



AGENDA

BARTONVILLE PLANNING AND ZONING COMMISSION

Wednesday, February 5, 2020

BARTONVILLE TOWN HALL
1941 E. JETER ROAD, BARTONVILLE, TX 76226

6:00 P.M.

A. **CALL TO ORDER**

B. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

C. **CITIZENS PARTICIPATION:**

If you wish to address the Commission, please fill out a “Public Meeting Appearance Card” and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Commission during the Citizen Comments portion of the meeting or when the item is considered by the Planning and Zoning Commission.

D. **APPROVAL OF MINUTES**

1. Discuss and consider approval of the December 4, 2019, meeting minutes.

E. **REGULAR ITEMS**

1. Public hearing to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, to add public notice provisions to that section.

F. **ADJOURNMENT**

Planning and Zoning Meeting Agenda
February 5, 2020

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: January 31, 2020, at 3:00 pm, at least 72 hours prior to the time of said meeting.



Michael Montgomery, Town Administrator

The Planning and Zoning Commission reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

THE BARTONVILLE PLANNING AND ZONING COMMISSION MEETING HELD ON THE 8TH DAY OF JANUARY 2020, AT BARTONVILLE TOWN HALL, 1941 E. JETER ROAD, BARTONVILLE, TX 76226, COUNTY OF DENTON, TEXAS AT 7:00 P.M.

The Planning and Zoning Commission met in a regular meeting with the following members present:

Ralph Arment, Chairman
Harry Otto, Commissioner
Don Abernathy, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1

Not present:

Gloria McDonald, Vice-Chairman
Gregory Peck, Commissioner
Jim Roberts, Alternate 2

Also present:

Michael Montgomery, Town Administrator

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Chairmen Arment called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairmen Arment led the pledge of allegiance.

C. CITIZENS PARTICIPATION

None

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the December 4, 2019, meeting minutes.

Commissioner Abernathy moved to approve the December 4, 2019, minutes. Commissioner Otto seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Otto, Hoyt-Stenovitch, Abernathy
NAYS: None
VOTE: 4/0

E. REGULAR ITEMS

1. Public hearing to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Meadowlakes Farm Addition, Lots 2R & 3R, approximately 49.91 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). The tracts of land are located at 785 & 531 West Jeter, Bartonville, Texas.

Mr. Montgomery presented the zoning designation change request.

Chairmen Arment opened the public hearing at 7:12 p.m.

Kim Jones, 583 W Jeter, spoke neither in favor nor opposition.

Chairman Arment closed the public hearing at 7:16 p.m.

Commissioner Otto made a motion to recommend changing the zoning designation of Meadowlakes Farm Addition, Lots 2R & 3R, approximately 49.91 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Otto, Hoyt-Stenovitch, Abernathy
NAYS: None
VOTE: 4/0

2. Discuss communication of Planning and Zoning Commission recommendations to the Town Council.

The Commissioners discussed the communication of their recommendations to the Town Council.

A consensus was formed that a member of the Planning and Zoning Commission should be present at Town Council meetings to answer questions and better explain the decisions that were made.

F. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 7:27 p.m.

APPROVED this 5th day of February 2020.

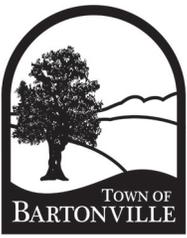
Approved:

Ralph Arment, Chairman

(Seal)

Attest:

Michael Montgomery, Town Administrator



Planning and Zoning Commission Meeting

Item #1

DATE: February 5, 2020

FROM: Michael Montgomery, Town Administrator

ITEM: Public hearing to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, to add public notice provisions to that section.

Summary:

A member of the Town Council has requested that the same public notice provisions that apply to zoning changes be applied to Site Plan submissions. Below are the current notice requirements:

A. Published Notice. Whenever published notice of a public hearing before a board or commission or the Town Council regarding a legislative or quasi-judicial decision is required under state law or this Zoning Ordinance, the Town Secretary shall cause notice to be published in a newspaper of general circulation in the Town before the fifteenth (15th) day before the date set for the required hearing. The notice shall set forth the date, time, place and purpose of the hearing, and identification of the subject property, where the decision concerns an individual tract or parcel of land.

B. Personal Notice. Whenever personal notice of a public hearing is required by state law or this Zoning Ordinance before a board or commission or the Town Council, the responsible official shall cause notice to be sent by regular mail before the tenth (10th) day before the hearing date to 1) each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question, 2) to any registered neighborhood organization representing the area in which the subject property is located, 3) the applicant and/or property owner, and 4) if the matter to be considered is an appeal, to the appellant. The notice shall set forth the name of the applicant, the time, place and purpose of the hearing, identification of the subject property, and if the matter to be considered is an appeal, the name of the appellant.

1. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the Town limits, and, when required by state law, on the most recently approved county tax roll for land in the extraterritorial jurisdiction. For recently annexed land that is not included on the most recently approved municipal or county tax roll, notice may be given by publication.

2. Notice may be served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.

C. Posted Notice. Whenever this Zoning Ordinance requires that notice of a public hearing be posted on land, the Town Secretary shall cause notification signs stating the purpose of the hearing to be placed on the subject property before the tenth (10th) day prior to the first public hearing.

1. A minimum of one sign shall be placed on each street frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the front property line.

2. The notification signs shall be left in place until final action is taken on the request for approval or development application, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the Town Secretary of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

D. Notification Following Decision. Within ten (10) working days of the date of a responsible official, board, commission or Town Council determination on a development application or permit, written notification of the action shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of the conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for the decision to deny the application also shall be included. Record of this notification shall be filed with the Town Secretary on the date of notification.

E. Notification of Appeal or Revocation. Whenever appeal is taken from a final decision on a development application following a public hearing, or whenever the Town is to consider revocation of a development permit which was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided in the manner prescribed by subsection B. If no public hearing was held prior to approval of the development application, personal notice of revocation shall be given only to the holder of the permit.

F. Special Notice. Whenever this Code requires or the Town Council prescribes that notice of a public hearing be given that differs from the requirements of this section, the responsible official shall cause such notice to be given in the manner otherwise required or prescribed.

ATTACHMENTS:

- Published Legal Notice
- Draft Ordinance

DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

ORDER CONFIRMATION (CONTINUED)

Salesperson: David Payne

Printed at 01/16/20 11:20 by dpayn-dm

Acct #: 232

Ad #: 23873

Status: New WHOLD WHOI

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at **6:00 p.m. on Wednesday, February 5, 2020, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas,** to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan. The Town Council will conduct the second Public Hearing at **7:00 p.m. on Tuesday, February 18, 2020, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas,** to hear public comment and consider the recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

drc 01/17/2020

**TOWN OF BARTONVILLE
ORDINANCE NO. ____-20**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT A, ZONING ORDINANCE, BY AMENDING DIVISION I, GENERAL REQUIREMENTS, CHAPTER 3, ENTITLED “SITE PLANS,” SECTION 3.2, ENTITLED “GENERAL SITE PLAN,” TO ADD PUBLIC NOTICE PROVISIONS TO THAT SECTION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Bartonville is of the opinion that said zoning ordinance should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT ADOPTED**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit A, the Zoning Ordinance, Chapter 3, entitled “Site Plans,” Section 3.2, entitled “General Site Plan,” is hereby amended by adding new Subsection M, entitled “Notice,” which shall read as follows:

“3.2 GENERAL SITE PLAN

* * *

M. Notice: All Site Plan submissions shall be subject to the noticing requirements of Appendix A.5, General Notice Requirements.”

**SECTION 3.
REPEALING**

All provisions of the Ordinances of the Town of Bartonville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.
SEVERABILITY**

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

**SECTION 5
SAVINGS**

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

**SECTION 6.
PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.
ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provide.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the _____ day of _____, 2020.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary