

APPENDIX B - ZONING

Footnotes:

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Editor's note— Printed herein are the zoning regulations, as adopted by Ord. No. B-582(G0410), §§ 1, 2, adopted Apr. 19, 2010. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. Ord. No. B-582(G0410), §§ 1, 2, adopted Apr. 19, 2010, deleted the former App. B, Art. 1, §§ 1—10, Art. 2, §§ 11, 12, Art. 3, §§ 13—32, Art. 4, §§ 33—45, Art. 5, §§ 46—58 and enacted a new App. B as set out herein. The former App. B pertained to zoning and derived from Ord. No. B-582, 9-11-1997; Ord. No. B-612, §§ I—IV, 12-3-1998; Ord. No. B-705, § 1, exh. A, 10-9-2003; Ord. No. B-708, § I, exh., 12-11-2003; Ord. No. B-716, §§ I—III, 6-10-2004; Ord. No. B-723, § I(exh. A), 11-4-2004; Ord. No. B-728, § I(25-120(k)), §§ II(26-120(b) and III(26-125)), § IV(27-120(k)), 12-9-2004; Ord. No. B-752-06, § 1, 7-13-2006; Ord. No. B-582(B1109), § 1, 12-7-2009; Ord. No. B-582(C0210), § 1, 2-15-2010; Ord. No. B-582(D0210), § 1, 2-15-2010; Ord. No. B-582(E0310), § 1, 3-15-2010; Ord. No. B-582(F0310), § 1, 4-5-2010.

Charter reference— Zoning authority, § 9.

Cross reference— Buildings and building regulations, ch. 10; environment, ch. 34; floods, ch. 42; manufactured homes and trailers, ch. 50; planning and development, ch. 62; streets, sidewalks and other public places, ch. 70; vegetation, ch. 86.

State Law reference— Zoning, V.T.C.A., Local Government Code § 212.001 et seq.

ARTICLE I. - ADMINISTRATIVE

Footnotes:

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Cross reference— Administration, ch. 2.

Section 1. - Purpose.

1-100. General. The purpose of this ordinance is to establish zoning regulations and districts in accordance with a the city's comprehensive land use plan in order to promote the health, safety, morals and the general welfare of the city. They have been designed to lessen congestion in the streets; to assure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of populations; to facilitate the adequate provision of transportation, water, sewer facilities, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with the comprehensive plan. Nothing herein shall be construed to grant "permanent" zoning.

Section 2. - Zoning districts established.

2-100. Zoning districts. The city is hereby divided into 19 zoning districts. The use, height, and development regulations as established are uniform in each district. The 19 districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural district

SFE	Single-family estate district
SF16	Single-family dwelling district-16
SF10	Single-family dwelling district-10
SF7	Single-family dwelling district-7
SFA	Single-family attached dwelling district
2F	Two-family dwelling district
MF1	Multiple-family one dwelling district
MF2	Multiple-family two dwelling district
MH	Manufactured housing dwelling district
MHP	Manufactured housing park district
NS	Neighborhood service district
GR	General retail district
CC	Central commercial district
C	Commercial district
I	Industrial district
SP	Site Plan district
PD	Planned development district
SFR	Single-family rural district

2-101. Overlay zoning districts. The city has hereby created two overlay zoning districts. The use, height, and development regulations as established are uniform in each district. The two districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
OT	Old Town overlay district.
IH-35	IH-35 overlay district.

Section 3. - Zoning district map.

3-100. Boundaries. The boundaries of the zoning districts are delineated on the zoning district map of the city, which is incorporated in and made a part of this ordinance for all purposes.

3-101. Adoption. Original, official, and identical copies of the zoning district map are hereby adopted bearing the signature of the mayor and the attestation of the city secretary and shall be filed and maintained as follows:

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

- (e) Reproductions for information purposes may, from time to time, be made of the official zoning district map.

Section 4. - Rules for interpretation of zoning district boundaries.

4-100. Typically. The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines or their extensions. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (a) *Centerlines.* Boundaries indicated as approximately following the centerlines or rights-of-way lines of streets or alleys shall be construed to follow such centerlines or rights-of-way.
- (b) *Lot lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines so as to eliminate a zoning division on any platted lot.
- (c) *City limits.* Boundaries indicated as approximately following the city limits shall be construed as following the city limits.
- (d) *Streams, rivers, or shorelines.* Boundaries indicated as following the centerline of streams or rivers or the shoreline of lakes or ponds shall be construed as following such centerlines or shorelines as the case may be.
- (e) *Extensions of features.* Boundaries indicated as parallel to or extensions of features indicated in [subsections] (a) through (d) above shall be so construed. Distances not specifically indicated on the zoning district map shall be determined by the scale of the map.
- (f) *Vacated public way.* Whenever any street, alley, or other public way is vacated by official action of the city council, the zoning district line adjoining each side of the street, alley, or other public way shall be automatically extended to the centerline of the vacated street, alley or way and all area so involved shall be subject to regulations of the extended districts.
- (g) *Variance of physical features and official zoning district map.* Where physical features of the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections (a) through (f), the property shall be considered as classified in the A, agricultural district in the same manner as provided for newly annexed territory, and the issuance of a building permit and the determination of zoning shall be in accordance with the provisions provided in section 5, zoning annexed territory.

Section 5. - Zoning-annexed territory.

5-100. Classification of newly annexed territory. All territory annexed to the city shall be classified as A, agricultural district. The procedure for establishing zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

5-101. Alternative zoning classification of newly annexed territory. The city council or petitioners for annexation may request alternative zoning classifications in an area being considered for annexation. The city council and planning and zoning commission may hold public hearings on annexation and zoning simultaneously, and the city council may approve the zoning of a newly annexed area at the time of annexation.

5-102. A, agricultural district. In an area classified as A, agricultural district:

- (a) No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the building official.
- (b) No permit for construction of a building or use of land shall be issued by the building official other than a permit which will allow the construction of a building permitted in the A, agricultural district.

Section 6. - Amendments.

6-100. Instigation. Any person or corporation having proprietary interest in any property may petition the city council for a change or amendment to the provisions of this ordinance, or the planning and zoning commission may, on its own motion or on request from the city council, institute study and proposal for changes and amendments in the public interest.

(Ord. No. CSO#684-08-2017, § 1(Exh. A), 8-7-2017)

6-105. Procedure.

- (a) The city council may, from time to time, amend or change by ordinance, the boundaries of the districts or the regulations established in this ordinance as provided by the statutes of the State of Texas.
- (b) Before taking action on a proposed amendment or change, the city council shall submit the proposal to the planning and zoning commission for its recommendation and report.
- (c) The planning and zoning commission shall hold a public hearing on any application for any amendment or change. When any such amendment or change relates to a change in classification or boundary of a zoning district, written notice of public hearing before the planning and zoning commission on the proposed amendment or change shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. A courtesy notice shall also be provided to real property owners within an additional 100 feet of the property. These properties will not be included in the protest calculation, as regulated by 6-105(f) below. The notice shall be given not less than ten days before the date set for hearing by posting such notice properly addressed and postage paid to each owner as the ownership appears on the last approved city tax roll. Notice shall also be posted along with the agenda for all hearings and related meetings in accordance with the applicable laws of the State of Texas. When an amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of the public hearing of the city planning and zoning commission shall be given by publication in a newspaper of general circulation in the city without the necessity of notifying property owners, by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered, which time shall not be earlier than ten days from the date of publication.
- (d) The city manager or a designee shall direct the erection of at least one sign upon each property proposed to be rezoned. Signs shall be a minimum of two and one-half feet by three feet in dimension. Where possible, such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property. Such sign(s) shall be so erected not less than ten days before the date set for public hearing before the planning and zoning commission. Any such sign(s) shall be removed subsequent to the occurrence of either final action by the city

council or withdrawal of the application for amendment. Such sign(s) shall substantially indicate that a zoning amendment is proposed and shall further set forth that additional information can be acquired by telephoning the number indicated thereon. The erection and/or the continued maintenance of any such sign(s) shall be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed zoning amendment or to any other official action concerning any such amendment.

- (e) A public hearing shall be held by the city council before adopting any proposed amendment, supplement or change. Notice of the hearing shall be given by publication in a newspaper of general circulation in the City of Burleson stating the time and place of the hearing, which time shall not be earlier than 15 days from the date of publication.
- (f) The city council may, by resolution, elect to combine the planning and zoning commission hearing and the council hearing; however, the city council shall not take action upon any proposed amendment or change until it has received the final report and recommendation from the planning and zoning commission. When the joint hearing provision of this ordinance is in effect, the city council shall cause a notice showing the time and place of the hearing to be published in a newspaper of general circulation at least 15 days prior to the hearing. In addition, notice of all jointly held public hearings on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed, the notice to be given not less than ten days before the date set for hearing, to all the property owners as the ownership appears on the last approved city tax roll. Such notice may be served by depositing it, properly addressed and postage paid, in the United States mail. When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice requirements shall be the same as those specified in paragraph (c), above.
- (g) If the city planning and zoning commission recommends denial for a proposed amendment, or change or if a protest against a proposed amendment, or change has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in that a proposed change or those lying within 200 feet of the property on which the change is requested, the amendments shall not be approved, except by a three-fourths vote of the city council.
- (h) The city may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the city, shall be the responsibility of the applicant.

(Ord. No. CSO#684-08-2017, § 1(Exh. A), 8-7-2017)

Section 7. - Creation of building site.

7-100. Generally. No permit for the construction of a building or buildings upon any land shall be issued until a building site, has been created by the land being a platted lot appearing on a plat properly approved by the city and filed in the records of the county clerk of the appropriate county.

7-200. Site plan required. A site plan reviewed by the members of the city's development assistance committee (DAC) is required within the MF1, MF2, MHP, NS, GR, C, CC, and I zoning districts prior to the issuance of a building permit or certificate of occupancy for the following:

- (a) Construction of a new structure;
- (b) A change of parking requirements as regulated by section 134, vehicle parking regulations; and
- (c) The structural modification of an existing structure which would require a site modification affecting traffic and safety for such items, including, but not limited to fire lanes or ingress egress.

Editor's note— Additional requirements may apply, please refer to section 131, site plan requirements.

Section 8 - Completion of building under construction.

8-100. Generally. A building under construction at the time of the passage of this ordinance or any amendment to this ordinance, may be completed in accordance with its plans and designated use so long as it is completed within one year from the date of the passage of this ordinance.

Section 9. - Certificate of occupancy.

9-100. Required. No land, building, or portion of a building shall be used, or changed in use until a certificate of occupancy has been issued by the building official stating that the building, or portion of the building, or the proposed use of land or building, compliance with the provisions of this ordinance and other building regulations. Failure to obtain a certificate of occupancy as required, shall constitute a basis to deny or disconnect city utilities or to require private utility companies to do likewise.

9-105. Application. A certificate of occupancy shall be applied for and coincident with the application for a building permit and will be issued before occupancy and connection of utilities to a building, provided [that] the construction or change has been made in conformity with the provisions of this ordinance and other building regulations.

9-110. Record. A record of all certificates of occupancy shall be maintained on file in the office of the building official.

9-115. Change of nonconforming use. Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a certificate of occupancy shall be made to the building official.

Section 10. - Reserved.

Section 11. - Board of adjustment.

11-100. Organization. There is hereby created a board of adjustment consisting of five members, each to be appointed for a term of two years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The city council may appoint four alternate members who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, as the case may be. All cases to be heard by the board of adjustment must be heard by a minimum number of the four members. The alternate members, shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members.

11-105. Procedure. The board of adjustment shall adopt rules to govern its proceedings not inconsistent with this ordinance or state statutes. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court. The board of adjustment shall keep minutes of its proceedings, showing the vote, abstention, or absence of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be public record.

11-110. Appeals to the board of adjustment.

- (a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative official as designated under section 13-100. Such appeal shall be taken within ten business days as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record of the action appealed.
- (b) An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such a case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and on due cause shown.
- (c) The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice of the hearing as well as notify real property owners within 200 feet of the subject property. At the hearing, any party may appear in person or by agent or attorney. The board shall render a decision within a reasonable amount of time after the hearing.

11-115. Powers of the board.

- (a) The board of adjustment has the following powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance as amended.
 - (2) To hear and decide variances and special exceptions to the terms and of this ordinance as required under the ordinance.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
 - (4) Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by the building, and the addition of off-street parking or off-street loading to a nonconforming use.
- (b) In exercising the its powers the board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

- (c) The board may permit such variance or modifications of the height, yard, area, coverage and parking regulation may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification; exercising its power to grant a variance in accordance with this ordinance, the board of adjustment shall make findings and show in its minutes that:
- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
 - (2) That a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under the ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
 - (3) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city.
 - (4) That the variance, if granted, will not be materially detrimental to the public welfare or the use, enjoyment, or value of property in the vicinity.
- (d) The board may require the discontinuance of nonconforming uses of land or buildings under any plan whereby the full value of the buildings and facilities can be amortized within definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the city.

11-120. Vote required for board decisions. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance to the ordinance.

11-125. Appeal from board decisions.

- (a) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petitions shall be presented to the court within ten days after the filing of the decision in the office of the board.
- (b) Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

11-130. Fee. There shall be a fee assessed, as set by the city council for each request for a variance to this ordinance.

Footnotes:

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Charter reference— *Board of adjustment, § 9(b).*

Section 12. - Development assistance committee (DAC).

12-100. Appeal from DAC decisions. Any person, firm, association of persons, company, corporation or their agents, servants or employees aggrieved by any decision of the development assistance committee (DAC) shall have the right to appeal to the appropriate board, i.e., the fire board, building board or zoning board of adjustment.

Section 13. - Administrative interpretation and enforcement on matters of waiver and appeal.

13-100. Administrative official. The city manager shall appoint an official who shall be designated as the "administrative official" in charge of enforcing and administering the terms of the zoning ordinance. The administrative official may act in person or through a designee.

13-105. Administrative interpretations. The administrative official shall be charged with interpreting and enforcing the terms of this ordinance. Except as provided in section 13-110, administrative waiver below, no waiver of any terms, conditions, or requirements of this ordinance shall be granted by the administrative official. All interpretations made by the administrative official shall be based upon the purpose and intent of the ordinance in order to achieve consistency and compatibility with all requirements of the ordinance.

13-110. Administrative waiver. The administrative official may approve a waiver of up to 15 percent of any required yard area, setback, or similar development regulation under the following conditions:

- (a) The structure in question must be an existing structure that has previously been granted a certificate of occupancy and that has been found to encroach upon a required setback due to a survey or construction error in the placement of the original foundation or site improvement or that is otherwise found to be in noncompliance with the development regulations through a title search or during the application process for rezoning, platting, etc.
- (b) Administrative waivers shall not be authorized to allow a waiver of the permitted uses in any zoning district.
- (c) Administrative waivers shall not be authorized for the following regulations:
 - (1) Signs;
 - (2) Fences;
 - (3) Parking;
 - (4) Building height.

Section 14. - Compliance required.

14-100. Conformance with zoning regulations. All land, buildings, structures, or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located.

Section 15. - Interpretation and conflict.

15-100. Generally. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or promises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 16. - Reserving rights in pending litigation and violations under existing ordinances.

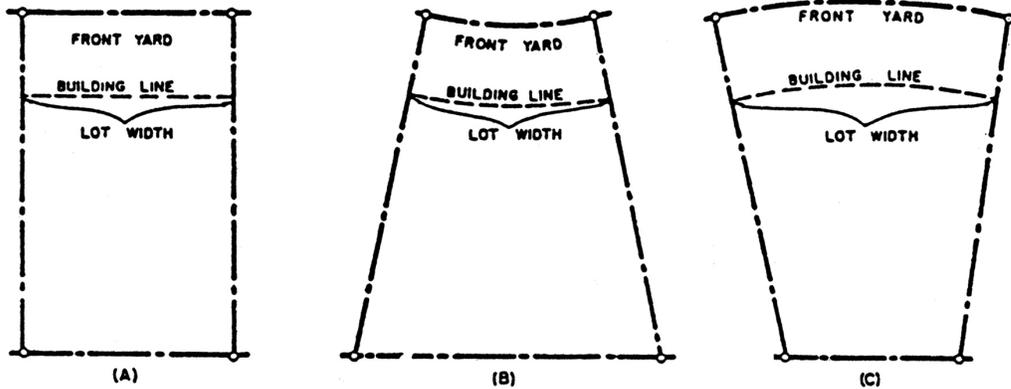
16-100. Generally. By the passage of this ordinance, no presently illegal or nonconforming use shall be deemed to have been legalized or made conforming unless an illegal or nonconforming use falls within a district where the use is conforming. Otherwise, such uses shall remain illegal or nonconforming uses, as the case may be. No offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the adoption of this ordinance shall be discharged or affected but the prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted, or causes presently pending proceeded with, in all respects as if the prior ordinance has not been amended.

16-105. Effective date. This amended ordinance shall become effective October 1, 1997.

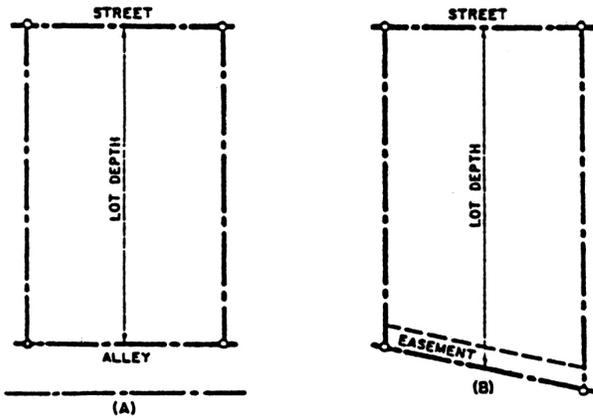
Section 17. - Appendix illustrations.

17-100. Generally. If the following illustrations conflict with any text of the ordinance, the text controls.

1. LOT WIDTH



2. LOT AREA & DEPTH

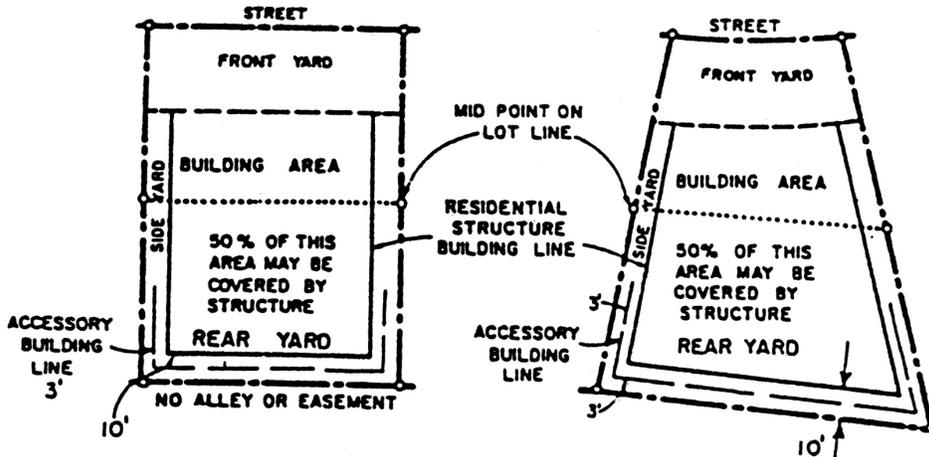


LOT DEPTH IS A FUNCTION OF LOT WIDTH AND LOT AREA REQUIREMENTS

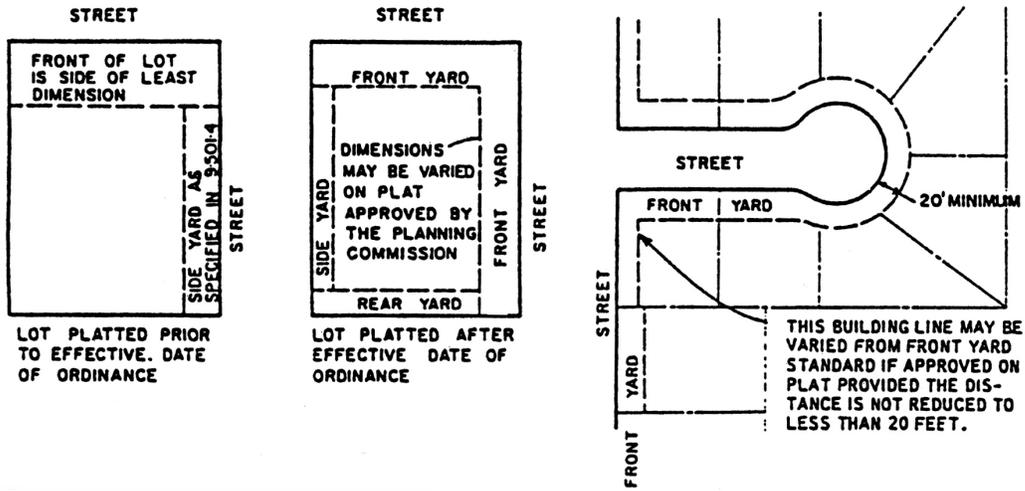
LOT AREA IS CALCULATED EXCLUDING ALLEYS AND STREETS

LOT AREA MAY INCLUDE EASEMENTS ON LOT

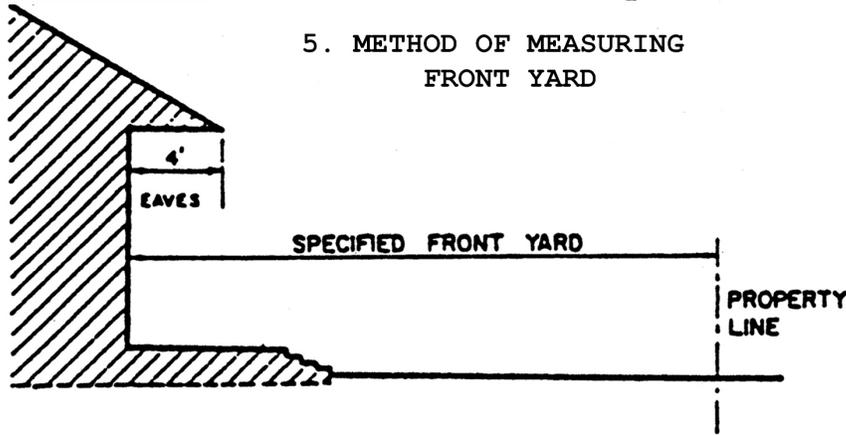
3. YARDS



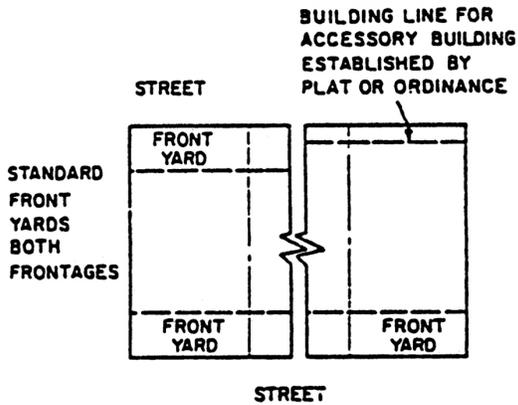
4. CORNER LOT



5. METHOD OF MEASURING FRONT YARD

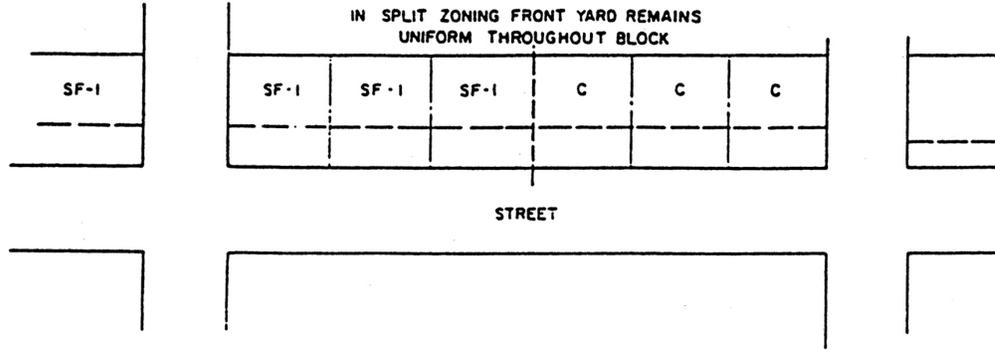


6. DOUBLE FRONTAGE LOTS



7.

FRONT YARD WHERE ZONING
CHANGES IN A BLOCK



8.

INTERPRETATION OF AVERAGE FRONT YARD
WHERE YARD DEPTH VARIES

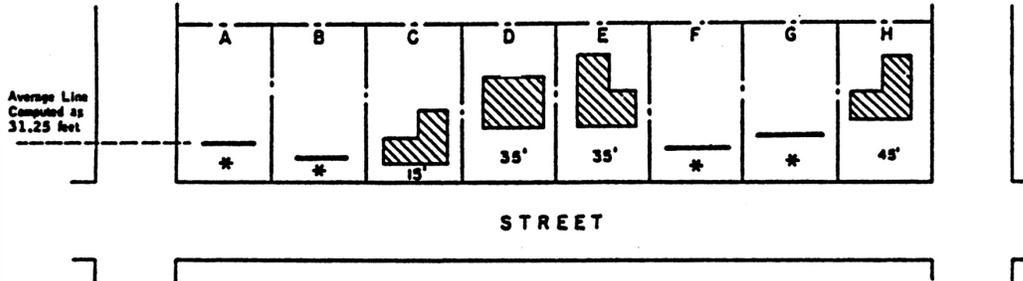
Basis of Computation
Existing Buildings

Lots	Setback
C	15'
D	35'
E	35'
H	65'

Computed Minimum Setbacks

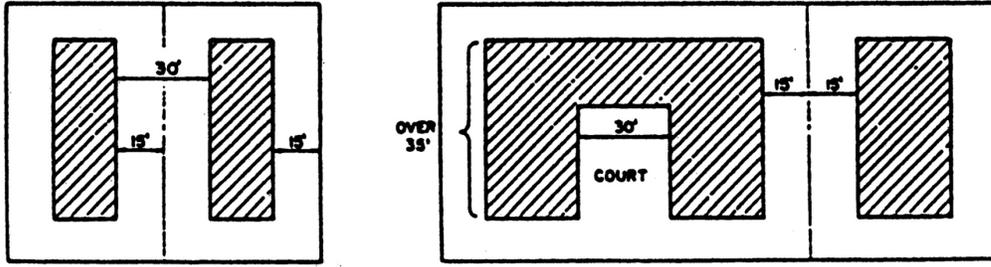
A	28.75'	average - vacant
B	25'	need not set back over 10' from C
C	15'	existing
D	35'	existing
E	35'	existing
F	28.75'	average - vacant
G	38.75'	need not set back over 10' from F
		vacant
H	45'	existing

*Other vacant lots assumed
25'

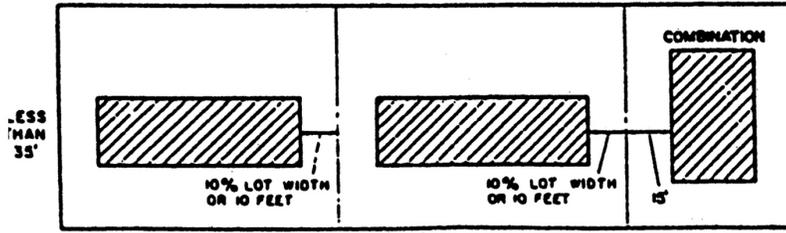


9.

SPECIAL APARTMENT SIDE YARD AND SPACING STANDARDS



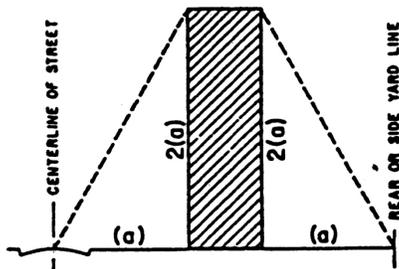
WHERE LONG DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD



WHERE END OR NARROW DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD

10.

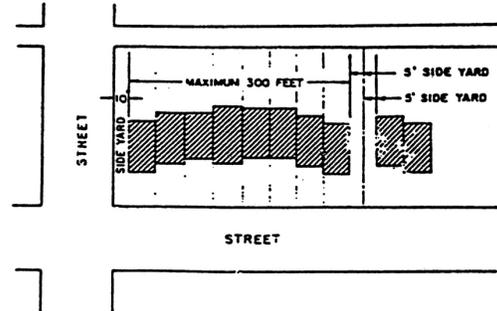
SET BACK STANDARDS HIGH RISE APARTMENT & SIMILAR STRUCTURES



WHEN HEIGHT EQUALS 2(a), FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF (a). SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF (a) WHEN HEIGHT IS 2(a). IN NO CASE NEED (a) EXCEED FIFTY (50) FEET.

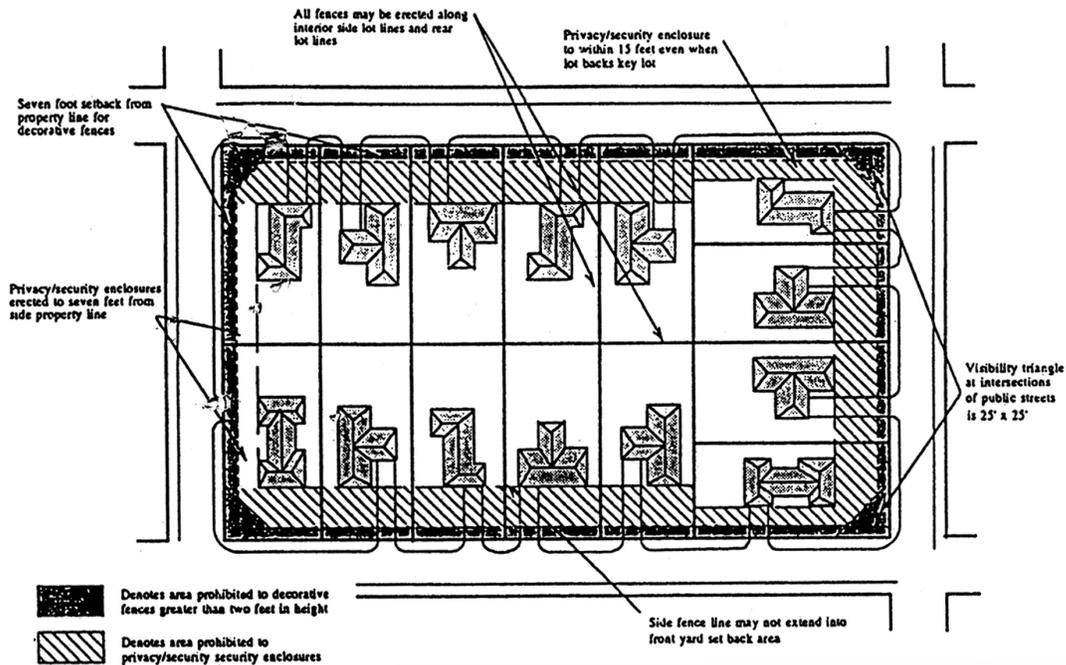
11.

SIDE YARD STANDARDS ATTACHED SINGLE FAMILY DWELLINGS



12.

ILLUSTRATION OF FENCE REGULATIONS



Section 18. - Classification of new and unlisted uses.

18-100. Generally. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (a) *Community development director action.* The community development director or his/her designee may refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, hazardous or class 1 materials and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (b) *Planning and zoning commission action.* The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- (c) *City council action.* The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may, by ordinance, approve the recommendation of the commission or make such determination concerning the classification of such use as is determined appropriate.

Section 19. - Nonconforming uses, lots and structures.

19-100. Generally. A nonconforming status shall exist under the following provisions of this ordinance:

- (a) Within the districts established by this ordinance or amendments thereto, there exist lots, structures, uses or structures, and characteristics of use which were lawful immediately before this ordinance was enacted, and otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the zoning district in which they are located. It is the intent of this ordinance to permit such nonconforming use to continue, under the regulations herein contained, until the same are removed, but not to encourage their survival.
- (b) It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

19-105. Nonconforming uses regulated. Except as herein provided, no nonconforming use of land or buildings nor any nonconforming structure shall be enlarged, changed, altered or repaired in conformity with the regulations contained in this article.

19-110. Nonconforming status. Any use, lot or structure which does not conform with the regulations of the zoning district in which it is located, is nonconforming when:

- (a) The use, lot or structure was in existence and lawfully operating on June 27, 1985, and has since been in regular and continuous use; or
- (b) The use, lot or structure is lawful at the time of the adoption of any amendment to this ordinance but because of the amendment no longer complies with applicable regulations; or
- (c) The use, lot or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

19-115. Continuing lawful use of property.

- (a) It is the policy of the City of Burleson to allow the continuance of legal non-conforming uses but not to encourage their survival. It is in the long-term best interest of the community for all properties and structures to ultimately come into compliance with the requirements of the municipal zoning ordinance. The ordinance, as adopted, is intended to implement the goals and objectives of the city's comprehensive plan and, therefore, all properties should ultimately be brought into compliance with the requirements of the municipal zoning ordinance.
 - (1) If, at the effective date of this section or amendment thereof, a lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:
 - a. The legal non-conforming use does not cease due to discontinuance or abandonment.
 - b. The legal non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this section, unless provided for herein; or
 - c. The legal non-conforming use shall not be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this section.
 - (2) For the purpose of this section, "abandonment" shall be defined as intent by the owner to permanently close or cease the use, coupled with any act or statement by the owner that manifests such intent. The

following conditions, events or conduct shall be presumed to constitute intent to abandon a legal non-conforming use:

- a. The closure or cessation of the non-conforming use for a period of 120 consecutive days; or
 - b. The failure of the owner to repair the structure or property used to operate the non-conforming use within 30 days after the chief building official or code enforcement officer has given the owner written notice that the building, structure or property is:
 1. In an advanced stage or dilapidation, as determined by either the zoning administrator or the chief building official;
 2. In violation of one or more applicable health and safety codes adopted by the city that govern the use or condition of structures designed for human occupancy, as amended, including but not limited to the applicable building, plumbing, electrical, mechanical, and life safety codes as adopted by the city; or
 3. Otherwise unsafe for the continuation of the current use or occupancy.
- (3) For the purpose of this section, "discontinuance" shall be defined as follows:
- a. When a legal non-conforming use has historically been operated on a continuous basis, a closure or cessation or a use for a period of 180 consecutive days, irrespective of whether the owner has actual intent to abandon the use; or
 - b. When a legal non-conforming use has historically been operated only on a seasonal basis, such use shall be deemed to have been discontinued, regardless of whether the owner has actual intent to abandon the use, if either:
 1. The structure or property upon or in which the use has been operated is closed or the non-conforming use ceases to operate for a period of 180 consecutive days; or
 2. The structure or property upon or in which the use has been operated is closed or the non-conforming use ceases to operate in a bona-fide manner during one or more normal and customary seasons or periods of operation during which the non-conforming use has historically been operated.

(Ord. No. CSO#111-01-2015, § 1, 1-5-2015)

19-120. Changing nonconforming uses.

- (a) A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification, after approval by the board of adjustment, provided that when a nonconforming use is changed to a nonconforming use of a higher or more restrictive classification, it shall not later be reverted to the former less restrictive classification.
- (b) No nonconforming use shall be changed to another nonconforming use which requires more off-street parking spaces or off-street loading space than the original nonconforming use, unless additional off-street parking and loading space is provided so as to comply with the requirements of sections 5, zoning annexed territory and section 14, compliance required.

19-125. Extension of nonconforming uses. A nonconforming use of a building may be extended throughout the building provided:

- (a) No structural alterations may be made on or in the building, except those required by law to preserve the

building in a structurally sound condition.

- (b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.
- (c) No nonconforming use within a building may be extended to occupy any land outside the building.
- (d) No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.

19-130. Restoration of damaged property. A building damaged to the extent of not more than 50 percent of its reasonable value, by fire, explosion, or other casualty, act of God, or a public enemy, may be restored and the occupancy or use continued to the extent the building or use existed at the time of the damage.

19-135. Termination of nonconforming uses. The right to operate a nonconforming use shall cease and the use shall be terminated under any of the following circumstances:

- (a) The use is abandoned or discontinued.
- (b) If any provision of this ordinance, other ordinance, federal, or state law is violated with respect to a nonconforming use.
- (c) When a nonconforming use is brought into compliance by rezoning.
- (d) The structure in which a nonconforming use is housed, operated or maintained is damaged to the extent of more than 50 percent of its value.
- (e) When the right to maintain or operate a nonconforming use has been terminated by the board of adjustment as provided in section 11, board of adjustment hereof.

19-140. Registration of nonconforming uses. The operator, owner or occupant of a nonconforming use, lot, or building shall, within 18 months after the date on which use, lot, or building becomes nonconforming, register the nonconforming use, lot or building by obtaining from the building official a certificate of occupancy (nonconforming) even though a previous certificate of occupancy may have been issued. The certificate of occupancy (nonconforming) shall be considered as evidence of the legal existence of a nonconforming use as contrasted to an illegal use or violation of this ordinance. The building official shall maintain a register of all certificates of occupancy issued for nonconforming uses and shall, on written request and payment of a fee, issue a duplicate certificate to anyone having a proprietary interest, in the property in question. A nonconforming structure need not be registered.

19-145. Rules of procedure for the processing of requests for discontinuance or amortization of legal non-conforming uses.

- (a) *Determination of need for expedited compliance.* As noted in [section] 19-115 of the municipal zoning ordinance, it is the policy of the City of Burleson to allow the continuance of legal non-conforming uses but not to encourage their survival. A legal non-conforming use shall be permitted to continue for the life of the structure based upon the investment made by the original builder or operator. No structural alterations that extend the life or expand the degree of non-compliance shall be permitted as a general rule. Under certain conditions the continued existence of a legal non-conforming use may create such a degree of incompatibility with surrounding land uses and with the intent of the city's short range, medium range and

long range comprehensive planning that a requirement for expedited compliance with the zoning district regulations is necessary in the public interest. A decision of this nature may affect vested property rights of the property owner and, therefore, the following procedural requirements shall apply.

- (1) *Determination of need for expedited compliance.* Any city officer, board, commission or the city council may request that the zoning board of adjustment establish a zoning compliance date for a non-conforming use. Upon receiving such a request, the board shall determine whether there is a public necessity for expedited compliance with the zoning regulations. The following factors must be considered by the board in determining the public necessity for expedited compliance:
- a. The character of the surrounding neighborhood.
 - b. The degree of incompatibility of the use to the zoning district in which it is located.
 - c. The effect of the non-conforming use on the surrounding area and the effect of its cessation on that area.

If a request for the establishment of a compliance date is received by the zoning board of adjustment, the board will schedule a public hearing in conformance with the notice and procedural requirements established by Section 11 of Ordinance No. B-582 and the rules of the board.

- (2) *Hearing requirements.* Notice of the public hearing shall be given to the owner of the affected property and all surrounding property owners within 200 feet of the subject property as prescribed for other cases heard by the zoning board of adjustment. All interested citizens, individuals and organizations will be given the opportunity to appear before the board and present evidence that they deem relevant and appropriate for the board to consider in determining the need for the establishment of a compliance date for the specific non-conforming use.

At the conclusion of the public hearing the board shall make a finding as to whether or not there is a need for expedited compliance with the municipal zoning ordinance and shall determine whether or not it is appropriate to set a date certain for the use or activity to come into compliance with the current requirements of the ordinance. If the board determines that there is no need for expedited compliance, it shall provide written notice to the party who requested the hearing that the board has found that expedited compliance is not necessary at the present time. No further action shall be taken by the board and the non-conforming use shall retain its existing status. Any party who disagrees with this determination by the board shall have the right to appeal such decision to state district court in the same manner as any other decision of the board may be presented for judicial review. Review is by writ of certiorari and shall be presented in the manner set forth in V.T.C.A., Local Government Code § 211.011.

- (b) *Expedited compliance—procedure for determining amortization value.* If the board determines that expedited compliance is necessary and appropriate in the public interest, it shall commence the proceedings necessary to establish the value of the non-conforming use and a reasonable amortization period for that use. The board of adjustment shall initially establish a time for hearing evidence on the various value and income issues necessary to comply with the amortization process. The board shall give the various parties to an amortization case sufficient time to conduct discovery and to prepare evidence of value, depreciation and income. The standard position of the board shall be to establish a hearing date a minimum of 60 days following the determination of a need for expedited compliance. The parties may exchange written discovery requests and take, as appropriate, depositions of potential witnesses. Discovery disputes will be presented to the chairman of the board for resolution. The hearing to determine value and income matters relating to

amortization shall be subject to the same notice requirements as those established for the expedited compliance hearing. The purpose of the second hearing shall be to determine the value of the interest taken, if any, and whether the owner has had a reasonable opportunity to recoup that value. The value is determined in the following manner:

- (1) A determination is made, based on the presentment of evidence, of the initial investment made by the original owner in the construction and establishment of the non-conforming use. Land value is not a factor as the property owner or his successor will retain ownership and the right to use the land for a legal use. The board should consider any evidence establishing the amount of the investment made in the establishment of the non-conforming use prior to the point in time at which it became legal non-conforming. Any improvement, addition, expansion or change made after the date of its legal non-conformity shall not be considered by the board, as it was made by the owner with knowledge of the limited life expectancy and use of the property. Initial investment value shall not be given to items that may be transported to a new site. Compensation for these items is addressed as a relocation cost under subsection (b)(7). The purpose of amortization value determination is to fully recognize the investment the owner made at the time that the use was legally permitted.
- (2) The board next determines the date upon which the non-conforming use came into existence and/or operation.
- (3) The board shall then determine the income that the property has produced annually since the non-conforming use commenced. The board, at its discretion, may make findings as to the annual operating cost of the non-conforming use to determine income over purely operating revenue. The board shall prepare a written finding stating clearly for each year that the non-conforming use has been in existence, the annual income it has produced and shall further make a finding of its current annual income based upon the income it produced at the close of the most recent calendar year for which it has been in operation. If due to the age of the non-conforming use, changes of ownership, or the loss or destruction of records it is not possible to prepare an income finding for each year of the non-conforming use the board will make a finding for each year that can be documented and will note why the missing years have not been addressed. The board shall use that annual income as the current and future income projection of the non-conforming use for determining amortization of any remaining investment value. Any party to these proceedings shall have the right to offer evidence as to why that projection is no longer realistic based upon evidence of economic change.
- (4) The board shall determine whether the original investment in the non-conforming use is subject to depreciation due to physical and/or market conditions. The board shall look at standard industry practices in determining a reasonable depreciation schedule.
- (5) The board shall then take the original investment value determined in step number (1) of this process and then subtract from that number the income of the non-conforming use as determined in step (3) and any depreciation of the non-conforming use as determined in step (4). If the subtraction of the income of the non-conforming use from the original investment value less depreciation leaves a positive figure of value remaining in the tract, the board shall make a determination that there is unamortized value in the non-conforming use that must be addressed by the city prior to expedited compliance. If the subtraction of the income streams from the initial investment value produces a negative number, then no unamortized value will remain and the city may proceed with establishing a date for expedited compliance without the need to address unamortized value.

- (6) All findings of the board pertaining to the value of the investment in the non-conforming use and the rate of income derived by the owner must be reasonable and in accordance with accepted industry practices for that type of non-conforming use. Any party may offer evidence to the board in order to substantiate a reasonable value of the investment and/or a reasonable rate of return for such non-conforming use.
- (7) The board shall next determine whether the property owner will incur any costs of closing down or relocating the non-conforming use occurring on the tract. Closure or relocation cost shall include only the reasonable and necessary expenses to transport items and material on the site to a new location. Relocation cost does not include the cost of acquiring alternate land as the property owner is retaining the land at the existing site to convert to a conforming use. The cost of relocation does not include the cost of removing permanent improvements such as buildings, parking areas, or public works facilities that will remain on the original site for use by the owner in a conforming business activity.
- (c) *Board findings on unamortized value and the cost of relocation.* If the board has made a determination that unamortized value remains in the non-conforming use by determining that the original investment value minus depreciation exceeds the amount of income derived from the non-conforming use during its operation through the date of the amortization hearing, the board shall make the following findings as a matter of record:
- (1) The dollar value of the unamortized interest remaining in the non-conforming use (original investment value, minus depreciation and minus income earned during historic operation of the non-conforming use).
 - (2) The dollar income the non-conforming use produced during its last full calendar year of operation prior to the date of the hearing.
 - (3) The dollar cost of relocating business assets on inventory under (b)(7) above.
 - (4) The calendar date upon which amortization shall be complete which shall be determined by dividing the unamortized value from step (1) by the current annual income of the non-conforming use set forth in (2) above. The board shall then add the closure and relocation costs identified in (b)(7) to determine the investment or cost to be amortized. The calendar date determined herein shall be the date upon which the income from the non-conforming use is believed to have fully amortized the original investment value of the non-conforming use together with the closure/relocation costs that are properly chargeable to the non-conforming use.

The board shall make these findings matters of record in the minutes of the board meeting in which such final determination was reached. The date upon which final amortization occurs (findings (4) as set forth above) shall be the date upon which the legal non-conforming use shall cease to operate in a non-conforming status.

Under no circumstance shall a non-conforming use be given less than 90 days to cease operation irrespective of the date determinations made above. The 90-day minimum is to provide the non-conforming use business with the opportunity to give its customers, suppliers and vendors proper notice and to permit an orderly closure and transfer of business operations.

The zoning board of adjustment shall cause its findings to be transmitted to the city council if any unamortized value remains in the non-conforming use identified for expedited compliance. The city council in its sole discretion shall have the right to determine if the city should appropriate funds to purchase the remaining unamortized value of the non-conforming use, thereby instituting immediate closure rather than waiting for the expiration of the time necessary for the automatic amortization of remaining value.

(Ord. No. CSO#111-01-2015, § 2, 1-5-2015)

19-150. Nonconforming residence and churches.

- (a) Single-family residences, existing in the 2F, MH, MHP, NS, GR, CC, C and I zoning districts immediately prior to June 22, 1985, shall not be considered nonconforming but as legally existing uses, and shall have the right to repair, expand, and replace existing structures. If the residence ceases to be used as a single-family dwelling and is converted to another type use; the right to exist in the above-mentioned zoning districts as a single-family dwelling is hereby permanently terminated. Nothing in this section shall be construed to prevent the conversion of residential structures as permitted in section 100-135, conversion of residential structure.
- (b) Churches and rectories existing in the SFR, SF10, SF7, SPA and 2F zoning districts shall have the same nonconforming provisions as described for residences in (a) above.

Sections 20—49. - Reserved.

ARTICLE II. - DEFINITIONS

Section 50. - Definitions.

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.

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 use or building. A use or building subordinate to and customarily incidental to the primary use of the main building or to the primary use of the premises.

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.

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.

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.

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.

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.

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 of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

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.

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.

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

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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

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.

Drapery, 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.

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.

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.

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

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.

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

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.

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 use 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.

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.
- (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. 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

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.

J

K

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

Kennel (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.

Kennel (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.

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.

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 parcel of land which is 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.

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.

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 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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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

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 proving instruction for health-inducing exercise or activity.

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.

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 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.

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.

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

U

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.

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.

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 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.

(Ord. No. B-582(H0410), § 1(11-105), 6-21-2010; Ord. No. B-582(L0411), § 1, 5-2-2011; Ord. No. B-582-N0512, § 1, 6-4-2012; Ord. No. CSO#109-01-2015, § 1.A., 1-5-2015; Ord. No. CSO#313-09-2015, § 1(Exh. A), 9-21-2015; Ord. No. CSO#1066-07-2019, § 3, 8-5-2019; Ord. No. CSO#1124-09-2019, § 1, 11-11-2019; Ord. No. CSO#1240-01-2020, § 1, 1-21-2020)

Section 51. - Reserved.

ARTICLE III. - ZONING DISTRICTS

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

(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)

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.

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 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.

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) 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:

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.

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 Burleson 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:

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:

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 Burleson 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.
- (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 Burleson 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 d.u.a. 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:

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:

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 feet minimum/65 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.

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 density 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 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, and the requirement for preliminary plat submission, development plan requirements [app. A, § 3.1], and section 85- 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 Burleson 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 7,000 square feet with a density 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:

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:

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 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 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: 60 feet minimum.
- (i) Depth of lot, feet: 100 feet minimum.
- (j) Schools or churches: 25 feet minimum side yard on either side of the main building.

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.

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:
 - 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:

Religious institution

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

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.
- (b) Floor area: 1,000 square feet minimum.
- (c) Depth of front yard: 15 feet minimum.
- (d) Depth of rear yard: ten feet minimum.
- (e) Width of side yard: five feet minimum (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: 300 feet in length 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 Burleson Code of Ordinances].

58-135. Off-street parking. Parking shall be in compliance with section 134, vehicle parking regulations.

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
 - 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. - MF1, multiple-family dwelling district.

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 dwelling units per acre and 2½ stories in height. The MF1 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 MF1, 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
 - 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.)

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:

None allowed.

(Ord. No. B-582(J0910), § 1A(20-110), 9-20-2010; Ord. No. B-582(P0114), § 1, 2-3-2014.)

66-115. Height requirements. No building shall exceed 2½ stories except for as permitted by section 133, general height requirements.

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

66-120. Development 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.)

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

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.

(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.

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

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.

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— 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.

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

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— 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:

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:

Community center, private

Convenience store with automotive fuel sales

Drapery, sewing or weaving shop

Drugstore or pharmacy

See conditions in subsection (b) below.

Laundry/clean self service

Office, business and professional

Office, medical or dental

Pet shop

See conditions in 75-110(b) below.

Restaurant or cafeteria (not of drive-in type)

See conditions in 75-110(b) below.

Retail shop, apparel, gift and accessories and similar items

See conditions in 75-110(b) below.

Studio, artist and/or photographer

See conditions in 75-110(b) below.

Studio, health and fitness

See conditions in 75-110(b) below.

Studio, music, dance, and/or drama

See conditions in 75-110(b) below.

Travel bureau or consultant

See conditions in 75-110(b) below.

Variety or similar retail store

See conditions in 75-110(b) below.

(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 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.

Section 76. - GR general retail district.

76-100. 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.

76-105. 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:

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

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)

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

76-110. Specific use permit. Unless otherwise stated, the following uses require a site plan meeting the requirements of section 131, site plan regulations. A public hearing is required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit:

(a) Uses allowed with a specific use permit:

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:

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)

76-115. Height requirements. No building shall exceed two stories or 35 feet except as noted in section 133, special height requirements.

76-120. 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 Burleson Old Town Design Standards.

76-125. Landscaping. Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

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— Businesses, ch. 14.

Section 77. - CC, central commercial district.

77-100. 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.

77-105. 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:

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

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)

77-110. Specific use permit. The following uses require an ordinance amendment. Unless otherwise stated, a site plan meeting the requirements of section 131, site plan regulations and a public hearing are required before a recommendation is made by the planning and zoning commission and action taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit.

(a) Uses allowed with a specific use permit:

Amusement, commercial (indoor)

Child care center

Community center, private

Electrical substation

Electrical transmission

Engine repair (small)

Exhibition area

Feed store

Greenhouse or plant nursery (on-premises sales)

Greenhouse or commercial nursery (off-premises sales)

Local franchise utility

Natural gas regulating station

Parking lot or structure, commercial (auto)

Radio, microwave, TV tower

Radio, television station

School, commercial trade

Sewage pumping station

Swimming pool, commercial

Taxidermy

Telephone exchange, switching, relay, or transmission station

Water pumping station

Water storage facility

(Ord. No. CSO#110-01-2015, § 1.B., 1-5-2015; Ord. No. CSO#313-09-2015, § 1(Exh. A), 9-21-2015)

77-115. Height requirements. No building shall exceed two stories or 35 feet except as noted in section 133, general height requirements.

77-120. 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 Burleson Old Town Design Standards.

77-125. (Reserved)

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— Businesses, ch. 14.

Section 78. - C, commercial district.

78-100. 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.

78-105. 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:

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

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

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)

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(Exh. A), 9-21-2015; Ord. No. CSO#1124-09-2019, § 1, 11-11-2019)

78-110 Specific use permit. See section 130, specific use permit. The following uses require an ordinance amendment. Unless otherwise stated, a site plan meeting the requirements of section 131, Site plan regulations and a public hearing are required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit.

(a) Uses allowed with a specific use permit:

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

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)

78-115. Height requirements. No building shall exceed two stories or 35 feet except as noted in section 133, special height requirements.

78-120. 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 established by the Burleson Old Town Design Standards.

78-125. Landscaping. Landscaping shall be in compliance with [chapter 86 of the Burleson Code of Ordinances].

78-130. Parking. Parking shall be in compliance with section 134, vehicle parking regulations.

78-135. Off-street loading. Off-street loading shall be in compliance with section 135, off-street loading regulations.

Cross reference— Businesses, ch. 14.

Section 79. - I, 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 industrial or commercial use meeting the specified standards may locate in the I district.

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:

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

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

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, Burleson 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:

Auto impoundment

Cement or hydrated lime

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.

79-140. General performance standards, I 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	Maximum Displacement
(Cycles per Second)	(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 125 Feet 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, or stream or into the ground, except in accordance with city, and federal laws and regulations.

Sections 80—84. - Reserved.

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.

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.
 - (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.

85-115. 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.

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 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— 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.

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.

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.
 - 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.
- 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.

ARTICLE IV. - OVERLAY ZONING DISTRICTS

Section 100. - OT, old town overlay district.

100-100. Purpose. The OT, old town overlay district is established to encourage the preservation and development of architecture and uses that have been determined as being historically and culturally significant to the city. This district shall provide flexibility in land uses and regulations that will encourage the continuance of the historic character identified in "Burleson Old Town - A Preservation and Development Plan." The old town overlay district shall not alter the zoning regulations of the underlying districts, unless otherwise provided within section 100, OT, old town overlay district.

100-105. District limits. The old town overlay district is comprised of a defined area. Within this area is a central core area which has additional regulations as contained herein. The limits of these areas are as follows:

- (a) The limits of the OT, old town overlay district shall be as shown on the zoning district map for the city as amended.
- (b) The physical limits of the central core area shall be defined as that area bounded by Dobson Street to the east, Johnson Street to the west, S.E. Tarrant Avenue to the southwest, Renfro Street to the north, and Bufford Street to the south. Said boundaries shall be measured to the centerline of the respective streets.

100-110. Uses allowed. In the OT, old town overlay district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless permitted in the listing of uses in the underlying district and not specifically prohibited within the OT district. In addition, the following uses shall be allowed:

- (a) Primary uses:

Bed and breakfast establishments

- (b) Accessory uses:

Accessory uses as permitted in the underlying district. Laboratory, medical or dental (as an accessory use in a health-care treatment facility, clinic or office.) Outside storage and display of seasonal goods such as flowers, vegetables, and feed sacks.

100-115. Specific use permit. The specific uses listed in the underlying districts shall be permitted in the OT, old town overlay district unless otherwise prohibited by section 100-120, prohibited uses and 100-125, prohibited uses in the central core area unless otherwise stated a site plan meeting the requirements of section 131, site plan requirements, 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.

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

Apartments, loft

Apartments, studio

Auto glass, seat cover, muffler shop

Auto laundry/carwash

Auto, new used auto sales (outdoors)

Auto painting or body shop

Auto parts sales and accessory sales (with outside storage)

Auto repair garage

Auto sales and auction

Automotive fuel sales

Clothing or similar manufacturing

Convenience store with auto fuel sales

Batting cages

Building materials sales

Department store

Farm, ranch, garden, orchard

Laboratory, medical or dental

Laboratory research

Miniature golf course

Motor freight terminal

Motorcycle sales and repair

Paint shop

Pet stores

Restaurant or cafeteria (drive in type)

School, business

School, trade

Tool rental

Veterinarian hospital

100-120. Prohibited uses. The following uses are prohibited within the OT, old town overlay district:

(a) Prohibited uses:

Cleaning plant commercial

Fairgrounds

Golf course, commercial

Hospital, acute care

Hospital, institution care

Helistop

Rodeo grounds

100-125. Prohibited uses in the central core area. Within the central core area of the old town overlay district, the following uses shall be prohibited:

(a) Prohibited uses:

All uses listed in section 100-120, prohibited uses

Auto glass, seat cover, muffler shop

Auto laundry/carwash

Auto, new used auto sales (outdoors)

Auto painting or body shop

Auto parts sales and accessory sales (with outside storage)

Auto repair garage

Auto sales and auction

Automotive fuel sales

Batting cages

Building materials sales

Clothing or similar manufacturing

Convenience store with auto fuel sales

Department store (over 10,000 square feet ground floor)

Farm, ranch, garden, orchard

Laboratory, medical or dental

Laboratory research

Miniature golf course
 Motor freight terminal
 Motorcycle sales and repair
 Paint shop
 Pet stores
 Restaurant or cafeteria (drive in type)
 School, business
 School, trade
 Tool rental
 Veterinarian hospital

(Ord. No. CSO#1124-09-2019, § 1, 11-11-2019)

100-130. Area and parking requirements. The regulations regarding area requirements for lots and structures, within the old town overlay district shall be as established by the Burleson Old Town Design Standards, except for residentially used lots platted before 1900, such lots to be regulated as follows:

- (a) Residentially zoned lots shall be exempt from minimum lot area and minimum structure area requirements.
- (b) All residentially used lots, in all underlying districts, shall have a front, side and rear yard setback of not less than five feet.
- (c) Except in the Central Commercial District, all residentially used lots shall provide for one off street parking space per residential unit.

100-135. Conversion of residential structures. All residential structures located within the underlying GR, C, and CC districts, within the OT overlay district, may be used as commercial or residential as long as the following conditions are met:

1. The residential structure is not altered such that the bathrooms, kitchen, and garage facilities are removed or rendered unusable for a residential structure.
2. The natural ground cover in the front, side, or rear yards are not removed or paved with a permanent surface as to render it unusable for typical residential purposes.
3. Any and all signage shall be monument or nameplate type signs. In the event that the use of the structure shall change from commercial to residential, all nonresidential signage shall be removed and the original ground cover shall be returned to the original condition existing prior to placement of the sign.

100-140. Concurrent use of commercial and residential structures. A commercial structure may contain a residential use concurrent with the commercial use, in accordance with the following restrictions:

1. Only one residential unit, regardless of square footage of the residential use, may be permitted per commercial structure; except that:

2. More than one residential unit may be permitted for loft or studio apartments if the total number of square allocated to residential use does not exceed 60 percent of the total square footage of the structure.

100-145. (Reserved).

100-150. Fences, walls, and screening. With the exception of the following requirements, fences, walls, and screening shall comply with [chapter 36 of the Burleson Code of Ordinances].

1. Unpaved parking areas as permitted in accordance with section 100-155 and all other areas requiring screening shall provide screening of opaque material providing an aesthetic visual barrier consisting of fencing, decorative walls, live plant material, or a combination thereof such that they prevent the public from directly viewing, from the public right-of-way, the area being screened.
2. No screening will be allowed to extend into any sight visibility triangle.

100-155. Unpaved parking for fleet vehicles and dedicated employee parking. Parking areas which are totally and exclusively dedicated to employee or fleet parking, shall not be required to have a paved surface. A minimum of six inches of crushed stone base shall be considered acceptable. Said unpaved surface shall be maintained in a good condition by the property owner.

100-160. Signs. Signs shall comply with [chapter 63 of the Burleson Code of Ordinances]. In addition, the following regulations apply in the OT, overlay district:

1. In all underlying districts, including the CC district, pole signs will be permitted only adjacent to Renfro Street. Pole signs prohibited by this section which are in existence prior to the effective date of this ordinance shall be permitted to remain.
2. Easel, A-frame or placard signs not to exceed eight square feet per side with a maximum height of four feet are permitted in the OT, overlay district as sidewalk signs, but shall not restrict the free movement of pedestrian traffic.

100-165. Outdoor seating. The provision of amenities, such as permanent outdoor seating in public rights-of-way, which enhance the pedestrian nature of the area are encouraged. Uses such as restaurants located in the OT, overlay district, in public rights-of-way, may provide permanent outdoor seating on the sidewalks adjacent to their property under the following conditions:

1. The applicant must indicate on the site plan the location of all proposed outdoor seating areas.
2. The requirements for the Americans with Disabilities Act must be met.
3. The applicant must provide proof of general liability insurance coverage, not less than \$500,000.00 per occurrence with an aggregate limit of \$1,000,000.00, to cover the liability concerns regarding this use.

100-170. Plans and drawings. Plans and drawings for new construction projects or for renovation, projects in which structural renovations, repairs or additions made within a single calendar year exceed 50% of the structure's value as established by the Johnson County Appraisal District, shall be prepared and submitted in accordance with the requirements of the Burleson Old Town Design Standards.

Section 101. - IH35 overlay district.

101-1 Purpose. The IH35, Interstate Highway 35 overlay district, is established to encourage the development and redevelopment of the IH35 Corridor by providing for the flexibility of uses, stimulating a broad mix of commercial development, incorporating appropriate residential uses, supporting and sustaining property values of properties within the overlay district as well as those adjacent to it, and creating a quality and unique gateway for Burleson along the IH35 Corridor. This overlay district establishes a set of urban design and development standards for development of properties within the overlay district. It also will enable Burleson to proactively anticipate and coordinate with the Texas Department of Transportation (TxDOT) all current, anticipated and new improvements to IH35 so that the city may best leverage development opportunities along the IH35 Corridor. The standards of the IH35 overlay district shall supersede the regulations of the underlying zoning districts as well as the subdivision and design standards to the extent the overlay standards conflict with those standards.

101-2. District limits and character. The IH35 overlay district is comprised of a defined area. Within this area are five specific plan areas that contain additional regulations delineated herein. The limits of these areas are as follows:

- (a) The limits of the IH35 overlay district shall be shown on the zoning district map, as amended, of the city, and shall generally comprise a boundary extending 500 feet on both sides from the right-of-way of Interstate Highway 35 unless included within a specific plan area. All parcels contained along the Interstate Highway 35 corridor within the city limits between County Road 530B and the southernmost city limit line will also be considered within this corridor. Property currently located in the extra-territorial jurisdiction of the City of Burleson shall be subject to the conditions of the overlay district upon annexation into the city limits.
- (b) The limits of IH35 specific plan 1 shall also be shown on the zoning district map for the city as amended. The development character of specific plan 1 shall be predominantly a corporate and hospitality mixed-use environment in order to take advantage of its location near Spinks Airport as a regional hub for transportation and business.
- (c) The limits of IH35 specific plan 2 shall also be shown on the zoning district map for the city as amended. The development character of specific plan 2 shall be principally a nonresidential area providing areas for commercial, office, educational and institutional development, with limited areas for industrial and higher density residential projects.
- (d) The limits of IH35 specific plan 3 shall also be shown on the zoning district map for the city as amended. The development character of specific plan 3 shall be a mixed-use place providing civic, convention, hospitality, entertainment, retail, mixed residential and other lifestyle destinations.
- (e) The limits of IH35 specific plan 4 shall also be shown on the zoning district map for the city as amended. The development character of specific plan 4 shall be a business park in order to take advantage of its location on Interstate Highway 35 so that a mix of businesses, light industrial facilities, warehouses and showrooms can be provided in a flex-space environment with good access from all parts of the region.
- (f) The limits of IH35 specific plan 5 shall also be shown on the zoning district map for the city as amended. The development character of specific plan 5 shall be predominantly office, commercial and residential mixed-use environment taking advantage of the eventual expansion of FM 917, which will create a major regional highway interchange.

101-3. Applicability. The development standards contained in this overlay district shall apply to all publicly owned and privately owner parcels located within the boundary shown on the official zoning map.

- (a) The IH-35 overlay district shall not alter the zoning regulations of the underlying districts, unless otherwise provided within this section.
- (b) In addition to regulations as contained in this section, Appendix C. Urban Design Standards, Article V: IH-35 Design Standards shall be applicable within this district.

101-4. Uses allowed.

- (a) In the IH35 Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in the listing of uses in the underlying base zoning district or specific plan areas, and is not specifically prohibited within the IH35 Overlay District. In addition, some land uses may require approval of a Specific Use Permit.
- (b) Reserved.
- (c) The IH35 overlay district is divided into the following specific plan areas:

Specific plan area 1 — Spinks

Specific plan area 2 — E Renfro Street/Hurst Road (HURST)

Specific plan area 3 — Hidden Creek Destination Center (HCDC)

Specific plan area 4 — Business Park (BP)

Specific plan area 5 — FM 917 Interchange (FM917)

The following table indicates additional land uses that shall be allowed within each specific plan area. These land use designations supersede the allowances of the base zoning districts. The following symbols are used in the table of permitted uses: ■ - Use permitted by right S — Use permitted by Special Use Permit (SUP) [blank] — Refer to base zoning district

Land Use Category	1. SPINKS S	2. HURST T	3. HCDC	4. BP	5. FM917	All Other Areas
Apartment, studio or loft	■	■	■	■	■	■
Automobile sales (new or used)	S	S	S	S	S	S
Automotive fuel sales	S	S	S	■	■	S
Bakery	■	■	■	■	■	■
Banks	■	■	■	■	■	■
Catering services	■	■	■	■	■	■

Bulk distribution center	S			■	■	■
College or university	■	■	■	■	■	■
Conference facilities	■	■	■	■	■	■
Contractor office with storage yard	S			S	S	S
Corporate office	■	■	■	■	■	■
Day care	■	■	■	■	■	■
Delicatessen	■	■	■	■	■	■
Dry cleaner	■	■	■	■	■	■
Financial services	■	■	■	■	■	■
Health services office, clinic or laboratory	■	■	■	■	■	■
Health or fitness club	■	■	■	■	■	■
Hotels	■	■	■	■	■	■
Kennel (indoor)	S	S	S	S	S	S
Mini-warehouse/self storage facility	S	S	S	S	S	S
Municipal offices	■	■	■	■	■	■
Museum	■	■	■	■	■	■
Parking garage	■	■	■	■	■	■
Pharmacy	■	■	■	■	■	■
Postal and reprographic service	■	■	■	■	■	■
Professional services	■	■	■	■	■	■
Recreational and sports facilities	S	■	■	■	■	S

Restaurants	■	■	■	■	■	■
Restaurants with drive-thru or drive in service	S	S	S	■	■	S
Salvage yards	S			S	S	
School, business or trade	■	■	■	■	■	■
Swimming, tennis or sports club	■	■	■	■	■	■
Theater, drive in					■	
Theater, movie or performance	■	■	■	■	■	■
Townhouse	■	■	■	■	■	■
Training facilities or classrooms	■	■	■	■	■	■
Travel agency	■	■	■	■	■	■
Wireless communications facility (monopole)	S	S	S	S	S	S

(Ord. No. CSO#1124-09-2019, § 1, 11-11-2019; Ord. No. CSO# 1124-09-2019, § 1, 11-11-2019; Ord. No. CSO# 1240-01-2020, § 1, 1-21-2020)

101-5. Prohibited uses within specific plan areas 1 and 3. The following uses shall be expressly prohibited within specific plan areas 1 (Spinks) and 3 (Hidden Creek Destination Center) in the IH35 overlay district, regardless of whether the use is allowed in the base zoning district.

Automotive and machinery repair (as primary use and not affiliated with indoor auto sales)

Automotive and machinery services

Automotive and machinery washes

Automotive parts sales (as a primary use)

Automotive rental

Automotive repair, painting or body work (as a primary use and not affiliated with new automobile sales)

Batting cages

Boat sales (as a primary use)

Bulk distribution centers (provided that this shall not prohibit warehouse use that is ancillary to a permitted primary use)

Camper sales

Campgrounds

Day camp for children

Donation centers

Fairgrounds

Flea markets

Go-cart tracks

Heavy equipment sales, rental and leasing

Heavy machinery sales or repair

Industrial building sales

Kennels

Manufactured home sales

Mini warehouses

Portable building sales (as a primary use)

Recreational vehicle parks

Recycling centers (provided that this prohibition shall not prevent use of temporary collection and storage bins for recyclable materials generated by a permitted use during the ordinary course of business)

Sale of used goods (except antiques and estate sales)

Salvage yards

Shooting ranges

Tire retread, recapping and storage

Truck service or repair

Truck stops

Trucking terminals

Video arcades (as a primary use)

Wholesale nurseries (as a primary use)

Wrecking yards or auto salvage

101-6. Building heights. Building heights shall be subject to the requirements of Section 133 of the zoning ordinance, except as follows:

- (a) Within the overlay district, 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) Buildings located in specific plan areas 1, 2 and 5 may be constructed to a height of 120 feet, except that 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.

101-7. Outdoor displays and storage areas.

- (a) Outside display of merchandise shall be allowed, provided that it shall be limited to an area within eight feet of the front wall of the building, and limited to not more than 50 percent of the building's private frontage. Emergency pedestrian access to the building shall not be blocked. Merchandise shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m. For purpose of this regulation, the front wall shall be the front containment wall of the structure and not the front of an overhanging walkway cover.
- (b) Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) upon the approval of the city manager or his or her designee.

- (c) There shall be no outside storage or outside sales areas of landscaping materials, plants or general merchandise except for an outside display area, as provided in the above paragraph. For purpose of this regulation, nothing shall prohibit the sale or display of landscaping materials, plants or general merchandise located behind an enclosure screening wall constructed of like materials to the building, provided merchandise is not visible above the top of the screening wall.

(Ord. No. B-582(G0410), § 2, 4-19-2010)

Section 102. - Reserved.

Section 103. - BP, business park overlay district.

103.1 purpose. The BP, business park overlay district is established to encourage employment opportunities by attracting industries with strong potential for upward mobility of skilled workers such as logistics 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 overlay 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.

103.2 District limits. The BP, business park overlay district is comprised of a defined area. The limits of the BP, business park overlay district as shown in exhibit A and shall be as shown on the zoning district map for the city as amended.

Editor's note— It should be noted that exhibit A is not set out at length herein but is on file and available for inspection in the office of the city secretary.

103.3 Applicable regulations.

- (a) The BP, business park overlay district shall not alter the zoning regulations of the underlying districts, unless otherwise provided within this section.
- (b) In addition to regulations as contained in this section, Appendix C. Urban Design Standards, Article VII: Business Park Design Standards shall be applicable within this district.
- (c) The following development regulations of the Burleson Code of Ordinances shall not apply within this overlay district:
 - (1) Chapter 10. Building and Building Regulations, Article XV, Masonry regulations.
 - (2) Chapter 36. Fencing and screening regulations.
 - (3) Chapter 63. Sign regulations.
 - (4) Chapter 86. Landscaping, trees and vegetation regulations.

103.4 Uses allowed. In the BP, business park overlay district no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in the listing of uses in the underlying district or additionally permitted within this BP district and not specifically prohibited within the BP district.

- (a) *Primary uses:* In addition to permitted uses of the underlying districts, following uses are allowed in the BP, business park overlay district:
 - Corporate headquarters

Data processing, hosting, and related services

Logistics facilities

Motel or hotel

Office, business and professional

Office, medical or dental

Park or public playground

Research and development facilities

Retail shop

Warehousing for storage and distribution

(b) *Accessory uses:*

Auto laundry/carwash

Automotive fuel sales

Battery Charging Area

Caretaker's or guard's residence

Mechanical bay

(c) *Uses allowed with specific use permit:*

Antenna facility—Subject to compliance with all the provisions of City of Burleson Code of Ordinances, Appendix B, Zoning Ordinance, Section 44 Antenna Facilities with the following additional conditions:

Shall be concealed from public right-of-way; or

Shall be screened from public view.

Medical care facilities

(Ord. No. CSO#1124-09-2019, § 1, 11-11-2019)

103.5 Prohibited uses The following uses are prohibited within the BP, business park overlay district:

Animal pound, private

Asphalt/concrete batching (permanent)

Auto glass, seat cover, muffler shop

Auto impoundment

Auto, new used auto sales (outdoors)

Auto painting or body shop

Auto parts and accessory sales (with outside storage)

Auto repair garage

Auto sales or auction

Automobile/truck rental service

Brick kiln or tile plant

Cement or hydrated lime

Cleaning plant, commercial

Contractors, electrical/mechanical/plumbing (with outside storage)

Contractor, storage equipment

Custom personal service shop

Dump or sanitary landfill

Dyeing/laundry plant, commercial

Go-cart track

Hatchery

Hauling or storage company

Heavy machinery sales/repair

Kennel

Livestock auction

Maintenance and repair services for buildings

Massage, therapeutic

Motorcycle sales and repair

Monopole antenna

Open salvage yard

Open storage of commercial goods

Paint shop

Parking lot or structure, commercial (auto)

Parking lot, trucks/trailers

Plumbing shop (with outside storage)

Sand/gravel extraction storage (outside)

Sewage pumping station

Sewage treatment plant

Sexually oriented business — subject to compliance with all provisions of Chapter 14, Sections 14-471 through 14-499, Burleson Code of Ordinances.

Stable or barn, private

Taxidermy

Tire retread, recapping and storage

Trailer, manufactured home sales, rental, assembly and manufacturing

Topsoil/sand extraction/storage

Veterinarian, office only

Veterinarian hospital

Veterinarian with outside animal pens

Welding or machine shop

Wrecking or auto salvage yard

(Ord. No. B-582(O0114), § 1, 2-3-2014)

103.6 Development regulations.

(a) Minimum lot size	2 acre
(b) Building setback line along IH-35	70 feet minimum
(c) Building setback line along road type B	40 feet minimum
(d) Building setback line adjacent to residential districts whether separated by an alley or not	70 feet minimum
(e) Building setback line along all other ROW	30 feet minimum
(g) Lot coverage	75% of lot area maximum

103.7 Building height.

(a) Building height	80 feet maximum, or 120 feet with SUP approval for height
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(Ord. No. B-582(K1110), § 5, 12-6-2010)

Sections 104—129. - Reserved.

ARTICLE V. - SUPPLEMENTAL REGULATIONS

Section 130. - Specific use permits.

130-100. Purpose. Certain uses, because of the characteristics of the use, may be appropriate in some zoning districts under certain conditions in addition to the zoning districts in which they are a permitted use. These uses are identified in article 3, zoning districts. Each use that may be considered for a specific use permit is listed in the district in which it is permitted with the conditions that must be met for approval. The procedure and criteria for approval of a specific use permit are set forth in section 130-105, generally, below.

130-105. Generally.

- (a) The city council may authorize specific use permits in the same manner as other amendments to the zoning ordinance.
- (b) Application for a specific use permit may be made by any property owner or other person having a proprietary interest in the property for which a specific use permit is requested by filing an application on the forms provided by the city and paying the established fee. The application shall be accompanied by a site plan drawn to scale and showing the elements indicated in section 131, site plan requirements, when required by conditions of the specific use permit. The site plan shall be considered and filed as part of the ordinance, and if approved, filed prior to the issuance of a building permit.
- (c) Every specific use permit granted shall be considered an amendment to the zoning ordinance as applicable to the property affected but shall not be considered as a permanent change in zoning. If the building, premises, or land used under the specific use permit is voluntarily vacated for a period of six months or more, or if the building, premises, or land is more than 50 percent destroyed by fire or other cause, the use of the property shall, conform to the regulations of the original zoning district unless a new specific use permit is granted for continuation of the use.
- (d) In granting a specific use permit, the city council may impose such conditions as are deemed to be necessary or appropriate to protect the public health, safety, or general welfare. These conditions shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the property pursuant to the specific use permit.
- (e) A specific use permit may be granted for specific periods of time after which the planning and zoning commission may inquire into the continuation of the permit and, based upon its findings, recommend its discontinuance or an extension of the time period as set forth in the ordinance establishing the specific use permit.

- (f) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit are v to accept and agree to be bound by and comply with the written requirements of the specific use permit.
- (g) A building permit, if required, shall be applied for and secured within one year from the time of granting the specific use permit; provided, however, [that] the city council may authorize an extension of this time upon request by the permit holder and recommendations by the planning and zoning commission. Failure of a building permit to be issued within one year or within any other time frame authorized by the city council shall render the specific use permit void.
- (h) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alteration, or change.
- (i) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (j) All specific use permits approved in accordance with the provisions of this ordinance shall be referenced on the official zoning map, and a list of such permits shall be maintained by the city manager or their designee.

130-110. Factors to be considered. In granting or denying an application for a specific use permit, the city council shall take into consideration the following factors:

- (a) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- (b) Safety from fire hazard, and measures for fire control.
- (c) Protection of adjacent property from flood or water damage.
- (d) Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.
- (e) Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- (f) Street size and adequacy of pavement width for traffic and reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
- (g) Adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities for similar uses, location of ingress and egress points for parking and off-street loading spaces; and protection of the public health by all weather surfacing on all parking areas to control dust.
- (h) Such other measures as will secure and protect the public health, safety, morals and general welfare.

Section 131. - Site plan requirements.

131-105. Site plan requirements generally. Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. Except as otherwise provided herein, all site plans must be approved by the city council upon recommendation of the planning and zoning commission. The site plan submitted in support of an application (form provided by the building official) shall satisfy the requirements for site plan submittals as set forth by the development assistance committee. Site plans shall be reviewed by the development assistance committee at the next scheduled meeting after submittal. Comments shall be returned within five working days after the review by the development assistance committee. In no event shall

the review process exceed 15 working days after submittal. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the development assistance committee.

131-110. Required prior to building permit. When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the city.

131-115. Changes to the site plan. Changes to the site plan shall be processed in the same manner as the original approved site plan.

- (a) Except as otherwise provided in subsection 131-115, changes to site plan (c), any site plan that is amended shall require approval of the city council upon recommendation by the planning and zoning commission.
- (b) Changes to the site plan which will affect the use of the land may require either an amendment to a PD or a rezoning of property, whichever applies.
- (c) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the community development director or his/her designee. An aggrieved party may appeal the decision of the community development director or his/her designee to the zoning board of adjustment in accordance with the provisions of this ordinance.

131-120. Council approval. Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance. Hearings held by the council for consideration of approval of the zoning change and accompanying site plan shall be conducted in accordance with the provisions of section 9, public hearings.

131-125. Site plan content. The site plan shall contain the information listed below and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the planning and zoning commission, the city council, and the staff personnel required to enforce and interpret this ordinance:

- (a) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements and public rights-of-way.
- (b) Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
- (c) Floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
- (d) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.
- (e) Total number, location and arrangement of off-street parking and loading spaces, where required.
- (f) All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- (g) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of

any existing or proposed building or structure.

- (h) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- (i) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
- (j) If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
- (k) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address or common description of the property.
- (l) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
- (m) Buildings on the exterior of the site and within 25 feet of all property lines.
- (n) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
- (o) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.

Section 132. - General yard requirements.

132-100. Purpose. The following general requirements provide additional criteria which apply to yard requirements in all zoning districts.

132-105. General.

- (a) *Two or more zoning districts.* Where the frontage on one side of the street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from one intersecting street to the other. (See Appendix Illustration 7).
- (b) *Established building line.* Where a building line has been established by plat or previous ordinance, and the line requires a front yard setback greater or lesser in depth than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line established by the previous ordinance or plat.
- (c) *Measurement.* The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eave and roof extensions may project into the required front yard for a distance not to exceed four feet. (See Appendix Illustration 5).
- (d) *Double frontage.* Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both sides unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be provided. Additionally, for lots which have a subdivision wall adjoining or facing the lots, the front yard setback will apply only to the portion which faces the street and the rear yard setback will be the portion that faces the subdivision wall, unless otherwise specified by plat.
- (e) *Average setbacks.* If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, then the

average setback of all buildings fronting between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard greater than 50 feet, nor shall they be interpreted as requiring any building to observe a front yard of more than ten feet greater than the front setback observed by any building on a contiguous lot. These provisions shall be superseded on any lot where a building line has been established by plat or ordinance and the front yard or setback required by the plat or ordinance shall be provided. (See Appendix Illustration 8).

- (f) *Rear yard open and unobstructed requirement.* Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the ground level of the graded lot, except for accessory buildings as permitted and the ordinary projections of window sills, belt courses, cornices, and roof overhangs, and other architectural features projecting not more than four feet into the required rear yard.
- (g) *Side yard open and unobstructed requirement.* Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted and the ordinary projections of window sills, belt courses, cornices, and other architectural features projecting not more than 12 inches into the required side yard, and roof eaves projecting not more than 36 inches into the required side yard.

132-115. Accessory building and structure yard regulations.

- (a) *Front yard.* Attached accessory buildings or structures shall have a front yard not less than the main building. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
- (b) *Side yard.* A side yard of three feet shall be maintained for any accessory building or structure located in a residential district as measured from the side lot line; except that adjacent to a side street the accessory building side yard shall be not less than ten feet and a garage or carport entered from and opening onto the side shall provide a side yard of not less than 20 feet.
- (c) *Rear yard.*
 - (1) There shall be a rear yard for accessory buildings or structures of not less than three feet measured from the lot line. In residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within this rear portion of the lot shall not be located closer than six feet to the main building or nearer than three feet to any side lot line, (See Appendix Illustration 3).
 - (2) Where a garage or carport is designed and constructed to be entered from an alley or side street, the garage or carport shall be set back from the side street or alley a minimum distance of 18 feet.

(Ord. No. B-582(M0112), § 1, 2-6-2012)

Section 133. - General height requirements.

133-100. Generally. The following height requirements shall apply:

- (a) Cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of a building. Water standpipes and tanks, religious institution steeples, domes and spires, school buildings, and institutional buildings may exceed three stories in

height in residential districts restricted to two or three stories in height, provided that one additional foot is added to the width and depth of side and rear yards for each foot that a structure exceeds 35 feet in height.

- (b) In the GR, CC, C and I districts a building may exceed a height of 35 feet if the following conditions are met:
 - (1) A site plan is provided; and
 - (2) For every one foot above the height of 35 proposed, an additional one foot of set back is provided on the front, side, and rear yards. The maximum height shall not exceed 60 feet.
- (c) Height regulations do not apply to steeples, domes and spires, or other architectural design elements, communication towers and/or antennas. (For antenna and tower regulations see section 137, antenna facilities.)
- (d) Height restrictions identified in the Spinks Airport Air Hazard Zoning Ordinance as adopted by Resolution No. 503 shall be observed.

Section 134. - Vehicle parking regulations.

134-100. Generally.

- (a) In all zoning districts, off-street parking shall be provided in accordance with this section.
- (b) Required parking in residential districts must be located on the same lot or tract as the main use for which the parking is provided.
- (c) Required parking in nonresidential districts may be located on the lot or tract with the main use for which the parking is provided or on a lot or tract in the same zoning district, within 150 feet of the building or structure constituting the main use.
- (d) A use lawfully existing on June 27, 1985, need not provide parking as required by this section unless the use is expanded. Existing off-street parking for on-conforming use may not be reduced below the number of parking spaces required by this section.
- (e) If specific requirements results in a fraction of a parking space, the next larger whole number of spaces is required. If specific requirements include the number of persons employed on the premises, the number of employed in two shifts shall be used for calculating parking spaces when a use customarily exceeds nine hours of operation in a 24-hour period.

134-105. Residential uses. In the following zoning districts the minimum off-street parking spaces for residential uses is:

- (1) A, agricultural district: two spaces for each dwelling unit.
- (2) SFE, single-family estate district: two spaces for each dwelling unit.
- (3) SFR, single-family rural district: two spaces for each dwelling unit.
- (4) SF16, single-family dwelling district-16: two spaces for each dwelling unit.
- (5) SF10, single-family dwelling district-10: two spaces for each dwelling unit.
- (6) SF7, single-family dwelling district-7: two spaces for each dwelling unit.
- (7) SFA, single-family attached dwelling district: two spaces for each dwelling unit.
- (8) 2F, two-family dwelling district: two spaces for each dwelling unit.

- (9) MF1, multiple-family dwelling district: two spaces for each dwelling unit, plus one additional space for each the dwelling unit over three.
- (10) MF2, multiple-family dwelling district: two spaces for each dwelling unit, plus one additional space for each bedroom in the dwelling unit over three.
- (11) MH, manufactured dwelling district: two spaces for each dwelling unit.
- (12) MHP, manufactured home park district: two spaces for each dwelling unit.

134-110. Nonresidential uses. In all districts except the CC, central commercial district, the minimum number of off-street parking spaces is:

- (1) Bank, savings and loan or similar financial establishment: one space for each 300 square feet of total floor area.
- (2) Bed and breakfast: five minimum, plus one per rented bedroom.
- (3) Bowling alley: six spaces for each lane.
- (4) Clinics or doctor's offices: one space for each 200 square feet of total floor area.
- (5) Religious institution: one space for each four seats in the main sanctuary. Plus additional as may be required for secondary uses.
- (6) Commercial amusement: ten spaces, plus one space for each 100 square feet of total floor area over 1,000 square feet.
- (7) Convalescent home, hospital, (chronic care) for the aged: one space for each three beds or home.
- (8) Automotive fuel sales: six spaces minimum.
- (9) Golf course: 30 spaces minimum.
- (10) High school, college or university: one space for each classroom, laboratory instruction area, plus one space for each three students accommodated in the institution.
- (11) Hospital (acute care): one space for each two beds.
- (12) Hotel or motel: one space for each room, unit, or guest accommodation, plus specified requirements for restaurants and related facilities.
- (13) Library or museum: ten spaces, plus one space for each 300 square feet of total floor area.
- (14) Manufacturing, processing or repairing: one space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater.
- (15) Offices, general: one space for each 200 square feet of total floor area.
- (16) Recreational, private, or commercial area: one space for each four persons to be or building (other than listed) normally accommodated in the establishment.
- (17) Restaurant or cafeteria: one space for every three seats under maximum seating arrangement.
- (18) Retail or personal service: one space for each 200 square feet of total floor area.
- (19) Furniture stores and appliance stores: one space for each 500 square feet of total floor area.
- (20) Schools, elementary, or junior high: one space for each classroom, plus one space for each four seats in any auditorium, gymnasium or other place of assembly.
- (21) Storage or warehousing: one space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater.

- (22) Theaters, meeting rooms, and places of public assembly: one space for each three seats.
- (23) Shopping center or mall: one space for each 250 square feet of total floor area.
- (24) Motor vehicle service repair or garage: one space for each 500 square feet of total floor area minimum of five spaces.
- (25) Beauty and barber shops: one space for each 100 square feet of total floor area.
- (26) Miniwarehouse: one space for each 300 square feet of office floor area plus one space for each 3,000 square feet of storage floor area.
- (27) Automobile/truck rental service: one space per rental unit (including automobiles, trucks, or trailers) and a minimum of one space for each 200 square feet of floor area.

(Ord. No. CSO#1124-09-2019, § 1, 11-11-2019)

134-115. Special off-street parking requirement.

- (a) In computing the parking requirements for any building or development the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- (b) In the SFE, SFR, SF16, SF10, SF7, SFA, 2F, MF1, MF2, MHP, and MH districts, no parking space, garage or carport or other automobile storage or structure shall be used for the storage of any truck, truck trailer, or van exceeding 1½ ton capacity.
- (c) In the SFE, SFR, SF16, SF10, SF7, SFA, 2F, MF1, MF2, MHP and MH districts, a boat or recreational vehicle may be parked or stored on the residential premises of the owner, provided that the boat or recreational vehicle is at least ten feet from any property line.
- (d) Floor area of structures devoted to off-street parking of vehicles shall be excluded in the computing of off-street parking requirements.
- (e) Private access drives to parking lots to serve nonresidential uses shall not be through residential districts.
- (f) Lighting of off-street parking areas will be located so as to provide adequate safety and security for the parking area.

134-120. Handicapped parking spaces.

- (a) In each parking facility in zones MF1, MF2, NS, GR, CC, C, and I, a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped. These spaces will be provided according to the following schedule:

Total Spaces in Lot	No. of Required Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
Over 500	2 percent of total

- (b) Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 12.6 feet wide by 18 feet long, with a vertical clearance of 7.6 feet.
- (c) Each designated handicapped parking space shall be located in an area not exceeding a two percent slope, and shall be located rear and convenient to a level or ramped entrance accessible to handicapped persons.
- (d) Parking spaces for the handicapped shall be marked in accordance with state law and restricted for use by the handicapped only.
- (e) Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

134-125. Parking requirements for new or unlisted uses.

- (a) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.
- (b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to 134-105 and 134-110 above or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in section 18, classification of new and unlisted uses.

Section 135. - Off-street loading regulations.

135-100. Generally. Except in the CC district, all retail, commercial, industrial, and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by 45 feet and the spaces or berths shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0—5,000	None
5,000—15,000	1
15,000—40,000	2
40,000—65,000	3
65,000—100,000	4

Note: The existence of a 20-foot alley adjacent to the property shall be the equivalent of one berth.

Section 136. - Temporary use regulations.

136-100. Temporary uses generally.

- a. Temporary uses under this section include special events, carnivals and circuses, seasonal uses, holiday

sales, temporary outdoor sales and stationary food vendors.

- b. All sale items, equipment, trash, signs, lighting and shelters shall be removed by the holder of the permit for the temporary use no later than two days following the permit expiration.
- c. All temporary uses on private property require written approval by the property owner.
- d. Any temporary structure associated with the use must comply with the city's building regulations (chapter 10, article XII of the city code of ordinances).
- e. All temporary structures shall be removed within two days after permit expiration.
- f. City permit is required for such temporary uses and shall be visibly posted on the temporary structure or at the temporary use site with the renewal/expiration date on it.
- g. A permit fee shall be paid in accordance with the city fee schedule.
- h. The following persons shall be exempt from the provisions of this section:
 1. Persons who are engaged in expressive or associative activities which are protected by the United States and Texas Constitutions, including freedom of speech, press, assembly, and the right to petition.
 2. Individuals who are soliciting donations on behalf of organized charities such as bell ringers for the Salvation Army.

136-101. Special events.

Special events are defined as a fund raising activity or event for churches and other nonprofit organizations. These events shall include, but not be limited to, auctions, second hand goods sales, bake sales, parades and car washes, etc. The following conditions shall apply:

- a. A special event permit shall be required.
- b. The duration of the special event permit shall be for a maximum of three consecutive days.
- c. A special event is permitted in any zoning district with an approved permit.
- d. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- e. In case of a large event requiring street closures or public resources the city's street closure committee shall establish the terms and conditions for the special event at the time of approval.
- f. In the event that a permit applicant is dissatisfied with the city's street closure committees decision, the applicant may appeal the requested terms and conditions to the planning and zoning commission and city council.

136-102. Carnivals and circuses.

Carnivals and circuses shall be permitted as follows:

- a. The duration of the permit for a carnival or circus shall be for a period not exceeding ten consecutive days.
- b. Such events shall be on a site in the A, NS, GR CC, C or I zoning districts.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the city's street closure committee.
- d. No carnival or circus shall begin operation before [8:00]a.m. and operation shall cease before 11:00 p.m. on all nights except on Saturday when the event shall cease operation at midnight.

- e. The city's street closure committee shall establish the terms and conditions for a permit for a carnival or circ time of approval.
- f. In the event that an applicant is dissatisfied with the city's street closure committees decision, the applicant may appeal the requested terms and conditions to the planning and zoning commission and city council.

136-103. Seasonal uses.

A permit for a seasonal use shall be granted only for farmers markets and snow cone stands. These shall be permitted as follows:

- a. The duration of the permit shall be for a period between April 1st and October 31st.
- b. Such events shall be on a site in the A, NS, GR CC, C or I zoning districts.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.

136-104. Holiday sales.

Permits for holiday sales shall be granted only for Christmas tree sales or Halloween pumpkin stands. These shall be permitted as follows:

- a. The duration of the permit shall be for a period not exceeding 40 days prior to the holiday event and two days after the holiday event.
- b. Such events shall be on a site in the A, NS, GR CC, C or I zoning districts.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.

136-105. Temporary outdoor sales.

Temporary outdoor sales are defined as any temporary outdoor sales event that is not classified as a special event, seasonal use, holiday sales or stationary food vendor. These temporary uses shall be permitted as follows:

- a. They shall only be permitted on properties in the A, NS, GR, CC, C, or I zoning districts.
- b. Temporary outdoor sales will only be conducted by the existing occupants of existing businesses on the property where the sales will be held.
- c. The duration of a temporary outdoor sale shall not exceed 30 days upon the application and granting of a temporary use permit. In no event shall any temporary outdoor sales be allowed for more than 30 consecutive days for more than once per year for each property (lot, tract or parcel).
- d. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- e. All sales shall meet the special conditions, if any imposed by the code enforcement officer and/or fire marshal for the protection of the public health, safety and welfare.
- f. No tent or similar structure shall be erected in any required setbacks or designated easements. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No use of property, for temporary outdoor sales, will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

136-106. Stationary food vendors.

Stationary food vendors are defined as food vendors with temporary structures that are stationary at one location. These stationary food vendors shall be permitted as follows:

- a. Stationary food vendors shall only be permitted on properties in the C, or I zoning districts.
- b. Stationary food vendors will only be allowed:
 - a. With a special events permit; and/or
 - b. Within the building footprint of a 80,000 square feet or greater business with the business owners written permission.
- c. Adequate parking and sanitary facilities shall be made available to the satisfaction of the community development director or designee and/or code enforcement officer.
- d. All stationary food vendors shall meet the special conditions, if any imposed by the code enforcement officer and/or fire marshal for the protection of the public health, safety and welfare.
- e. Mobile food vendors shall be regulated by a separate ordinance and not permitted through the zoning ordinance.

Footnotes:

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Editor's note— Ord. No. B-582(C0210), § 1, adopted Feb. 15, 2010, deleted § 43 in its entirety and enacted a new § 43, subsections 43-100—43-106 as set out herein. The former § 43 pertained to special event and temporary use regulations and derived from Ord. No. B-582 adopted 9-11-1997.

Section 137. - Antenna facilities.

137-100. Purpose. Certain radio equipment used in transmitting and receiving signed energy are essential and are deemed to promote the health, safety and general welfare of the citizens of the city. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts and towers hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

137-105. Definitions. The following definitions shall apply:

Antenna. A device used in communications which transmits or receives radio signals.

Antenna, building attached. Antenna attached to existing structures in two general forms:

- (1) Roof-mounted, in which antennas are placed on the roofs of buildings; or
- (2) Building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna facility. A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

Antenna, microwave. Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3.0 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, panel. Also know as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antenna are typically flat, rectangular devices approximately six square feet in size.

Antenna, whip. Also know as omnidirectional antenna). Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and 18 feet in height. They are used to emit signals in a 360 degree horizontal plane and a compressed vertical plane.

Collocation. The act of locating wireless communications equipment from more than one provider on a single antenna facility.

Equipment storage. A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

Lattice towers. A tower having three or four support steel legs and hold a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

Monopole. An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

Satellite receive-only antenna. An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna or satellite earth station antenna.

137-110. Residentially zoned districts; amateur radio equipment, and TV antennas. Amateur radio equipment, (including ham radio and CB equipment) and personal use TV antennas shall be allowed in the SFE, SF16, SF10, SF7, SFA, 2F, MF1, MF2, MH, and MHP zoning districts if it complies with the following regulations:

- (a) Antenna facility may be building attached, monopoles, or lattice towers.
- (b) Only one antenna facility per lot of record.
- (c) An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 35 feet in height; provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations contained in section 132-115, accessory building and structure yard regulations of the zoning ordinance. Regardless of the above, the maximum height for a tower permitted without a specific use permit in any residential district shall be 65 feet.
- (d) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a specific use permit.
- (e) An antenna not fastened to a antenna facility shall not exceed 50 feet without a specific use permit, except for an antenna which does not extend more than eight feet above a building on which it is mounted.
- (f) A antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load

requirements.

- (g) Setbacks:
 - (1) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards.
 - (2) Guy wires are permitted in required side and rear yards.
 - (3) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.
- (h) Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.
- (i) Antenna facilities shall not be permitted in any easement.
- (j) Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
- (k) Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the building code.
- (l) Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare.
- (m) No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.
- (n) Owners of any antenna or antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days notice to the owner. Such notarized statement and, if the antenna, or antenna facility is capable of transmitting, a copy of their Federal Communications Commission license(s) must be provided prior to the issuance of a building permit.
- (o) No permit shall be issued for the installation of an antenna, antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department.
- (p) All antennas antenna facility shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the city in accordance with provisions in the building code.
- (q) A specific use permit must be obtained in the SFE, SF16, SF10, SF7, SFA, 2F, MF1, MF2, MH, and MHP zoning districts for any antenna facility which does not comply with the regulations specified hereinabove.

137-120. Commercial or industrial zoned districts. Radio, television, microwave broadcast relay, receiving towers and transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna) and any electronic emission equipment of a commercial nature shall be allowed in the NS, GR, CC, C and I zoning districts if it complies with the following regulations:

- (a) Only one antenna facility per lot of record.
- (b) Antenna facilities shall be limited to building attached and monopoles only.
- (c) An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height; provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations contained in section 132-115, accessory building and structure yard regulations of the zoning ordinance. Regardless of the above, the maximum height for an antenna facility permitted without a specific use permit in any NS, GR, CC, C and I district shall be 65 feet.
- (d) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a specific use permit.
- (e) An antenna not fastened to an antenna facility shall not exceed 50 feet, except for an antenna which does not extend more than eight feet above a building on which it is attached.
- (f) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.
- (g) Setbacks:
 - 1. Antennas and antenna facilities shall not be permitted in front or side yards.
 - 2. Antennas and antenna facilities shall be setback from residential districts a minimum distance equal to two times the height of the tower, but in no instance shall the setback be less than 200 feet from any residentially zoned district.
- (h) Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record. With the exception of structure mounted antenna, there shall be a separation of 1,500 feet from antenna facilities.
- (i) Antenna facilities shall not be permitted in any easement.
- (j) Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
- (k) Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Antenna facility must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the building code.
- (l) Maintenance: Antenna facility and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to

safeguard life, limb, health, property, and public welfare.

- (m) No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.
- (n) Owners of any antenna or antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days notice to the owner. Such notarized statement and, if the antenna, or antenna facility is capable of transmitting, a copy of their Federal Communications Commission license(s) must be provided prior to the issuance of a building permit.
- (o) No permit shall be issued for the installation of an antenna, antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department.
- (p) All antennas, or antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the city in accordance with provisions in the building code.
- (q) A specific use permit must be obtained in the NS, GR, CC, C and I zoning districts for any antenna or tower which does not comply with the regulations specified hereinabove.

137-125. Written report upon denial of request. The City of Burleson shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

137-130. Satellite receive-only antennas generally. Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety and aesthetic objectives.

137-135. Satellite receive - only antennas. A satellite receive only antenna shall be allowed if it complies with the following:

- (a) The satellite receive - only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land use regulations; or
- (b) The satellite receive - only antenna is less than one meter in diameter in any zoning district.

137-140. Satellite receive-only antennas (greater than one meter in diameter in residential districts and two meters in diameter in commercial or industrial districts). Satellite receive-only antennas shall be allowed in any zoning district if it complies with the following regulations:

- (a) Only one satellite receive-only antenna per lot of record.
- (b) A satellite receive-only antenna shall not exceed ten feet in height.
- (c) Setbacks:

Front and side: Satellite receive-only antennas shall not be permitted in front or side yards.

Side: Satellite receive-only antennas shall be permitted in yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts.

- (d) Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.
- (e) Satellite receive-only antennas shall not be permitted in easements.
- (f) Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
- (g) Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas.
- (h) Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare.
- (i) No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna.
- (j) No permit shall be issued for the installation of a satellite receive-only antenna on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department.
- (k) All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.
- (l) A specific use permit must be obtained for any satellite receive only antenna, which does not comply with the regulations specified hereinabove.

137-150. Specific use permit. A specific use permit must be obtained for any antenna, tower, and/or satellite receive-only antenna which does not comply with the regulations specified in section 137-100 through 137-140, hereinabove. In considering whether to grant a specific use permit from the regulations specified above, the following shall be considered:

- (a) The effect on the value of the surrounding property.
- (b) The potential for interference with the enjoyment of the use of surrounding properties.
- (c) Aesthetics.
- (d) The necessity of the specific use permit for the public health, safety and welfare of the citizens or for governmental purposes.
- (e) The zoning district and the adjoining zoning districts of the property for which the specific use permit is sought.
- (f) The provisions of 47 CFR 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:

1. Have a clearly defined health, safety or aesthetic objective; and
 2. Furthers the stated health, safety or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
- (g) The unique conditions that govern reasonable reception on any given lot.
- (h) To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified hereinabove the following information must be provided by the applicant:
1. Describe the nature of the antenna site. Indicate whether the proposed structure a monopole or mounted to a self-supporting structure. Indicate the proposed height.
 2. Provide photos or drawings of all equipment, structures and antenna.
 3. Describe why the antenna or tower is necessary.
 4. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.
 5. Indicate if this antenna or tower site be connected to other sites; and if so, describe how it will be connected and who will be the back haul provider.
 6. The applicant must address whether or not they have made an effort to collocate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. If yes, please describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites owners and/or operators which confirm the statements provided. Indicate whether or not the existing sites allow/promote collocation and, if not, describe why not.
 7. Indicate whether or not collocation will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason.
 8. If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided.
 9. Indicate the proposed providers current coverage area for the city. Attach maps showing the areas the proposed providers existing antenna currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover.
 10. Describe the applicant's master antenna and tower plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan.
 11. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the city.

The planning and zoning commission will approve a requested application subject to the finding that collocation of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:

1. Applicant will permit collocation of others at the site;
2. Applicant will configure its antenna and other equipment to accommodate other providers;
3. Applicant will identify its back haul provider connecting antenna sites; and
4. Applicant will give notice to the city identifying any providers who collocates to the site and identify their back haul provider.

Section 138. - Food trucks.

(a) Food truck parks are a permitted use in the following zoning districts in the city:

- (1) A, Agricultural district;
- (2) MF1, Multi-family dwelling district;
- (3) MF2, Multi-family dwelling district;
- (4) NS, Neighborhood service district;
- (5) GR, General retail district;
- (6) CC, Central commercial district;
- (7) C, Commercial district;
- (8) I, Industrial district;
- (9) PD, Planned development district.

(b) Food trucks are a permitted use in the following non-residential zoning districts in the city:

- (1) A, Agricultural district;
- (2) NS, Neighborhood service district;
- (3) GR, General retail district;
- (4) CC, Central commercial district;
- (5) C, Commercial district;
- (6) I, Industrial district;
- (7) PD, Planned development district.

(Ord. No. CSO#1066-07-2019, §§ 4, 5, 8-5-2019)

Section 139. - Electric car charging.

139-100. Purpose. Electric car charging stations are parking stalls in which include additional equipment for the purpose of providing electrical energy to charge and/or re-charge electric vehicles. Charging stations provide a range of heavy duty or special connectors that conform to the variety of standards. Electric car charging stations shall be allowable in all zoning districts and shall not be deemed violations of this ordinance when made under the conditions herein provided.

139-110. Residentially zoned districts. Electric vehicle charging station(s) shall be allowed in the A, SFE, SF16, SF10, SF7, SFA, 2F, MF1, MF2, MH, and MHP zoning districts subject to the following regulations:

- (a) When proposed in a single-family residential zoning district, shall be located within an enclosed garage, shop, or accessory structure and be utilized only by the property owner(s) in which the equipment is located.
- (b) Proposed spaces for electric car charging cannot reduce parking requirements for primary use on site by more than five percent.
- (c) When spaces are provided outside of an enclosed facility, each charging station/space shall have appropriate signage indicating the space is only to be used for electric vehicle charging purposes. Signage should also indicate any time limits or tow away provisions to be enforced by the owner.
- (d) Any generator(s) or mechanical equipment installed for the purpose of providing electricity to the charging station, shall be screened in accordance with all provisions referenced in chapter 36, subsection 36-12(d). The screening requirements apply to transformer boxes, generators and/or ground mounted equipment and does not apply to the free-standing charging stations to which vehicles connect.

139-120. Non-residentially zoned districts. Electric vehicle charging station(s) shall be allowed in the NS, GR, CC, C, and I zoning districts subject to the following regulations:

- (a) The use is accessory to a primary permitted use on site.
- (b) Proposed spaces for electric car charging cannot reduce parking requirements for primary use on site by more than five percent.
- (c) Each charging station/space shall have appropriate signage indicating the space is only to be used for electric vehicle charging purposes. Signage should also indicate any time limits or tow away provisions to be enforced by the owner.
- (d) Any generator(s) or mechanical equipment installed for the purpose of providing electricity to the charging station, shall be screened in accordance with all provisions referenced in chapter 36, subsection 36-12(d). The screening requirements apply to transformer boxes, generators and/or ground mounted equipment and does not apply to the free-standing charging stations to which vehicles connect.

(Ord. No. CSO#1124-09-2019, § 1, 11-11-2019)

Footnotes:

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Editor's note— Ord. No. CSO#1124-09-2019, § 1, adopted November 11, 2019, set out provisions intended for use as § 138. Inasmuch as § 138 already exists, these provisions have been included here as § 139.