

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 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 have the effect of allowing more residential development than the previous regulation; and will apply uniformly to each parcel in one or more zoning districts; 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 7 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.

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 2-100, "Zoning districts", of 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 3-101, “Adoption”, of 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 18-100, “Generally”, of 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 50-105, “Definitions”, of Section 50, “Definitions,” of Article II, “Definitions,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended to add the following definitions without removing or otherwise altering the other definitions:

“50-105 Definitions.

...

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.

...

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.

“Auto Laundry/Car Wash” of Section 50-105, “Definitions”, of 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:

“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.”

SECTION 6.

Subsection (b) of Section 52-105, “Primary uses allowed”, of Section 52, “A, agricultural district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is 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 7.

Subsection (b) of Section 54-105, “Primary uses allowed”, of 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, is 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 8.

Subsection (b) of Section 55-105, “Primary uses allowed”, of 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, is 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 9.

Subsection (b) of Section 56-105, “Primary uses allowed”, of 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, is 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 10.

Subsection (b) of Section 57-105, “Primary uses allowed”, of 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, is 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 11.

Subsection (b) of Section 58-105, “Primary uses allowed”, of 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, is 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 12.

Subsection (b) of Section 65-105, “Primary uses allowed”, of 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, is 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 13.

Section 66-110, “Specific use permit”, of 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, is 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 14.

Section 67-110, “Specific use permit”, of 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, is 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 15.

Subsection (b) of Section 68-105, “Primary uses allowed”, of 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, is 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 16.

Subsection (b) of Section 69-105, “Primary uses allowed”, of 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, is 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 17.

Subsection (a) of Section 75-110, “Specific use permit”, of Section 75, “NS, neighborhood service district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is 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.”

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SECTION 18.

Subsection (a) of Section 76-110, “Specific use permit”, of Section 76, “GR, general retail district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances,

City of Burleson, Texas, is 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 19.

Subsection (a) of Section 77-110, “Specific use permit”, of Section 77, “CC, central commercial district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is 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”

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SECTION 20.

Subsection (a) of Section 78-110, “Specific use permit”, of Section 78, “C, commercial district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is 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”

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SECTION 21.

Section 85-105, “Use regulations”, of Section 85, “PD, planned development district”, of Article III, “Zoning Districts,” of Appendix B, “Zoning,” of the Code of Ordinances, City of Burleson, Texas, is 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, is hereby amended to add Section 132-116, “Accessory dwelling unit (ADU) regulations”, 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 driveway, 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.

(h) 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 22.

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

SECTION 23.

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 24.

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 25.

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 26.

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 27.

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 28.

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 29.

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

AND IT SO ORDAINED.

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

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

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney