



AGENDA

BARTONVILLE PLANNING AND ZONING COMMISSION

Thursday, April 4, 2019

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

7:00 P.M.

A. **CALL TO ORDER**

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

C. **CITIZENS PARTICIPATION:**

Please fill out a "Citizen Participation" form in order to address the Commission and turn the form in to the Town representative. Individual speaker's time shall be limited to three (3) minutes each and may be extended by an additional (3) minutes with the approval of a majority of the Commissioners present. A 20 minute time allotment is set for this section. The purpose of this item is to allow the public an opportunity to address the Planning and Zoning Commission on issues that are not the subject of a public hearing. Any item requiring a public hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling Town Hall at 817-693-5280 during business hours. **In accordance with the Open Meetings Act, the Commissioners may not discuss or take action on any item that has NOT been posted on the agenda. There will be no interaction with the members of the Planning and Zoning Commission.**

D. **APPROVAL OF MINUTES**

1. Discuss and consider approval of the March 6, 2019, meeting minutes.

E. **REGULAR ITEMS**

1. Continue 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, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards. *(The Planning and Zoning Commission opened the public hearing at their March 6, 2019, meeting and continued it to their April 4, 2019, meeting.)*
2. Discussion on Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Zoning Ordinance, Division IV, Special Requirements, Chapter 30, Special Regulations for Certain Types of Uses, Section 30.4, Farmers' Market.

F. ADJOURNMENT

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: March 28, 2019, at 10:15 am, 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 6th DAY OF MARCH, 2019, 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
Gloria McDonald, Vice-Chairman
Don Abernathy, Commissioner
Harry Otto, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1

Not Present:

Gregory Peck, Commissioner
Jim Roberts, Alternate 2

Also present:

Michael Montgomery, Town Administrator
Ed Voss, Town Attorney

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

Chairman Arment led the pledge of allegiance.

C. CITIZENS PARTICIPATION

None

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the February 6, 2019, meeting minutes.

Commissioner Otto moved to approve the February 6, 2019, minutes as amended. Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

AYES: Abernathy, Arment, Otto, McDonald, Hoyt-Stenovitch

NAYS: None
VOTE: 5/0

E. REGULAR ITEMS

1. Discuss and consider recommendations to the Town Council regarding an application for a Site Plan for an Equestrian Center located on a 71.907-acre lot at 1200 Rockgate Road, Bartonville, Texas.

Mr. Montgomery stated that the proposed Site Plan was in conformance with the approved Conditional Use Permit and the Town’s Zoning Ordinance with the exception of two items related to drainage easements and buffer yards.

The applicant, Sherry Pound, and applicant’s representative, Douglas Weaver, requested to allow for a landscaped edge in lieu of a masonry screening wall.

The Commissioners deliberated and came to a consensus that they were in favor of recommending approval of the Site Plan with the following conditions:

1. Proposed loafing sheds be added the Site Plan.
2. A drainage easement be dedicated before the issuance of building permits.
3. Outstanding Town Engineer minor comments be addressed.
4. One overstory tree per fifty linear feet be planted for a bufferyard in lieu of a masonry wall as depicted on the Site Plan.

Vice-Chairman McDonald moved to recommend approval with the stated conditions of the Site Plan for an Equestrian Center located on a 71.907-acre lot at 1200 Rockgate Road, Bartonville, Texas. Commissioner Otto seconded the motion.

VOTE ON THE MOTION

AYES: Abernathy, Arment, Otto, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 5/0

2. 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, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards.

Mr. Montgomery stated that the off-street parking design technical standards needed to be codified within the Town’s Zoning Ordinance.

Chairman Arment opened the public hearing at 7:24 p.m.

Marty Bryan, 2664 FM 407, stated he would like to see for the allowance of alternative pavement materials, such a gravel, once the minimum parking requirements have been met.

Chairman Arment closed the public hearing at 7:31 p.m.

The Commissioners discussed alternative pavement materials and directed the Town Administrator to bring back recommendations from the Town Engineer.

Chairman Arment re-opened the public hearing at 7:38 p.m.

Commissioner Hoyt- Stenovitch moved to continue to the public hearing to April 4th, 2019, at 7pm. Commissioner Otto seconded the motion.

VOTE ON THE MOTION

AYES: Abernathy, Arment, Otto, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 5/0

3. Continue 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, Chapter 6, Residential Estates 5 (RE-5), Article 6.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of Animal-Assisted Therapy located at 654 Country Court, Bartonville, Texas. The property to be considered for the Conditional Use Permit is zoned Residential Estates 5 (RE-5) with Animal-Assisted Therapy as a permitted use by Conditional Use Permit only.

Mr. Montgomery stated he received a request from the applicant to withdraw their application.

Chairman Arment closed the public hearing at 7:42 p.m.

No action taken.

F. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 7:42 p.m.

APPROVED this 4th day of April, 2019.

Approved:

Ralph Arment, Chairman

(Seal)

Attest:

Michael Montgomery, Town Administrator



Planning and Zoning Commission Meeting

Item #1

DATE: April 4, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Continue 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, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards.

Summary:

Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions of the Town's Zoning Ordinance currently states:

C. All off-street parking, maneuvering, fire lane, loading and storage areas shall be paved in accordance with the Town's current technical design standards.

It is the recommendation of the Town Administrator that the technical design standards be added as Appendix F of the current zoning ordinance. The Town Engineer has suggested the following technical standards:

Asphalt Pavement

Parking Stalls: 5 inches thick

Drive aisles and fire lanes: 7 inches thick

Concrete Pavement

Parking Stalls: 5 inches thick

Drive aisles and fire lanes: 6 inches thick

Both are based on using a lime or cement treated subgrade.

At the March 6, 2019, Planning and Zoning Commission meeting, staff was directed to bring back alternative pavement recommendations from the Town Engineer once the minimum parking requirements are met. The Town Engineer has recommended the following:

A. Alternative Materials for Excess Parking

- 1. Once minimum parking requirements have been met based upon use per Section 17.6, and under the standards set forth in Subsection A, above, an***

alternative material for excess parking may be considered and approved as part of site plan approval or site plan amendment in accordance with the following standards:

- a. Grade 1, Type A Flexbase shall be installed in accordance with TxDOT standard specifications and approved by the Town Engineer.*
- b. Minimum thickness shall be 6 inches compacted in place.*
- c. The flexbase shall be underlaid by a geogrid to lock it in place, and a geotextile geofabric designed to function as a separator layer as approved by the Town Engineer.*
- d. Notwithstanding the above, all fire lanes shall be paved with asphalt or concrete. The Town Engineer shall certify that the fire lane design will support a fire truck with a weight and axle configuration approved by the Argyle Fire District.*

ATTACHMENTS:

- Legal Notice
- Draft Ordinance

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Kaycee Key

Printed at 02/14/19 12:01 by kkey-dm

Acct #: 232

Ad #: 12422

Status: New WHOLD WHOI

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at 7:00 p.m. on Wednesday, March 6, 2019, 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, Zoning regulations, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts - Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards. The Town Council will conduct the second Public Hearing at 7:00 p.m. on Tuesday, March 19, 2019, at Bartonville Town Hall to hear public comment and consider recommendations from the Planning and Zoning Commission regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts - Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards. All interested parties are encouraged to attend.

drc 2/18/2019

**TOWN OF BARTONVILLE
ORDINANCE NO. ____-19**

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 CHAPTER 17, ENTITLED “OFF-STREET PARKING AND LOADING REQUIREMENTS,” SECTION 17.3, AND ADOPTING APPENDIX F, ENTITLED “OFF-STREET PARKING TECHNICAL DESIGN STANDARDS”; 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 CITY 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 17, entitled “Off-Street Parking and Loading Requirements,” Section 17.3, entitled “Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions,” Subsection C, is hereby amended and shall read as follows:

* * *

C. All off-street parking, maneuvering, fire lane, loading and storage areas shall be paved in accordance with the Town's current technical design standards in Appendix F, Off-Street Parking Technical Design Standards.

**SECTION 3.
ADOPTION OF APPENDIX F OF EXHIBIT A, THE ZONING ORDINANCE**

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, is hereby amended by adopting Appendix F, entitled "Off-Street Parking Technical Design Standards," as follows:

**"APPENDIX F
OFF-STREET PARKING TECHNICAL DESIGN STANDARDS**

F.1 Off-Street Parking Technical Design Standards for Nonresidential Districts

- A. Acceptable Pavement Types and Minimum Thickness
 - 1. Asphalt
 - a. Parking Stalls – 5 inches thick
 - b. Drive Aisles and Fire Lanes – 7 inches thick
 - 2. Concrete
 - a. Parking Stalls – 5 inches thick
 - b. Drive Aisles and Fire Lanes – 7 inches thick
 - 3. Both pavement types in subsections 1 and 2, above, shall use a lime-treated or cement-treated subgrade as approved by the Town Engineer.

- B. Alternative Materials for Excess Parking
 - 1. Once minimum parking requirements have been met based upon use per Section 17.6, and under the standards set forth in Subsection A, above, an alternative material for excess parking may be considered and approved as part of site plan approval or site plan amendment in accordance with the following standards:
 - a. Grade 1, Type A Flexbase shall be installed in accordance with TxDOT standard specifications and approved by the Town Engineer.
 - b. Minimum thickness shall be 6 inches compacted in place.
 - c. The flexbase shall be underlaid by a geogrid to lock it in place, and a geotextile geofabric designed to function as a separator layer as approved by the Town Engineer.
 - d. Notwithstanding the above, all fire lanes shall be paved with asphalt or concrete. The Town Engineer shall certify that the fire lane design will support a fire truck with a weight and axle configuration approved by the Argyle Fire District.

F.2 Off-Street Parking Technical Design Standards for Nonresidential Uses in Residential Districts

Parking requirements, pavement types, pavement materials and thickness shall be considered and approved on a case-by-case basis during the site plan approval or site plan amendment process.”

**SECTION 4.
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 5.
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 6.
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 7.
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 8.
ENROSS 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 9.
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 10.
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 _____, 2019.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary



Planning and Zoning Commission Meeting

Item #2

DATE: April 4, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Discussion on Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Zoning Ordinance, Division IV, Special Requirements, Chapter 30, Special Regulations for Certain Types of Uses, Section 30.4, Farmers' Market.

Summary:

The Town's current ordinance regarding Farmer's Market needs to be revised to remove health and sanitation regulations so that they may be placed in the correct section of the Town's Code of Ordinances.

ATTACHMENTS:

- Current Ordinance (418-07)

**TOWN OF BARTONVILLE
ORDINANCE NO. 418-07**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF "FARMERS MARKET" (72A); AMENDING SECTION 17.6 PARKING REQUIREMENTS TO PROVIDE FOR A FARMERS MARKET; AMENDING CHAPTER 30, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES TO PROVIDE FOR A FARMERS MARKET; AMENDING APPENDIX C, LAND USE TABLE TO PROVIDE FOR A FARMERS MARKET TO SAID TABLE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by amending Chapter 2, Section 2.2., Definitions, by adding (72-a) to provide a definition of farmers market, which shall read as follows:

"CHAPTER 2. DEFINITIONS

.....

2.2 Definitions

.....

Option A

Staff Suggested Definition:

(72a) Farmers' Market. An open air market place where vendors who have grown, gathered, or raised fresh foods from Denton County or the immediate surrounding counties, sell those foods directly to the public for off-premise consumption.

Option B

Applicant Requested Definition:

(72a) Farmers' Market. An existing area used periodically by one or more farmers for the seasonal sale of agricultural or horticultural produce or merchandise produced on their farms. A Farmers Market shall not include the sale of commercially manufactured products which the farmers have not grown or produced on their farms.

.....”

SECTION 2. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, by amending Section 17.6 Parking Requirements Based Upon Use to add Subsection A(10a) Farmers Market, which shall read as follows:

“17.6 PARKING REQUIREMENTS BASED UPON USE

A.

10a. Farmers Market: One and one half (1 ½) spaces per designated booth space or one per one hundred (100) square feet of site area, whichever is greater.

.....”

SECTION 3. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, Chapter 30 Special Regulations for Certain Types of Uses, by adding Section 30.4 Farmers Markets, which shall read as follows:

“.....

30.4 FARMERS' MARKET

- A. No person shall vend fresh fruits, vegetables or other produce or operate a farmers' market without a valid permit issued by the Town.
- B. All edible items offered for sale must be consumed off-premise.
- C. Farmers' markets shall be located on properly zoned private property. An active business other than a farmers' market shall be currently operating on the property. The owner or operator of the farmers' market shall obtain a notarized letter from the business owner stating that the market has permission to vend fresh fruits, vegetables or other produce on the

property. The notarized letter shall be submitted to the Town at the time of permit application.

- C. Fresh fruits, vegetables or other produce displays shall be confined to tables that are at least six (6) inches above the ground. Fresh produce shall not be cut or sliced. No samples of fresh produce shall be offered.
- D. The farmers' market may operate up to three (3) days per week from March 1 to October 31. All activities including set up, tear down and sales shall take place no earlier than 7:00 a.m. and no later than 8:00 p.m.
- E. No food shall be cooked on-site.
- F. All material related to the farmers' market must be removed by 8:00 p.m. each day. Outside storage is prohibited.
- G. Farmers' markets must meet the minimum setback requirements as set forth in Chart 4.4.
- H. Farmers' markets shall meet the requirements of Section 12.3(7)a of this ordinance, with the exception of Section 12.3(7)a(1).
- I. All activities must comply with the noise standards as set forth in Section 27.3 of this ordinance.
- J. No more than 20 percent of the display area allocated to each vendor shall be devoted to nonfood items.
- K. The resale of household goods, personal effects, tools, art work, small household appliances and other items of a similar nature shall be prohibited.
- L. The sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, and/or home canned or packaged items shall be prohibited, except as otherwise permitted under the Code of Ordinances and the Town of Bartonville's Health Code. Canned, preserved and baked items must be prepared in a certified, commercial kitchen and labeled according to regulatory requirements of the State of Texas.
- M. The sale of plants, shrubs, trees and materials used in indoor or outdoor planting or pest prevention shall be prohibited, except any potted or hanging plants of one gallon or less. The sale of fresh herbs shall be exempt from this requirement.
- N. The sale of firewood shall be prohibited.

- O. The sale or keeping of animals shall be prohibited.
- P. Conveniently located toilet facilities shall be available for all vendors and customers. A notarized letter from the business owner granting the market vendors access to toilet facilities during all hours of the farmers’ market operation shall be submitted with the permit application.
- Q. The permit holder shall ensure that all trash, refuse and garbage is removed from the site at the end of each day or that trash, refuse and garbage is placed in appropriate containers for later disposal. The premises occupied by the farmers’ market shall be kept clean and free of accumulated trash, refuse or garbage during the hours of operation.
- R. The owner or operator of a farmers’ market commits an offense if the farmers’ market is operated in violation of any provision of this section. Any violation of this section may be subject to revocation of the permit.”

SECTION 4. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, Appendix C, Land Use Table by amending the land use table by adding farmers’ market to said chart, which shall read as follows:

Use	“Zoning District							
	AG	RE-5	RE-2	R-1	RB	VC	GC	MH
.....								
Farm General – Livestock/Ranch/Crops	P	P	P	C	*	*	*	*
Farmers’ Market	*	*	*	*	*	P	*	*
.....“								

SECTION 5. SEVERABILITY. That 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 phrases, clause, sentence, paragraph, or section

SECTION 6. SAVINGS. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. ENGROSS AND ENROLL. That 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. That 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. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 20th day of March, 2007.

APPROVED:




Ron Robertson, Mayor

ATTEST:


Kristi Gilbert, Deputy Town Secretary