



AGENDA

BARTONVILLE PLANNING AND ZONING COMMISSION

Wednesday, September 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 August 7, 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 IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements.
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, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, Subsection J, Procedures for Site Plan Review.
3. 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 10, "Subdivision Ordinance," Article 10.02, Exhibit A, "Development

Ordinance,” by amending Chapter III, “Subdivision Design Standards,” Section 3.5, “Lots.”

4. 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 10, “Subdivision Ordinance,” Article 10.02, Exhibit A, “Development Ordinance,” by amending Appendix A, “Engineering Design Standards,” Section 1, “Streets.”

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: August 30, 2019, at 1:30 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 7th DAY OF AUGUST, 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
Gregory Peck, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1

Not present:
Don Abernathy, Commissioner
Harry Otto, 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 7:02 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 June 5, 2019, meeting minutes.

Commissioner Peck moved to approve the June 5, 2019, minutes. Commissioner Hoyt-Stenovitch seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Peck, McDonald, Hoyt-Stenovitch
NAYS: None

VOTE: 4/0

E. CLOSED SESSION

The Planning & Zoning Commission convened into a closed meeting at 7:03 PM pursuant to Texas Government Code Chapter 551, sections 551.071 to discuss matters relating consultation with Town Attorney and personnel as follows:

1. Passage of Texas Legislature House Bill 2439
2. Passage of Texas Legislature House Bill 3167

F. RECONVENE OPEN MEETING

The Planning & Zoning Commission to reconvened into an open meeting at 7:22 PM.

No action taken.

G. 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, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, to change the zoning designation of Newton Allsup Survey, Abstract No. 3, Denton County, Texas, same being Tract 5 of the J.J. Jeter Estate Subdivision, an unrecorded plat, containing approximately 19.332 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). The tract of land is identified by the Denton Central Appraisal District as Property ID: 64880 and is located south of Frenchtown Road, west of Badminton Drive, and east of W Jeter Road.

Mr. Montgomery shared a request in zoning change from AG to RE-5 for a tract of land located on W Jeter.

Chairman Arment opened the public hearing at 7:23 PM.

Chairman Arment closed the public hearing at 7:24PM.

Commissioner Hoyt-Stenovitch moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, to change the zoning designation of Newton Allsup Survey, Abstract No. 3, Denton County, Texas, same being Tract 5 of the J.J. Jeter Estate Subdivision, an unrecorded plat, containing approximately 19.332 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5) Vice-Chairman McDonald seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Peck, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 4/0

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, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending, Chapter 11, Rural Business District (RB), Article 11.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of a Farmers’ Market located at 96 McMakin, Bartonville, Texas. The property to be considered for the Conditional Use Permit is zoned Rural Business District (RB) with Farmers’ Market as a permitted use by Conditional Use Permit only.

Mr. Montgomery presented the proposed Conditional Use Permit for a Farmers’ Market at 96 McMakin.

Tim House, the applicant, presented the application and stated that they wanted flexibility to move the date around but would operate no later than 8 PM.

Chairman Arment opened the public hearing at 7:27 PM.

Chairman Arment closed the public hearing at 7:28 PM.

The Commissioners deliberated the applicant’s request.

Commissioner Peck moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending, Chapter 11, Rural Business District (RB), Article 11.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of a Farmers’ Market located at 96 McMakin, Bartonville, Texas with the condition it operate no later than 8 PM. Vice-Chairman McDonald seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Peck, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 4/0

3. 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, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending, Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of a Drive Through located at 2660 FM 407, Bartonville, Texas. The property to be considered for the Conditional Use Permit is zoned Village Center District (VC) with Drive Through as a permitted use by Conditional Use Permit only.

Mr. Montgomery presented the proposed Conditional Use Permit for a Drive-Through at 2660 FM 407.

Justin Lansdowne, the applicant’s representative, presented the application and gave a brief presentation.

Chairman Arment opened the public hearing at 7:34 PM.

Chairman Arment closed the public hearing at 7:35 PM.

The Commissioners deliberated the applicant’s request and asked follow-up questions to the applicant’s representative.

Commissioner Peck moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending, Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of a Drive Through located at 2660 FM 407, Bartonville, Texas with the condition it operate between the hours of 6AM to 10PM. Commissioner Hoyt-Stenovitch seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Peck, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 4/0

- 4. Discuss and consider approval of a Site Plan for Cloud 9 Salon, Spa, and Boutique/Cowboy Coffee, a barber and beauty shop/restaurant located on a 1.000-acre lot at 2660 FM 407, Bartonville, Texas.

Mr. Montgomery presented that the Site Plan was in conformance with the Zoning Ordinance with the exception of the roof, parking, and signage.

The Commissioners deliberated the applicant’s request.

The Planning and Zoning Commission convened into Executive Session at 8:12 PM.

The Planning and Zoning Commission reconvened the meeting at 8:21PM.

The Commissioners further deliberated the applicant’s request, specifically, the off-site parking.

Vice-Chairman McDonald moved to recommend approval of a Site Plan for Cloud 9 Salon, Spa, and Boutique/Cowboy Coffee, a barber and beauty shop/restaurant located on a 1.000-acre lot at 2660 FM 407, Bartonville, Texas with the proposed signage, roof, and off-site parking. Commissioner Peck seconded the motion.

VOTE ON THE MOTION

AYES: Arment, Peck, McDonald, Hoyt-Stenovitch
NAYS: None
VOTE: 4/0

5. Discussion on structure orientation.

Mr. Montgomery stated he received a request from a Town Council member to discuss the structure orientation of new structures to ensure backyards were not on existing roads.

The Commissioners agreed that new structures needed to face existing roads.

No action taken.

6. Discussion on fencing rules and regulations.

Mr. Montgomery stated he received a request from a Town Council member to discuss fencing along FM 407.

The Commissioners deliberated on a possible future ordinance to ensure fence transparency along FM 407.

No action taken.

F. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 9:04 p.m.

APPROVED this 4th day of September, 2019.

Approved:

Ralph Arment, Chairman

Attest:

Michael Montgomery, Town Administrator

(Seal)



Planning and Zoning Commission Meeting

Item #1

DATE: September 4, 2019

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 IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements.

Summary:

Based on feedback from the Planning & Zoning Commission, as well as the Town Council, staff has prepared an ordinance that restricts the types of fences and walls that may be erected along FM 407. The proposed ordinance is:

20.4 Fences and Walls on Farm to Market Road 407

- A. Fences and walls in excess of six feet (6') in height are prohibited on any lot that abuts Farm to Market Road 407.*
- B. Fences and walls on a lot that abuts Farm to Market Road 407 shall be eighty percent (50%) transparent. Solid fences and walls are prohibited.*

ATTACHMENTS:

- Draft Ordinance
- Published Legal Notice

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

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT “A,” THE ZONING ORDINANCE, BY ADDING TO CHAPTER 20, “FENCING, WALLS AND SCREENING REQUIREMENTS,” NEW ARTICLE 20.4, ENTITLED “FENCES AND WALLS ON FARM TO MARKET ROAD 407”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas (“Town”), 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 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 public hearings and affording full and fair hearings to all property owners generally, the Town Council 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 TO ZONING ORDINANCE CHAPTER 20**

From and after the effective date of this Ordinance, the Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 14, Exhibit “A,” the Zoning Ordinance, Chapter 20, “Fencing, Walls, and Screening Requirements,” by adding new Article 20.4, entitled “Fences and Walls on Farm to Market Road 407,” to read as follows:

“CHAPTER 20. FENCING, WALLS AND SCREENING REQUIREMENTS

* * *

20.4 Fences and Walls on Farm to Market Road 407

- A. Fences and walls in excess of six feet (6') in height are prohibited on any lot that abuts Farm to Market Road 407.
- B. Fences and walls on a lot that abuts Farm to Market Road 407 shall be eighty percent (50%) transparent. Solid fences and walls are prohibited.”

**SECTION 3.
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 phrases, clause, sentence, paragraph, or section.

**SECTION 4.
SAVINGS**

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

**SECTION 5.
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 6.
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 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.
NO VESTED RIGHTS**

No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided by law.

**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 17th day of September, 2019.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Kaycee Key

Printed at 08/16/19 11:45 by kkey-dm

Acct #: 232

Ad #: 19236

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, September 4, 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, the Zoning regulations for the Town of Bartonville, by amending Division IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements. The Town Council will conduct the second Public Hearing at **7:00 p.m. on Tuesday, September 17, 2019, 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 8/19/2019



Planning and Zoning Commission Meeting

Item #2

DATE: September 4, 2019

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, Subsection J, Procedures for Site Plan Review.

Summary:

This draft ordinance amends to the Town Code to comply HB 3167, which is being referred to by some as the "Shot Clock" bill. This new law took effect on September 1, 2019, and changes some of the procedures concerning approval of site plans.

ATTACHMENTS:

- Draft Ordinance
- Published Legal Notice

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

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING SUBSECTION (J), “PROCEDURES FOR SITE PLAN REVIEW,” OF SECTION 3.2, “GENERAL SITE PLAN,” OF CHAPTER 3, “SITE PLANS,” OF EXHIBIT A, “ZONING ORDINANCE,” OF CHAPTER 14, “ZONING,” OF THE CODE OF ORDINANCES OF THE TOWN OF BARTONVILLE, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; 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 86th Legislature recently passed House Bill No. 3167, which Bill was signed by the Governor, providing for amendments to Chapter 212, “Municipal Regulation of Subdivisions and Property Development,” of the Texas Local Government Code; and

WHEREAS, the following amendments to the Town’s Development Ordinance are in full compliance with the requirements of House Bill No. 3167, and the Town Council of the Town has determined that the adoption of these new provisions is in the best interests of the citizens of the Town and will promote the public health, safety and general welfare; and

WHEREAS, the Town Council, on behalf of Bartonville and its citizens, further has determined that the following amendments will promote the orderly, safe and efficient growth of the Town and the Town’s extraterritorial jurisdiction.

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

**SECTION 1.
INCORPORATION OF PREMISES**

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.
ZONING ORDINANCE CHAPTER 3 AMENDMENT ADOPTED

From and after the effective date of this Ordinance, Subsection (J), “Procedures for Site Plan Review and Approval,” of Section 3.2, “General Site Plan,” of Chapter 3, “Site Plans,” of Exhibit A, “Zoning Ordinance,” of Chapter 14, “Zoning,” of the Code of Ordinances of the Town of Bartonville, Texas, is hereby amended to read as follows:

“Section 3.2 GENERAL SITE PLAN

* * *

(j) Action by Planning and Zoning Commission or Town Council. An application for a site plan shall be considered administratively complete upon the occurrence of all of the following: (1) the Town staff and the Town Engineer have determined that the application for a site plan meets all requirements of applicable Town ordinances so that it may be reviewed by the Planning and Zoning Commission or Town Council; (2) the site plan has been placed on a duly posted agenda for the Planning and Zoning Commission or Town Council; and (3) the Planning and Zoning Commission or Town Council has taken action on the site plan. The Filing Date of a site plan means the date a site plan is considered by the Town to be administratively complete and is heard by either the Planning and Zoning Commission or Town Council.

The Planning and Zoning Commission or Town Council may take one of the following actions: (a) approve the site plan; (b) approve the site plan with conditions; or (c) disapprove the site plan.

In the event the Planning and Zoning Commission or Town Council conditionally approves or disapproves a site plan, the Planning and Zoning Commission or Town Council shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Section 212.0091 of the Texas Local Government Code, as amended. After the conditional approval or disapproval of a site plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended. In the event the Planning and Zoning Commission or Town Council receives such a response from the applicant, the Planning and Zoning Commission or Town Council shall determine whether to approve or disapprove the applicant’s previously conditionally approved or disapproved plan not later than the fifteenth (15th) day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.

The statutory 30-day time frame for site plan approvals, established by Chapter 212 of the Texas Local Government Code, shall commence on the Filing Date.

Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by the applicant, the Planning and Zoning Commission or Town Council may approve one (1) Extension of Right to 30-Day Action, such Extension not to exceed 30 additional days.”

**SECTION 3.
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 phrases, clause, sentence, paragraph, or section.

**SECTION 4.
SAVINGS.**

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 5.
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 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.
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 8.
EFFECTIVE DATE.**

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 August 2019.

APPROVED:

Bill Scherer, Mayor

ATTEST:

Tammy Dixon, Town Secretary

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Kaycee Key

Printed at 08/16/19 11:42 by kkey-dm

Acct #: 232

Ad #: 19235

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, September 4, 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, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, Subsection J, Procedures for Site Plan Review. The Town Council will conduct the second Public Hearing at **7:00 p.m. on Tuesday, September 17, 2019, 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 8/19/2019



Planning and Zoning Commission Meeting

Item #3

DATE: September 4, 2019

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 10, "Subdivision Ordinance," Article 10.02, Exhibit A, "Development Ordinance," by amending Chapter III, "Subdivision Design Standards," Section 3.5, "Lots."

Summary:

Based on feedback from the Planning & Zoning Commission, as well as the Town Council, staff has prepared an ordinance that restricts double frontage lots with street frontage on the front and rear of the lot with the exception of FM 407.

ATTACHMENTS:

- Draft Ordinance

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

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 10, "SUBDIVISION ORDINANCE," ARTICLE 10.02, EXHIBIT A, "DEVELOPMENT ORDINANCE," BY AMENDING CHAPTER III, "SUBDIVISION DESIGN STANDARDS," SECTION 3.5, "LOTS"; 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 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 the following amendments will promote the orderly, safe and efficient growth of the Town.

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 10, "Subdivision Ordinance," Article 10.02, Exhibit A, "Development Ordinance," Chapter III, "Subdivision Design Standards," Section 3.5, "Lots." is hereby amended and shall read as follows:

“III. SUBDIVISION DESIGN STANDARDS

* * *

Section 3.5: Lots

- a. Lots shall conform to the minimum size requirements of the zoning district established in the Bartonville Comprehensive Zoning Ordinance.
- b. No flag lots shall be created under this design standard adopted by this Ordinance.
- c. Lot access onto arterial and collector streets is subject to approval by the Town Engineer, who may require a traffic study or other data/information prior to approval of the preliminary plat in order to fully study all access issues. Unless otherwise specified by the zoning district in which a subdivision is located, all lots shall have a minimum of one hundred feet (100') of frontage along a dedicated, improved street, except and as provided below:
 1. Lots with frontage directly onto a cul-de-sac bulb or turnaround shall have a minimum of sixty feet (60') of frontage along a dedicated, improved street.
- d. Double frontage lots, with street frontage on front and rear lot lines, are prohibited except for lots with frontage on Farm to Market Road 407.”

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 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 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 five hundred dollars (\$500.00) 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 _____, 2019.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary



Planning and Zoning Commission Meeting

Item #4

DATE: September 4, 2019

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 10, "Subdivision Ordinance," Article 10.02, Exhibit A, "Development Ordinance," by amending Appendix A, "Engineering Design Standards," Section 1, "Streets."

Summary:

Based on a request from Town Council, staff has prepared an ordinance that requires all subdivisions, regardless of lot size, to have concrete pavement in efforts to reduce future maintenance and repair. The current paving standards allow for subdivisions with lots greater than five acres to have asphalt streets.

ATTACHMENTS:

- Draft Ordinance

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

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 10, "SUBDIVISION ORDINANCE," ARTICLE 10.02, EXHIBIT A, "DEVELOPMENT ORDINANCE," BY AMENDING APPENDIX A, "ENGINEERING DESIGN STANDARDS," SECTION 1, "STREETS"; 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 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 the following amendments will promote the orderly, safe and efficient growth of the Town.

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 10, "Subdivision Ordinance," Article 10.02, Exhibit A, "Development Ordinance," Appendix A, entitled "Engineering Design Standards (EDS)," Section 1, "Streets." is hereby amended and shall read as follows:

“APPENDIX A
Engineering Design Standards (EDS)

1. Streets:

1. Residential Streets - Subdivisions with Lots Containing a Minimum of 5 Acres

1. Streets shall be constructed with reinforced concrete paving, subject to the design specifications outlined herein.

2. Standard Specifications:

1. Paving:

1. Minimum Width of Concrete Roadway (Paving) - 20 feet.
2. Minimum Thickness of Reinforced Concrete - 8 inches.
3. Strength of Concrete - 3000 psi/28 days.
4. Reinforcement - Billet Steel Grade 40, #3 Bars at 18 inch C-C.
5. Grade - 0.3 percent minimum (0.5 percent desired for ditches).
6. Surface - Belt Finished.

2. Base:

1. Minimum Width of Base - 22 feet.
2. Minimum Thickness of Base - 8 Inches.
3. Compaction of Base - 95% Standard Proctor (ASTM D698).
4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is above 15 the Town may require lime instead of Portland Cement.

3. Construction Specifications - Refer to the current edition of the North Central Texas Council of Governments for Construction Specifications.

4. Minimum Right-of-Way - 60 feet (additional right-of-way or drainage easement may be required due to ditch depth).

5. Drainage - Open drainage ditches may be utilized, subject to the following:

1. Maximum Slope - 3:1.
2. Minimum Width - 14 feet.
6. Shoulder Preferred from edge of paving:
 1. Minimum Width - 4 feet.
 2. Maximum Slope - 1 inch per foot.”

**SECTION 3.
REPEALING**

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APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary