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## Section 50. Definitions.

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**50-100. Generally.** Words in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. **For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.**

**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:

#### A

~~*Accessory building (agricultural).* In an agricultural district, a subordinate building attached or detached, and used for a purpose customarily incidental to the main use.~~

~~*Accessory building (neighborhood services, commercial, business or industry).* In a neighborhood service, commercial, business or industrial district, a subordinate building attached or detached, and used for a purpose customarily incidental to the main structure.~~

~~*Accessory building (residential).* In a residential district, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure, including, but not limited to a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house, garden shelter, but not involving the conduct of a business.~~

***Accessory structure.* A structure located on the same premise that is customarily incidental, detached, and subordinate in height, size, and area to the primary structure or use.**

~~*Accessory use or building.* A use or building subordinate to and that is customarily incidental to the primary use of the main building or to the primary use of the premises.~~ ***principal use of land or building(s).***

~~*Accessory use, residential.* A residential use located on the premises with a main residential use.~~

*Airport or landing field.* An area improved for the landing or takeoff of aircraft, approved by the Federal Aviation Administration for operation as an airport.

~~*Alley.* A public way which affords only secondary means of access to property.~~ ***A public or private right-of-way primarily designed to serve as secondary access roadway to the side or rear of those properties whose principal frontage is on some other street.***

~~*Amusement, commercial (indoor).* An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the property line, including, but not limited to, a bowling alley, bingo hall or billiard parlor, or similar. The zoning administrator shall make a determination if a facility is a commercial amusement (indoor) based on the predominant activity of a business. This may include a review of the amount of publicly accessible square footage in a facility used for amusement purposes and other factors deemed reasonable by the administrator.~~ ***Uses involving commercial, recreational activities contained entirely or mostly inside one or more buildings. Includes arcades, archery or gun ranges (indoor), art galleries, billiards halls, bowling alleys, museums, and theaters for motion pictures or performing arts.***

~~*Amusement, commercial (outdoor).* An amusement enterprise offering entertainment of games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to a golf driving range.~~ ***Uses involving commercial, recreational activities with a significant outdoor component. Includes amusement parks, archery or gun ranges (outdoor), miniature golf courses, water parks, and zoos. Does not include temporary amusement uses, such as carnivals, fairs, and haunted houses, which are permitted only by special event permit.***

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~~Animal breeding, small animals (indoor only).~~ A wholesale establishment breeding and offering for sale small animals including mice, hamsters, rats, hedgehogs, etc.

~~Animal pound, private.~~ A facility for the incarceration of small domestic animals for short periods of time.

~~Antique shop.~~ An establishment offering for sale, within the building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment, with no outside display or storage.

**Antenna.** The arrangement of wires or metal rods used in transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals (including microwave reflectors/antennae).

**1. Commercial:** An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds 6 feet in diameter shall also be considered as a commercial antenna.

**2. Non-commercial/amateur:** An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding 6 feet in diameter shall also be considered as a non-commercial antenna.

**Antenna support structure.** An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

**Antenna, temporary or mobile.** An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only, usually in conjunction with a special event, news coverage, or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

**Apartment.** A room or suite of rooms in a multiple-family dwelling or apartment house arranged, designed or occupied as a place of residence.

~~Apartment house.~~ Any building or portion of a building which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

~~Apartment, loft.~~ A dwelling unit consisting of a single room or a series of rooms, which is attached to but secondary to a main nonresidential structure and is generally located above the first floor of the structure.

~~Apartment, studio.~~ A dwelling unit which has, as an integral part of the unit, a work area generally associated with the creative arts and which may consist of a single room or series of rooms.

**Applicant.** The owner of record of a property, the agent or lessee thereof, or a person holding a bona fide contract to purchase the property with approval of the property owner (or their authorized representative(s), who requests action under the provisions of this title.

**Arches.** Curved construction for spanning an opening, or an upwardly curved construction above a doorway, gateway, etc., having a curved head.

**Area of the lot.** The area of the lot is the net area of the lot and does not include portions of streets or alleys.

~~Art, furniture or electronics studio (retail, repair, fabrication).~~ Includes antiques, cameras but excludes automobile electronics sales and repair.

~~Art gallery or museum.~~ An institution for the collection, display, and distribution of objects or art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

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~~*Art supply store.* An establishment offering for sale those materials used by conventional artists for the preparation of their art form.~~

~~*Asphalt or concrete batching plant (permanent).* A permanent installation of facilities and materials required to manufacture asphalt or concrete.~~

~~*Asphalt or concrete batching plant (temporary).* A temporary batching plant by special permit of the city council only for a specific length of time.~~

~~*Auto glass, seat cover, muffler shop.* An enclosed facility for the installation and repair of automotive glass, upholstery, mufflers, and tailpipes. This category also includes fast service automobile business, i.e., lubrications fast tune-ups and other similar auto services.~~

**Assisted living/nursing facility.** An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services.

~~*Auto impoundment.* An area, lot, surface, or structure which may be operated in conjunction with a wrecker service where the purpose of the facility is long or short term motor vehicle storage. The exhibition, dismantling and/or sale of dismantled parts, repair and/or maintenance of stored vehicles is prohibited.~~

~~*Auto laundry/car wash.* An automated or motor assisted system or automotive washing device including assisted and coin-operated equipment.~~

~~*Auto, new and used sales, outdoors.* An area or lot paved to the design standard to the city used for the sales and exhibition of automobiles, small trucks and vans.~~

~~*Auto painting and body shop.* An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, small trucks, and vans.~~

~~*Auto parts and accessory sales (no outdoor storage).* A shop with a primary function of selling new parts and accessories for automobiles, small trucks and vans.~~

~~*Auto parts and accessory sales (with outdoor storage permitted).* An area for the sale of new auto parts without installation.~~

~~*Auto repair garage.* An enclosed facility designed for the repair and maintenance of automobiles, small trucks and vans, with outside storage allowed but not outside repair or maintenance conducted.~~

~~*Auto sales or auction.* An enclosed area, including outside storage, but not sales, designed for the sale of automobiles at auction or using other sales techniques.~~

~~*Automobile/truck rental services.* Establishments engaged in the short term rental or extended term leasing of automobiles, vans and trucks, including rental trailers, truck tractors or semi-trailers.~~

~~*Automotive fuel sales.* Sale of fuel for automobiles that includes gasoline, diesel, electricity, or other fuel in conformance with local, state and federal regulations.~~

~~*Automotive oil change and lubrication shops.* An establishment primarily engaged in changing motor oil and lubricating the chassis of automotive vehicles such as passenger cars, trucks and vans.~~

## **B**

~~*Bakery or wholesale candy.* A manufacturing facility for either baked goods or candy with the purpose of selling the product at off-site retail locations.~~

~~*Bakery or retail confectioner.* A shop offering for sale, baked goods or candies made on premises or off premises, but not for off premises sales.~~

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~~*Batting cages.* A private, commercial enterprise offering outdoor batting cages to the general public for a fee or charge.~~

*Basement.* A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

*Bed and breakfast.* A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator or a caretaker of the bed and breakfast establishment shall live on the premises or an adjoining premises.

*Bedroom.* A room in a dwelling unit planned and intended for sleeping, separated from other rooms by a door.

*Beer, wine or other alcoholic beverage on premise sales in conjunction with a restaurant.* Food service uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive through facilities Included in this category is cafe seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet chapter 14, article II of the Burses Code of Ordinances.

*Block.* An area enclosed by streets and occupied by or intended by buildings; or if used as a term of measurement, it shall mean the distance along one side of a street between the nearest two street which intersect the street.

~~*Board.* The zoning board of adjustment.~~

*Board of adjustment.* Zoning board or adjustment as provided for in section 11. Board of Adjustment.

*Boarding or rooming house.* A building, other than a hotel or motel, where lodging is provided and meals may be served to four or more persons for compensation.

~~*Bottling works.* A facility for the bottling of products for off-site retail sales.~~

~~*Brick kiln or tile plant.* A manufacturing facility for making brick or tile products, including storage of product and raw material.~~

*Building.* Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

*Building line.* A line parallel or approximately parallel to a specified distance from the street line marking the minimum distance from the street line that a building may be placed.

*Building official.* The designated city official carrying the title of building official and charged with the responsibility of issuing building permits, and certificates of occupancy in conformance with this ordinance and charged with enforcing the criminal provisions of this ordinance.

~~*Building material sales.* A distribution and sales center for retail and wholesale hardware, plumbing, lumber and other materials used in the building trades.~~

***Building permit.* Written authorization as required by the current Building Code, issued by the Building Official for the erection, construction, reconstruction, alteration, repair, conversion, demolition, moving, or maintenance of any building, structure, or improvement to a given lot or tract of land or portion thereof, and which allows construction to proceed in accordance with construction documents approved by the Building Official.**

*Building site.* An area of land for which it is permissible to obtain a building permit under section 7, creation of a building site.

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~~Bus station or terminal. A facility for regularly scheduled bus services with passengers lounge and ticketing services.~~

## C

~~Cabinet and upholstery shop. A shop for the assembly of cabinetry for domestic use and furniture repairing and upholstery.~~

~~Caliche pit and storage. An extraction and storage facility for natural caliche.~~

**Caliper. A measure, or a tool for measuring, of the size of a tree. For purposes of this title, caliper size shall be the diameter at breast height (DBH) as defined below.**

*Caretaker's or guard's residence.* A residence, located on a premises with a main nonresidential or residential use and occupied only by a caretaker or guard employed on the premises. Manufactured housing dwelling units are not allowed for this purpose in SFE, SFR, SF16 or MF districts.

**Canopy. The area above ground which is covered by the trunk, branches, and foliage of a tree or stand of trees' crowns.**

*Carnival, circus or tent services.* A temporary entertainment activity carried out in a tent or in the open subject to city council policy.

**Carport. A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Carports are not included in the definition of structured or garage parking.**

*Cellar.* A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

~~Cement or hydrated lime plant. A manufacturing facility and process for making cement, hydrated lime, and by products, including storage or product and raw materials.~~

*Cemetery or mausoleum.* An area or structure designed to contain the remains of humans for permanent interment.

*Certificate of occupancy.* An official certificate issued by the building official which indicates conformance with or approved conditional waiver from the building and zoning regulations and authorizes legal use of the premises for which it is issued.

~~Child care as a home occupation (in single family dwelling unit). The use of a single family home for the purpose of caring for more than three but not exceeding 12 children, other than the care givers own.~~

~~Child care center. An establishment where more than three children are housed for care or training during the day or portion of the day under State of Texas licensing provisions.~~

~~Child care center, drop in. An establishment where no child is in care for more than five consecutive days, and no child is in care for more than 15 days in one calendar month, regardless of the duration of each stay. All drop in child care centers shall be licensed under the provisions of the Alternate Care Program of the Texas Department of Family and Protective Services.~~

**City.** The City of Burleson, Texas, **its governing body, administrative departments, or officials designated to carry out the responsibilities of this title.**

*City council.* The governing body of the City of Burleson, Texas.

*City engineer.* The person or group of persons or consultants that have been appointed city engineer in accordance with Ordinance C-153, as amended.

*City manager.* Chief administrative officer of the city.

~~City planner. The person or group of persons or consultants that have been appointed as city planner.~~

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*City secretary.* The person appointed by the city council under the authority of section 29 of the city charter, including any deputies appointed by the city council to act in the absence of the city secretary.

~~*Cleaning shop or laundry (small shop, pickup and self-service).* A custom cleaning shop for wearing apparel and other fabrics, which may include customer self-service laundry and cleaning.~~

~~*Cleaning plant, commercial.* A commercial laundry or cleaning plant doing cleaning or laundry for off-premises service outlets and retail establishments.~~

~~*Clothing or similar manufacturing.* An industrial facility for the assembly of clothing or wearing apparel.~~

~~*Coffee roasting.* An analogous use to bakery, candy shop, the making of ice cream, or restaurants, such analogous uses may have a customary and familiar odor such as grilled hamburgers, coffee roasteries shall be allowed provided they do not create or cause damage or nuisance arising from the noise, smoke, offensive odors, dust or vibration.~~

*College or university.* An academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study leading to a recognized degree or advanced degree.

*Commissary (also known as central preparation facility)* shall mean a permitted fixed location food establishment in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food units, and that serves as an operating base where a mobile food unit may be stored, parked, serviced, cleaned, supplied, and maintained.

*Commission.* The planning and zoning commission for the City of Burleson as established in § 211.007 of the Texas Local Government Code.

***Comprehensive plan.* A plan prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof, setting forth goals, policies, and guidelines intended to direct the present and future development of the city.**

~~*Community center, public.* A building and grounds owned and operated by a governmental body for social, recreational, health or welfare [benefit] of the community served.~~

~~*Community center, private.* A building and grounds owned by public or private nonprofit organization and providing social, educational, recreational and developmental training programs.~~

~~*Contractor, electrical/mechanical/plumbing (no outside storage).* A business whose primary use provides a service by installation of electrical, mechanical or plumbing systems and which may also have limited sales of electrical, mechanical or plumbing supplies or equipment as secondary use incidental to its primary use with no outside storage.~~

~~*Contractor, electrical/mechanical/plumbing (with outside storage).* A business whose primary use provides a service by installation of electrical, mechanical, or plumbing systems and which may also have limited sales of electrical, mechanical or plumbing supplies or equipment as secondary use incidental to its primary use with outside storage.~~

~~*Contractor storage or equipment yard.* An area of outside storage of construction equipment in conformance with the city's design standards.~~

~~*Convenience store with or without automotive fuel sales.* A neighborhood store offering limited amounts of consumer goods, and permitting automotive fuel sales. This use includes small neighborhood grocery stores and drugstores whose purpose is to serve the immediate neighborhood, as distinguished from large chain stores and being in the tradition of "the small mom and pop grocery store".~~

~~*Convent or monastery.* A place of religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns and similar staff persons.~~

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~~*Corbelling.* A corbel is an architectural bracket or block projecting from a wall and supporting (or appearing to support) a ceiling, beam, or shelf.~~

~~*Cornices.* The cornice is the uppermost section of moldings along the top of a wall or just below a roof.~~

~~*Cottage.* A single-family dwelling, on a regular lot, often shared with an accessory building in the back yard.~~

~~*Country club, private.* An area of 20 acres or more containing a golf course and a clubhouse and available only to private membership; such a club may contain adjacent facilities such as, dining room, swimming pool, tennis courts, and similar recreational or service facilities.~~

*Court.* An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent open space.

*Coverage.* The area of a site covered by building or roofed areas, but not including the area cover by allowed projecting eaves, balconies, and similar features.

***Critical root zone.* The area of undisturbed natural soil around a tree defined by a circle extending from the root flare at ground level with a radius equal to one foot for every one inch DBH.**

***Customer.* Any person who:**

**1. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or**

**2. Enters a business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment, or other services offered therein; or**

**3. Is a member of and on the premises of a business operating as a private club.**

~~*Customary home occupation.* See *Home occupation*.~~

~~*Custom personal service shop.* Tailor, dressmaker, shoe shop, barbershop, beauty shop, permanent cosmetic makeup shop, or similar shop offering custom service.~~

## **D**

~~*Day camp for children.* A facility and activity conducted on a temporary basis for the organized recreation and instruction of children including, but not limited to, outdoor activities in conformance with state regulations and license provisions.~~

*Density.* The number of dwelling units permitted per net acre of land (A net acre of land does not include portions of streets or alleys.)

~~*Department store.* A large store offering a variety of comparison and consumptive goods at a retail price.~~

***Detached.* Having no physical connection with any other building or structure.**

***Development.* Any human-initiated change to improved or unimproved real estate, including, but not limited to, new construction or the enlargement of any exterior dimension of a building or other structure, and the installation of any type of site improvement, including offsite features, such as street median openings and clearing of vegetation, but not including bona fide agricultural activities. When used as a noun within this ordinance, the term “development” shall be construed to also include subdivisions, redevelopments, and land disturbing activities.**

*Development assistance committee (DAC).* A committee made up of city employees to provide a centralized technical review of development plans as established by recognized engineering and planning practices and the ordinances and regulations of the city.

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**Development impact area.** Area on a site or right-of-way associated with a site affected by any and all site or right-of-way improvements, including, but not limited to, buildings, structures, walls, parking and loading areas, street improvements, paved and graveled areas, utilities, irrigation, equipment storage, construction parking, storm water management, and landscaping. The development impact area also refers to areas of grading (cutting or filling), stockpiling, demolition, tree removal, trenching, boring, and any other activities that require excavation or soil disturbance.

**Diameter at breast height (DBH).** The diameter of the trunk of a tree measured 4½ feet above mean ground level at the base of the trunk. If the tree splits into multiple trunks below 4½ feet, the DBH is the sum of the diameter of each trunk measured 4½ feet above mean ground level. If the tree has excessive swelling at 4½ feet, the DBH is the diameter of the narrowest point beneath the swelling.

**Director of ~~community~~ development services.** The person or group of persons or consultants that have been appointed director of ~~community~~ development services.

**Director of public works.** The designated city official, under the supervision of the city manager, carrying the title of director of public works.

**District.** A section of the city for which the regulations governing the area, height or use of the land and buildings are uniform.

~~**Draperies, sewing or weaving shop.** A shop offering custom made draperies and other sewn goods and hand or machine woven goods for sale.~~

~~**Drugstore or pharmacy.** An establishment offering over the counter and prescription drugs and allied products for retail sale.~~

~~**Dump or sanitary landfill area.** A state approved area for disposal of non-hazardous waste materials in conformance with the permit and associated regulations.~~

**Dwelling unit.** A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters, and includes facilities for food preparation and sleeping.

~~**Dyeing and laundry plant, commercial.** A facility for the off-site laundering, bleaching, dyeing, of bulk commercial clothing.~~

## E

**Easement.** A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**Electric vehicle charging station.** A public or private parking space or multiple spaces that is served by equipment for charging an electric vehicle or a plug-in hybrid electric vehicle.

**Electric vehicle supply equipment (EVSE).** The electrical conductors and equipment external to an electric vehicle that provides a connection for an electric vehicle to a power source to provide electric vehicle charging.

**Electrical generating station.** A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

**Electrical substation.** A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

**Electrical transmission line.** A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

~~**Engine repair, small.** A shop providing the service of small engine repair for lawn mowers, chainsaws, and similar items. All services shall be provided within an enclosed building.~~

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*Estate house.* A single-family dwelling on a very large lot of rural character, often shared by one or more accessory buildings.

*Extraterritorial jurisdiction.* The unincorporated area that is contiguous to the corporation boundaries of the municipality and that is located within two mile[s] of those boundaries.

## F

~~*Fairgrounds or exhibition area.* An outdoor area for public gathering including fairs, celebrations, and similar events.~~

*Family.* Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

***Family home.* A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.**

~~*Farm, ranch, garden or orchard.* An area of three acres or more which is used for the primary purpose of growing usual farm products, vegetables, fruit trees, and grain and for the raising of the usual farm poultry and farm animals such as horses, cattle and sheep, and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.~~

~~*Feed store.* A retail establishment offering for sale to the public feed and supplies for animals.~~

*Fire or police station.* A facility designed to provide public protection from the dangers of fire or crime.

*Floodplain.* Floodplain or flood prone area means any land area susceptible to being inundated by water from any source.

*Floodway.* The channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

*Floor area.* The total square feet of floor space within the outside dimensions of a building, including each floor level but excluding cellars, carports or garages.

~~*Florist shop.* A shop offering flowers, flower arrangement services and associated products for sale.~~

~~*Food and beverage sales store.* A retail establishment offering food and beverage products for sale to the general public generally for consumption off the premises.~~

*Food truck (also known as mobile food unit)* shall mean a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A mobile food unit does not include a stand or a booth. A roadside food vendor is classified as a mobile food unit. The terms food truck and mobile food Unit shall be interchangeable.

*Food truck operation site.* The geographic area, not located within a food truck park, within which a food truck will park, prepare, and sell food and/or beverages. This also includes areas where the food truck's customers go to consume food and/or beverages sold from the food truck.

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*Food truck park.* A property used or developed to accommodate two or more mobile food units that offer food and/or beverages for sale to the public as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities.

~~*Fraternal lodge or union hall.* The location of a society or association organized for the pursuit of a common objective by working together in some manner.~~

~~*Fraternal or other social club.* A social club or an association having meeting facilities for the members. A fraternity or sorority house may have dormitory facilities for its members. Any such fraternity or sorority house shall be deemed a multi-family dwelling, a boarding house or group home, depending upon the circumstances in each instance. The office or headquarters of a professional, business or other fraternal organization shall be considered as an office for the purposes of this ordinance.~~

~~*Fraternity or sorority.* An organization of a social nature associated with a recognized academic institution which may provide housing for its membership.~~

~~*Franchised utility shop or yards.* A storage or repair and maintenance area for a franchised utility.~~

~~*Furniture or appliance store.* A retail establishment offering home furnishings and appliances for sale to the general public.~~

## G

*General retail.* Uses involving the sale of consumer products or services to customers who make one or more visit to the business for each transaction. Merchandise and services are contained indoors with the exception of limited outdoor display during business hours as allowed by zoning district. Examples of consumer products in this category include antiques, art and office supplies, bicycles, cards and gifts, clothing, electronics, fabric, flowers, groceries, hardware, household goods, jewelry, media, pets, pharmaceuticals, small appliances, and stationary and other printed materials. Examples of consumer services in this category include art and craft schools, banks or financial institutions, barber/beauty shops, copy or print shops, dry cleaners, laundromats, locksmiths, pet grooming, photography studios, shoe repair, and travel agencies. General retail does not include uses listed separately in this title or any uses requiring a significant outdoor display or storage component.

*Grade.* The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

*Grading.* Generally described as any stripping, cutting, filling, or stockpiling of earth or land or combination thereof; or any leveling to a smooth horizontal or sloping surface on a property; to create new grades.

~~*Specifically, the City defines grading in the following types:*~~

~~*Excavation.* The mechanical removal of earth material for the installation or improvement of public infrastructure within an easement or public right of way.~~

~~*Preliminary grading or grubbing.* The clearance of shrubs, grasses, or natural vegetation not exceeding six (6) inches in solid depth and not to exceed one (1) acre in area.~~

~~*Final grading.* Any land disturbing activity as generally defined above impacting one (1) acre or more, or a soil disturbing activity greater than 5000 square feet or that alters drainage patterns as part of a commercial or residential development~~

*Glare.* A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

~~*Go-cart track.* A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a non-licensed motorized low horse power vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.~~

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~~*Golf course, commercial.* A golf course, privately owned but open to the public for a fee and operated as a commercial venture.~~

~~*Greenhouse or plant nursery (on-premise sales).* An establishment offering plants grown on the premises and off the premises and associated products for sale.~~

~~*Greenhouse or plant nursery (off-premise sales).* A facility for the storage, growing and care of plant materials to be sold at an off-site retail locations.~~

## H

~~*Handicraft shop and art objects.* A shop offering handmade art and convenience objects, handicraft supplies and associated products for sale.~~

~~*Hardware or hobby shop.* An establishment offering small hand tools and small building materials, and associated convenience items, and personal hobby materials for sale to the general public.~~

~~*Hatchery.* A facility for the incubation, hatching and short-term care of all types of domestic poultry, game birds, fowl, i.e., pheasants, quail, turkey, etc.~~

~~*Hauling or storage company.* A company engaged in local, unregulated hauling of freight and materials providing short or long-term storage of associated freight.~~

~~*Heavy machinery sales or repair.* A facility for the storage, repair, outside sales or rental of heavy machinery or equipment in conformance with the city's design standards.~~

*Height.* The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- (1) The highest point of the roof's surface if a flat surface;
- (2) The deck line of mansard roofs; or
- (3) The mean height level between eaves and ridge for hip and gable roofs.

Height does not include chimneys, cooling towers, elevator bulkheads, ornamental cupolas, domes or spires, and/or parapet walls that do not exceed ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

*Heliport.* A landing facility for rotary wing aircraft, subject to regularly scheduled use which may include fueling or servicing facilities for such craft.

*Helistop.* A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds; not used for regularly scheduled stops and including fueling facilities.

***Heritage tree.* A tree with a DBH of 20 inches or greater, which is of a species native or adapted to North Central Texas, as identified by the Texas SmartScape plant database.**

*Home occupation.* An occupation conducted in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises are engaged in the occupation on the premises.
- (2) The use of the dwelling unit for the home occupation is clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 250 square feet of floor area of the dwelling unit are used in the conduct of the home occupation.
- (3) There is no visible evidence of the conduct of the home occupation from outside the building.
- (4) The home occupation is not conducted in an accessory building.

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- (5) Any sales in connection with the home occupation are clearly secondary, and there are no sales from the dwelling.
  - (6) Traffic is not generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation is met off the street and other than in a required front yard.
  - (7) Equipment, processes or work is not used or conducted in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work is used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.
  - (8) The following occupations are specifically excluded as home occupations: operation of beauty culture schools, beauty parlors, barber shops, lawn mower or other small engine repair, automotive repair, television, radio, or electronic repair and bicycle repair.
  - (9) No outdoor storage of any type is permitted with any home occupation.

*Home for aged, residence.* A home where elderly people are provided with lodging and meals without nursing care being a primary function.

~~*Hospital (acute care).* An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health, which is licensed by the State of Texas.~~

~~*Hospital (institutional).* An institution where those persons suffering from illness, injury, alcoholism, narcotic, dependency, psychiatric disorder, or deficiency of age are given care and treatment on an outpatient or resident basis and which is licensed by the State of Texas.~~

*Hotel.* The hotel shall have at least 20 guest rooms **rented for less than 30 days, and designed to be used for sleeping purposes, which provides a common entrance, lobby, halls, and stairways.** The hotel shall not be an adult motel as defined in the City of Burleson Code of Ordinances.

~~*Household appliance repair.* An establishment offering services for repair of household appliances.~~

*HUD-Code manufactured home.* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems.

I

### *Industrial.*

***Light industrial.* Uses involving the assembly, manufacture, packaging, processing, or treatment of finished or semi-finished products or components, typically from previously prepared materials or components. Activities and storage are generally contained within a building greater than 2,000 square feet and may have impacts (such as occasional noise, odor, glare, or vibration) which are generally inoffensive to neighboring properties. Light industrial uses do not involve the use of hazardous materials.**

***Heavy & High Energy industrial.* Uses involving the assembly, manufacture, packaging, processing, or treatment of finished or semi-finished products or components, typically from raw materials. Activities and storage are generally contained within one or more buildings but may have a significant outdoor component. Heavy & High Energy industrial uses are distinguished from light industrial uses by the presence of adverse impacts (such as noise, odor, glare, or vibration) on neighboring properties and/or the presence of hazardous materials or waste. Also, included are operations and facilities that may create energy or require high energy**

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**consumption compared to other businesses in other districts, and, if not properly regulated, may create high-noise levels and other negative impacts. To limit the cumulative impact that these businesses may have on the City, the City has determined that such businesses shall only be permitted within the boundaries of this District. The City will impose conditions on businesses to mitigate impacts from high energy consumption and other environmental impacts that may result from these businesses.**

**Industrialized housing (modular homes).** A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site, and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any residential structures that are in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean or apply to:

- (1) Housing constructed of sectional panelized systems not utilizing modular components; or
- (2) Any ready-built home which is constructed so the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

**Infrastructure.** The essential facilities such as water, sewers, streets and highways, public utilities, libraries, parks, police and fire services and other facilities related to the protection of the health, safety and general welfare.

**Itinerant vendor.** Any person, firm, corporation or other entity, including any agents or employees of any person, firm, corporation or other entity, who engages in the temporary business of selling, offering to sell or soliciting orders for goods or services of any kind from a fixed location on private property within the corporate limits of the City of Burleson, Texas. Itinerant vendors do not include peddlers or solicitors, which are regulated under separate title.

J

K

~~**Kenel.** A facility for the breeding, training and raising of domestic dogs for sale. Such use also includes the temporary boarding of such animals.~~

~~**Kenel (indoor).** A facility for the boarding, grooming, and/or training of small domesticated household animals for commercial purposes. Accessory uses would include indoor or outdoor areas for periodic activity. Outdoor runs are not included in this definition.~~

~~**Kenel (outdoor).** A facility for the boarding, grooming, and/or training of small domesticated household animals for commercial purposes. An accessory use would include outdoor runs.~~

~~**Key shop.** An establishment specializing in making keys, repairing locks and associated materials.~~

**Kiosk.** A small, stand-alone structure, that is used to vend merchandise or services, or for providing information, either by posting or on a computer screen.

L

~~**Laboratory, medical and dental.** A laboratory for the preparation of medical and dental appliances, radiological, preparations chemical analysis and similar activities to be used in the treatment of, or research about, humans.~~

~~**Laboratory manufacturing.** A facility for the on-site manufacturing processes used in chemical and associated laboratory manufacturing.~~

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~~Laboratory/research. Facilities equipped with materials and scientific and technological equipment designed for scientific experimentation, examination evaluation, and documentation for medical and other technologies.~~

*Landscaping.* Live plant material including; grass, shrubs, trees and flowering plants as required by [chapter 86 of the Burleson Code of Ordinances].

~~Laundry/cleaners, self-service. A retail establishment providing facilities for customers to launder and dry-clean wearing apparel or other materials.~~

~~Light manufacturing or assembly. A facility used for subassembly, or assembly of subassemblies for industrial purposes, generally not emitting noise, odor, dust or other hazards.~~

~~Lithography or print shop. A large commercial printing shop with multiple presses and capabilities.~~

*Live-work unit.* A dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

~~Livestock auction. Barns, pens, and sheds for the temporary holding and sale of livestock, but not including a feed lot or similar operation.~~

*Living unit.* See dwelling unit.

*Local franchise utility.* A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the city.

*Local utility line.* The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage, water, sewage, electric power, or telephone service including, but not limited to pad and pole mounted transformers.

~~Lodging house. A building where lodging for four or more persons is provided for compensation.~~

**Lot. A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s) having principal frontage upon a public street and including parking, landscaping, and open space, as are required by this ordinance. A parcel of land and which is-are shown on an approved plat recorded in the county plat records of Tarrant or Johnson County.**

*Lot area.* The area of horizontal plan bounded by the vertical planes through front, side and rear lot lines.

*Lot corner.* A lot abutting on and at the intersection of two or more streets.

*Lot depth.* The horizontal distance between the midpoint of the front and midpoint of the rear lot lines (see Appendix Illustration 2).

**Lot flag. A lot with access provided to the bulk of the lot by means of a narrow corridor. A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 35 feet. Flag or panhandle lots are typically discouraged.**

*Lot interior.* A lot that is other than a corner lot.

*Lot lines.* The lines bounding a lot.

*Lot line, front.* The line separating the front of the lot from the street. When a lot is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

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*Lot line, rear.* The lot line not intersecting a front line that is most distant from and most closely parallel to the front lot line.

*Lot line, side.* Any lot line not a front or rear lot line.

*Lot width.* The width of a lot at the front building line.

## M

*Main building.* The building or buildings on a lot which are occupied by the primary use.

*Maintenance and repair service for building.* A smaller contractor's facility specializing in repair and remodeling.

***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.**

*Manufactured home park.* A unified development of manufactured home spaces arranged on a large tract or lot under single ownership, meeting all requirements of this ordinance, and designed to accommodate manufactured homes for either a temporary or permanent duration.

*Manufactured home subdivision.* A unified development of manufactured home sites on lots platted for the purpose, which lots may be sold to the owners of manufactured homes, meeting the area and yard requirements of this ordinance and designed to accommodate manufactured homes on a permanent basis.

~~*Massage, therapeutic.* The act of kneading, rubbing, stroking or other such touching as performed by duly licensed medical doctors, doctors of osteopathy, chiropractors, registered physical therapists, registered nurses, licensed vocational nurses at the direction or under the prescription of a medical doctor or doctor of osteopathy when such treatment is administered or prescribed in the professional course of treatment of a patient for a bona fide medical or mental infirmity, or massage therapist registered by the State of Texas Department of Health. This term includes massage authorized by the state in establishments licensed by the state as beauty shops and barber shops staffed by licensed barbers and beauticians. This term does not include massage establishments as defined by [section 14-311 of the Burleson Code of Ordinances].~~

~~*Meat product processing or manufacturing.* Includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products in compliance with applicable local, state, and federal regulations. This definition shall not include the slaughtering of animals and poultry.~~

~~*Medical appliances, sale/rent.* An establishment specializing in the sales and rental of medical appliances.~~

~~*Milk depot, dairy or ice cream plant.* A commercial plant for the storage and processing of milk and milk products.~~

~~*Miniature golf course.* A private, commercial enterprise offering outdoor miniature golf to the general public for a fee or charge.~~

~~*Mini-warehouse.* A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods and wares. The rented space shall be for private use only. No outside storage, sales, service, or repair activities other than the rental of dead storage of units will be permitted on the premises.~~

***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.

***Mobile home.*** A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on side, is 320 or ore square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and including the plumbing, heating, air-conditioning and electrical systems.

***Modular Home or Structure.*** A home or structure that is modular in nature and may be partially or completely fabricated off site designed and constructed to the currently adopted building code of the city placed on a site upon a permanent foundation, to be used for residential, commercial, educational, or industrial purposes.

~~***Mold and tool shop.*** A facility primarily engaged in the manufacture and/or repair of stamping dies, plastic injection molds, or patterns for the casting industry. This facility does not engage in production machining, fabrication or more intense machining uses.~~

~~***Molding.*** A strip of material with various cross-sections used to cover transitions between surfaces or for decoration.~~

~~***Monument manufacturing.*** Manufacturing of monuments including sales and storage facilities.~~

***Motel or hotel.*** A building or group of buildings containing individual living or sleeping units specifically designed as temporary quarters for transient guests and may include provisions for meals and personal service. To be classified as a motel or hotel an establishment shall contain a minimum of six individual guestrooms or units and may furnish customary service such as linen, maid service, telephone, use and upkeep of furniture.

~~***Motor freight terminal.*** A regulated motor carrier facility for firms engaging in interstate and intrastate commerce.~~

~~***Motorcycle sales and repair.*** An enclosed area designed for sales and repair of motorcycles, with outside storage allowed but no outside engine testing or riding, except in street legal equipment.~~

~~***Mortuary or funeral home.*** An establishment providing embalming and burial services in conformance with state law.~~

~~***Movie and/or performance theater.*** Does not include sexually oriented businesses, see chapter 14, Article IX of the Burleson Code of Ordinances.~~

~~***Mining and storage of mining waste.*** Mining and storage of natural elements in conformance with all local, state and federal laws governing mining and replacement.~~

***Mullions.*** A vertical member in between the lights in a window opening.

***Multi-family.*** A building or portion of a building, which contains three or more dwelling units which is intended for occupancy as a place of residency by three or more families.

***Municipal building and uses.*** A structure or use designed to serve a public purpose of the municipality not defined elsewhere.

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~~Museum or philanthropic institutions. Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, medical activities, or an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.~~

~~Musical instrument sales and manufacturing. A retail establishment offering for sale musical instruments. Manufacturing of musical instruments to be sold on site may be included.~~

## N

~~Natural gas regulating station. A system of regulators used by franchised natural gas distributors to lower pressure in gas mains prior to delivery into local service mains for consumption by local customers.~~

*Nonconforming building.* A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

*Nonconforming lot.* A lot which was in compliance with applicable regulations prior to the adoption, revision or amendment of this ordinance, but which fails by reason of adoption, revision or amendment to conform to the lot requirements for the district in which it is located.

*Nonconforming use.* A use of land which legally existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the use regulations of the district in which it is located.

## O

*Occupancy.* The use or intended use of the land or buildings by proprietors or tenants.

*Off-street parking.* Parking spaces not located in a public right-of-way provided in accordance with the requirements specified in section 134, vehicle parking regulations.

~~Office, business and professional. Offices for the provision of business and professional services, not including retail sales or production.~~

~~Office, medical and dental. Offices for the provision of medical and dental health services, not including other than ambulatory care. A medical office may include a permanent cosmetic makeup studio provided the office functions primarily to provide medical health services.~~

~~Open salvage yard. An area for salvage and storage of metals and other fabricated products, not including wrecked or junked automobiles.~~

*Open space.* Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky, except for the ordinary projections of cornices, eaves, and porches, but not including dedicated streets or other dedicated public space.

*Open storage of commercial goods.* Outside storage of a wide range of commercial goods on all weather surfaces in conformance with city's design standards and specifications.

*Ordinance.* The Zoning Ordinance for the City of Burleson, Texas.

*Outdoor run.* An area where individual small domesticated household animals are kept for extended amounts of time and/or overnight.

*Overhangs providing shade/colonnade.* A roofed or built structure, extending beyond the ground floor front facade of a building and over the sidewalk or civic space. A colonnade or arcade shall be open to the street except

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for supporting columns, piers, or arches. Residential or office units may occupy the space over the colonnade or arcade.

## P

~~*Paint shop.* A shop for the storage, mixing and sale of a full line of retail paint supplies.~~

*Park or public playground.* An open recreation facility or park owned and operated by a public agency such as the city and available to the general public for neighborhood use, including lighted tennis courts, but not including lighted athletic fields for night time play.

~~*Parking lot or structure, commercial (auto).* An area or structure devoted to the parking or storage of automobiles for a fee. In the case of a parking structure only, the facility may include servicing of automobiles, provided the facility is primarily an internal function for use only by automobiles occupying the structure for parking and creating no special problems of ingress or egress.~~

*Parking lot, trucks and trailers.* An area devoted to the parking or storage of trucks and trailers in conformance with all city design criteria.

*Parking space.* An enclosed or unenclosed all-weather surface area on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress without the vehicle being required to maneuver or encroachment on the street or alley. The parking space shall be designed based on the criteria within the city's design standards manual, and the landscape ordinance in [chapter 86 of the Burleson Code of Ordinances].

*Pawnshop.* An establishment that makes small loans against personal property or buys used, personal goods from individuals for resale. Regardless of the zoning classification of the existing pawnshop, no other pawnshop shall be located within 1,000 feet of any other pawnshop. (This measurement will be in a straight line from the nearest property line of one pawnshop to the nearest property line of another pawnshop, regardless of intervening structures).

*Pediments.* Above doors, windows and on large standing wall monuments, a wide but low triangular structure to decorate the top "gable".

~~*Permanent cosmetic makeup studio.* An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that cosmetics are applied within the facial lines on a permanent basis. This term does not include a tattoo studio.~~

~~*Petroleum or gas well.* A well and associated facilities for the extraction, metering and maintenance of natural gas or petroleum.~~

~~*Petroleum storage and collecting facilities.* An area and facilities used for collecting and storing natural gas and petroleum.~~

~~*Pet shop.* An establishment offering small animals for sale, with associated goods and services.~~

*Planning and zoning commission.* The board created by chapter 62 of the [Burleson Code of Ordinances].

~~*Playfield or stadium, public.* An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for night time play.~~

*Playground.* A civic/open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas. They may be included in other open spaces.

*Plaza.* A primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.

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*Plaza or courtyard.* publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as civic/open space for the purposes of this ordinance.

~~*Plumbing shop (with outside storage).* A shop providing a complete line of home and commercial plumbing supplies, offered at retail and wholesale with outside storage.~~

~~*Plumbing shop (no outside storage).* A shop providing a complete line of home and commercial plumbing supplies, offered at retail and wholesale with no outside storage.~~

~~*Private club.* Facilities where food, beverage, including alcoholic beverages, entertainment or meeting space is provided to specific membership only.~~

~~*Professional offices.* Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.~~

*Public facility, governmental unit.* Facilities such as maintenance yards, and shops required by branches of local, county, state or federal agencies.

***Public right-of-way.* Land in which title is held in the name of government entity, or which is dedicated for public ownership, on which public facilities, including streets, sidewalks, pathways or utilities may be located, and which generally lies between property lines on either side of such facilities. For purposes of landscape and tree related regulations and administrative rules, public right-of-way includes public access easements established for the benefit of the City of Burlison.**

**Q**

**R**

~~*Radio, television or microwave tower.* Structure, supporting antennae and/or commercial satellite antennae dishes for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.~~

~~*Radio, television station.* A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or prerecorded materials for any part of the radio spectrum for commercial consumption.~~

~~*Railroad freight terminal.* An area devoted to the storage, handling and receipt of railroad freight.~~

~~*Railroad passenger terminal.* An area and structure designed to service as a ticketing and boarding facility for passenger trains.~~

~~*Railroad team track.* A siding for spotting and unloading or loading box cars or other railroad cars in an area which is connected to a public street by a drive for access.~~

~~*Railroad track or right of way.* Does not include railroad stations, sidings, team tracks, loading facilities, docks, yards, or maintenance areas.~~

*Religious institution.* A building or group of buildings or structures that, by design and construction, are primarily intended for conducting religious services, meetings and other activities as well as associated accessory uses such as schools, child care, and meeting halls.

*Residence.* Same as a dwelling; also when used with "district", an area of residential regulations.

~~*Restaurant, cafe, bakery, deli or coffee shop.* See Restaurant or cafeteria (not of drive-in type).~~

~~*Restaurant or cafeteria (not of drive-in type).* An establishment serving food to the general public in designated dining areas, but does not include drive-in establishments where food is delivered to or eaten in automobiles.~~

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~~*Restaurant or eating establishment (drive-in service).* An establishment designed and constructed to serve food for consumption on the premises in an automobile or for carry-out for off-premises consumption, which may or may not have on-premises dining facilities.~~

~~*Retail goods sales.* Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services, but does not include the repair or sales of automobiles in an area designated as TOD.~~

~~*Retail services.* A category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc. but does not include the repair or sales of automobiles in an area designated as TOD.~~

~~*Retail shop, apparel, gift, accessory and similar items.* Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.~~

**Retail. Firms involved in the sale, leasing, and rental of new or used products to the general public. (examples include apparel shops, electronic goods, household products, and pharmacies)**

~~*Right-of-way.* An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.~~

~~*Rodeo grounds.* An outdoor western event location featuring but not limited to competition between individuals in numerous horse and cattle related events.~~

~~*Roller or ice rink.* An organized commercial enterprise featuring either roller or ice skating with locations either indoors or outdoors.~~

~~*Room.* A building or portion of a building with is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.~~

~~*Rooming house.* See "Lodging house".~~

## S

~~*Sand and gravel extraction or storage.* The area and facilities for the extraction and storage of natural sands and gravel in conformance with applicable local, state and federal laws.~~

~~*Satellite receive only antenna.* Non-commercial dishes used by residences, hotels, motels, which receive a broadcaster signal for personal use. (See section 11-115, authorized special exceptions).~~

~~*Satellite transmit station.* Commercial dishes that send signals to be received by other antennas, usually located at television stations, and other communications industry that maintain business by means of sending signals. (See section 11-115, authorized special exceptions).~~

~~*Satellite (direct broadcast satellite DBS).* A receive only dish which measures 18 inches or smaller and is used for non-commercial purposes.~~

**Screening. Any wall, fence, or other built feature, or any berm, trees, or shrubs densely planted so as to form a hedge or living wall, or any approved combination thereof, which effectively restricts the view and/or access between adjoining areas in accordance with all applicable standards within this ordinance.**

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~~*School, business.* A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school, or commercial art school, but not including manual trade schools.~~

~~*School, commercial trade.* A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.~~

~~*School, primary and secondary.* A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.~~

*Setback.* The required minimum horizontal distance between the building line and the related front, side or rear lot line.

~~*Sewage pumping station.* A facility to boost pressure in pressure sewage collection systems usually referred to as "lift stations".~~

~~*Sewage treatment plant.* A facility constructed to treat raw sewage collection system in any manner so as to make it acceptable for discharge into a stream or public watercourse.~~

*Sexually oriented business.* An adult arcade, adult bookstore, adult cabaret, adult novelty store, adult motel, adult movie theater, adult service establishment, adult video store, sex parlor, sexual encounter center, nude modeling studio or other commercial enterprise, as defined by chapter 14, section 14-473, Burleson Code of Ordinances, or any combination thereof, a principal business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity.

The term "sexually oriented business" shall not be construed to include:

- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;
- (2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;
- (3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or
- (4) Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

~~*Shopping center (or mall).* A group of retail business and service uses on a single site with common parking facilities (for rent, lease or sale) intended for commercial uses.~~

***Short-term rental.* Uses involving temporary lodging within a dwelling unit for less than 30 consecutive days. Does not include bed and breakfast inn or hotel/motel uses.**

*Sign.* A presentation of letters, numbers, figures, pictures, emblems, insignia, lines, or colors that is a structure or that is attached to or painted on a building or displayed on a premises for the purpose of information, directions, identification, to promote or advertise a person, group, business, or commodity service, activity, interest, or item or to attract attention to the premises or some object or item.

*Single-family attached.* A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

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*Single-family detached.* A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a lot or tract and having no physical connection to a building located on any other lot or tract and intended for occupancy by one family.

*Site modification.* Any change to an existing building site that will cause additional code provisions to be applicable.

*Site plan.* A document or group of documents containing the material required by section 131, site plan regulations.

*Special exception.* A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would be wholly compatible with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special exceptions if approved by the zoning board of adjustments (See section 11, Board of adjustment).

*Specific use permit.* The permit required for any use specifically listed that is not generally permitted without restrictions throughout the zoning district, but which, if controlled as to area, location, or relation to adjacent uses and neighborhoods would not be detrimental to public health, safety, general welfare.

~~*Stable or barn, private.* An accessory building for quartering horses, cows, or other domestic livestock.~~

~~*Storage warehouse.* A building or buildings designed for short or long term rental for storage of material.~~

*Story.* The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11.6 feet.

*Story, half.* The space between the top floor and the roof which may be used for residence purposes but which, because of roof slope and structural design, does not cover more than 50 percent of the area of the ground floor of the building.

*Street.* The area between the right-of-way lines of a thoroughfare or public drive, other than an alley, which has been dedicated or deeded to the public for public use.

***Street intersection.* Any street that joins another street at an angle, whether or not it crosses the other.**

*Street line.* A dividing line between a lot, or tract and a contiguous street, the right-of-way line.

***Streetscape.* The area above the ground between the face of a building and the edge of the adjacent vehicular traffic or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, landscaping areas and features, bicycle racks, litter containers, benches, and street lights. Treatments may also include parking areas, pathways, or other paved surfaces, bollards, signs, utility boxes or other infrastructure.**

*String coursing.* Shallow molding continued across a whole facade.

*Structural alterations.* Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

*Structured parking garage* provided that the frontage on the ground floor addressing the primary street is another use delineated herein.

*Structure.* Same as "Building."

~~*Studio, artist and/or photographer.* An establishment of a professional artist or photographer offering services to the general public.~~

~~*Studio, health and fitness.* An establishment offering the use of equipment and providing instruction for health inducing exercise or activity.~~

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~~Studio, music, dance and/or drama. An establishment offering instruction in music, dance or drama.~~

~~Swim, tennis or handball club. A private, commercial enterprise serving a limited membership and tenancy with specific fee requirements, with facilities for swimming, playing tennis or handball, racquetball, squash or other court games.~~

~~Swimming pool, private. A swimming pool constructed for the exclusive use of the residents of a one family, two family or multiple family dwelling and located and fenced in accordance with the regulations of the city.~~

~~Swimming pool, commercial. A swimming pool with accessory facilities, not part of the municipal or public recreational system, and not a private swim club, but where the facilities are available to the general public for a fee.~~

**Subdivision. The division of any lot, tract, or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision also refers to the land so divided, as the context may indicate.**

## T

**Tattoo studio.** An establishment where licensed personnel apply an indelible mark or figure to the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment in accordance with Chapter 146 of the Texas Health and Safety Code. A tattoo studio may include a permanent cosmetic makeup studio provided it is an accessory use to the tattoo studio and meets state licensing requirements for both, a tattoo studio and a permanent cosmetic studio.

~~Telephone exchange, switching, relay or transmitting station. Does not include public business facilities, storage or repair facilities.~~

~~Telephone office. An office of the franchised telephone company for distribution of services, including conducting usual business transactions.~~

**Temporary. A period of 30 days or less, unless otherwise specified within these regulations.**

**Temporary field or construction office.** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

~~Theater or indoor playhouse. A facility designed to house either a cinema, film or live theater production.~~

~~Theater, open drive in. An outdoor facility designed to provide patrons with viewing of a cinema or filmed entertainment usually from their private automobiles for a fee.~~

**Thoroughfare.** Those public streets designated on the official thoroughfare plan as "thoroughfares."

~~Tire treading, recapping and storage. An enclosed facility for the repair, retreading and recapping and storage of automotive tires.~~

~~Tool rental. An establishment that offers small hand tools and associated products for short term rental.~~

**Topsoil, earth, clay or stone extraction or storage.** An area and facilities for extraction and storage of natural soils and stone in conformance with applicable local, state and federal laws.

**Tract.** An unplatted parcel of land described by metes and bounds and typically recorded in the county deed records.

**Transit facilities** include but are not limited to park-and-ride stations, Transfer stations, service stations and yards, and other uses incidental to public or private transit operations for the primary purpose of serving passengers, but not including freight.

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~~Travel bureau or consultant. An office that offers services to patrons as a broker for airline, train or other transportation and lodging organizations.~~

~~Trailer, manufactured home sales, rental, assembly and manufactured. An area devoted to outside sales or rental of manufactured homes, travel trailers or recreational vehicles.~~

**Tree.** Any self-supporting woody perennial plant with single or multiple trunks which will normally attain a trunk diameter at breast height of at least two inches and an overall height of at least 15 feet at maturity, and which is primarily referred to as a tree in scientific and tree care industry literature.

*Two-family.* A single structure designed and constructed with two living units under a single roof for occupancy by two families.

## U

*Use.* The purpose for which land or buildings are or may be occupied in a zoning district.

*Utilities.* Any facility or structure which provides services to the general public including but not limited to electric, gas, telephone, water, and television cable systems.

## V

~~Variance. A relaxation by the board of adjustment of the dimensional regulations of this ordinance where the action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.~~ **An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Zoning Board of Adjustments can grant a variance for only the items as specified in this title unless otherwise specifically stated within these ordinances.**

~~Variety or similar retail store. A smaller version of the department store with predominantly consumer goods.~~

~~Veterinarian hospital. The office and clinic of a doctor of veterinary medicine, not including outside treatment pens.~~

~~Veterinarian hospital with outside pens. The office and clinic of a doctor of veterinary medicine, including outside treatment pens.~~

~~Veterinarian, office only. The offices of a doctor of veterinary medicine with limited on-site treatment of small domestic animals.~~

~~Veterinarian supply. A retail store offering for sale to the public veterinarian supplies.~~

## W

*Water pumping station.* A facility designed to increase pressure in a water transmission main.

*Water storage facility.* A tank or similar structure used to contain water for public use, including elevated, ground and underground locations.

*Water treatment plant.* A commercial facility designed to process water in a manner so as to make it suitable for consumption.

~~Welding or machine shop. A facility for the machining or welding of metals, but not including forging.~~

~~Wholesale sales and storage. The storage and sale of commodities for the purpose or resale and storage of same.~~

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**Wireless communications facility.** Any antenna, microwave reflector, or other equipment that is used for communications operations, as well as any tower, building, or other support structure utilized for the purpose of supporting such equipment. The height of a wireless communications facility in its totality is measured as the vertical distance from ground level to the highest point on the support structure or other structure(s), including the base pad and the communications equipment.

~~Wrecking or auto salvage yard.~~ An area or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

X

Y

**Yard.** An open space other than a court, on a lot in which a building is situated, unobstructed by a structure or portion of a structure from a point 30 inches above the general ground level of the graded lot upward, except as provided for roof eaves and similar special architectural features.

**Yard, front.** A yard adjoining a public street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the distance in which it is located. (See Appendix Illustrations 3 and 5 in section 17).

**Yard, rear.** A yard, extending across the rear of a lot between the side lot lines, having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See Appendix Illustration 3 in section 17).

**Yard, side.** A yard on one or two sides of a main building and on the same lot with the building, situated between the building and a side lot line extending through from the front yard to the rear yard. (See Appendix Illustrations 3 and 4 in section 17).

Z

**Zero lot line.** The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on the lot line.

**Zoning district.** A classification applied to any certain land area within the city stipulating the limitations and requirements of land use and development.

**Zoning district map.** The official map which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance, maintained in accordance with section 3, zoning district map.

~~Zoo, private.~~ A facility housing and displaying live animals, reptiles, or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

~~Zoo, public.~~ A publicly owned zoo or similar facility owned and operated by the city or a nonprofit zoological society where live animals, birds, and reptiles are domiciled and displayed.

## Section 51. Description of Use Categories

**51-100. Purpose:** This chapter clarifies land uses and activities on the basis of common functional and physical characteristics. The use categories provide systematic basics for the assignment of present and future land uses to zoning districts. Provided examples and exceptions within each use category are not intended to be exhaustive, but rather serve as a guide to assist staff and citizens in

determining the appropriate development and use of land. The decision to allow or deny the use categories in individual zoning districts is based on the goals and policies of the Comprehensive Plan.

51-105: Comprehensive Use Table

USE CATEGORY	Agriculture	Single Family Estate	Single Family-16	Single Family-10	Single Family-7	Single Family Attached	Multi-Family-18	General Retail	Central Commercial	Commercial	Interstate Commercial	Light Industrial	Heavy & High Energy Industrial	Business Park
Household Living, Single Family	P	P	P	P	P	P	P							
Household Living, Multifamily						P	P							
Commercial Outdoor Recreation								S		P	P			
Commercial Parking									S	S	S	P	P	P
Quick Vehicle Servicing								S		P	P	P	P	
Major Event Entertainment										P	P			
Office, Traditional								P	P	P	P	P	P	P
Office, Industrial										S	P	P	P	
Retail Sales and Services								P	P	P	P	P	P	P
Self Service Storage								S		S	P	P	P	
Vehicle Repairs										S		P	P	
Light Industrial Services											S	P	P	P
Heavy Industrial Services													P	
Warehouse and Freight Movement											S	P	P	P
Waste Related											S	S	S	S
Wholesale Sales								S		S	P	P	P	P
Railroad Yards	S													
High Energy Industrial													S	
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Colleges								S	S	P	S			S
Community Services								S	S	P	S			
Daycare								P	S	S				

Medical Centers								S		S	P	P		P
Parks and Open Spaces	P	P	P	P	P	P	P	P	P	P				
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools	P	P	P	P	P	P	P	S	S	S				
Agriculture	P													
Aviation and Passage Terminals										S	S	P	P	P
Detention Facilities										S		S	S	
Mining												S	S	S
Radio Frequency Transmission Facilities	S	S	S	S	S	S	S	S		S	P	P	P	P
Rail Lines and Utility Corridors	P	S	S	S	S	S	S			S	P	P	P	S
Sexually Oriented Business												S	S	

*P = Permitted, S = SUP Required*

## 51-200 Residential Use Categories.

### 51-201. Group Living

- A. **Characteristics.** Group Living is the residential occupancy of a congregate housing facility. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the “Retail Sales and Service” and “Community Service” categories). Generally, Group Living uses often include a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility.
- B. **Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, and food membership distribution.
- C. **Examples.** Examples include houses and other dwelling units with nine or more bedrooms; dormitories; fraternities and sororities; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditions; and some residential programs for drug and alcohol treatment.
- D. **Exceptions.**
  1. Lodging where the length of stay may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where the length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, mass or outdoor shelters.

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2. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period in a dwelling unit with eight or fewer bedrooms is classified as Household Living.
  3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

**51-202: Household Living, Single-Family.**

- A. **Characteristics.** Household Living, Single-Family is the residential occupancy of a single detached dwelling unit that is owner occupied or arranged by tenancy through the use of a lease, typically on a 6-month or yearly basis. Uses in which the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories).
- B. **Accessory Uses.** Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and residential accessory buildings incidental to the primary residence.
  - a. **Accessory Dwelling Units:** 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.
  - b. **Accessory Dwelling Units are permitted by-right in the following zoning districts if all the regulations of subsection 140-120 (a) are met in addition to the regulations as outlined in the base zoning district of the proposed ADU.**
    - i. A, Agricultural district
    - ii. SFE, Single-family estate dwelling district
    - iii. SF16, Single-family dwelling district-16
    - iv. SF10, Single-family dwelling district-10
    - v. SF7, Single-family dwelling district-7
  - c. **Accessory Dwelling Units are permitted by approval of a specific use permit in the following districts, refer to subsection 14-120 (b) for requirements for consideration in non-residential zoning districts.**
    - i. GR, General retail district
    - ii. CC, Central commercial
    - iii. C, Commercial district
    - iv. LI, Light Industrial district
  - d. **Accessory Dwelling Unit Standards:**
    - i. **Residential**
      1. **Either the primary residence or ADU shall be occupied by the property owner.**

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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 meter accounts and the issuance of separate addresses for the ADU are prohibited.

ii. Non-residential

1. Shall require one dedicated parking spot for the tenant.
2. Shall be occupied by the building owner or business tenant.
3. Specific Use Permit requests shall be accompanied with the submittal of a commercial site plan or commercial site plan amendment showing the location of the proposed ADU and dedicated parking spot

C. Examples. Single-family home.

D. Exceptions. Modular or mobile homes. Recreational vehicle occupation.

1. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.
2. In certain situations, lodging where length of stay may be arranged for periods less than one month may be classified as a Community Service use, such as short term, mass, or outdoor shelter.
3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit classified as Group Living.
4. Mobile or manufactured home parks; or RV parks.

51-203: Household Living, Multifamily.

- A. Characteristics. Household Living, Multifamily is the residential occupancy of attached dwelling units, or a dwelling unit that is part of a multifamily complex or unit. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories).
- B. Accessory Uses. Accessory uses commonly found are recreational activities, hobbies, leasing offices, civic spaces, and parking of the occupants' vehicles.

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- C. **Examples.** Uses include living in duplexes, apartments, condominiums, townhomes, cottage-style rentals, and retirement or senior center apartments.
  - D. **Exceptions.** Home occupations. Modular or mobile homes. Recreational vehicle occupation.
    - 1. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.
    - 2. In certain situations, lodging where length of stay may be arranged for periods less than one month may be classified as a Community Service use, such as short term, mass, or outdoor shelter.
    - 3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit classified as Group Living.
    - 4. Mobile or manufactured home parks; or RV parks.

#### 51-300. Commercial Use Categories

##### 51-301. Commercial Outdoor Recreation

- A. **Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. **Accessory Uses.** Accessory uses may include concessions, restaurants, parking, and maintenance facilities.
- C. **Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and zoos.
- D. **Exceptions.**
  - 1. Golf courses are classified as Parks And Open Areas.
  - 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.
  - 3. Recreational vehicle occupation (RV Parks) require approval of a specific use permit. A specific use permit (SUP) for an RV Park must accompany a commercial site plan submittal as part of the amending ordinance to be considered for approval(s).

##### 51-302. Commercial Parking

- A. **Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. **Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.
- C. **Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. **Exceptions.**

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1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
  2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility.
  3. Public transit park-and-ride facilities are classified as Community Services.

#### 51-303. Quick Vehicle Servicing

- A. **Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed. Full-service gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales.
- C. **Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, and vehicle emission test sites.
  1. **Additional standards related to car washes:**
    - a. Tunnel or drive thru (automatic) car washes. 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. Vaccums and self-service cleaning areas shall be located to the rear of the primary structure.
    - b. Self-service or pull in bay (manual) car washes. 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. Vaccums 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.
- D. **Exceptions.**
  1. Truck stops are classified as Industrial Service.
  2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use

#### 51-304. Major Event Entertainment

- A. **Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. **Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
- C. **Examples.** Examples include stadiums, sports arenas, coliseums, race tracks (auto), auditoriums, exhibition and meeting areas, and fairgrounds.
- D. **Exceptions.**

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1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales And Service.
  2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales And Service category.
  3. Theaters, including drive-in theaters, are classified as Retail Sales And Service.

#### 51-305. Office

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:
  1. **Traditional Office.** Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.
  2. **Industrial Office.** Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- B. **Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution
- C. **Examples.** Examples include uses from the two subgroups:
  1. **Traditional Office:** Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, or real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.
  2. **Industrial Office:** Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.
- D. **Exceptions:**
  1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
  2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
  3. Bail bond facilities are allowed by-right in the Light Industrial and Heavy Industrial & High Energy zoning districts as long as they are not located within the boundaries of the Old Town overlay. Bail bond facilities require a specific use permit submittal for consideration in any other non-residential zoning districts. Bail Bonding companies are required to provide proof of current licensing with the state of Texas.

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## 51-306. Retail Sales and Services

- A. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- C. **Examples.** Examples include uses from the four subgroups listed below:
  - 1. **Sales-oriented:** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
  - 2. **Personal service-oriented:** Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
  - 3. **Entertainment-oriented:** Restaurants, cafes, delicatessens, indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels with an average length of stay of less than 30 days.
  - 4. **Repair-oriented:** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.
  - 5. **Liquor or package store:**

A liquor store may be located in the LI, Light Industrial if the below requirements have been met. A specific use permit (SUP) is required for a liquor store in the GR, General Retail, C, Commercial, and IC, Interstate Commercial districts. In considering whether to grant a specific use permit or to be allowed by-right in the LI, Light Industrial district, the following supplemental regulations must be met unless otherwise approved by City Council:

- i. Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage without City Council approval.
- ii. Minimum building size shall be 5,000 sq. ft.
- iii. 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.
- iv. A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.
- v. 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.
- vi. All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.
- vii. Shall provide additional landscaping between front facade and the parkway.

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viii. Shall maintain a 15-foot landscaping buffer with canopy trees planted no less than 20 feet on center along entire frontage.

6. Tattoo shops: Tattoo shops are allowed by-right in the Light Industrial and Heavy Industrial & High Energy zoning districts as long as they are not located within the boundaries of the Old Town overlay. Tattoo shops require a specific use permit submittal for consideration in any other non-residential zoning districts.”

**D. Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.

3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.

7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales And Service or Agriculture.

8. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated are classified as Industrial Service.

**51-307. Self-Service Storage**

A. **Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

B. **Accessory Uses.** Accessory uses may include security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

C. **Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.

D. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse And Freight Movement category.

**51-308. Vehicle Repair**

A. **Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

B. **Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.

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- C. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
  - D. Exceptions. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

#### 51-400. Industrial Use Categories

##### 51-401. Light Industrial Services

- A. Characteristics. Light industrial facilities normally have less environmental impacts and generally require fewer raw materials, space, and power. A light industry uses small amounts of light raw materials to produce light goods e.g., computers or mobile phones. Light industries usually include electronics and assembly industries, Light industrial uses shall be designed to operate in such a manner that it will not emit smoke, odor, or objectionable waste materials, and which will not produce noise levels beyond that permitted by ordinance.
- B. Accessory Uses. Accessory uses may include offices, parking, storage, and rail spur or lead lines.
- C. Examples. Examples include assembling, cleaning, manufacturing, processing repairing or testing of products conducted within an enclosed structure, manufacturing of fast-moving consumer goods and durables (i.e., food products, household appliances), manufacturing of consumer electronics, includes sectors of the food industry, paper making, plastic, leather, textiles, and household electric appliances.
- D. Exceptions
  1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
  2. Oil, mining, shipbuilding, steel, chemicals, machinery manufacturing and similar industries are considered Heavy Industrial Services.
  3. Uses that require high energy consumption or large amounts of resources such as data mining farms, cryptocurrency mining, and data centers are considered High Energy Industrial.

##### 51-402. Heavy Industrial Services

- A. Characteristics. Heavy industrial firms generally involve large and heavy products, large and heavy equipment, large-scale infrastructure, and complex or numerous processes. Heavy industrial firms often sell their products to other industries rather than to end users and consumers (i.e., they usually make products that are used to make other products). They are very capital-intensive, meaning they require a lot of machinery and equipment to produce, and they are often more heavily cyclical in investment and employment. Heavy industrial services generally involve loud noises, vibrations, odorous matter, and/or fire and explosive hazards and shall conform to the performance standards as prescribed below in subsection 51-402 (E).
- B. Accessory Uses. Accessory uses may include offices, parking, storage, and rail spur or lead lines.
- C. Examples. Examples include assembling, cleaning, manufacturing, processing repairing or testing of products conducted within an enclosed structure or within a screened outdoor storage area, drop forges, fertilizer manufacturing, animal processing, slaughterhouses, glue manufacturing, petroleum products manufacturing, processing and storage, including oils, gasoline, natural gas, paints and tar, incinerators, metal industries (ores, reduction, refining, smelting and alloying), paper and paper product manufacturing, textile mills, chemical manufacturing, rubber manufacturing
- D. Exceptions

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1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

**E. Performance Standards**

1. **Noise.** Noise in decibels as measured at the street or property line shall not exceed 75 and shall be muffled so as to not become objectionable due to intermittence, beat frequency or shrillness. May equal but not exceed street traffic noise during a normal day shift work period defined as Monday through Friday from 7 a.m. to 7 p.m.

2. **Vibrations.** No vibration which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7 a.m. and 7 p.m., or of 30 seconds or more duration in any one hour between the hours of 7 p.m. and 7 a.m.

3. **Smoke.** No emission at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U. S. Bureau of Mines, except that visible grey smoke of a shade not darker than No. 2 on said Chart may be emitted for not more than four minutes in any 30 minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

4. **Toxic or Noxious Matter.** Shall emit no noxious, toxic or corrosive fumes or gases.

5. **Odorous Matter.** The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines is prohibited.

**51-403. Warehouse and Freight Movement**

A. **Characteristics.** Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. **Accessory Uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. **Exceptions.**

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Miniwarehouses are classified as Self-Service Storage uses.

**51-404. Waste Related**

A. **Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material.

B. **Accessory Uses.** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.



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The City will impose conditions on businesses to mitigate impacts from high energy consumption and other environmental impacts that may result from these businesses.

- B. **Accessory Uses.** Accessory uses may include offices, parking, storage, basic utilities, and rail spur or lead lines.
- C. **Examples.** Examples include Coal power plant, Data centers, Electrical power plant, Geothermal power plant, Hydro/hydro-electric power plant, Natural gas plant, Nuclear power plant, Solar panel field (Electric Fields), Thermal power plant, and Wind farms.

D. **Exceptions.** Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

E. **Performance Standards**

1. **Noise.** Noise in decibels as measured at the street or property line shall not exceed 75 and shall be muffled so as to not become objectionable due to intermittence, beat frequency or shrillness. May equal but not exceed street traffic noise during a normal day shift work period defined as Monday through Friday from 7 a.m. to 7 p.m.

2. **Vibrations.** No vibration which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7 a.m. and 7 p.m., or of 30 seconds or more duration in any one hour between the hours of 7 p.m. and 7 a.m.

3. **Smoke.** No emission at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U. S. Bureau of Mines, except that visible grey smoke of a shade not darker than No. 2 on said Chart may be emitted for not more than four minutes in any 30 minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

4. **Toxic or Noxious Matter.** Shall emit no noxious, toxic or corrosive fumes or gases.

5. **Odorous Matter.** The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines is prohibited.

## 51-500. Institutional Use Categories

### 51-501. Basic Utilities

- A. **Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. **Accessory Uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. **Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; Small Scale Energy Production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.
- D. **Exceptions.**

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1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, and public safety facilities, are classified as Community Services or Offices.
  2. Utility offices where employees or customers are generally present are classified as Offices.
  3. Bus and light rail barns are classified as Warehouse And Freight Movement.
  4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines And Utility Corridors.
  5. Utility Scale Energy Production is considered Manufacturing and Production.
  6. Solid waste incinerators that generate energy but are not Small Scale Energy Production are considered Waste Related Uses.

#### 51-502. Colleges

- A. Characteristics. This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. Accessory Uses. Accessory uses include offices, housing for faculty, staff and students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries
- D. Exceptions. Business and trade schools are classified as Retail Sales And Service.

#### 51-503. Community Services

- A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass, outdoor, or short term shelter with no minimum length of stay when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. Accessory Uses. Accessory uses may include offices, meeting areas, food preparation areas, , parking, health and hygiene facilities, therapy areas, daycare uses, and athletic facilities.
- C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, short term shelters when operated by a public or non-profit agency, vocational training for persons with disabling conditions, crematoriums, columbariums, mausoleums, park-and-ride facilities for mass transit, and charitable meal service or food distribution centers.
- D. Exceptions.
  1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
  2. Parks are in Parks And Open Areas.

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3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.

4. Public safety facilities are classified as Basic Utilities

**51-504. Daycare**

- A. **Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. **Accessory Uses.** Accessory uses include offices, play areas, and parking.
- C. **Examples.** Examples include preschools, nursery schools, and adult daycare programs.
- D. **Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

**51-505. Medical Centers**

- A. **Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. **Accessory Uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families.
- C. **Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. **Exceptions.**
  - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
  - 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
  - 3. Urgency medical care clinics are classified as Retail Sales And Service.

**51-506. Parks and Open Spaces**

- A. **Characteristics.** . Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory Uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.
- D. **Exceptions.** On-site mitigation is not a Parks and Open Areas use.

**51-507. Religious Institutions**

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.

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- B. **Accessory Uses.** Accessory uses include Sunday school facilities, food service, charitable meal service and food distribution, parking, caretaker's housing, and congregate housing facilities such as convents.
  - C. **Examples.** Examples include churches, temples, synagogues, and mosques.

**51-508. Schools.**

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, before- or after-school daycare, and charitable meal service and food distribution.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies
- D. **Exceptions.**
  - 1. Preschools are classified as Daycare uses.
  - 2. Business and trade schools are classified as Retail Sales and Service.

**51-600. Other Use Categories**

**51-601. Agriculture**

- A. **Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. **Accessory Uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training.
- C. **Examples.** Examples include breeding or raising of fowl or other animals, dairy farms, stables, riding academies, kennels or other animal boarding places, farming, truck gardening, forestry, tree farming, Market Gardens, and wholesale plant nurseries.
- D. **Exceptions.**
  - 1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
  - 2. Livestock auctions are classified as Wholesale Sales.
  - 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
  - 4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

**51-602. Aviation and Passage Terminals**

- A. **Characteristics.** Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Passenger Terminals also includes passenger terminals for aircraft, regional bus service, and regional rail service.
- B. **Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.
- C. **Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, air strips, and helicopter landing facilities.

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**D. Exceptions.**

1. Bus and rail passenger stations for subregional service such as mass transit stops are classified as Basic Utilities. Park-and-ride facilities are classified as Community Service.
2. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

**51-603. Detention Facilities**

- A. **Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.
- B. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, cafeterias, and hobby and manufacturing activities.
- C. **Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. **Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

**51-604. Mining.**

- A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

**51-605. Radio Frequency Transmission Facilities**

- A. **Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include Personal Wireless Service Facilities, Radio or Television Broadcast Facilities, broadcast towers, communication towers, point to point microwave towers, accessory equipment, antennas, and transmitter radios.
- D. **Exceptions.**
  1. Receive-only antenna are not included in this category.
  2. Radio and television studios are classified in the Office category.
  3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

**51.606. Rail Lines and Utility Corridors**

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- A. **Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
  - B. **Examples.** Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines
  - C. **Exceptions.**
    - 1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
    - 2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
    - 3. Light rail lines are not included.
    - 4. Railroad yards are classified in the Railroad Yards category.

## Section 52. A, agricultural district.

**52-100. Purpose: A, agricultural district.** The A, agricultural district is created to provide an appropriate zoning for land expected to remain in agricultural use for several years. The uses permitted in the A, agricultural district include normal farming, ranching and gardening activities except for any form of animal husbandry that may be specifically prohibited by ordinance. It is anticipated that all of the A, agricultural districts, will be changed to urban uses and other zoning categories as the area within the corporate limits becomes fully developed. Newly annexed territory is zoned as A, agricultural district, unless the city council, at the time of annexation, designates other zoning categories for the area.

**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:

- (a) Primary uses allowed:
  - ~~Country club, private~~
  - ~~Day camp for children~~
  - ~~Electrical transmission line~~
  - ~~Farm, ranch, garden, orchard~~
  - ~~Industrialized housing (modular home)~~
  - ~~Park or public playground~~
  - ~~Playfield or stadium (public)~~
  - ~~Railroad track or right-of-way~~
  - ~~School, primary and secondary~~
  - ~~Sewage pumping station~~
  - ~~Single family detached~~
  - ~~Stable or barn, private~~

~~Telephone exchange, switching, relay or transmission station~~

~~Water pumping station~~

~~Water storage facility~~

<del>Agriculture</del>	<del>Schools</del>	<del>Basic Utilities</del>
<del>Household Living, Single-Family</del>	<del>Parks and Open Spaces</del>	<del>Rail Lines and Utility Corridors</del>
<del>Religious Institutions</del>		

~~(b) Accessory uses allowed:~~

~~Accessory building, residential~~

~~Accessory building, agricultural~~

~~Caretaker's or guard's residence~~

~~Home occupation~~

~~Off-street parking~~

~~Swimming pool, private~~

**52-110. 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:

~~Amusement: outdoor~~

~~1. Outdoor amusement facilities shall not be located within 200 feet of a residentially zoned parcel of land.~~

~~Animal pound, private~~

~~Electric generating~~

~~1. Must provide screening and/or landscaping along the perimeter of the property containing the use.~~

~~Fair grounds or exhibition area~~

~~Franchised utility shop/yard~~

~~Greenhouse or house plant sales~~

~~Greenhouse or commercial nursery~~

~~Hatchery~~

~~Kennel (outdoor)~~

~~Livestock auction~~

~~Petroleum or gas well~~

~~Public facility; governmental unit~~

~~Religious institution~~

~~1. — A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

~~2. — Once a building permit has been issued for a religious institution farming, ranching and all other livestock-related uses are prohibited.~~

~~Rodeo grounds~~

~~Veterinarian, office only~~

~~Veterinarian hospital~~

~~Veterinarian with outside animal pens~~

~~Water treatment plant~~

~~Zoo; private~~

~~Zoo; public~~

(Ord. No. CSO# 1240-01-2020, § 1, 1-21-2020)

<b>Radio Frequency Transmission Facilities</b>	<b>Railroad Yards</b>
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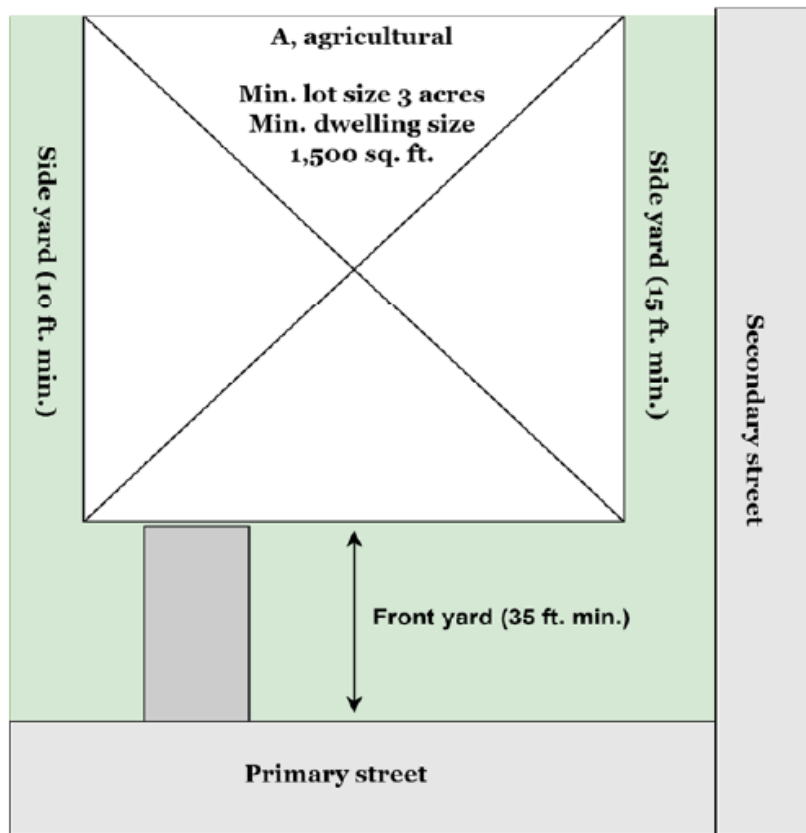
~~**52-115. Height requirements.** No building shall exceed three stories, except as allowed by section 133, general height requirements.~~

**52-120. Development area regulations.** In the A, agricultural district, the following regulations apply to all uses:

- ~~(a) — Lot size: 3 acres minimum (single-family detached structure).~~
- ~~(b) — Floor area: 1,500 square feet minimum (for a dwelling unit).~~
- ~~(c) — Depth of front yard: 35 feet minimum (see section 132, general yard requirements).~~
- ~~(d) — Depth of rear yard: none (see section 35, general yard requirements).~~
- ~~(e) — Width of side yard: ten feet minimum on each side (see section 132, general yard requirements).~~
- ~~(f) — Width of side yard adjacent to a street: 15 feet minimum~~
- ~~(g) — Width of lot: 150 feet minimum.~~
- ~~(h) — Depth of lot: 200 feet minimum.~~

Lot	
<b>Size</b>	3 acres minimum
<b>Width</b>	150 feet minimum
<b>Depth</b>	200 feet minimum
Setbacks (ref. Section 132, general yard requirements)	
<b>Front yard</b>	35 feet minimum
<b>Side yard(s)</b>	10 feet minimum

	15 feet when adjacent to a street
<b>Rear yard</b>	None
<b>School or church</b>	25 feet minimum side yard on either side of the main building
<b>Building</b>	
<b>Floor area</b>	1,500 square feet minimum for a dwelling unit
<b>Height</b>	No building shall exceed three stories, except as allowed by section 133, general height requirements.



**52-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-115, accessory building and structure yard regulations.

**52-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**52-135. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**52-140. Off-street loading:** None.

### **Section 53. SFR, single-family rural district.**

**53-100. Purpose.** The SFR district was established to protect existing activities, businesses, and agrarian endeavors of homeowners, that existed as of February 9, 1984, and before non-voluntary annexation. This is a limited

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classification that applies only to designated individual lots or tracts whose owners in the past applied for the classification within one year from the date of annexation. **This is a legacy district and no new additional parcels shall be zoned SFR.**

**53-105. Primary uses allowed.** In the SFR, single-family rural district, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, except for a use specified in the permanent record of authorized activity maintained in the city secretary's office for each specific lot or tract that is designated with the SFR zoning classification.

- (a) Notwithstanding the uses enumerated in the permanent record of authorized activity, the owner of a lot or tract designated with the SFR zoning classification shall not:
  - (1) Keep more than 20 head of cattle, 15 head of horses or more than a total of 20 head of cattle, horses, or other livestock and domestic farm animals, as defined in chapter 6 of the Burleson Code of Ordinances (this restriction does not apply to the keeping of fowl as described in the permanent record of authorized activity of a lot or tract).
  - (2) Engage in an activity that is a public nuisance or otherwise adverse or dangerous to the general health, safety, or welfare of the neighborhood or community.

**53-110. Limited classification.** The SFR, single-family rural district, is a limited zoning classification. A lot or tract not designated as SFR and not appearing on the zoning map with an assigned SFR lot number on October 1, 1997, may not be classified as SFR in the future.

- (a) A lot or tract designated SFR on the zoning map may retain the SFR classification until:
  - (1) The zoning classification is changed.
  - (2) The existing activity, business, or agrarian endeavor as reflected in the permanent record of authorized activity, changes.
  - (3) The property ceases to be used for residential purposes; or
  - (4) The land is subdivided.
- (b) Upon the occurrence of (b)(2), (3), or (4), the zoning classification shall automatically revert to A, agricultural district.
- (c) When the zoning classification on a lot or tract is changed from SFR to another zoning classification, the lot or tract may not again be classified as SFR.

**53-115. Height requirements.** Height requirements shall be the same as those applicable to the SFE, single-family estate district.

**53-120. Development regulations.** Development regulations shall be the same as those applicable to the SFE, single-family estate district.

**53-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-115, accessory building and structure yard regulations.

**53-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**53-135. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**53-140. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

**53-145. Additional provisions.** The following additional provisions apply to SFR, single-family rural district:

- (a) SFR is considered a residential zoning classification even though some business activity enumerated on the permanent record of authorized activity is allowed.

- (b) Subsection 6-102 of the Burleson Code of Ordinances does not apply in the SFR zoning classification.

**Section 54. SFE, single-family estate district.**

**54-100. Purpose.** The SFE district is established to provide a district with standards appropriate for the development of single-family residences on larger lots of one acre or more. This district is appropriate for those areas providing larger lot developments and maintaining a rural environment.

**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:

- (a) Primary uses allowed:

- ~~Electrical substation~~
- ~~Electrical transmission line~~
- ~~Fire or police station~~
- ~~Industrialized housing (modular home)~~
- ~~Local franchise utility~~
- ~~Municipal building and uses~~
- ~~Natural gas regulating station~~
- ~~Park or public playground~~
- ~~Railroad track or right-of-way~~
- ~~School, primary and secondary~~
- ~~Sewage pumping station~~
- ~~Single family detached~~
- ~~Telephone exchange, switching, relay or transmission station~~
- ~~Water pumping station~~
- ~~Water storage facility~~

<b>Household Living, Single-Family</b>	<b>Schools</b>	<b>Basic Utilities</b>
<b>Religious Institutions</b>	<b>Parks and Open Spaces</b>	

- ~~(b) Accessory uses allowed:~~

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

~~Stable or barn private~~

**54-110. 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 regular 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:

	Radio Frequency Transmission Facilities	Rail Lines and Utility Corridors
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~~Child care as a home occupation (in single-family dwelling unit)~~

~~1. — Completion of all requirements indicated on the City of Burleson request for a specific use permit single-family residence for child care purposes form.~~

~~Country club, private~~

~~Home for the aged~~

~~1. — In consideration of whether to grant a specific use permit, the following shall be required:~~

~~A. — Site Plan and a copy of State of Texas Department on Aging and Disability Services License to be submitted to City of Burleson.~~

~~• A provisional license issued by the state will be acceptable for construction purposes only; this is allowed by the State of Texas.~~

~~B. — Number of residents (to be determined)~~

~~C. — Restrict number of parked vehicles (to be determined)~~

~~D. — City must be notified if ownership changes~~

~~Religious Institution~~

~~1. — A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

(Ord. No. B-582(J0910), § 1B(20-110), 9-20-2010)

~~**54-115. Height requirements.** No building shall exceed 2½ stories except as allowed by section 133, general height requirements.~~

**54-120. Development area regulations.** In the SFE, single-family estate district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

~~(a) — Lot size: 1 acre minimum.~~

~~(b) — Floor area: 1,800 square feet minimum.~~

~~(c) — Depth of front yard: 25 feet minimum.~~

~~(d) — Depth of rear yard: ten feet minimum.~~

~~(e) — Width of side yard: six feet minimum each side (see section 132, general yard requirements).~~

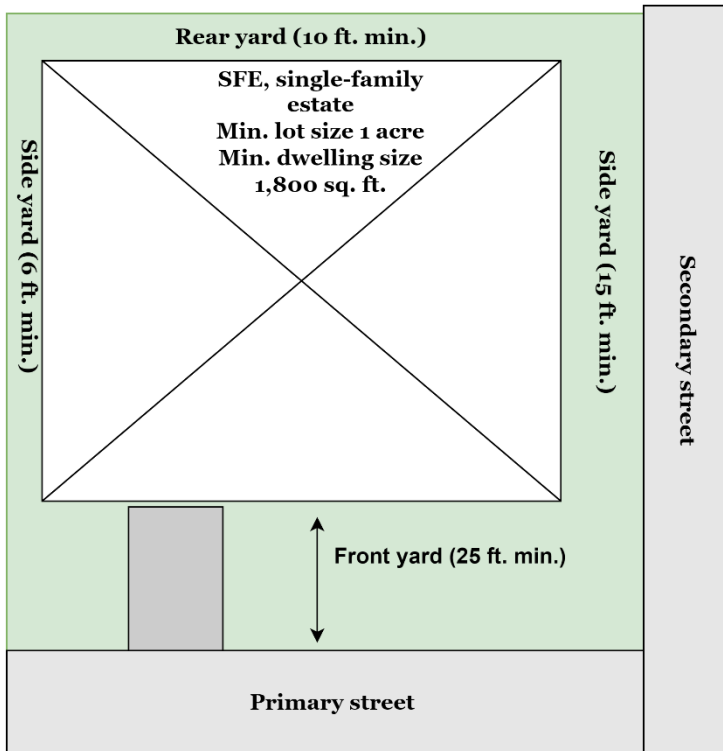
~~(f) — Width of side yard adjacent to side street: 15 feet minimum.~~

~~(g) — Width of lot: 100 feet minimum.~~

~~(h) — Depth of lot: 100 feet minimum.~~

~~(i) — Schools or churches side yard on either side of the main building: 25 feet minimum.~~

<b>Lot</b>	
<b>Size</b>	1 acre minimum
<b>Width</b>	100 feet minimum
<b>Depth</b>	100 feet minimum
<b>Setbacks (ref. Section 132, general yard requirements)</b>	
<b>Front yard</b>	25 feet minimum
<b>Side yard(s)</b>	6 feet minimum 15 feet when adjacent to a street
<b>Rear yard</b>	10 feet minimum
<b>School or church</b>	25 feet minimum side yard on either side of the main building
<b>Building</b>	
<b>Floor area</b>	1,800 square feet minimum for a dwelling unit
<b>Height</b>	No building shall exceed 2½ stories except as allowed by section 133, general height requirements.



**54-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

**54-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burses Code of Ordinances].

**54-135. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**54-140. Off-street loading:** None.

**Section 55. SF16, single-family dwelling district-16.**

**55-100. Purpose.** The SF16, single-family dwelling district-16 is established to promote low population densities within integral neighborhood units, as defined by the comprehensive land use plan, for single-family detached dwellings on lots not less than 16,000 square feet with a dua (dwelling units per acre) no greater than 2.3.

**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:

(a) Primary uses allowed:

<b>Household Living, Single-Family</b>	<b>Schools</b>	<b>Basic Utilities</b>
<b>Religious Institutions</b>	<b>Parks and Open Spaces</b>	

~~Electrical substation~~

~~Electrical transmission line~~

~~Fire or police station~~

- ~~Industrialized housing (modular home)~~
- ~~Local franchise utility~~
- ~~Municipal building and uses~~
- ~~Natural gas regulating station~~
- ~~Park or public playground~~
- ~~Railroad track or right-of-way~~
- ~~School, primary and secondary~~
- ~~Sewage pumping station~~
- ~~Single family detached~~
- ~~Telephone exchange, switching, relay or transmission station~~
- ~~Water pumping station~~
- ~~Water storage facility~~

(b) ~~Accessory uses allowed:~~

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

**55-110. 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 regular 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:~~

	Radio Frequency Transmission Facilities	Rail Lines and Utility Corridors
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~~Child care as a home occupation (in single family dwelling unit)~~

~~{1.} Completion of all requirements indicated on the City of Burleson request for a specific use permit single family residence for child care purposes form.~~

~~Home for the aged~~

~~1. In consideration of whether to grant a specific use permit, the following shall be required:~~

~~A. Site plan and a copy of State of Texas Department on Aging and Disability Services License to be submitted to City of Burleson.~~

~~• A provisional license issued by the state will be acceptable for construction purposes only; this is allowed by the State of Texas.~~

~~B. Number of residents (to be determined)~~

~~C. Restrict number of parked vehicles (to be determined)~~

~~D. City must be notified if ownership changes~~

~~Religious institution~~

~~1. A religious institution must meet the requirements of [chapter 86 of the Burlison Code of Ordinances].~~

(Ord. No. B-582(J0910), § 1C(20-110), 9-20-2010)

~~55-115. Height requirements. No building shall exceed 2½ stories except as permitted by section 133, general height requirements.~~

**55-120. Development area regulations.** In the SF16, single-family dwelling district-16, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

~~(a) Density: 2.30 residential dwelling units per acre.~~

~~(b) Lot size: 16,000 square feet minimum.~~

~~(c) Floor area: 1,800 square feet minimum.~~

~~(d) Depth of front yard: 25 feet minimum.~~

~~(e) Depth of rear yard: ten feet minimum.~~

~~(f) Width of side yard: six feet on each side (see section 132, general yard requirements).~~

~~(g) Width of side yard adjacent to side street: 15 feet minimum.~~

~~(h) Width of lot: 80 feet minimum.~~

~~(i) Depth of lot: 100 feet minimum.~~

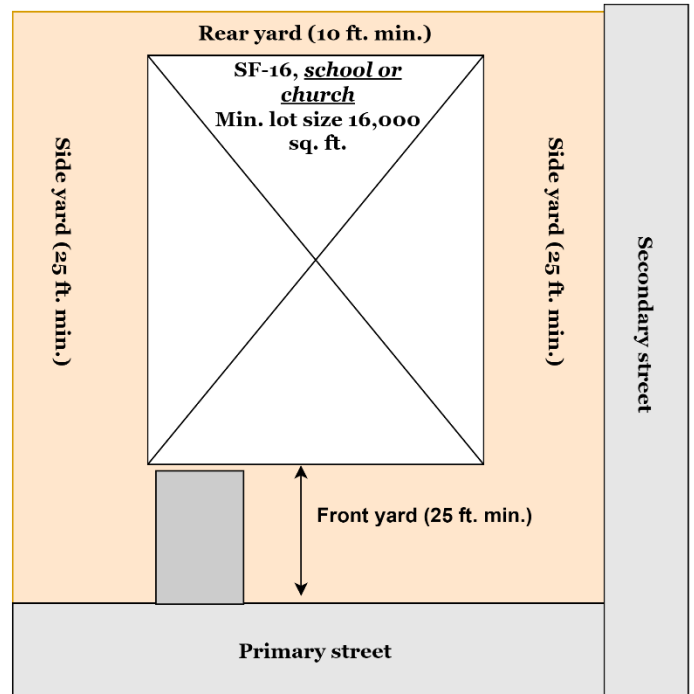
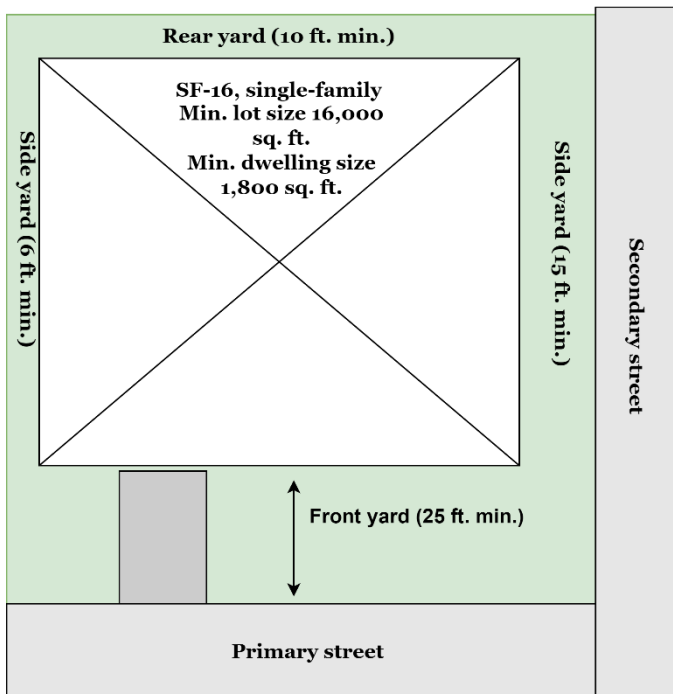
Lot	
Size	16,000 square feet minimum
Density	Max of 2.30 dwelling units per acre
Width	80 feet minimum
Depth	100 feet minimum
Setbacks (ref. Section 132, general yard requirements)	
Front yard	25 feet minimum
Side yard(s)	6 feet minimum 15 feet when adjacent to a street
Rear yard	10 feet minimum
School or church	25 feet minimum side yard on either side of the main building
Building	
Floor area	1,800 square feet minimum for a dwelling unit
Height	No building shall exceed 2½ stories except as allowed by section 133, general height requirements.

~~(j) — Schools or churches: 25 feet minimum side yard on either side of the main building.~~

**55-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

~~**55-127. Development option.** Regulations within the SF16, single-family dwelling district may be modified to include the following regulations that encourage efficient use of land and infrastructure by distributing population density over the development site.~~

- ~~(a) — *Designation.* Any parcel of land that is being developed using the development option shall be so designated on the zoning map with a "D" suffix such that the designation for the SF16 district would be SF16D.~~
- ~~(b) — *Density.* The overall density for the development, including land area used for parkland and amenities, shall include land area located within designated floodways and floodplains but shall not exceed 2.30 residential units per acre. Land used for commercial and industrial purposes shall not be included in the density calculation.~~
- ~~(c) — *Area regulations.* There are no area regulations, as provided in section 55-120, development area regulations for development option developments, with the exception that no lot shall be less than 12,000 square feet in total area.~~
- ~~(d) — *Development plan approval required.* All SF16D developments shall require development plan approval by the city council, upon recommendation by the planning and zoning commission. A development~~



~~plan shall be submitted in accordance with the requirements of article III of the subdivision and development ordinance, section 51-data requirement for preliminary plat submission [app. A, § 3.1]. Development plan requirements, and section 85-135, development schedule. Only one document containing the appropriate information need be prepared and submitted. Upon approval, the development plan shall satisfy the requirements of a preliminary plat.~~

**55-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burseson Code of Ordinances].

**55-135. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**55-140. Off-street loading:** None.

**Section 56. SF10, single-family dwelling district-10.**

**56-100. Purpose.** The SF10, single-family dwelling district is established to promote low population densities within integral neighborhood units, as defined by the comprehensive land use plan, for single-family detached dwellings on lots not less than 10,000 square feet with a dua no greater than 2.80.

**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:

(a) Primary uses allowed:

<b>Household Living, Single-Family</b>	<b>Schools</b>	<b>Basic Utilities</b>
<b>Religious Institutions</b>	<b>Parks and Open Spaces</b>	

~~Electrical substation~~

~~Electrical transmission line~~

~~Fire or police station~~

~~Industrialized housing (modular home)~~

~~Local franchise utility~~

~~Municipal building and uses~~

~~Natural gas regulating station~~

~~Park or public playground~~

~~Railroad track or right-of-way~~

~~School, primary and secondary~~

~~Sewage pumping station~~

~~Single-family detached~~

~~Telephone exchange, switching, relay or transmission station~~

~~Water pumping station~~

~~(b) Accessory uses allowed:~~

~~Accessory building, agricultural~~

~~Accessory building, residential~~

~~Home occupation~~

~~Off-street parking~~

~~Swimming pool, private~~

**56-110. 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:

	<b>Radio Frequency Transmission Facilities</b>	<b>Rail Lines and Utility Corridors</b>
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~~Child care as a home occupation (in single-family dwelling unit).~~

~~1. Completion of all requirements indicated on the City of Burleson request for a specific use permit single-family residence for child care purposes form.~~

~~Religious institution~~

~~1. A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

~~**56-115. Height requirements.** No building shall exceed 2½ stories except as permitted by section 133, general height requirements.~~

**56-120. Development area regulations.** In the SF10 district the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

~~(a) Density: 2.80 residential dwelling units per acre.~~

~~(b) Lot size: 10,000 square feet minimum.~~

~~(c) Floor area: 1,500 square feet minimum.~~

~~(d) Depth of front yard: 25 feet minimum.~~

~~(e) Depth of rear yard: ten feet minimum.~~

~~(f) Width of side yard: five feet minimum (see section 132, general yard requirements).~~

~~(g) Width of side yard adjacent to side street: 15 feet minimum.~~

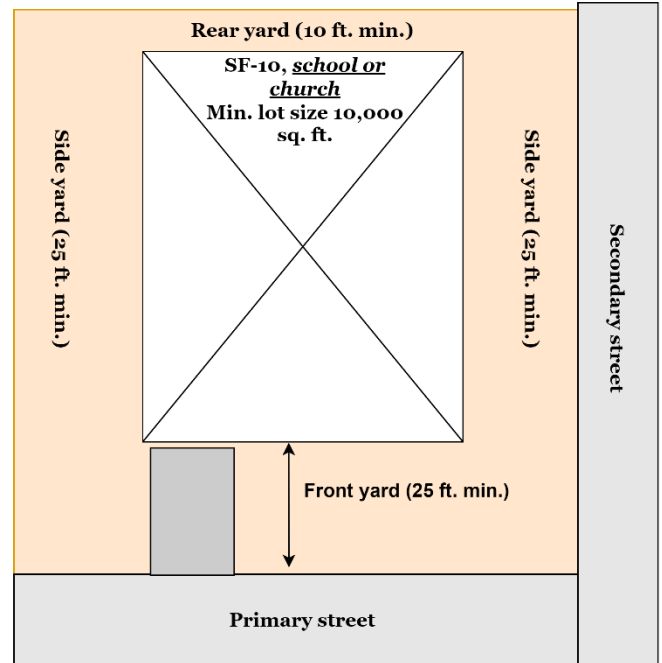
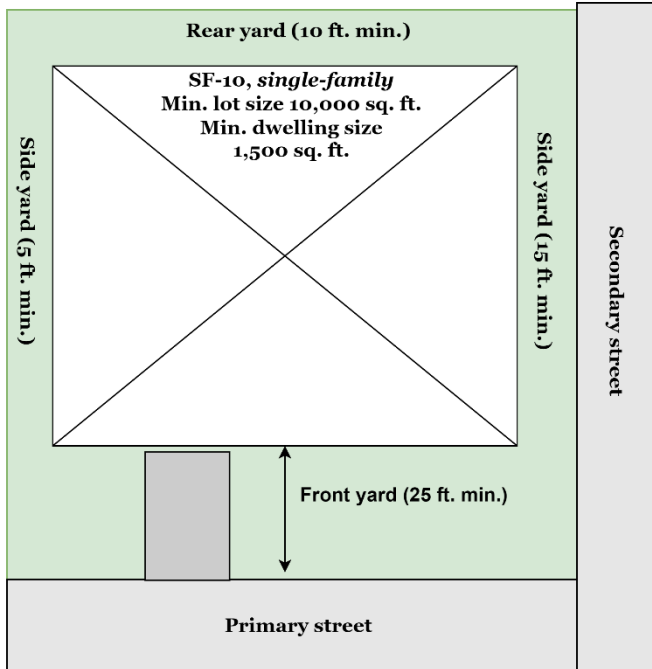
~~(h) Width of lot: 75-80 feet minimum/65-70 feet minimum on cul-de-sac lots.~~

~~(i) Depth of lot: 100 feet minimum.~~

~~(j) Schools or churches: 25 feet minimum side yard on either side of the main building.~~

Lot	
<b>Size</b>	10,000 square feet minimum
<b>Density</b>	Max of 2.80 dwelling units per acre
<b>Width</b>	80 feet minimum / 70 feet on a cul-de-sac
<b>Depth</b>	100 feet minimum
Setbacks (ref. Section 132, general yard requirements)	
<b>Front yard</b>	25 feet minimum
<b>Side yard(s)</b>	5 feet minimum 15 feet when adjacent to a street
<b>Rear yard</b>	10 feet minimum

<b>School or church</b>	25 feet minimum side yard on either side of the main building
<b>Building</b>	
<b>Floor area</b>	1,500 square feet minimum for a dwelling unit
<b>Height</b>	No building shall exceed 2½ stories except as allowed by section 133, general height requirements.



**56-120. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

~~**56-123. Development option.** Regulations within the SF10, single-family dwelling district may be modified to include the following regulations that encourage efficient use of land and infrastructure by distributing population density over the development site.~~

- ~~(a) *Designation.* Any parcel of land that is being developed using the development option shall be so designated on the zoning map with a "D" suffix such that the designation for the SF10 district would be SF10D.~~
- ~~(b) *Density.* The overall density for the development, including land area used for parkland and amenities, shall include land area located within designated floodways and floodplains but shall not exceed 2.80 residential units per acre. Land used for commercial and industrial purposes shall not be included in the dua calculation.~~
- ~~(c) *Area regulations.* There are no area regulations, as provided in section 56-120, development area regulations, with the exception that no lot shall be less than 8,000 square feet in total area.~~
- ~~(d) *Development plan approval required.* All SF10D developments shall require development plan approval by the city council, upon recommendation by the planning and zoning commission. A development plan shall be submitted in accordance with the requirements of article III of the subdivision and~~

~~development ordinance, section 51, data requirement for preliminary plat submission, development plan requirements [app. A, § 3.1], and section 85-135, development schedule. Only one document containing the appropriate information need be prepared and submitted. Upon approval, the development plan shall satisfy the requirements of a preliminary plat.~~

**56-125. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burseson Code of Ordinances].

**56-130. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**56-135. Off-street loading:** None.

### **Section 57. SF7, single-family dwelling district -7 .**

**57-100. Purpose.** The SF7 single-family dwelling district-7 is established to promote low population densities within integral neighborhood units, as defined by the comprehensive land use plan, for single-family detached dwellings, on lots not less than 7000 square feet with **a dua no greater than 4.25.**

**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:

(a) Primary uses allowed:

<b>Household Living, Single-Family</b>	<b>Schools</b>	<b>Basic Utilities</b>
<b>Religious Institutions</b>	<b>Parks and Open Spaces</b>	

~~Electrical substation~~

~~Electrical transmission lines~~

~~Fire or police station~~

~~Industrialized housing (modular home)~~

~~Local franchise utility~~

~~Municipal building and uses~~

~~Natural gas regulating station~~

~~Park or public playground~~

~~Railroad track or right-of-way~~

~~School, primary and secondary~~

~~Sewage pumping station~~

~~Single family detached~~

~~Telephone exchange, switching, relay or transmission station~~

~~Water pumping station~~

~~(b) Accessory uses allowed:~~

~~Accessory building, agricultural~~

~~Accessory building, residential~~

~~Home occupation~~

~~Off-street parking~~

~~Swimming pool, private~~

**57-110. 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:

	<b>Radio Frequency Transmission Facilities</b>	<b>Rail Lines and Utility Corridors</b>
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~~Child care as a home occupation (in single-family dwelling unit)~~

~~1. Completion of all requirements indicated on the City of Burleson request for a specific use permit single-family residence for child care purposes form.~~

~~Religious institution~~

~~1. A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

~~**57-115. Height requirements.** No building shall exceed 2½ stories except as permitted by section 133, general height requirements.~~

**57-120. Development area regulations.** In the SF7, single-family dwelling district-7, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

~~(a) Density: 4.25 residential dwelling units per acre.~~

~~(b) Lot size: 7,000 **8,500** square feet minimum.~~

~~(c) Floor area: 1,100 square feet minimum. However, minimum floor area shall be 1,250 square feet for all lots platted after November 1, 2003, or for structures constructed on unplatted property after November 1, 2003.~~

~~(d) Depth of front yard: 25-foot minimum. **(see Garage Criteria below; subsection (k).)**~~

~~(e) Depth of rear yard: ten feet minimum.~~

~~(f) Width of side yard: five feet **7.5 feet** minimum (see section 132 general, yard requirements).~~

~~(g) Width of side yard adjacent to side street: 15 feet minimum.~~

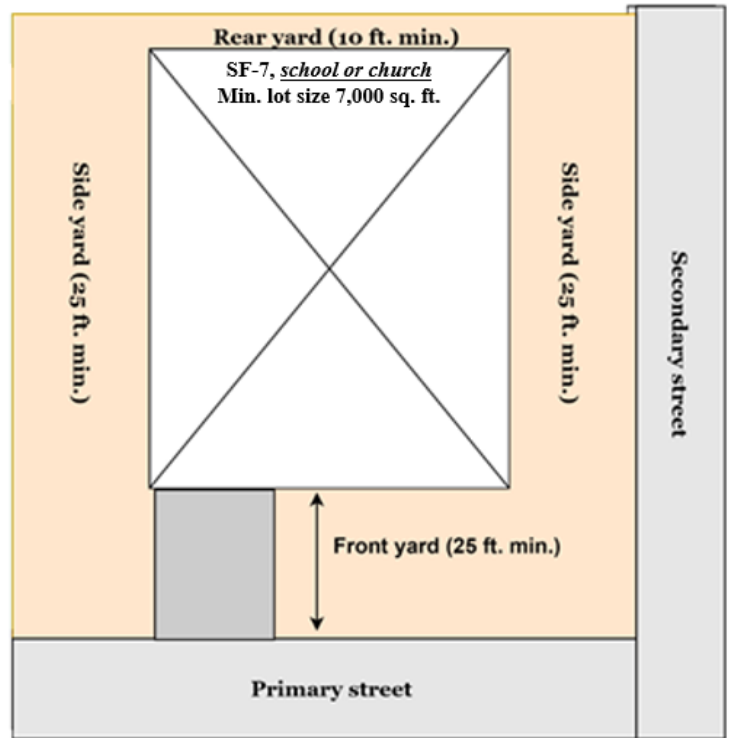
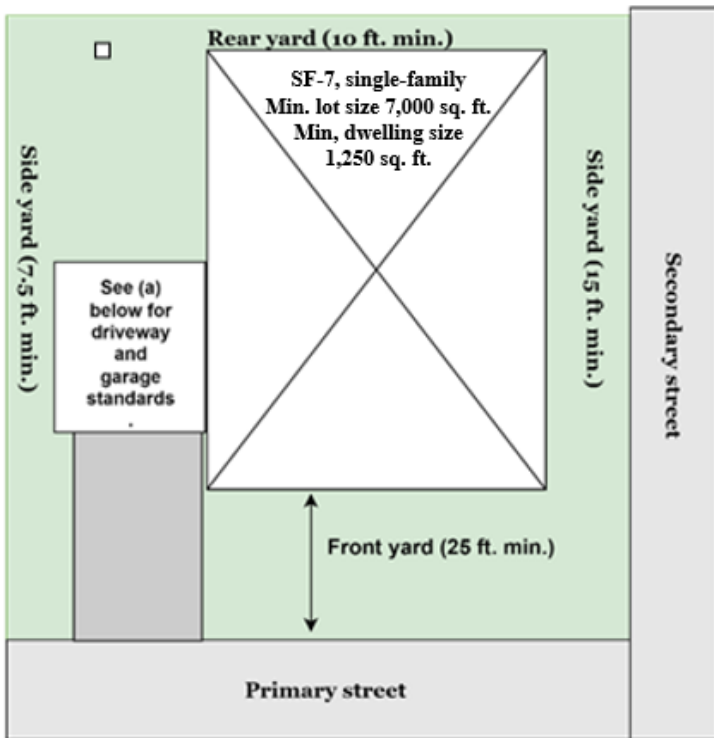
~~(h) Width of lot: 60 **85** feet minimum. **Corner lots shall have a minimum lot width of 100 feet.**~~

~~(i) Depth of lot: 100 feet minimum.~~

~~(j) Schools or churches: 25 feet minimum side yard on either side of the main building.~~

Lot	
Size	7,000 square feet minimum
Density	Max of 4.25 dwelling units per acre
Width	70 feet minimum

<b>Depth</b>	100 feet minimum
<b>Setbacks (ref. Section 132, general yard requirements)</b>	
<b>Front yard</b>	25 feet minimum (see garage criteria, subsection (a))
<b>Side yard(s)</b>	5 feet minimum 15 feet when adjacent to a street
<b>Rear yard</b>	10 feet minimum
<b>School or church</b>	25 feet minimum side yard on either side of the main building
<b>Building</b>	
<b>Floor area</b>	1,250 square feet minimum for a dwelling unit
<b>Height</b>	No building shall exceed 2½ stories except as allowed by section 133, general height requirements.



(a) **Garage Criteria.** The front entrance of the home must be forward of any entry garage door.

**1. Front Entry Garages:**

- I. Front loading garages shall have a minimum driveway depth of 36 feet.
- II. Front loading garages shall have a minimum driveway width of 20 feet.

**2. Side Entry Garages:**

- I. Side entry garages shall have a minimum driveway depth of 24 feet.

- II. Side entry garages shall have a minimum driveway width of 20 feet.
- III. There shall a side yard between the outside edge of the driveway and the property line of no less than 5 feet in width.
- IV. There shall be a minimum driveway width of 30 feet from the outside edge of the driveway to garage entrance to allow for sufficient turning radius and safe ingress/egress

~~57-123. Development option.~~ Regulations within the SF7, single-family dwelling district may be modified to include the following regulations that encourage efficient use of land and infrastructure by distributing population density over the development site:

- ~~(a) Designation.~~ Any parcel of land that is being developed using the development option shall be so designated on the zoning map with a "D" suffix such that the designation for the SF7 district would be SF7D.
- ~~(b) Density.~~ The overall density for the development, including land area used for parkland and amenities, shall include land area located within designated floodways and floodplains but shall not exceed 4.25 residential units per acre. Land used for commercial and industrial purposes shall not be included in the density calculation.
- ~~(c) Area regulations.~~ There are no area regulations, as provided in section 57-120, development area regulations, for development option developments, with the exception that no lot shall be less than 6,000 square feet in total area.
- ~~(d) Development plan approval required.~~ All SF7D developments shall require development plan approval by the city council, upon recommendation by the planning and zoning commission. A development plan shall be submitted in accordance with the requirements of article III of the subdivision and development ordinance, section 51, data requirement for preliminary plat submission, development plan requirements [app. A, § 3.1], and section 85-135, development schedule. Only one document containing the appropriate information need be prepared and submitted. Upon approval, the development plan shall satisfy the requirements of a preliminary plat.

**57-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

**57-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**57-135. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**57-140. Off-street loading:** None.

## Section 58. SFA, single-family attached dwelling district.

**58-100. Purpose.** The SFA single-family attached dwelling district is established to provide adequate space for medium density, single-family attached type residential development, on lots of not less than 2,500 square feet **that are generally developed with rear loaded parking from an alley. Any undeveloped land previously zoned 2F shall be granted the SFA standards by-right. The use of Household Living, Multifamily in this zoning district does not include apartment or multifamily complexes. The SFA zoning district is for townhomes, cottage style homes, and duplexes.**

**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:

- (a) Primary uses allowed:

Household Living, Single-Family	Household Living, Multifamily	Parks and Open Areas
Schools	Basic Utilities	Religious Institutions

~~Electrical substation~~

~~Electrical transmission lines~~

~~Fire or police station~~

~~Industrialized housing (modular home)~~

~~Local franchise utility~~

~~Municipal building and uses~~

~~Natural gas regulating station~~

~~Park or public playground~~

~~Railroad track or right-of-way~~

~~School, primary and secondary~~

~~Sewage pumping station~~

~~Single-family attached~~

~~Telephone exchange, switching, relay or transmission station~~

~~Water pumping station~~

~~Water storage station~~

~~(b) Accessory uses allowed:~~

~~Accessory building, agricultural~~

~~Accessory building, residential~~

~~Home occupation~~

~~Off-street parking~~

~~Swimming pool, private~~

**58-110. 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:

	Radio Frequency Transmission Facilities	Rail Lines and Utility Corridors
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~~Religious institution~~

~~1. A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

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**58-115. Height requirements.** No building shall exceed 2½ stories except as permitted by section 133, general height requirements.

**58-120. Development area regulations.** In the SFA, single-family dwelling district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

- (a) Lot size: 2,500 square feet minimum. Each unit must be platted on individual lots, unless otherwise approved by City Council as part of an approved PD, Planned Development.
- (b) Floor area: 1,000 square feet minimum.
- (c) Depth of front yard: ~~15~~ 25 feet minimum / 15 feet minimum if rear loading along an alley.
- (d) Depth of rear yard: ten feet minimum / 25 feet minimum if front loaded parking.
- (e) Width of side yard: Zero feet between connected SFA units. 10 feet minimum between complexes. 25 feet minimum adjacent to single family detached lots. (see section 132, general yard requirements).
- (f) Width of side yard adjacent to side street: 15 feet minimum
- (g) Width of lot: 25 feet minimum.
- (h) Depth of lot: 100 feet minimum.
- (i) Schools or churches: 25 feet minimum side yard on either side of the main building.
- (j) Length of complex of attached one-family dwellings: 5 units maximum.
- (k) Minimum required side yard at the end of each one-family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten feet apart. (See Appendix Illustration 11): five feet minimum.

**58-125. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

**58-130. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burses Code of Ordinances].

**58-135. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations **with an additional requirement of two (2) community parking spaces required for every five (5) townhomes.**

**58-140. Off-street loading:** None

**Sections 59—64. Reserved.**

### **~~Section 65. 2F, two-family dwelling district.~~**

~~**65-100. Purpose.** The 2F, two-family dwelling district is established to allow for the development of two-family dwelling units often used as a buffer between higher and lower density dwelling units and promoting a population density of almost twice that of a typical single-family development.~~

~~**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:~~

- ~~(a)—Primary uses allowed:
  - Electrical substation
  - Electrical transmission lines~~

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~~Fire or police station~~  
~~Industrialized housing (modular home)~~  
~~Local franchise utility~~  
~~Municipal building and uses~~  
~~Natural gas regulating station~~  
~~Park or public playground~~  
~~Railroad track or right of way~~  
~~School, primary and secondary~~  
~~Sewage pumping station~~  
~~Single family attached~~  
~~Two family~~  
~~Telephone exchange, switching, relay or transmission station~~  
~~Water pumping station~~  
~~Water storage station~~

~~(b) Accessory uses allowed:~~

~~Accessory building, agricultural~~  
~~Accessory building, residential~~  
~~Home occupation~~  
~~Off street parking~~  
~~Swimming pool, private~~

~~**65-110. Specific use permit.** See section 33, 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:~~

~~Religious institution~~

- ~~1. A religious institution must meet the requirements of [chapter 86 of the Burleson Code of Ordinances].~~

~~**65-115. Height requirements.** No building shall exceed two stories except as permitted by section 36, general height requirements.~~

~~**65-120. Development area regulations.** In 2F, two family dwelling district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.~~

~~(a) Lot size: 3,500 square feet minimum for each unit.~~

~~(b) Floor area: 1,000 square feet minimum for each dwelling unit.~~

~~(c) Depth of front yard: 25 feet minimum.~~

- ~~(d) — Depth of rear yard: ten feet minimum.~~
- ~~(e) — Width of side yard: five feet minimum.~~
- ~~(f) — Width of side yard adjacent to side street: 15 feet minimum.~~
- ~~(g) — Width of lot: 60 feet minimum.~~
- ~~(h) — Depth of lot: 100 feet minimum.~~
- ~~(i) — Schools or churches side yard on either side of the main building: 25 feet minimum.~~

~~65-125. Accessory building and structure regulations.~~ Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

~~65-130. Landscaping.~~ Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

~~65-135. Off street parking.~~ Parking shall be in compliance with section 134, vehicle parking regulations.

~~65-140. Off street loading:~~ None.

**Section 66. MF 18 1, ~~multiple-family~~ multi-family dwelling district-18.**

**66-100. Purpose.** The MF1 district is established to provide adequate space and site diversification for multiple-family apartments and condominium developments where the maximum density does not exceed 12 18 dwelling units per acre and ~~2½~~ 3 stories in height. The MF1 18 district should be characterized by landscaping and open space and should be convenient to major thoroughfares and arterial streets.

( Ord. No. B-582(P0114), § 1, 2-3-2014 )

**66-105. Primary uses allowed.** In the MF 18~~1~~, multiple-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:

- (a) Primary uses allowed:

<del>Household Living, Single-Family</del>	<del>Household Living, Multifamily</del>	<del>Parks and Open Areas</del>
<del>Schools</del>	<del>Basic Utilities</del>	<del>Religious Institutions</del>

~~College or university~~

~~Community center: public~~

~~Fire or police station~~

~~Home for aged, residence~~

~~Local franchise utility~~

~~Multiple family~~

~~Municipal building and uses~~

~~Park or public playground~~

~~Religious institution~~

~~School primary and secondary~~

- ~~(b) — Accessory uses allowed:~~

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~~Accessory building, residential~~

~~Off-street parking~~

~~Swimming pool, private~~

( Ord. No. B-582(P0114), § 1, 2-3-2014 )

**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:

	<b>Radio Frequency Transmission Facilities</b>	<b>Rail Lines and Utility Corridors</b>
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(Ord. No. B-582(J0910), § 1A(20-110), 9-20-2010; Ord. No. B-582(P0114), § 1, 2-3-2014 )

**66-115. Administrative procedures.**

(a) A commercial site plan review by the Development Assistance Committee (DAC) shall be required for all projects whether residential, non-residential or mixed use (before issuance of a building permit) to ensure that all design standards have been adequately addressed.

(b) A commercial site plan review shall follow the development review schedule of the **Development Services Department**.

(c) Application for a commercial site plan review shall include the following elements on minimum 24"X36" sheet and in digital form (detailed checklist for each element is available as a part of the commercial site plan application):

- (i) Dimensioned Site Layout Sheet
- (ii) Building Plans
- (iii) Building Elevations
- (iv) Landscape Plan
- (v) Utility Plan
- (vi) Drainage Area Map and Storm Drain Layout
- (vii) Grading Plan
- (viii) Relevant Design Details of special elements - lighting, architectural elements, pedestrian connections etc.
- (ix) Additional plans may also be required and are to be furnished upon request based on Development Assistance Committee (DAC) review.

**66-120. Height requirements.** No building shall exceed ~~2½~~ 3 stories ~~except for as permitted by section 133, general height requirements-~~

( Ord. No. B-582(P0114), § 1, 2-3-2014 )

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**66-125. Development regulations.** ~~All development regulations shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

**1. Area regulations:** The following regulations apply to all uses. See Sec. 132. General Yard Requirements for general information regarding yard requirements.

- (a) Lot size, ~~2~~ **3** acres minimum
- (b) **Density, 18 units per acre maximum. For any proposal requesting a density exceeding 18 units per acre, a PD, Planned Development shall be required.**

(c) Building coverage, Maximum coverage of the main building is 40% of the lot area.

Maximum coverage of the main building and all accessory buildings is 50% of the lot area.

(d) Floor area, A multiple family dwelling unit shall have a minimum square feet of floor area, excluding common corridors, basements, open and screened porches or decks, and garages as follows:

~~**1. Efficiency unit, 500 sq. ft.**~~

- 1. One bedroom unit, ~~600~~ **750 sq. ft.**
- 2. Two bedroom unit, ~~850~~ **1,000 sq. ft.**
- 3. Three bedroom unit, ~~1,000~~ **1,200 sq. ft.**

(e) Depth of front yard, 25 feet minimum (Buildings constructed prior to the effective date of this ordinance 25 feet minimum)

(f) Depth of rear yard, 30 feet minimum for all main buildings, 5 feet for accessory buildings no greater than one story in height (i.e. private garages)

(g) Width of side yard, ~~5~~ **10** feet minimum

(h) Width of side yard adjacent to side street, 25 feet minimum

(i) Width of lot, 200 feet minimum

(j) Depth of lot, 200 feet minimum

(k) Schools or churches side yard on either side of the main building, 25 feet minimum

~~**(l) A multiple family dwelling on a corner lot, may not exceed three stories in height and shall have a minimum of 15 feet in the side yard adjacent to the street. No balcony or porch or any portion of the building may extend into such required side yard, except that a roof may overhang the side yard not more than four feet.**~~

(l) Multiple family dwelling shall provide a minimum side yard of 15 feet between any building wall containing openings for windows, light, and air and any side lot line, except that any such building face or wall not exceeding 35 feet in width may provide a minimum side yard of 10 feet. Where a building wall contains no openings for windows, light or air a minimum side yard of 10 feet shall be provided between the wall and the side lot line.

**2. Site Design.** Site planning respects and enhances the natural environment, connects the project to its surroundings, promotes walkability, ensures effective access and circulation, includes green design features, and provides for services and storage.

(a) When three or more buildings are part of a development, at least three (3) buildings shall be clustered to define public open spaces and activity areas as follows:

- (i) The buildings shall be no more than twenty five (25) feet from the open space activity area.

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(ii) The buildings shall be at least twenty (20) feet distance from one another if two stories, if more than two stories then at least thirty (30) feet distance from one another; and no more than fifty (50) feet distance from one another regardless of the number of stories unless for the purpose of creating and/or maintaining an open or civic space that otherwise conforms with the ordinance herein.

(iii) Cluster buildings to define, connect and activate pedestrian edges and public spaces and to locate convenient transit stops where appropriate.

(b) Open space and recreational areas shall be designed as an integral part of the project and shall be included as part of the site plan as follows:

(i) The total open space/activity areas shall be at least 15% of the project site. No single open space or activity area shall be less than 25' in width or depth, and no less than 625 square feet in surface area.

~~(ii) Applicant may include the area of roof top terraces or covered parking terraces towards the net site and/or net land areas, for landscaping, civic and open space requirements.~~

(ii) 70% of all buildings in a development shall be within 800 feet of civic or open space.

(iii) Major intersections and corners shall be treated as neighborhood/project entryways. Landscaping, public spaces, and/or "gateway" features shall be used to define the entryways into the project.

(c) Pedestrian connectivity shall be created by incorporating all of the following:

(i) Block lengths greater than 400' shall have a mid-block pedestrian pathway connecting adjacent blocks.

(ii) Pedestrian crosswalks shall incorporate pedestrian bump outs to calm traffic and provide a safe crossing for pedestrians at arterial and collector streets.

(iii) Width of sidewalks and walkways shall be allowed to vary so long as there is a minimum unobstructed path of 4 feet for pedestrian movement on all sidewalks and walkways.

(iv) Sidewalks shall be a minimum of 4 feet in width for private walks, and shall meet the city requirements when in ROW or 5 feet, whichever is greater.

(v) Shade and shelter shall be any combination of awnings, alcoves, porticoes, or second floor balconies, if projection is 3 feet or more, or canopy trees; and shall extend along 75% or more of building frontage.

(d) Developments shall include bicycle and pedestrian friendly environments in their design by choosing at least one of the options below:

(i) Provide physical separation from streets and drive aisles through landscaping to encourage walking.

(ii) Provide pedestrian amenities such as appropriate signage, street furniture, landscaping and pedestrian-scale lighting.

(iii) Provide wider sidewalks to allow for two persons to walk comfortably side-by-side (8 feet minimum).

(iv) Provide traffic calming elements such as enhanced paving and bulb-outs at intersections.

(v) Provide parking bays and other on- and off-street parking.

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(e) Building setbacks shall be varied to break building mass facing the street and provide additional landscape opportunities.

(i) Main entrances at street level shall face major streets or be located at the corner of minor and/or major arterials.

(ii) Block lengths greater than 400' shall have a mid-block pedestrian pathway (no thru traffic, private/public alley may be used as pathway) connecting adjacent blocks.

(f) Consistent with the City's Design Standards Manual, surface water and pollutant runoff shall be reduced by maximizing the use of pervious surfaces and vegetative ground cover. Use one of the following:

(i) Use of one or more of the following: permeable paving, pavers, turf stone, brick, and decomposed granite; or

(ii) Use of natural topographic features or built swales for filtration of site drainage.

(g) In addition to the City's Design Standards Manual, roof drainage shall be routed through turf or other landscaping to treat stormwater runoff and allow percolation.

(h) Site circulation shall allow for and facilitate emergency access to the site and all buildings.

(i) Speed bumps are strongly discouraged as they impede emergency response.

(ii) Long, straight drives are discouraged to prevent speeding and conflicts with pedestrians.

(i) Street and drive aisle widths, throat depths, and stacking distances shall comply with current City standards.

(j) Consistent with the ordinances and plans adopted by the City of Burleson and additionally stated herein, multi-family projects shall be required to provide bikeway improvements within the project/site.

(i) Required number of parking spaces shall be provided for all units, as defined in the Zoning Ordinance.

(ii) All pedestrian circulation walks shall be designed to provide access to the disabled in compliance with the American's with Disabilities Act (ADA), and Texas Accessibility Standards (TAS).

(iii) Bicycle racks shall be provided for in highly visible and convenient areas at residential units and common areas.

(iv) A bicycle space shall be provided for every ten parking spaces provided.

(v) Design requirements for bicycle racks shall be found in the most current AASHTO Guide for the Planning, Design, and Operation of Bicycle Facilities.

(k) Circulation - streets and alleys

(i) Circulation, buildings shall be oriented as to not impede pedestrian and/or vehicular movement.

(ii) All streets shall terminate into other streets except where not feasible due to natural site conditions.

(iii) Gated street entryways into developments shall be prohibited.

(iv) Streets shall be spaced as follows:

(1) Arterial streets shall be spaced no more than 1 mile apart.

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(2) Collector streets shall be spaced no more than ½ mile apart.

(3) Sub-collector and local streets shall be spaced no more than ¼ mile apart.

(l) Curb Cuts

(i) Curb cuts are required at all pedestrian and bicycle crossings of streets, alleys, drive aisles, driveways, including those in internal blocks, and

(ii) Curb cuts at pedestrian crossings and/or for streets and/or alleys shall comply with the following: the sidewalk edge of the ramp shall have at least a minimum of 4 feet clearance between it and the nearest obstruction (such as outdoor seating, building wall, fencing/screening, etc) to facilitate pedestrian movement.

**3. Building design.** Architecture creates visual interest, character and identity for the project while maintaining a relationship to the human scale and the natural environment.

(a) Variation of wall planes, rooflines, and building form shall be considered to create visually engaging designs. Architectural elements such as varied roof forms, articulation of the façade, breaks in the roof, walls with texture materials and ornamental details, and landscaping shall be incorporated to add visual interest. Choose two or more of the following:

(i) Balconies and small decks with landscaping shall be incorporated into 2-story or higher buildings to reduce the visual impact of tall structures.

(ii) Architectural elements such as fenestrations and recessed planes shall be incorporated into façade design. Large areas of flat, blank wall and lack of treatment are prohibited.

(iii) Semi-private areas such as covered front porches and/or courtyards.

(iv) Roof height, pitch, ridgelines, and roof materials shall be varied to create visual interest and avoid repetition. Architectural style shall be considered when designing the roof plan.

(b) All buildings with façades facing a street or park or plaza space or pedestrian access shall incorporate no less than four of the architectural elements from the list below:

(i) Canopies, awnings, arcades, covered walkways or porticoes;

(ii) Minimum two feet deep by two feet wide recesses/projections and/or pilasters projecting from the plane, columns;

(iii) Articulated cornice line;

(iv) Display window, faux windows or decorative windows;

(v) Arches;

(vi) Architectural details (such as tile work and molding) or accent materials integrated into the building facade;

(vii) Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios;

(viii) Offsets, reveals or projecting ribs used to express architectural or structural bays; or Building façades must be built parallel to the street frontage except for chamfered corners.

(c) Proportional relationship between adjacent buildings and between the building and the street shall be maintained by choosing two or more of the following:

(i) Building entry zones shall be clearly defined through the use, or combined use, of elements such as accent paving, accent planting, color pots and decorative bollards.

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(ii) Architectural detail such as windows, awnings, trellises, articulation, balconies, patios, landscape planters, and material changes at the street level shall be used to soften the edge of the building and enhance pedestrian scale.

(iii) Buildings with façades facing a street or park or plaza space or pedestrian access shall not be allowed an uninterrupted length of façade greater than 100 feet. The façades may use any of the following elements to create a visual variation along the length of the façade:

(i) Minimum two feet deep by two feet wide recesses/projections and/or pilasters projecting from the plane;

(ii) Balconies;

(iii) Covered walkways;

(iv) Porches/stoops;

(v) Awnings;

(f) Openings and Fenestrations

(i) Doors and entrances:

(1) Doors of a main entrance shall be no less than 40% glass in buildings open to the public.

(2) Main entrances of all buildings shall incorporate one or more of the following:

A. Arcades

B. Roofs

C. Porches

D. Alcoves

E. Awnings

F. Transoms

(3) Primary buildings with an exterior, street-oriented exposure shall have a public entry from the street.

(ii) Windows:

(1) Proportion: 80% or more of windows shall be vertically oriented.

(2) Windows shall incorporate one or more of the following:

A. Transoms

B. Cornice

C. Frieze

D. Fascia

(iii) Garages and service doors

(1) Entrance shall be screened from public ROW of major streets by:

A. Integration with building, and/or

B. Opening in to an alley.

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(2) Parking garage window openings in façade/fascia shall:

- A. Not be glazed, and
- B. Not be smaller than the smallest window, and
- C. No greater than the largest window, and
- D. Balusters in the opening are allowed, subject to:
  - I. Vertical orientation only, and
  - ~~II. Made of an exterior grade metal, and~~
  - II. ~~Black finish or a~~ finish that visually blends with the cladding/façade, and
  - III. Do not have to extend from bottom to top of the opening.

(d) Distinction between upper and lower shall be achieved by architectural details separating lower and upper floors. The distinction shall be made between the first and second floor on buildings with 2 to 3 stories. Design details below in combination shall extend along at least 80% of the front façade, pick three or more:

- (i) Course line
- (ii) Transom
- (iii) Frieze
- (iv) Cornices
- (v) Canopies
- (vi) Awnings
- (vii) Arcades
- (viii) Porticoes

#### 4. Landscaping.

- (a) At least 10% of the net site area shall be landscaped.
- (b) Surface parking lots shall cover no more than 30% of the net site area, unless open space amenities are incorporated in the parking lot such as covered parking terraces, then no more than 40% of the net site area shall be surface parking lots.
- (c) Landscaping shall be used extensively throughout the project to achieve multiple objectives. Objectives to be achieved through landscaping shall include two or more of the following:
  - (i) Screening undesirable views;
  - (ii) Buffering pedestrian walkways from the street and buildings;
  - (iii) Providing shade in public spaces and parking lots;
  - (iv) Provide a visual and noise buffer; and
  - (v) Relieving the visual appearance of large expanses of hard surfaces.
- (d) Landscape design shall emphasize massing and form rather than individual or small groupings of shrubs and trees.

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- (e) Native planting or compatible species of drought-tolerant plants shall be used as much as possible to reduce water consumption.
- (f) Plants shall be grouped according to water needs and irrigate accordingly.
- (g) Shrubs not for screening shall be a minimum of one gallon in size. Screening shrubs shall require five gallon minimum sizes in order to provide immediate effectiveness. Shrub ground covers may be specified in either liner or one gallon sizes.
- (h) Tree placement shall provide maximum shading of sidewalks and outdoor public spaces.
- (i) Trees and shrubs shall be selected and located to maintain safe sight line distances per the City's Design Standards Manual.
- (j) Trees shall be at a minimum 3" caliper.
- (k) Tree selection and placement shall allow for sufficient root space adjacent to paved surfaces. The following minimum planter widths (measured inside curbs) shall be provided:
- (i) Eight feet for large canopy trees (may be reduced to five feet with deep root barriers and irrigation)
  - (ii) Six to eight feet for medium to large canopy trees
  - (iii) Six feet for medium to small canopy trees
  - (iv) Four feet for small canopy trees
- (l) The top and toe of slopes within landscaped areas shall be setback a minimum of two feet from fences, walls, property lines, street curbs, pedestrian/bike paths or other hardscape surfaces in order to prevent drainage across these surfaces.
- (m) Buffer along the property when adjacent to other uses by choosing one of the following three:
- (i) 12' minimum landscaped buffer only, the following are minimums:
    - A. 100 feet long
    - B. 3 canopy trees
    - C. 3 understory shrubs
    - D. 20 shrubs
  - (ii) 10' minimum landscaped buffer with berm, the following are minimums:
    - A. 100 feet long
    - B. Berm shall be no more than 3 feet above grade
    - C. 2 canopy trees
    - D. 2 understory trees
    - E. 18 shrubs
  - (iii) 6' minimum landscaped buffer with applicable fence and/or screening, the following are minimums:
    - A. 100 feet long
    - B. 4 canopy trees
    - C. 4 understory trees

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D. 15 shrubs

(n) The buffer may have a pedestrian cut through to provide for pedestrian and/or bicycling connectivity only.

(i) The cut through shall be no less than 5 feet, and no wider than 12 feet.

(ii) The width of the pedestrian cut through shall count towards the 100 feet minimum.

(o) All plants shall be distributed evenly along the buffer, the exception to even distribution is for only the plants beyond the minimum requirements may then be clustered and/or evenly distributed along the buffer and otherwise shall meet the ordinance requirements.

(p) Supplemental water irrigation shall be required unless the buffer is xeriscaped.

(q) Site amenities, parks, plazas, and play areas shall be provided in centrally and conveniently located places for residents and neighbors.

(r) Recreational amenities such as playground equipment, picnic tables, barbecue grills, exercise equipment, and sports facilities shall be provided in common outdoor space to promote community activity and use.

(s) Outdoor seating shall be permitted without screening and/or fencing when located on:

(i) Roof top/covered parking terraces, or

(ii) Sidewalks, and/or

(iii) Plazas, and/or

(iv) Civic space, and

(v) When not within 10 feet of adjacent streets and/or surface parking.

(t) Outdoor seating shall require screening and/or fencing when seating is within 10 feet of adjacent streets and/or surface parking.

(u) Seating with or without fencing and/or screening shall still allow 4 feet of unobstructed walkway for pedestrian movement whether the walkway is or is not in the ROW at all times.

**5. Parking and loading.** In addition to the regulations stated below, section 134-105 of the Zoning Ordinance requirements shall apply:

(a) Short term parking shall be provided at the main entry to the leasing office and at building entries.

(b) Surface parking shall be located behind buildings and/or on an internal block design.

(c) Garage parking shall be located:

(i) Behind front wall of building, and/or

(ii) Above building first floor, and/or

(iii) Within building, and

(d) Garage parking shall be accessed by:

(i) Internal block design surface parking, and/or

(ii) Private street, and/or

(iii) Alley.

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- (e) Parking shall not be located between the building and public ROW.
  - (f) Passenger loading/unloading areas shall be allowed when:
    - (i) The area is in front of a main entrance, and
    - (ii) Is greater than 60 feet or half the width of the building whichever is less.
    - (iii) Loading docks shall be screened from public view, and when facing an internal block and/or surface parking and/or adjacent parking deck shall be screened by one or more of the following:
      - (A) Screened from view by building orientation and/or screening wall.
      - (B) Setback so that the building screens the dock from view when the exposed side of the dock fronts an alley or minor street.

## 6. Fencing and screening.

- (a) Fencing shall be required when:
  - (i) Projects shall provide fencing between the following adjacent land uses.
    - (A) Projects abutting single-family residential areas shall provide fencing along the boundary except at pedestrian access points.
    - (B) The compatibility of adjacent land uses shall be considered in choosing appropriate fencing materials and design.
    - (C) Fencing between multi-family uses and open space shall be prohibited except where required for health and safety purposes. When necessary, such fencing shall be an open type (such as wrought iron) to allow for continuous views to the open space.
    - (D) Fence materials and colors shall complement the building design and the prevailing materials and design in the vicinity of the project.
    - (E) If masonry walls are used, integral color block shall be required.
    - (F) Materials and finishes shall be durable and easily maintained, resistant to graffiti and water staining, and be able to withstand the local climatic variations.
- (b) Fencing and/or screening shall also be required, when:
  - (i) Service areas for trash, recycling, and/or deliveries visible from the street, pathway, pedestrian-oriented space or public parking area shall be enclosed and screened around their perimeter by a durable wall or fence at least six feet high or 6 inches above the height of the dumpster whichever is greater.
- (c) Design of fencing and/or screening shall be as follows:
  - (i) Building materials shall be opaque and consistent with the design of the main building shall be of exterior grade quality and consistent with the architecture of the main building.
  - (ii) Masonry:
    - (A) All masonry fencing and/or screening walls, columns, or footings shall be designed by an engineer licensed by the State of Texas.
    - (B) Shall be brick, stone or block
  - (iii) Wood:
    - (A) Shall be made of cedar, redwood, spruce, or other durable decay resistant construction with Council approval.

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- (iv) Wrought Iron:
    - (A) When fencing is combined with landscaping, then wrought iron (with exterior grade finish) fencing may be used with masonry columns.
    - (v) If the Development Assistance Committee approves this requirement to be better met by an irrigated, pruned and maintained live screen, the same may be substituted.
  - (d) Service enclosures shall be integrated into the building itself.
    - (i) Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic.
    - (ii) Fencing that is used to screen surface parking from public ROW shall be at least 3 feet, but no more than 4 feet in height above the surface of the sidewalk.
  - (e) Raised parapets shall be allowed as a means to screen from street level pedestrian view: parked vehicles in a parking garage, mechanical equipment, and sustainable energy devices.
    - (i) When screening equipment and/or structures atop buildings, such equipment/structures shall be screened as illustrated below.
  - (f) Trash enclosure location, dimensions, and design shall comply with the following:
    - (i) All refuse containers shall be placed within screened storage areas or enclosures.
    - (ii) Refuse containers shall be conveniently located throughout the project, yet sufficiently buffered from project entries, main building entries, and main pedestrian paths.
    - (iii) Enclosures shall be located to provide easy accessibility for users, adequate room for servicing by refuse trucks, and shall not hinder visibility for vehicle circulation.
    - (iv) Enclosure materials and colors shall be consistent with, and complimentary to, building materials and finishes.
    - (v) In addition to the enclosure, a minimum three foot landscape buffer shall be provided on all non-accessible sides of trash enclosures.
    - (vi) Dumpsters/recycling/service entrances/loading docks etc., shall not obstruct pedestrian or vehicular traffic.
  - (g) Utilities shall be screened from public view.
    - (i) HVAC units shall be located away from private outdoor space such as porches and patios, and screened from public view through landscaping and/or screening walls.
    - (ii) Utility meters and other equipment shall be screened with landscaping and/or low screening walls.
    - (iii) Public utility infrastructure and other utility components shall be oriented away from public view to the extent possible and screened with evergreen shrubs to the extent allowed by the utilities.
  - (h) Loading, service, and storage areas shall be screened from public view through a combination of building design and/or layout, masonry walls, grade separations and/or dense landscaping.
    - (i) Ground or wall mounted equipment shall be located out of public view to the extent possible and screened or placed in an enclosure to the extent allowed by the utility companies.

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(ii) Screening for roof-mounted equipment shall be integrated into the building and roof design and use compatible materials, colors and forms. Wood lattice or fence like coverings are inappropriate for roof screening and are prohibited.

(iii) Roof mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and microwave dishes shall be setback from the roof edge, placed behind a parapet or in a well so that they are not visible to motorists or pedestrians on the adjacent streets.

(i) When adjacent to other parcels, perimeter planting areas where needed to provide screening shall be a minimum of five feet wide.

(j) A combination of landscaping, berming, and screen walls to a height of three feet (measured from height of street curb) shall be used to screen views of parked cars adjacent to the streetscape.

**66-130. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

( Ord. No. B-582(P0114), § 1, 2-3-2014 )

~~**66-135. Landscaping.** Landscaping shall be provided in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~( Ord. No. B-582(P0114), § 1, 2-3-2014 )~~

~~**66-140. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations, and Appendix C Article VIII Multi-Family Design Standards.~~

~~( Ord. No. B-582(P0114), § 1, 2-3-2014 )~~

~~**66-145. Off-street loading.** Off-street loading shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~( Ord. No. B-582(P0114), § 1, 2-3-2014 )~~

~~**66-150. Outdoor lighting.** Lighting shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~( Ord. No. B-582(P0114), § 1, 2-3-2014 )~~

## **Section 67. MF2, multiple-family dwelling district.**

~~**67-100. Purpose.** The MF2, multiple dwelling district is established to provide adequate space and site diversification for multiple family apartments and condominium developments where the maximum density does not exceed 24 dwelling units per acre and three stories in height. The MF2 district should be characterized by landscaping and open space and should be convenient to major thoroughfares and arterial streets.~~

~~( Ord. No. B-582(P0114), § 1, 2-3-2014 )~~

~~**67-105. Primary uses allowed.** In the MF2, multiple-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:~~

~~(a) Primary uses allowed:~~

~~College or university~~

~~Community center: public~~

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~~Fire or police station  
Home for aged, residence  
Local franchise utility  
Multiple family  
Municipal building and uses  
Park or public playground  
Religious institution  
School, primary and secondary~~

~~(b) Accessory uses allowed:~~

~~Accessory building, residential  
Off-street parking  
Swimming pool, private~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**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:~~

~~None allowed.~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**67-115. Height requirements.** No building shall exceed three stories except as permitted by section 133, general height requirements.~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**67-120. Area regulations.** All development regulations shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**67-130. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**67-135. Landscaping.** Landscaping shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~(Ord. No. B-582(P0114), § 1, 2-3-2014.)~~

~~**67-140. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations, and Appendix C Article VIII Multi-Family Design Standards.~~

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~~(Ord. No. B 582(P0114), § 1, 2-3-2014)~~

~~67-145. **Outdoor lighting.** Outdoor lighting shall be in compliance with Appendix C Article VIII Multi-Family Design Standards.~~

~~(Ord. No. B 582(P0114), § 1, 2-3-2014)~~

## **Section 68. MH, manufactured housing dwelling district.**

**68-100. Purpose.** The MH, manufactured housing dwelling district is established to provide locations for manufactured homes. The MH district provides for manufactured homes as fixed dwellings wherein the manufactured home is placed on a lot as a fixed structure. Manufactured home subdivisions may be established in the MH, manufactured housing dwelling district. ~~This is a legacy district and no new additional parcels shall be zoned MH.~~

**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:

- (a) Primary uses allowed:
  - Cemetery or mausoleum
  - College or university
  - Community center: public
  - Convent or monastery
  - Electrical substation
  - Electrical transmission lines
  - Fire or police station
  - Fraternity or sorority
  - Home for aged, residence
  - Hospital, acute care
  - HUD-CODE manufactured home
  - Industrialized housing (modular home)
  - Local franchise utility
  - Manufactured home
  - Manufactured home subdivision
  - Municipal building and uses
  - Natural gas regulating station
  - Park or public playground
  - Railroad track or right-of-way
  - Religious institution
  - School, primary and secondary

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Sewage pumping station

Telephone exchange, switching, relay or transmission station

Water pumping station

Water storage station

(b) Accessory uses allowed:

Accessory building, agricultural

Accessory building, residential

Caretaker's or guard's residence

Home occupation

Off-street parking

Swimming pool, private

**68-110. 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:

Community center, private swim, tennis, handball club

**68-115. Height requirements.** No building shall exceed two stories except as noted in section 133, general height requirements.

**68-120. Development area regulations.** In the MH, manufactured housing dwelling district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

- (a) Lot size: 7,000 square feet.
- (b) Floor area: 1,100 square feet minimum.
- (c) Depth of front yard: 25 feet minimum
- (d) Depth of rear yard: ten feet minimum.
- (e) Width of side yard: Each manufactured home shall have a minimum side yard of five feet and have a minimum of ten feet between manufactured home units, and no manufactured home shall be located within 25 feet of the boundary of the MH district.
- (f) Width of side yard adjacent to side street: 15 feet minimum.
- (g) Width of lot: 60 feet minimum.
- (h) Depth of lot: 100 feet minimum.
- (i) Schools or churches side yard on either side of the main building: 25 feet minimum.
- (j) Manufactured homes shall provide a minimum front yard of 25 feet along any dedicated street and a minimum of ten feet from any internal private drive intended for access, circulation or service within the manufactured home park or subdivision.

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**68-130. Accessory building and structure regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

**68-135. Landscaping.** Landscaping shall be provided in compliance with [chapter 86 of the Burleson Code of Ordinances].

**68-140. Off-street parking.** Two spaces for each dwelling unit are required.

**68-145. Off-street loading:** None

**68-150. Special requirements.** All manufactured homes, mobile homes, modular homes, or industrialized housing must be installed on a permanent foundation as defined by the Uniform Building Code as adopted and amended.

Cross reference(s)—Manufactured homes and trailers, ch. 50.

## **Section 69. MHP, manufactured housing park district.**

**69-100. Purpose.** The MHP, manufactured housing park district is established, to provide standards based upon the concept of non-permanent manufactured home development. ~~This is a legacy district and no new additional parcels shall be zoned MHP.~~

**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:

- (a) Primary uses allowed:
  - Cemetery or mausoleum
  - College or university
  - Convent or monastery
  - Country club, private
  - Day camp for children
  - Electrical substation
  - Electrical transmission lines
  - Fire or police station
  - Fraternity or sorority
  - Home for aged, residence
  - Hospital, acute care
  - HUD-CODE manufactured home
  - Industrialized housing (modular home)
  - Local franchise utility
  - Manufactured housing
  - Manufactured home park
  - Municipal building and uses
  - Natural gas regulating station
  - Park or public playground

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Railroad track or right-of-way  
Religious institution  
School, primary and secondary  
Sewage pumping station  
Telephone exchange, switching, relay or transmission station  
Water pumping station  
Water storage station

(b) Accessory uses allowed:

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

**69-110. 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:

Community center, private  
Swim, tennis, handball club  
Recreational Vehicles Parking

1. Maximum of 180 days.

**69-115. Height requirements.** No building shall exceed two stories except as permitted by section 133, general height requirements.

**69-120. Development area regulations.** In the MHP, manufactured housing park district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

- (a) Lot size: 3,500 square feet minimum.
- (b) Floor area: 580 square feet minimum.
- (c) Depth of front yard: 25 feet minimum.
- (d) Depth of rear yard: ten feet minimum.
- (e) Width of side yard: Each manufactured home shall have a minimum side yard of ten feet and have a minimum of 20 feet between manufactured home units, and no manufactured home shall be located within 25 feet of the boundary of the MH or MHP district.
- (f) Width of side yard adjacent to side street: ten feet minimum.
- (g) Width of lot: 40 feet minimum.

- (h) Depth of lot: 80 feet minimum.
- (i) Schools or churches side yard on either side of the main building: 25 feet minimum.
- (j) Manufactured homes shall provide a minimum front yard of 25 feet along any dedicated street and a minimum of ten feet from any internal private drive intended for access, circulation or service within the manufactured home park or subdivision.

**69-130. Special area and accessory building regulations.** Area regulations for accessory buildings or accessory structures shall be in compliance with subsection 132-105, accessory building and structure yard regulations.

**69-140. Landscaping.** Landscaping shall be provided in compliance with [chapter 86 of the Burleson Code of Ordinances].

**69-145. Off-street parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**69-150. Off-street loading:** None

Cross reference(s)—Manufactured homes and trailers, ch. 50.

**Sections 70—74. Reserved.**

**~~Section 75. NS, neighborhood service district.~~**

~~**75-100. Purpose.** The NS, neighborhood service district, is a limited retail and service zoning category and is for use in residential neighborhoods for the purpose of providing convenient locations for small businesses to meet the daily needs of residents for personal services and similar convenience requirements without exposure to the broad range of larger retail and commercial uses which involve area-wide service and could create conditions adverse to the residential environment. The NS district is intended for use on a lot or few lots, usually at a street corner location in existing developments and in new developments.~~

~~**75-105. Primary uses allowed.** In the NS, neighborhood service district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:~~

~~(a) Primary uses allowed:~~

<del>Office, Traditional</del>	<del>Retail Sales and Services</del>	<del>Basic Utilities</del>
<del>Parks and Open Space</del>	<del>Day Care</del>	<del>Schools</del>
<del>Religious Institutions</del>		

~~Antique shop~~

~~Art supply store~~

~~Bakery or retail confectionery~~

~~Child care center~~

~~Clean/press shop pickup~~

~~Community center: public~~

~~Convenience store without automotive fuel sales~~

~~Custom personal service shop~~

~~Electrical substation~~

~~Electrical transmission~~  
~~Fire or police station~~  
~~Florist shop~~  
~~Home for aged, residence~~  
~~Local franchise utility~~  
~~Municipal building and uses~~  
~~Natural gas regulating station~~  
~~Park or public playground~~  
~~Railroad track or right-of-way~~  
~~Religious institution~~  
~~School, primary and secondary~~  
~~Sewage pumping station~~  
~~Telephone exchange, switching, relay or transmission station~~  
~~Water pumping station~~  
~~Water storage station~~

~~(b) Accessory uses allowed:~~

~~Accessory building, (neighborhood service, commercial, business, or industry)~~  
~~Off-street parking~~  
~~Satellite receive antenna~~

**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:~~

<del>Community Services</del>	<del>Radio Frequency Transmission Facilities</del>	<del>Rail Lines and Utility Corridors</del>

~~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~~

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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.

(b) ~~Conditions for SUP uses as noted above:~~

- ~~1. Screening between residentially zoned property with a 20-foot buffer and trees planted on 20-foot centers.~~
- ~~2. No dumpster may be stored within yard area adjacent to any residential use when the residential uses is within 50 feet of the commercial uses.~~
- ~~3. Outside security lighting shall be located in such a manner as not to filter onto adjacent residential uses.~~
- ~~4. No truck traffic shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. for any property adjacent to residential land uses.~~

~~**75-115. Height requirements.** No building shall exceed two stories or 35 feet except as permitted by in section 133, general height requirements.~~

~~**75-120. Development regulations.** In NS, neighborhood service district, the following regulations apply to all uses: See section 132, yard requirements for general information regarding yard requirements.~~

~~(a) Lot size: None.~~

~~(b) Depth of front yard: 25 feet minimum.~~

~~(c) Depth of rear yard adjacent to commercial or industrial districts: None.~~

~~(d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: ten feet minimum.~~

~~(e) Width of side yard adjacent to commercial or industrial districts: None.~~

~~(f) Width of side yard adjacent to residential district whether separated by an alley or not: ten feet minimum.~~

~~(g) Width of side yard adjacent to side street: ten feet minimum.~~

~~(h) Width of lot: None.~~

~~(i) Depth of lot: None.~~

~~75-125. Landscaping. Landscaping shall be in compliance with [chapter 86 of the Burlison Code of Ordinances].~~

~~75-130. Parking. Parking shall be in compliance with section 134, vehicle parking regulations.~~

~~75-135. Off street loading. Off street loading shall be in compliance with section 135, off street loading regulations.~~

**Section 765. GR general retail district.**

**75-100. Purpose.** The GR, general retail district, is established to provide, for a board range of retail uses, including restaurants (indoor service), and includes nearly all types of retail activity except those involving open outside storage or display or those primarily devoted to mechanical servicing and outdoor sales or display of automobiles such as automobile dealers and garages. **Any commercial parcels previously zoned NS, Neighborhood Service shall be granted the GR, General Retail zoning district standards by-right.**

**75-105. Primary uses allowed.** In the GR, general retail district, no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:

<b>Office, Traditional</b>	<b>Retail Sales and Services*</b>	<b>Basic Utilities</b>
<b>Parks and Open Space</b>	<b>Day Care</b>	<b>Religious Intuitions</b>

\*Liquor stores require a SUP (reference section 51-306 (C) 5; Retail Sales and Services)

~~Antique shop~~

~~Art gallery or museum~~

~~Art supply store~~

~~Auto parts and accessory sales (No outside storage)~~

~~Automotive fuel sales~~

~~Bakery or retail confectionery~~

~~Cemetery or mausoleum~~

~~Child care center~~

~~Clean/press shop pickup~~

~~College or university~~

~~Community center: public~~

~~Contractors, electrical/mechanical/plumbing (no outside storage)~~

~~Convenience store with or without automotive fuel sales~~

~~Convent or monastery~~

~~Country club, private~~

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~~Custom personal service shop~~  
~~Department store~~  
~~Drapery, sewing or weaving shop~~  
~~Drugstore or pharmacy~~  
~~Electrical substation~~  
~~Electrical transmission~~  
~~Fire or police station~~  
~~Florist shop~~  
~~Food/beverage sales store~~  
~~Fraternal lodge or union hall~~  
~~Fraternity or sorority~~  
~~Furniture or appliance store~~  
~~Greenhouse or plant nursery (on premises sales)~~  
~~Handicraft shop and art objects~~  
~~Hardware or hobby shop~~  
~~Home for aged, residence~~  
~~Hospital, acute care~~  
~~Hospital, institution care~~  
~~Household appliance repair~~  
~~Key shop~~  
~~Laboratory, medical or dental~~  
~~Laundry/clean self service~~  
~~Local franchise utility~~  
~~Massage, therapeutic~~  
~~Medical appliances sale/rent~~  
~~Miniature golf course~~  
~~Mortuary or funeral home~~  
~~Motel or hotel~~  
~~Municipal building and uses~~  
~~Natural gas regulating station~~  
~~Office, business and professional~~  
~~Office, medical or dental~~  
~~Park or public playground~~  
~~Parking lot or structure, commercial (auto)~~

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~~Parking lot, trucks/trailers~~

~~Pawnshop~~

~~Pet shop~~

~~Plumbing shop (no outside storage)~~

~~Private club~~

~~Radio, microwave, TV tower~~

~~Railroad track or right-of-way~~

~~Religious institution~~

~~Restaurant or cafeteria (not of drive-in type)~~

~~Restaurant or cafeteria (drive-in type)~~

~~Retail shop, apparel, gift accessories and similar items~~

~~School, business~~

~~School, commercial trade~~

~~School, primary and secondary~~

~~Sewage pumping station~~

~~Studio, artist and/or photographer~~

~~Studio, health and fitness~~

~~Studio, music, dance, and/or drama~~

~~Swim, tennis, handball club~~

~~Telephone office~~

~~Telephone exchange, switching, relay, or transmission station~~

~~Theater or indoor playhouse~~

~~Tool rental~~

~~Travel bureau or consultant~~

~~Variety or similar retail store~~

~~Veterinarian, office only~~

~~Veterinarian hospital~~

~~Water pumping station~~

~~Water storage station~~

(b) — Accessory uses allowed:

~~Accessory building, agricultural~~

~~Accessory building, (neighborhood service, commercial, business, or industry)~~

~~Accessory residential~~

~~Off-street parking~~

~~Swimming pool~~

(Ord. No. CSO#313-09-2015 , § 1(Exh. A), 9-21-2015; Ord. No. CSO#1124-09-2019 , § 1, 11-11-2019)

**75-110. 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:

Schools	Colleges	Commercial Outdoor Recreation
Quick Vehicle Servicing	Wholesale Sales	Radio Frequency Transmission Facilities
Self Service Storage	Medical Centers	Community Services

~~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~~

~~Plumbing shop (with outside storage)~~

~~Taxidermy shop~~

(b) Conditions for specific use permit uses as noted above:

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1. Any outdoor lighting shall be directional away from adjacent residential property.
  2. Any facilities which are adjacent to residentially zoned property shall limit hours of operation to between 9:00 a.m. to 10:00 p.m.
  3. Automotive oil change and lubrication shop:
    - a. There shall be no outdoor storage or display of merchandise or materials.
    - b. There shall be no outdoor servicing of any vehicle.
    - c. Adjacent to residentially zoned properties a facility shall provide a landscape buffer consisting of evergreen plantings of sufficient width and density to provide an effective visual screen. The landscape buffer shall contain no structures except fencing as authorized by city council under terms of a specific use permit. The landscape buffer shall not be less than four feet in width and six feet in height at the time of planting. The required landscape buffer may be counted as a component of minimum required landscaping.
    - d. Outdoor lighting shall be directed downward and away from residentially zoned properties.
    - e. If located adjacent to residentially zoned properties, a facility shall limit hours of operation to a period to be determined by [the] city council.
    - f. Services other than oil change and lubrication shall be permitted only if authorized by city council under terms of a specific use permit and shall not include tire sales or repair, body work or any form of mechanical repair or service.

(Ord. No. B-582-N0512, § 1, 6-4-2012; Ord. No. CSO#313-09-2015 , § 1(Exh. A), 9-21-2015)

**75-115. Height requirements.** No building shall exceed two stories or 35 feet except as noted in section 133, special height requirements.

**75-120. Development regulations.** In the GR, general retail district, the following regulations apply to all uses: See section 132, general yard requirements for general information regarding yard requirements.

- (a) Lot size: None.
- (b) Depth of front yard: 25 feet minimum.
- (c) Depth of rear yard adjacent to commercial or industrial districts: None.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: ten feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: None.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: ten feet minimum.
- (g) Width of side yard adjacent to side street: ten feet minimum.
- (h) Width of lot: None.
- (i) Depth of lot: None.
- (j) Setback for gasoline service pumps: Notwithstanding the district yard requirements gasoline service station pump island may not be located nearer than 18 feet to the front property line, and the outer edge of the canopy shall not be nearer than ten feet to the front property line.
- (k) Development Regulations for General Retail Properties located within the Old Town Overlay District shall be as established by the Burlleson Old Town Design Standards.

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**75-125. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**75-130. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**75-135. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

Cross reference(s)—Businesses, ch. 14.

**Section 776. CC, central commercial district.**

**76-100. Purpose.** The CC, central commercial district is established to accommodate the original downtown area of Burleson which is substantially developed in a dense pattern with high building coverage and most vehicle parking provided on the streets. The regulations are designed for the specific and special conditions prevailing in the original downtown area. No off-street parking for individual buildings is required in the CC district, on the basis that the existing conditions require a different approach to off-street parking than is appropriate in newer outlying retail and commercial areas.

**76-105. Primary uses allowed.** In the CC, central commercial district, no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:

<b>Retail Sales and Services</b>	<b>Parks and Open Spaces</b>	<b>Office, Traditional</b>
<b>Basic Utilities</b>	<b>Religious Institutions</b>	

- ~~Antique shop~~
- ~~Art supply store~~
- ~~Art gallery or museum~~
- ~~Bakery or retail confectionery~~
- ~~Cabinet and upholstery shop~~
- ~~Clean/press shop pickup~~
- ~~College or university~~
- ~~Community center: public~~
- ~~Contractors, Electrical/Mechanical/Plumbing (no outside storage)~~
- ~~Convent or monastery~~
- ~~Convenience store with or without automotive fuel sales~~
- ~~Custom personal service shop~~
- ~~Department store~~
- ~~Drapery, sewing or weaving shop~~
- ~~Drugstore or pharmacy~~
- ~~Fire or police station~~
- ~~Florist shop~~

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Food/beverage sales store  
Franchised utility lane  
Fraternal lodge or union hall  
Fraternity or sorority  
Furniture or appliance store  
Handicraft shop and art objects  
Hardware or hobby shop  
Home for aged, residence  
Household appliance repair  
Key shop  
Laboratory, medical or dental  
Laboratory research  
Laundry/clean self-service  
Lithography or print shop  
Medical appliances sale/rent  
Monument manufacturing  
Mortuary or funeral home  
Motel or hotel  
Municipal building and uses  
Musical instrument sales and manufacturing  
Office, business and professional  
Office, medical or dental  
Park or public playground  
Pawnshop  
Pet shop  
Plumbing shop (no outside storage)  
Private club  
Public facility, governmental unit  
Railroad freight terminal  
Railroad passenger terminal  
Railroad team track  
Railroad track or right-of-way  
Religious institution  
Restaurant or cafeteria (not of drive-in type)

~~Retail shop, apparel, gift and accessories and similar items~~

~~School, business~~

~~School, primary and secondary~~

~~Studio, artist and/or photographer~~

~~Studio, health and fitness~~

~~Studio, music, dance, and/or drama~~

~~Telephone office~~

~~Theater or indoor playhouse~~

~~Travel bureau or consultant~~

~~Variety or similar retail store~~

~~Veterinarian hospital~~

~~Veterinarian, office only~~

~~Veterinarian, supply store~~

~~(b) Accessory uses allowed:~~

~~Accessory building, (neighborhood service, commercial, business, or industry)~~

~~Off-street parking~~

~~Swimming pool~~

(Ord. No. CSO#110-01-2015 , § 1.A., 1-5-2015; Ord. No. CSO#313-09-2015 , § 1(Exh. A), 9-21-2015)

**76-110. 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:

<b>Commercial Parking</b>	<b>Colleges</b>	<b>Community Services</b>
<b>Daycare</b>	<b>Schools</b>	

~~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)~~

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~~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~~

(Ord. No. CSO#110-01-2015 , § 1.B., 1-5-2015; Ord. No. CSO#313-09-2015 , § 1(Exh. A), 9-21-2015)

**76-115. Height requirements.** No building shall exceed two stories or 35 feet except as noted in section 133, general height requirements.

**76-120. Development regulations.** In the CC, central commercial district, the following regulations apply to all uses:

- (a) Minimum lot size: None.
- (b) Development Regulations for the Central Commercial zoning district shall be as established by the Burlison Old Town Design Standards.

**76-125. (Reserved)**

**76-130. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**76-135. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

Cross reference(s)—Businesses, ch. 14.

## **Section 787. C, commercial district.**

**77-100. Purpose.** The C, commercial district is established to accommodate the "heavier than retail sales and service uses" such as automobile sales and building material sales yards. Generally, the C, commercial district, is near highways, major thoroughfares, or railroad locations. Care is required in locating the C, commercial district, in close proximity to residential areas because of the heavier nature of the uses and the vehicular traffic which they tend to generate.

**77-105. Primary uses allowed.** In the C, commercial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (a) Primary uses allowed:

<b>Retail Sales and Services*</b>	<b>Quick Vehicle Service</b>	<b>Basic Utilities</b>
<b>Commercial Outdoor Recreation</b>	<b>Major Event Entertainment</b>	<b>Colleges</b>
<b>Office, Traditional</b>	<b>Parks and Open Spaces</b>	<b>Community Services</b>
<b>Religious Intuitions</b>		

\*Liquor stores require a SUP (reference section 51-306 (C) 5; Retail Sales and Services)

~~Airport or landing field~~

~~Amusement, commercial (outdoor)~~

~~Antique shop~~

~~Art supply store~~

~~Art gallery or museum~~

~~Auto glass, seat cover, muffler shop~~

~~Auto laundry/carwash~~

~~Auto, new used auto sales; outdoors~~

~~Auto painting or body shop~~

~~Auto parts and accessory sales (No outside storage)~~

~~Auto parts sales and accessory sales (with outside storage)~~

~~Auto repair garage~~

~~Auto sales or auction~~

~~Automotive fuel sales~~

~~Batting cages~~

~~Bakery or retail confectionery~~

~~Bakery or wholesale candy~~

~~Bottling works~~

~~Building materials sales~~

~~Bus station or terminal~~

~~Cabinet and upholstery shop~~

~~Cemetery or mausoleum~~

~~Clean/press shop pickup~~

~~Clothing or similar manufacturing~~

~~College or university~~

~~Community center: public~~

~~Contractors, electrical/mechanical/plumbing (no outside storage)~~

~~Convent or monastery~~

~~Convenience store with or without automotive fuel sales~~

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Country club, private  
Custom personal service shop  
Day camp for children  
Department store  
Drapery, sewing or weaving shop  
Drop-in child care center  
Drugstore or pharmacy  
Electrical generating station  
Electrical substation  
Electrical transmission line  
Fairgrounds or exhibition area  
Feed store  
Fire or police station  
Florist shop  
Food/beverage sales store  
Franchised utility lane  
Fraternal lodge or union hall  
Fraternity or sorority  
Furniture or appliance store  
Golf course; commercial  
Greenhouse or commercial nursery (on premises sales)  
Greenhouse or plant nursery (off premises sales)  
Handicraft shop and art objects  
Hardware or hobby shop  
Hauling or storage company  
Helistop  
Home for aged, residence  
Hospital, acute care  
Hospital, institution care  
Household appliance repair  
Key shop  
Laboratory, medical or dental  
Laboratory manufacturing  
Laboratory research

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Laundry/clean self-service  
Lithography or print shop  
Local franchise-utility  
Maintenance and repair services for buildings  
Massage, Therapeutic  
Medical appliances sale-rent  
Miniature golf course  
Mold and tool shop  
Monument manufacturing  
Mortuary or funeral home  
Motel or hotel  
Motorcycle sales and repair  
Municipal building and uses  
Musical instrument sales and manufacturing  
Natural gas regulating station  
Office, business and professional  
Office, medical or dental  
Paint shop  
Park or public playground  
Parking lot or structure, commercial (auto)  
Parking lot, trucks/trailers  
Pawnshop  
Pet shop  
Playfield or stadium (public)  
Plumbing shop (no outside storage)  
Private club  
Public facility; governmental unit  
Radio, microwave, TV tower  
Radio, television station  
Railroad passenger terminal  
Railroad team track  
Railroad track or right-of-way  
Religious institution  
Restaurant or cafeteria (not of drive-in type)

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~~Restaurant or cafeteria (drive-in type)~~  
~~Retail shop, apparel, gift accessories and similar items~~  
~~Rodeo grounds~~  
~~Roller or ice rink~~  
~~School, business~~  
~~School, commercial trade~~  
~~School, primary and secondary~~  
~~Sewage pumping station~~  
~~Studio, artist and/or photographer~~  
~~Studio, health and fitness~~  
~~Studio, music, dance, and/or drama~~  
~~Swim, tennis, handball club~~  
~~Swimming pool, commercial~~  
~~Telephone office~~  
~~Telephone exchange, switching, relay, or transmission station~~  
~~Theater or indoor playhouse~~  
~~Theater: open drive-in~~  
~~Theater: open drive-in~~  
~~Tool rental~~  
~~Trailer, manufactured home sales, or rental, assembly and manufacturing~~  
~~Travel bureau or consultant~~  
~~Veterinarian hospital~~  
~~Veterinarian, office only~~  
~~Veterinarian, supply store~~  
~~Water pumping station~~  
~~Water storage facility~~  
~~Water treatment plant~~  
~~Wholesale sales/storage~~

~~(b) — Accessory uses allowed:~~

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

(Ord. No. CSO#313-09-2015 , § 1(Ex. A), 9-21-2015; Ord. No. CSO#1124-09-2019 , § 1, 11-11-2019)

**77-110 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:

<b>Commercial Parking</b>	<b>Self Service Storage</b>	<b>Wholesale Sales</b>
<b>Office, Industrial</b>	<b>Vehicle Repair</b>	<b>Rail Lines and Utility Corridors</b>
<b>Schools</b>	<b>Day Care</b>	<b>Medical Centers</b>
<b>Aviation and Passage Terminals</b>	<b>Detention Facilities</b>	<b>Radio Frequency Transmission Facilities</b>

~~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)~~

~~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~~

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~~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~~

(Ord. No. B-582-N0512, § 1, 6-4-2012; Ord. No. CSO#313-09-2015 , § 1(Exh. A), 9-21-2015; Ord. No. CSO#1240-01-2020 , § 1, 1-21-2020)

**77-115. Height requirements.** No building shall exceed two stories or 35 feet except as noted in section 133, special height requirements.

**77-120. Development regulations.** The following minimum standards shall be required measured from property lines:

- (a) Lot size: None.
- (b) Depth of front yard: 20 feet minimum.
- (c) Depth of rear yard adjacent to commercial or industrial districts: None.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: ten feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: None.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: ten feet minimum.
- (g) Width of side yard adjacent to side street: ten feet minimum.

- (h) Width of lot: None.
- (i) Depth of lot: None.
- (j) Setback for gasoline service pumps: Notwithstanding the district yard requirements gasoline service station pump island may not be located nearer than 18 feet to the front property line, and the outer edge of the canopy shall not be nearer than ten feet to the front property line.
- (k) Development Regulations for Commercial properties located within the Old Town Overlay District shall be as established by the Burleson Old Town Design Standards.

**77-125. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**77-130. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**77-135. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

Cross reference(s)—Businesses, ch. 14.

**Section 78. IC, Interstate commercial district.**

**78-100. Purpose.** The IC, Interstate commercial district is established to accommodate transit and freight oriented commercial development, which represents a type of economic development appropriate for the diversification of the employment base of the city along IH-35 and portions of Chisholm Trail Parkway. Light industrial uses may also be appropriate in this district with due consideration to adjacent uses and sensitivity to pedestrian activity and economic growth. Any commercial use meeting the specified standards may locate in the IC district.

**78-105. Primary uses allowed.** In the IC, Interstate commercial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (a) Primary uses allowed:

<b>Retail Sales and Services*</b>	<b>Major Event Entertainment</b>	<b>Wholesales Sales</b>
<b>Commercial Outdoor Recreation</b>	<b>Office</b>	<b>Basic Utilities</b>
<b>Quick Vehicle Servicing</b>	<b>Self Service Storage</b>	<b>Religious Institutions</b>
<b>Medical Centers</b>	<b>Radio Frequency Transmission Facilities</b>	<b>Rail Lines and Utility Corridors</b>

**\*Liquor stores require a SUP (reference section 51-306 (C) 5; Retail Sales and Services)**

**78-110. 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:

<b>Manufacturing and Production</b>	<b>Commercial Parking</b>	<b>Light Industrial Services</b>
<b>Warehouse and Freight Movement</b>	<b>Waste Related</b>	<b>College</b>
<b>Community Services</b>	<b>Vehicle Repairs</b>	<b>Aviation and Passage Terminals</b>

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**78-115. Height requirements.** Building heights shall be subject to the requirements of Section 133 of the zoning ordinance, except as follows:

- (a) Nonresidential and mixed-use buildings may be constructed to a height not to exceed 65 feet. Government, institutional and other public buildings may be constructed to a height of 90 feet.
- (b) The heights of all buildings shall be subject to the provisions of the Spinks Airport Air Hazard Zoning Ordinance, as amended.
- (c) For properties that abut a residentially-zoned property, the building setback line adjacent to the residential property shall be increased one foot for each additional foot in building height over 50 feet. If a public road is located between the residentially-zoned property and the building, the road right-of-way width may be included in the setback calculation if the setback exceeds 100 feet.
- (d) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the top of the roof for flat roofs (not the parapet) and the mid-point for sloped roofs, and not along the side(s) of the building facing onto interior portions of the block.
- (e) Architectural embellishments that are not intended for human occupancy and are integral to the architectural style of the building may exceed the height limits of this section by up to the lesser of 50 percent over the permitted building height or 100 percent over the actual building height. Architectural embellishments include spires, belfries, towers, cupolas, domes, and roof forms whose area in plan is no greater than 25 percent of the first story plan area.
- (f) Mechanical equipment, including, mechanical/elevator equipment penthouse enclosures, ventilation equipment, antennas, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to 20 feet above the actual building height, and provided the same shall be 1) setback from all exterior walls a distance at least equal to the vertical dimension that such items(s) extend(s) above the actual building height, or 2) the exterior wall and visible roof surfaces of such items that are set back less than their vertical dimension above the actual building are to be constructed as architecturally integral parts of the building facade(s) or as architectural embellishments as described above.

**78-120. Development regulations.** In the IC, interstate commercial district, the following regulations apply to all uses.

- (a) Lot size: None.
- (b) Depth of front yard: 25 feet minimum.
- (c) Depth of rear yard adjacent to commercial or industrial districts: None.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: ten feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: None.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: ten feet minimum.
- (g) Width of side yard adjacent to side street: ten feet minimum.
- (h) Width of lot: None.
- (i) Depth of lot: None.

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- (j) Setback for gasoline service pumps: Notwithstanding the district yard requirements gasoline service station pump island may not be located nearer than 18 feet to the front property line, and the outer edge of the canopy shall not be nearer than ten feet to the front property line.

**78-125. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burseson Code of Ordinances] with additional requirements as outlined below for properties with frontage along or within 50 feet of IH-35 or Chisholm Trail Parkway:

(a) Trees shall have an average crown of 15 feet at maturity. Trees having a lesser crown may be substituted by grouping the same to create an equivalent of 15 feet of spread. At the time of planting, trees shall be a minimum of three-inch in caliper, as measured 12 inches above the soil level, and eight feet in height.

(b) Shrubs shall be a minimum of two feet in height after planting.

(c) Parking lot landscaping.

(1) The landscaped areas shall be protected by raised curbs, except where wheel stops are utilized at the front of parking spaces along a landscaped median between parking bays.

(2) Landscaped islands shall be located at the terminus of all rows of parking. The islands shall be a minimum five feet in width and extend the entire length of the parking stall. The islands shall contain at least one three-inch caliper tree consistent with the recommended tree list.

(d) Perimeter. All parking areas adjacent to a major or minor arterial street, as shown in the master thoroughfare plan, shall be located a minimum of 25 feet from the right-of-way line. All parking areas adjacent to a major or minor collector street, as shown in the master thoroughfare plan, shall be located a minimum of 15 feet from the right-of-way line. The area inside the setback shall be landscaped as follows:

(1) One large tree, three-inch in caliper minimum shall be planted on 30-foot centers within the required landscaped area.

(2) A minimum of 15 five-gallon shrubs shall be planted in the landscaped area for every 30 linear feet of frontage. The shrubs shall be planted in such a way to screen the parking lot from the roadway.

(3) The area inside the parking setback may be credited towards the overall landscaping requirement.

**78-130. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations with additional requirements as outlined below for properties with frontage along or within 50 feet of IH-35 or Chisholm Trail Parkway:

(a) Parking lots and buildings shall be set back at least 25 feet from the frontage roads of Interstate Highway 35 or Chisholm Trail Parkway. The area between the parking lot or building and the frontage road shall be landscaped in accordance with the requirements contained in this district.

(b) Large parking lots shall be laid out in such a way that they can be redeveloped into an urban block pattern consistent with the surrounding street grid. Accordingly, wet and dry utility conduits shall be designed and installed in a pattern that facilitates such redevelopment.

**78-135. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

**78-140. Fencing and Screening.** Fencing and Screening shall be in compliance with section 36, fencing and screening regulations. with additional requirements as outlined below for properties with frontage along or within 50 feet IH-35 of Chisholm Trail Parkway:

(a) Waste collection, mechanical equipment, HVAC systems and other support elements for buildings, whether on the ground or on rooftop, shall be screened from view of any person standing (i) on the property line on the far

side of an adjacent street or (ii) on the property line of the subject property along the frontage road of Interstate Highway 35 or Chisholm Trail Parkway, whichever is applicable.

(b) Loading docks, truck parking, outdoor storage, waste cans, waste dumpsters, trash compactors and other service functions shall be incorporated into the overall design of the building and landscape so that the visual impacts are contained and out of view from adjacent properties and public streets. This requirement shall not be applicable for service functions located along double-loaded alleys.

(c) Screening materials shall be the same or equal quality as those used for the principal building.

## Section 79. LI, Light industrial district.

**79-100. Purpose.** The I, industrial district is established to accommodate industrial development, which represents a type of economic development appropriate for the diversification of the employment base of the city. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration. Any commercial use meeting the specified standards may locate in the LI, Light industrial district. **Any parcels previously zoned I, Industrial shall be granted the LI, Light industrial zoning district standards by-right.**

**79-105. Primary uses allowed.** In the I, industrial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:

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

~~Airport or landing field~~

~~Animal pound, private~~

~~Asphalt/concrete batching (permanent)~~

~~Asphalt/concrete batching (temporary)~~

~~Auto glass, seat cover, muffler shop~~

~~Auto laundry/carwash~~

~~Auto, new used auto sales (outdoors)~~

~~Auto painting or body shop~~

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~~Auto parts and accessory sales (no outside storage)~~  
~~Auto parts sales and accessory sales (with outside storage)~~  
~~Auto repair garage~~  
~~Auto sales or auction~~  
~~Automobile/truck rental service~~  
~~Automotive fuel sales~~  
~~Bakery or wholesale candy~~  
~~Bottling works~~  
~~Brick kiln or tile plant~~  
~~Building materials sales~~  
~~Bus station or terminal~~  
~~Cabinet and upholstery shop~~  
~~Clean/press shop pickup~~  
~~Cleaning plant commercial~~  
~~Clothing or similar manufacturing~~  
~~Contractors, electrical/mechanical/plumbing (no outside storage)~~  
~~Contractors, electrical/mechanical/plumbing (with outside storage)~~  
~~Contractor; storage/equipment~~  
~~Convenience store with or without automotive fuel sales~~  
~~Custom personal service shop~~  
~~Dyeing/laundry plant; commercial~~  
~~Electrical generating~~  
~~Electrical substation~~  
~~Electrical transmission line~~  
~~Fire or police station~~  
~~Food/beverage sales store~~  
~~Franchised utility lane~~  
~~Franchised utility shop/yards~~  
~~Greenhouse or plant sales (on premises sales)~~  
~~Greenhouse or commercial nursery (off premises sales)~~  
~~Hatchery~~  
~~Hauling or storage company~~  
~~Heavy machinery sales/repair~~  
~~Heliport~~

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Helistop  
Kennel (indoor)  
Laboratory, medical or dental  
Laboratory manufacturing  
Laboratory research  
Light manufacturing or assembly  
Lithography or print shop  
Local franchise utility  
Maintenance and repair services for buildings  
Massage, Therapeutic  
Milk depot, ice cream plant  
Miniwarehouse  
Monument manufacturing  
Motor freight terminal  
Motorcycle sales and repair  
Municipal building and uses  
Natural gas regulating station  
Open storage of commercial goods  
Paint shop  
Parking lot or structure, commercial (auto)  
Parking lot, trucks/trailers  
Petroleum or gas well  
Petroleum storage/collection  
Plumbing shop (no outside storage)  
Plumbing shop (with outside storage)  
Public facility; governmental unit  
Radio, microwave, TV tower  
Radio, television station  
Railroad freight terminal  
Railroad passenger terminal  
Railroad team track  
Railroad track or right-of-way  
Religious institution  
Restaurant or cafeteria (not of drive-in type)

~~Restaurant or cafeteria (drive-in type)~~  
~~Sand/gravel extraction/storage~~  
~~Sewage pumping station~~  
~~Sewage treatment plant~~  
~~Sexually oriented business (subject to compliance with all provisions of Chapter 14, sections 14-471 through 14-499, Burlison Code of Ordinances)~~  
~~Storage warehouse~~  
~~Taxidermy shop~~  
~~Telephone office~~  
~~Telephone exchange, switching, relay, or transmission station~~  
~~Tool rental~~  
~~Topsoil/sand extraction/storage~~  
~~Veterinarian, office only~~  
~~Veterinarian hospital~~  
~~Veterinarian with outside animal pens~~  
~~Water pumping station~~  
~~Water storage facility~~  
~~Water treatment plant~~  
~~Welding or machine shop~~  
~~Wholesale sales/storage~~

(b) — Accessory uses allowed:

~~Accessory building, (neighborhood service, commercial, business, or industry)~~  
~~Caretaker's or guard's residence~~  
~~Off-street parking~~

(Ord. No. CSO#1124-09-2019 , § 1, 11-11-2019; Ord. No. CSO#1240-01-2020 , § 1, 1-21-2020)

**79-110. 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:

Detention Facilities	Waste Related	Mining
		Sexually oriented business

~~Auto impoundment~~  
~~Cement or hydrated lime~~

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~~Dump or sanitary landfill~~

~~Electrical generating~~

~~Kennel (indoor)~~

~~Meat product processing or manufacturing~~

~~Stable or barn, private~~

~~Go-cart track~~

~~1. Must be a minimum of 500 feet from any adjacent residentially zoned property.~~

~~Livestock auction~~

~~1. Must be a minimum of 1,000 feet from any adjacent residential district.~~

~~2. Must be completely screened from all adjacent residential district and roadways.~~

~~Open salvage yard~~

~~1. Must be a minimum of 1,000 feet from any adjacent residential district.~~

~~2. Must be completely screened from all adjacent residential district and roadways.~~

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

~~Tire retreading, recapping, and storage~~

~~1. Must be a minimum of 1,000 feet from any adjacent residential district.~~

~~2. Must be completely screened from all adjacent residential district and roadways.~~

~~Wrecking or auto salvage yard~~

~~1. Must be a minimum of 1,000 feet from any adjacent residential district.~~

~~2. Must be completely screened from all adjacent residential district and roadways.~~

(Ord. No. CSO#109-01-2015 , § 1.B., 1-5-2015; Ord. No. CSO#1240-01-2020 , § 1, 1-21-2020)

**79-115. Height requirements.** No building shall exceed two stories or 35 feet except as permitted by section 133, special height requirements.

**79-120. Development regulations.** In the I, industrial district, the following regulations apply to all uses.

- (a) Lot size: None.
- (b) Depth of front yard: 20 feet minimum.
- (c) Depth of rear yard adjacent to commercial or industrial districts: None.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: ten feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: None.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: ten feet minimum.
- (g) Width of side yard adjacent to side street: ten feet minimum.
- (h) Width of lot: None.
- (i) Depth of lot: None.

- (j) Setback for gasoline service pumps: Notwithstanding the district yard requirements gasoline service station pump island may not be located nearer than 18 feet to the front property line, and the outer edge of the canopy shall not be nearer than ten feet to the front property line.
- (k) Location criteria for sexually oriented businesses: See Chapter 14, Sections 14-473 and 14-474, Burleson Code of Ordinances.

**79-125. Landscaping.** Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

**79-130. Parking.** Parking shall be in compliance with section 134, vehicle parking regulations.

**79-135. Off-street loading.** Off-street loading shall be in compliance with section 135, off-street loading regulations.

**Section 80. HI, Heavy & High Energy industrial district.**

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

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

- (b) Primary uses allowed:

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

**80-110. Specific use permit.** See section 130, specific use permit. Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations, and a public hearing is required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit.

Applicants seeking to operate an identified as the use category of High Energy Industrial, shall petition City Council for rezoning to HI, high energy use district pursuant to the procedure listed under Burleson Code of Ordinances, Appendix B Zoning, Article I Administrative, § 6 Amendments. A Special Use Permit and Commercial Site Plan shall be required for any request for High Energy Industrial.

The City Council shall consider whether additional landscaping, buffering, screening, noise and glare mitigation, or other general performance standards are required to mitigate noise and/or visual impacts to the community and surrounding neighborhood and properties. Noise barriers shall use sound absorbing rather than reflective materials.

(b) Uses allowed with a specific use permit:

<b>Mining</b>	<b>Waste Related</b>	<b>Detention Facilities</b>
	<b>High Energy Industrial</b>	<b>Sexually oriented business</b>

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

**80-120. Development regulations.** In the I, industrial district, the following regulations apply to all uses.

- (a) Lot size: None.
- (b) Depth of front yard: 40 feet minimum.
- (c) Depth of rear yard adjacent to commercial or industrial districts: 40 feet minimum.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: 50 feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: 20 feet minimum.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: 25 feet minimum.
- (g) Width of side yard adjacent to side street: 20 feet minimum.
- (h) Width of lot: None.
- (i) Depth of lot: None.
- (j) Buffer: The closest portion of any building or other structure utilized for High Energy uses shall be two hundred (200) feet from the nearest boundary of any district allowing residential uses and one hundred (100) feet from the nearest boundary of any retail or commercial zoning district.
- (k) Location criteria for sexually oriented businesses: See Chapter 14, Sections 14-473 and 14-474, Burleson Code of Ordinances.

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

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

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

**80-140. General performance standards HI, Heavy industrial district.** All uses in the I industrial district shall conform in operation, location and construction to the performance standards for noise, odorous matter, toxic and

noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage and glare as contained in this section.

- (a) *Smoke*. The requirements of the state law and regulations.
- (b) *Particulate matter*. The requirements of the state law and regulations.
- (c) *Odor*. No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.
- (d) *Toxic material*. The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.
- (e) *Glare*. All artificial light sources shall be shielded so as to prevent direct rays of light from crossing a zoning district boundary line.
- (f) *Vibration*. Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earth born vibrations in excess of the limits set forth in the table below are prohibited. Vibrations shall be expressed as resultant displacement in inches.

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

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

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

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125Feet from Plant or Operation Lot Line
	<i>Light Industrial</i>
0—75	67
75—150	62
150—300	58

300—600	54
600—1,200	49
1,200— 2,400	45
2,400— 4,800	41
Above 4,800	37

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

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

- (h) *Fire hazards.* The storage, use or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable city codes and ordinances. The storage, use or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable city codes and ordinances provided the following condition is met:
  1. Materials or products shall be stored, used or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  2. The storage, use, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in [accordance] with (exclusive of storage of finished products in original sealed containers) the city's fire code as interpreted by the city fire marshal.
- (i) *Water pollution.* No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the state laws and regulations.
- (j) *Liquid or solid waste.* No discharge at any point will be allowed into any public sewer, private sewer disposal system.

## Section 82. BP, Business park district.

**82-100. Purpose.** The BP, Business park district is established to encourage employment opportunities by attracting industries with strong potential for upward mobility of skilled workers such as, cold storage, logistics, distribution, and warehousing. This district will include a mix of low and medium density industrial buildings and industrial yards and have large surface parking for cars and trucks. The business park district shall rely on quality road access and may be linked to rail for freight purposes. This land use shall need wide street lanes and large intersections. Transit, sidewalks and other pedestrian improvements shall be limited. Any commercial use meeting the specified standards may locate in the BP district.

**82-105.** Primary uses allowed. In the BP, Business 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:

(a) Primary uses allowed:

<b>Commercial Parking</b>	<b>Aviation and Passage Terminals</b>	<b>Radio Frequency Transmission Facilities</b>
<b>Manufacturing and Production</b>	<b>Warehouse and Freight Movement</b>	<b>Wholesales Sales</b>
<b>Basic Utilities</b>	<b>Office</b>	<b>Medical Center</b>
<b>Retail Sales and Services</b>	<b>Light Industrial Services</b>	<b>Religious Institutions</b>

**82-110. 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.

(b) Uses allowed with a specific use permit:

<b>Railyards and Utility Corridors</b>	<b>Heavy Industrial Services</b>	<b>Waste Related</b>
<b>College</b>	<b>Mining</b>	

**82-115. Height requirements.** 80 feet maximum, or 120 feet with SUP approval for height

**82-120. Development regulations.** In the BP, business park district, the following regulations apply to all uses.

- (a) Lot size: 2 acres minimum.
- (b) Depth of front yard: 70 feet along IH-35 and adjacent to residential uses. 40 feet all other locations.
- (c) Depth of rear yard adjacent to commercial or industrial districts: None.
- (d) Depth of rear yard adjacent to residential districts whether separated by an alley or not: thirty feet minimum.
- (e) Width of side yard adjacent to commercial or industrial districts: None.
- (f) Width of side yard adjacent to residential district whether separated by an alley or not: thirty feet minimum.
- (g) Width of side yard adjacent to side street: thirty feet minimum.
- (h) Width of lot: None.
- (i) Depth of lot: None.
- (j) Lot coverage: 75% of lot area maximum.

**82-125. Landscaping.**

(a) Landscaped areas, for the purposes of this section, shall include all outside plantable ground surface including buffers, parking lot landscaping, and other required landscaped areas. It shall not include areas inside buildings or any paved or hard surfaced area such as walks, drives, parking areas, and hard surfaced recreation areas. Landscaping total area shall encompass no less than ten percent of the total lot.

(b) Landscaping shall be used to:

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- (1) Mark entrance points and parking areas.
  - (2) Shield or define service areas and property divisions, and to enhance building scale and forms.
- (c) Landscaping, in accordance with the plans submitted must be installed within:
- (1) Thirty days following the issuance of a certificate of occupancy by the city; or
  - (2) As soon as practical allowing for the seasons of the year; but
  - (3) In no event later than 180 days following the issuance of a certificate of occupancy.
- (d) Landscaping which has been installed on any property must be properly maintained at all times.
- (e) Landscape treatment shall not interfere with visibility triangle requirements at street or driveway intersection or violate any rule, regulation or ordinance, adopted by the city relating to the site line requirements.
- (f) In all areas designated as flood areas or preserve areas, the natural condition of the areas must be left in place and maintenance is limited to removal of debris and dead plant materials.
- (g) Plant materials used in landscaping shall include trees such as:
- (1) Fraxinus Texensis—Texas Ash
  - (2) Forsythia x Intermedia—Golden Bell
  - (3) Quercus Shumardii—Shumard Oak
  - (4) Pistacia Chinensis—Chinese Pistache
  - (5) Juniper Chinensis 'Sea Green'—Sea Green Juniper
- (h) When berms are used, the following design requirements shall be met:
- (1) Berms shall vary in height and contoured for a "natural" look. A straight line "levee" effect shall be avoided.
  - (2) Berms shall be teardrop in form with the tails overlapping adjacent berms and adequate drainage will be allowed between tails of adjoining berms.
  - (3) Manholes, cleanouts, or other points of access to utility lines shall be preserved as required in the design and construction of the berms.
  - (4) Berms should have shrubbery or tree planting added to those areas less than 30 inches high in order to more fully screen the view of vehicles in parking lots and loading areas.
- (i) Buffer area landscaping:
- (1) No building, structure, or parking shall be permitted in the landscaped buffer areas.
    - 1. The design of the buffer shall consist of:
      - a. Grasses, ground covers, trees, shrubs, decorative walls, earthen berms, and other commonly used and accepted landscape treatments, or
      - b. Natural areas with preserved existing trees and native vegetation.
    - 2. Landscape buffer shall be provided on property as follows:
      - a. Thirty-foot adjacent to IH-35 W and Type "A" street section.
      - b. Twenty-foot adjacent to Type "B" street sections.
      - c. Ten-foot adjacent to Type "C" street sections.

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(j) Parking area landscaping:

- (1) Shall include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side.
- (2) Shall consist of the following:
  1. A minimum of one large tree, three-inch caliper minimum, or a small tree, minimum eight feet in height at the time of planting, for every 20 parking spaces and one small tree for every 30 parking spaces.
  2. Parking lot landscape islands shall be a minimum five feet wide and 150 square feet in area.
  3. All parking spaces, shall be located within 150 feet from a tree.
  4. The trees should be distributed in groupings that imitate natural growth patterns through out the site.
  5. The placement of trees shall be coordinated with the location of lights used to illuminate a parking area so they will be of such stature so that, at maturity with normal trimming, they will not interfere with the lighting.

**82-130. Parking and Loading.**

- (a) Adequate off-street parking shall be provided to prevent any parking or staging of vehicles or truck traffic in any street right-of-way.
- (b) No parking shall be permitted on any street.
- (c) All parking areas, and truck loading and staging areas shall be paved with concrete having the strength and durability equal to or better than that of five-inch, 3,000 p.s.i. concrete as designed and approved by a licensed professional engineer based upon appropriate soil reports.
- (d) All loading areas shall be screened from view from public rights-of-way by utilizing one or both of the following: masonry screening walls or a dense landscaping screen.
- (e) Loading areas or loading doors shall not:
  - (1) face IH-35, Chisolm Trail Parkway, or Type "A" street section.
  - (2) be located within 100 feet of a public right-of-way.
- (f) Parking areas utilized for the shipping and receiving of large quantities of goods and services shall be separated from public and employee parking.
- (g) Number of parking spaces: for uses not mentioned below parking standards from Appendix B Zoning Ordinance shall apply.
  - (1) Warehouse/Distribution, 1 space per 5,000 sq. ft.
  - (2) Manufacturing, 1 space every two employees
  - (3) Office, 1 space per 400 sq. ft.
  - (4) Retail, 1 space per 300 sq. ft.

**82-135. Fencing and Screening.**

- (a) Overall.

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- (1) All screening walls except security fences shall be constructed so as to observe building setback lines.
  - (2) Screening shall be of a height at least equal to that of the materials or equipment being stored, but in no event shall be less than eight feet in height.
  - (3) All outside storage areas shall be screened from public view and the location of outside storage shall be to the rear of the front façade of the primary structure.
  - (4) The following equipment shall either be housed in closed buildings or otherwise screened from public view or view from adjacent structures in a manner architecturally compatible with the building with landscaping and/or permanent walls of solid materials similar to the building materials and be located as far from the front and side property lines as reasonably possible:
    - a. Trash containers or compactors;
    - b. Incinerators;
    - c. Trucks;
    - d. Water tanks;
    - e. Storage tanks;
    - f. Processing and utility equipment; and
    - g. Detention/retention areas.
  - (5) All roof-top equipment shall be screened from view using opaque materials which are similar in color and texture to those used in the building construction.
  - (6) Parking areas shall be screened from adjacent streets with building layout or with two and one-half-foot high walls, berms or decorative fences, and shrubs (3 gallon minimum).
  - (7) A security fence (a fence other than a required screening wall) shall be permitted for use to secure key areas of a site, including truck loading and parking areas, non-public parking areas, storage areas, and similar areas.
    - a. Security fences are not permitted within the front yard of a lot.
    - b. Security fences shall not be constructed of wooden materials.
    - c. Security fence shall not be permitted to have barbwire atop it.
    - d. Chain link security fences are prohibited.
    - e. Security fences may be constructed of wrought iron, decorative metal, or a similar quality material. Corrugated metal or R-panel type material is not considered decorative metal.
    - f. When a security fence is utilized, it shall be no greater than eight feet tall.
    - g. Security fences shall be designed and placed so as to be as unobtrusive as possible and will be black in color.
    - h. Use of dense landscaping made of natural buffer area with native vegetation, or landscaping that utilizes ornamental grasses, trees, shrubs and berms to soften the visual impact of a security fences shall be required.

**Sections 83—84. Reserved.**

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## Section 85. PD, planned development district.

~~85-100. Purpose. The PD, planned development district is established to provide for greater flexibility and discretion in the application of a variety of land uses and more effective mitigation of potentially adverse impacts on adjacent land than is possible under conventional district regulations. It is recognized that it is desirable for certain improved sites within the city to be redeveloped and for other unimproved sites to be developed in a manner compatible with adjacent improved land in accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development. Improvements and uses in a PD district are subject to conformance with an ordinance and development plan approved by the city council after a recommendation from the planning and zoning commission.~~

The PD, Planned Development District is a district that provides the flexibility to permit development projects which should include multiple land uses. Such districts should accommodate planned associations of uses developed as integral land use units such as (but not limited to) industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A Planned Development (PD) District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Code. While greater consideration is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to allow the greatest flexibility and innovation in development projects while protecting against misuse of desired design and land use regulations.

~~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.~~

### ~~85-110. Approval procedures.~~

- ~~(a) The procedures for approval of a request for a zoning change to PD shall be the same as for a requested change to any other zoning classification as set forth in section [6], amendments of this ordinance.~~
- ~~(b) The application for PD zoning shall be accompanied by a development plan meeting the requirements of this section.~~
- ~~(c) No application for PD zoning shall be accepted unless accompanied by a development plan and the appropriate filing fee.~~
- ~~(d) Minor changes to an approved development plan, which will not cause any of the following circumstances to occur, may be authorized by the city manager or the city manager's designee:
  - ~~(1) A five percent or greater increase in the gross floor areas of structures.~~
  - ~~(2) Any substantial and material changes in such external effects on adjacent property as noise, heat, light, glare and vibration.~~
  - ~~(3) A substantial and material reduction in the originally approved separations between buildings.~~
  - ~~(4) Any adverse changes in traffic circulation, safety, drainage and utilities.~~
  - ~~(5) A five percent or greater increase in the height of structures.~~
  - ~~(6) A ten percent or greater reduction in the originally approved setbacks from property lines.~~
  - ~~(7) A five percent or greater increase in ground coverage by structures.~~~~

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~~(8) A five percent or greater reduction in the ratio of off-street parking and loading space.~~

~~(9) A change in the size, height, lighting, flashing, animation or orientation of originally approved signs.~~

~~(f) The city manager or the city manager's designee shall determine whether changes being requested, this determination may be appealed by the applicant to the zoning board of adjustment. Any change deemed not to be a minor change, as indicated above, shall be processed as a new application in accordance with the provisions of this section.~~

**85-110. Planned Development Requirements. All Planned Development proposals must comply with the following requirements or they will not be accepted by staff for consideration.**

- (a) The minimum area for a Planned Development shall be no less than five (5) acres.
- (b) Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- (c) 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.
- (d) 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.
- (e) The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- (f) Planned Development applications without a mixed-use component or combination of uses will not be accepted. The definition of mixed use will be established herein.
- (g) All planned developments shall provide for 10 percent (10%) of the development in usable open space exclusive of street yard landscaping. This includes, but not limited to, landscaped hike/bike trail, open area recreational facilities, parks and playgrounds, water features and decorative objects such as fountains. Usable open space shall not include rooftops, accessory buildings, parking areas, driveways, turnaround areas, or the right-of-way or easement for streets or alleys.

**85-115. Submittal requirements. In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require, at minimum, a Conceptual Site Plan and a written Planned Development proposal explaining all aspects of the requested PD including any deviations from this Code as well as the benefits of the proposed development to the public.**

- (a) **Conceptual Plan** - This plan shall be submitted by the applicant at the time of the PD request. The plan shall show the applicant's intent for the use of the land within the

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proposed Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The written standards in the approved PD ordinance shall be the governing authority for the PD if any discrepancy between the concept plan and future site plan submittals exist. The City may prepare application form(s), which further describe and explain the following requirements:

1. *General use*
2. *Preliminary lot arrangements*
3. *Size, type, height and location of buildings and building sites*
4. *Building elevation*
5. *Access*
6. *Density*
7. *Fire lanes*
8. *Topography*
9. *Boundary of PD area*
10. *Existing conditions of the site*
11. *Location of future public facilities including streets, water, sanitary sewer, etc.*
12. *Parking ratios*
13. *Conceptual landscaping*
14. *Other information to adequately describe the proposed development*

**85-120. Considerations for PD zoning and development plan approval.** During the review and evaluation process for PD zoning and development plan approval, the following criteria shall be considered:

- (a) The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property.
- (b) The adequacy of utilities, access roads, drainage and other necessary supporting facilities that have been or will be provided.
- (c) The adequacy of the design, location and arrangement of all driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
- (d) The adequacy of any nuisance prevention measures that have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration.
- (e) The effect directional lighting will have on neighboring properties.
- (f) The impact of the proposed development on adjacent property values and on the ability of the adjacent property to be developed.

In approving a development plan, the planning and zoning commission or city council may impose additional reasonable requirements necessary to protect the public interest and welfare of the community.

**85-125. Development plan approval requirements.** No building permit or certificate of occupancy shall be issued and no use of land, buildings or structures shall be made in the PD district until the same has been approved by the city council as part of a development plan in compliance with the procedures, terms and conditions of this section.

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~~**85-130. Development plan requirements.** The development plan submitted in support of a request for development plan approval shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. As much of this information as possible should be contained on a single plan; however, it may be desirable to provide some of the information on separate plans for purposes of clarity. The development plan shall show at least the following items of information:~~

- ~~(a) A scale drawing of proposed public or private streets and alleys; building sites or building lots; areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of the tract; and topography with a contour interval of not less than five feet, or spot grades where the relief is limited.~~
- ~~(b) Where multiple types of land use are proposed, a land use indications delineating the specific areas to be devoted to various uses.~~
- ~~(c) Where building complexes are proposed, a showing of the location of each building and the minimum distance between buildings, and between buildings and the property line, street line and/or alley line. For buildings more than one story in height, except for single family and two family residences, elevations and/or perspective drawings may be required in order that the relationship of the building to adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposure for access, light and air.~~
- ~~(d) The arrangement and provision of off-street parking and off-street loading where required. Any special traffic regulation facilities proposed or required to ensure the safe function of the circulation plan.~~
- ~~(e) A designation of the maximum building coverage of the site.~~
- ~~(f) Location of screening and landscaping where such treatment is essential to the proper arrangement of the development in relation to adjacent property. The plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the city council.~~

**85-135. Development schedule.** A schedule of development shall be submitted with the development plan. Estimated phasing of the development defining construction start and finish dates shall be provided. The applicant shall provide a status report annually stating the status of development to the community development director or his/her designee for review by the development assistance committee. Proposed revisions to the development schedule may be submitted at the time of the annual report. If it is determined that significant revisions are proposed, the development assistance committee may submit the development schedule to the planning and zoning commission and city council for consideration and appropriate action. Failure to submit a report may be considered violation of the condition of the planned development.

**85-140. Site plan requirements.** A site plan, as defined and regulated by section 131-125, site plan regulations, shall accompany any application for building permit. Said site plan shall be consistent with the general provisions of the approved development plan and will be reviewed by the development assistance committee and approved by the city council upon recommendation by the planning and zoning commission.

~~**85-145. Design standards and regulations relating to construction in the planned development district.** Planned development zoning district ordinances and related development plans generally divide planned development areas into general use categories. The city council intends the specific design standards in chapters 10, 11, 36, 63, 86 and appendices A—C to control the actual construction and development of the individual land uses unless it should expressly change or alter those development standards for a category of use or a specific facility within a planned development district. The city council approves each planned development zoning district subject to the design standards and regulations identified above as existing and adopted on the date an actual construction~~

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~~permit is requested. Any area of a planned development district approved for single family residential detached development shall develop under the design standards and regulations identified above as they existed when the first construction permit for a single family residence was requested for a home in that planned development district.~~

~~(Ord. No. CSO#722-10-2017, § 2, 10-16-2017)~~

~~Editor's note(s) — Ord. No. CSO#722-10-2017, § 1, adopted Oct. 16, 2017, repealed the former § 85-145, and enacted a new § 85-145 as set out herein. The former § 85-145 pertained to landscaping, screening, parking, and area regulations, and derived from original codification.~~

**85-150. Approval.** Every planned development district approved under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the property involved. In approving the planned development district, the city council may impose conditions relative to the standard of development, and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the planned development district; and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

**85-155. Violations.** The violation of any condition or requirement on an approved development plan or any construction or use that is not in compliance with an approved site plan shall be deemed to be a violation of the ordinance which granted the PD zoning change subject to development plan approval.

## **Section 86. SP, site plan district.**

**86-100. Purpose.** The SP Site Plan District is utilized to develop difficult or unusually sized or shaped land areas in order to promote new planning concepts, to develop multiple land uses, and to establish compatible land uses within a more restrictive neighborhood or area. No minimum or maximum land area is required for the SP district. **This is a legacy district and no new additional parcels shall be zoned SP.**

### **86-105. Primary uses allowed.**

- A. No land shall be used and no building shall be erected for or converted to any use other than the specific use or uses authorized by an ordinance of the City of Burleson granting a zoning change to an SP Site Plan District under the terms and conditions of this subsection and in accordance with the procedures set forth below. Any use not prohibited by the zoning ordinance or other ordinances of the city may be authorized in an SP district. Single-family residential uses, either attached or detached, may be authorized in an SP district.
- B. A listing of the permitted uses for the property that is changed to an SP Site Plan District shall be determined by the city council when the change to the SP district is granted. The list may be a text attachment to the ordinance changing the zoning or shown on the required conceptual site plan approved by the city council.

### **86-110. Review and implementation.**

- A. *Review procedures.* A change of zoning to the SP district shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application, as specified in the zoning ordinance.
- B. *Conceptual site plan.* All applications for the SP district shall include a conceptual site plan. The conceptual site plan shall contain all of the following information in graphic or written form, as appropriate. The information shall be prepared by a registered design professional such as an architect, engineer, landscape architect, planner or surveyor.

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1. North arrow; graphic and written scale; date of preparation.
  2. Vicinity map showing the area in which the property is located.
  3. Title in lower right-hand corner: "Conceptual Site Plan for SP zoning request."
  4. Project name and address.
  5. Owner/applicant name and address.
  6. Design professional name and address.
  7. Legal description of property by survey or plat, showing boundary dimensions, bearings and existing easements.
  8. Label of existing zoning of the property, existing land use, and proposed land use.
  9. Adjacent tracts labeled with owners name, existing zoning, and land use.
  10. Conceptual representation of proposed land use(s) and improvements to the property.
  11. Approximate location of existing trees and extent of tree cover.
  12. Screening devices, fences and landscaping.
  13. Other information the owner/application wishes to include.
  14. Other information as may be reasonably required by city staff, planning and zoning commission, or city council.
- C. *Additional information.* As part of the review and consideration of the application, the city council and the planning and zoning commission may require the applicant to provide additional plans, information, operating data or expert evaluation concerning the location and function and characteristics of any building, structure or use proposed.
- D. *Conditions of approval.* The city council may impose any conditions and restrictions as it deems are necessary to protect any surrounding property, surrounding use, or neighborhood character, and to insure the appropriate conduct of the permitted uses. Said conditions and restrictions may include but are not limited to the following.
1. Specific development standards.
  2. Requiring public facility improvements and means of ingress and egress of public streets.
  3. Establishing conditions on operation or activities.
  4. Establishing time limits.
  5. Establishing the location, arrangement and construction of any uses or structures.
  6. Providing restrictions to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, fumes, gas, odor, explosion, glare, or offensive view of other undesirable or hazardous conditions.
- Such conditions and restrictions shall not be construed as conditions precedent to the granting of the SP Site Plan District zoning, but must be complied with prior to the granting of a certificate of occupancy.
- E. *Zoning map designation.* On the official zoning map, an SP Site Plan District shall bear the designation "SP" followed by the ordinance number that rezoned the property to a Site Plan District.

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- F. *Administrative changes to conceptual site plan.* Minor changes to the conceptual site plan may be authorized by the city manager or the city manager's designee provided such minor changes will not cause any of the following circumstances to occur.
1. A change in or addition of a land use in the development.
  2. A five percent or greater increase in the gross floor areas of any structure on a lot.
  3. A five percent or greater increase in the height of any structure.
  4. A ten percent or greater reduction of approved building setbacks.
  5. A five percent or greater increase in lot coverage by structures.
  6. A five percent or greater reduction in the number of off-street parking spaces on a lot.
  7. The elimination or modification of a specific condition of approval other than those listed above.
- If in the opinion of the city manager or the city manager's designee, the proposed changes to the site plan are not minor changes under the above criteria, then the changes may only be approved by the city council. The city council may consider the changes as part of a revised site plan, which shall be submitted and processed in accordance with the regulations of this section.
- G. *Effect of conceptual site plan.* The approval of a conceptual site plan as part of the SP zoning district shall not eliminate the requirement for approval of a commercial site plan, if required by the zoning ordinance, prior to the issuance of a building permit on the property.
- H. *Violations.* The violation of any condition, restriction or requirement on an approved site plan or any construction or use that is not in compliance with an approved site plan shall be deemed a violation of the ordinance that granted the SP district zoning change.

**Sections 87—99. Reserved.**