

ORDINANCE

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, 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 9 to 0 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; 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.

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.

AND IT SO ORDAINED.

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

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

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney