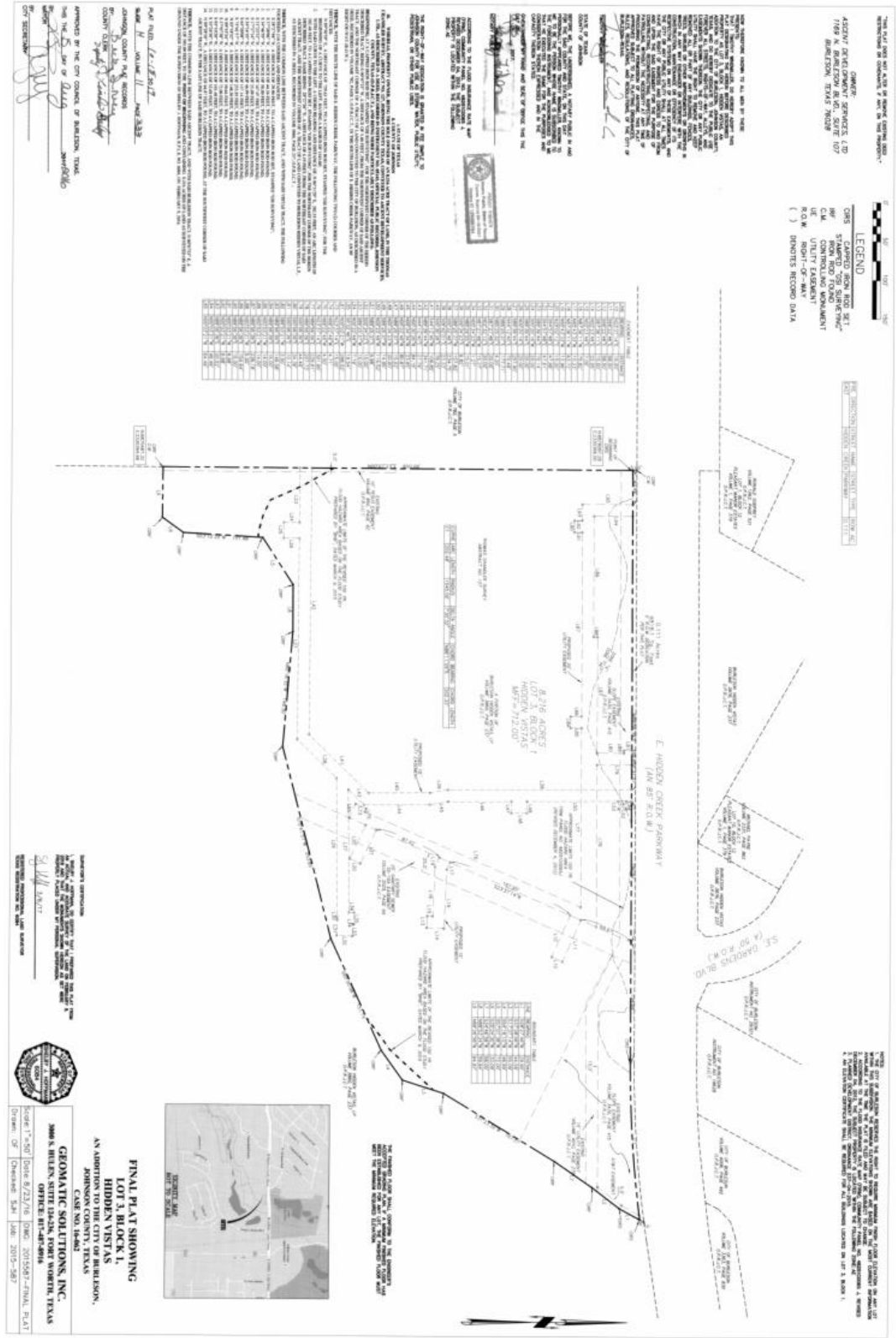
ATTEST:
APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

EXHIBIT “B”



Site Plan

