



## AGENDA

### BARTONVILLE PLANNING AND ZONING COMMISSION

Wednesday, October 3, 2018

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 September 5, 2018, meeting minutes.

E. **APPOINTMENT OF OFFICERS**

1. Appointment of a Chairman
2. Appointment of a Vice-Chairman

F. **REGULAR ITEMS**

1. Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 1, General Provisions
2. Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 2, Definitions
3. Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 3, Site Plans

**G. 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: September 28, 2018, at 1:15 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 5<sup>th</sup> DAY OF SEPTEMBER, 2018, 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  
Gregory Peck, Commissioner  
Harry Otto, Commissioner  
Brenda Hoyt-Stenovitch, Alternate 1  
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**

No citizen participation.

**D. APPROVAL OF MINUTES**

1. Discuss and consider approval of the August 1, 2018, meeting minutes.

Commissioner Peck moved to approve the August 1, 2018, minutes with the corrections as stated by Vice-Chairman McDonald. Vice-Chairman McDonald seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Abernathy, Arment, Peck, Otto, McDonald  
**NAYS:** None  
**VOTE:** 5/0

**E. REGULAR ITEMS**

1. Discuss and consider recommendations to the Town Council regarding the proposed replat of Lot 4-R Rockgate Estates and Lot 1 Willow Lake Estates, into Lots 4-R-1R, 4-R-2R, and 4-R-3R, Block A, Rockgate Estates, a 75.907 acre tract of land located on 1200 Rockgate and a waiver of street construction from Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Section III, Subdivision Design Standards, Section 3.1, Streets, Item 7, Street Construction. The property is zoned Residential Estates 2 (RE-2).

Mr. Montgomery presented the replat of a 75.907 acre tract on Rockgate Road. The Town Administrator further explained that per the Town’s Subdivision Ordinance that the applicant would be required to pave a section of Broome Road. The waiver of the applicant was presented to the Commission. Mr. Montgomery stated that the Commission could revert the platted Broome Road right-of-way to a right-of-way reservation rather than grant the applicant a waiver.

Chairman Arment convened the Commission into Executive Session at 7:12 p.m.

The Commission returned from Executive Session and Chairman Arment resumed the meeting at 7:23 p.m. No action was taken out of Executive Session.

Mr. Montgomery stated that the replat met all the conditions of the Town’s Subdivision Ordinance.

Commissioner Peck motioned to recommend approval the proposed re-plat of Lot 4-R Rockgate Estates and Lot 1 Willow Lake Estates, into Lots 4-R-1R, 4-R-2R, and 4-R-3R, Block A, Rockgate Estates, a 75.907 acre tract of land located on 1200 Rockgate with Broome Road right-of-way reverting to a right-of-way reservation. Vice-Chairman McDonald seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Abernathy, Arment, Otto, Peck, McDonald

**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, Chapter 7, Article 7.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center (training facility) located at 1200 Rockgate Road, Bartonville Texas. The property to be considered for the Conditional Use Permit is zoned Residential Estates 2 (RE-2) with Equestrian Center as a permitted use by Conditional Use Permit only.

Chairman Arment opened the public hearing at 7:30 p.m.

Mr. Montgomery presented that the applicant, Yarraman LLC, wanted to operate an Equestrian Center at 1200 Rockgate.

Yarraman LLC, represented by James Fay and Sherry Pound, presented their application for an Equestrian Center at 1200 Rockgate comprised of the following elements:

- Main entry gate
- Client parking
- Barn –24 stalls
- Covered arena
- Outdoor arena
- Covered walker & round pin
- Client trailer parking
- Turnouts
- Grass arena
- Wash racks
- Equipment & Hay shed
- Manure shed

The following people spoke against:

- Jeff Traylor, 650 McMakin
- Vicki Burdford, 1221 Rockgate
- Rebecca Scherer, 1173 Rockgate (spoke twice)
- Terry Skodack, 1267 Rockgate
- Vickie Hill, 1000 Timberidge Lane
- Nancy Skodack, 1267 Rockgate
- Shirley McGlothlin, 1333 Rockgate

No one spoke in favor

Chairman Arment closed the public hearing at 8:16 p.m.

Chairman Arment convened the Commission into Executive Session at 8:17 p.m.

The Commission returned from Executive Session and Chairman Arment resumed the meeting at 8:28 p.m. No action was taken out of Executive Session.

The Commissioners and applicants discussed the following items regarding the proposed Equestrian Center:

- Dust
- Lights
- Noise
- Setbacks
- Entry
- Special Events

- Manure

Commissioner Otto motioned to recommend approval an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A”, Article 14.02, Ordinance 361-05, Zoning regulations, by amending, Chapter 7, Article 7.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of an Equestrian Center (training facility) located at 1200 Rockgate Road, Bartonville Texas with the following conditions:

1. Soil in the arenas be kept in a dust free condition.
2. Lights in the arenas and all outside operations will cease at 10:00 p.m. nightly.
3. No amplified sound in any accessory building or outdoor arena.
4. All accessory buildings and outdoor arenas may not be located within 250 feet of the nearest property line.
5. Driveways must meet the turn radius for a fire truck as approved by the Argyle Fire Department and Town Engineer.
6. No special events.
7. All manure must be enclosed until composted.

Commissioner Peck seconded the motion.

Commissioner Otto amended his motion to also include the following condition:

8. The water well pumphouse will comply with the setback standards of the Residential Estates-2 zoning district.

Commissioner Peck rescinded his second of the motion. Vice Chairman McDonald seconded the amended motion.

**VOTE ON THE MOTION**

**AYES:** Arment, Otto, McDonald, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

Chairman Arment recessed the meeting at 9:07 p.m.

Chairman Arment resumed the meeting at 9:15 p.m.

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, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, Division II, Districts, by adding Chapter 11.A, entitled “Rural Services (RS),” zoning district provisions.

Chairman Arment opened the public hearing at 9:20 p.m.

Mr. Montgomery stated that Rural Services is a new zoning district for commercial along FM 407 that is needed due to the fact that Village Center cannot be used anywhere else.

No one spoke in favor or opposition.

Chairman Arment closed the public hearing at 9:22 p.m.

Commissioner Abernathy motioned to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, Division II, Districts, by adding Chapter 11.A, entitled “Rural Services (RS),” zoning district provisions.

**VOTE ON THE MOTION**

**AYES:** Arment, Otto, McDonald, Abernathy, Peck

**NAYS:** None

**VOTE:** 5/0

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 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by adding Appendix C, Land Use Table, Agricultural Store and Division I, General Requirements, Chapter 2, Definitions, Agricultural Store.

Chairman Arment opened the public hearing at 9:50 p.m.

Mr. Montgomery stated that Ozark Engineering had submitted an application to add Agricultural Store to the definitions and land use table of the Zoning Ordinance.

The following people spoke against:

- Tim Raynor, 1842 FM 407
- Michael Paulsen, 8281 Tudor Lane (Argyle)
- Sean Parks, 8241 Tudor Lan (Argyle)

No one spoke in favor

Chairman Arment closed the public hearing at 9:57 p.m.

Vice Chairman McDonald moved to recommend an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by adding Appendix C, Land Use Table, Agricultural Store and Division I, General Requirements, Chapter 2, Definitions, Agricultural Store. Commissioner Otto seconded the motion

**VOTE ON THE MOTION**

**AYES:** Arment, Otto, McDonald, Abernathy, Peck  
**NAYS:** Peck  
**VOTE:** 4/1

**F. ADJOURN REGULAR MEETING**

Chairman Arment adjourned the regular meeting at 10:04 p.m.

**APPROVED this 3rd day of October, 2018.**

Approved:

\_\_\_\_\_  
Ralph Arment, Chairman

(Seal)

Attest:

\_\_\_\_\_  
Michael Montgomery, Town Administrator





## Planning and Zoning Commission Meeting

**DATE:** October 3, 2018

**FROM:** Michael Montgomery, Town Administrator

**ITEM:** Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 1, General Provisions

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### **Changes Suggested/Items to Consider:**

- 1.1: Add Appendix E

### **ATTACHMENTS:**

- Redline Draft

## CHAPTER 1. GENERAL PROVISIONS

### 1.1 TITLE

This ordinance including appendices A, B, C, ~~and~~ D, and E shall be known as and may be cited and referred to as the "Comprehensive Zoning Ordinance" to the same effect. (Ordinance 361-05 adopted 3/22/05)

### 1.2 PURPOSES AND AUTHORITY

The zoning regulations herein established have been made in accordance with the adopted Comprehensive Plan, as amended, ("Comprehensive Plan"), for the purpose of promoting the health, safety, comfort, convenience, morals and general welfare of the Town. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable considerations among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community. (Ordinance 361-05 adopted 3/22/05)

### 1.3 APPLICABILITY

A. This ordinance supersedes prior zoning regulations in its entirety. The provisions of these regulations including all appendices shall apply to all land, property and development in the Town of Bartonville, except as expressly and specifically provided otherwise in this Ordinance. No development shall be undertaken without prior authorization pursuant to these regulations.

B. All land and property owned by the Town of Bartonville shall be expressly exempt from these regulations.

(Ordinance 361-05 adopted 3/22/05; Ordinance 382-06 adopted 2/21/06)

### 1.4 CONSISTENCY WITH COMPREHENSIVE PLAN

A. These zoning regulations and the zoning map adopted herewith are intended to implement the goals and policies of the Town of Bartonville Comprehensive Plan and are hereby deemed to be consistent with and in accordance with the adopted Comprehensive Plan for the Town. Any amendments to such regulations and all applications for a change to the zoning map shall be consistent with the Comprehensive Plan, as may be amended from time to time.

B. An amendment to the text of the zoning ordinance is consistent with and in accordance with the Comprehensive Plan if it complies with the goals and policies stated in the plan, as may be amended from time to time. An amendment to the zoning map is consistent with the Comprehensive Plan if the map amendment is consistent with the land use diagram contained in the plan, as may be amended from time to time.

(Ordinance 361-05 adopted 3/22/05)

### 1.5 COORDINATION WITH OTHER REGULATIONS

It is the intent of the Town of Bartonville that these zoning regulations be applied in a manner consistent with other regulations governing the use and development of land, including but not limited to subdivision regulations, floodplain regulations and other applicable Town regulations. Applications for permits required by other development regulations may be submitted simultaneously with applications for permits required by the zoning regulations wherever feasible, or as may be otherwise directed by these regulations. (Ordinance 361-05 adopted 3/22/05)

### 1.6 DEVELOPMENT UNDER PRIOR REGULATIONS

The following types of development applications are exempt from the requirements of this Zoning Ordinance, except as otherwise stated expressly herein. Exempt applications shall be processed and decided under zoning

regulations in effect immediately preceding the effective date of these zoning regulations and such regulations shall be kept in effect for such purpose.

A. Residential development applications for land subject to a final plat that was approved prior to the effective date of this ordinance, or that was filed prior to such date and is subsequently approved.

B. Development applications for land subject to a site plan that was approved pursuant to [Chapter 3](#) of this Ordinance, as amended, prior to the effective date of this ordinance, or that was filed prior to such date and is subsequently approved.

C. Any request for an amendment of an approved preliminary plat or site plan otherwise exempted under this section shall be considered a new application and all requirements of this zoning ordinance shall be applicable to such request.

D. For purposes of design review, any exemption conferred by [Appendix A Section A.4](#) of this ordinance.

(Ordinance 361-05 adopted 3/22/05)

#### **1.7 INTERPRETATION/SEPARABILITY**

A. It is the intent of the Town of Bartonville to adopt these entire zoning regulations as a legal unit as a part of the Comprehensive Plan for the Town. Any words which appear to be precatory in nature are to be interpreted as though they were positive and conclusive.

B. Should any section, subsection, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

(Ordinance 361-05 adopted 3/22/05)

#### **1.8 DESIGN CRITERIA**

A. The Town Council may from time to time establish by resolution design criteria, which are intended to facilitate administration of these zoning regulations. Such guidelines shall serve as illustrations of methods and techniques of implementing standards contained in the zoning regulations, but shall not be the exclusive means of achieving such standards. In the event of any conflict between a standard contained in the zoning regulations and a design guideline, the standard in the zoning ordinance shall control. (Ordinance 361-05 adopted 3/22/05)

#### **1.9 EFFECT OF ORDINANCE**

##### **Preserving Rights in Pending Litigation and Violations Under Existing Ordinances**

1. By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the prior Zoning Ordinance was repealed or superseded and the present Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties

or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior Ordinance had not been repealed or superseded.

(Ordinance 361-05 adopted 3/22/05)

#### **1.10 EFFECT OF INTERPRETATION**

A. The provisions of this Ordinance and all appendices 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 premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern. (Ordinance 361-05 adopted 3/22/05)

#### **1.11 NONCONFORMING USES AND STRUCTURES**

##### A. Intent of Provisions:

1. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met, except as otherwise provided in this Section (Also see [Appendix A.3](#) for applicable variance procedures).
2. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided in this Section.
3. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

##### B. Nonconforming Status:

1. Any use, platted lot or structure which does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection 3. below, shall be deemed a nonconforming use, platted lot or structure provided that:
  - a. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
  - b. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or
  - c. Such use, platted lot or structure was in existence at the time of annexation into the Town, was a legal use of the land at such time, and has been in regular and continuous use since such time.

2. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection 3. below, shall be deemed to be in violation of this Ordinance, and the Town shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.

3. The following types of platted lots shall be deemed conforming lots as lots of record, notwithstanding the fact that such lots do not meet the standards of this Ordinance in the zoning district in which they are located:

a. Any vacant lot that conformed to the Town's zoning district regulations at the time that it was platted; or

b. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

4. A lot of record that is nonconforming may be occupied by a single-family dwelling provided that the zoning district in which the lot of record is located allows a single-family land use.

C. Continuing Lawful Use of Land and Structures:

1. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

2. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

D. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land:

1. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, and with any other applicable Town codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

2. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:

a. The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);

b. The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or

c. In the case of a temporary use, the use is moved from the premises for any length of time.

3. If the use of any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this Ordinance (or amendment thereto) is made nonconforming by this Ordinance (or amendment thereto), then such storage use shall cease within six (6) months (i.e., 180 calendar days) following the effective date of this Ordinance (or amendment thereto). The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or

visual nuisance to the public or to surrounding property owners.

E. Changing Nonconforming Uses:

1. A nonconforming use shall not be changed to another nonconforming use.
2. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
3. A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

F. Expansion of Nonconforming Uses and Structures:

1. A nonconforming use may be extended throughout the structure in which it is located, provided that:
  - a. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
  - b. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
  - c. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
2. A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
3. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

G. Reconstruction or Repair of Nonconforming Structure:

1. If more than fifty percent (50%) of the total appraised value, as determined by the Denton Central Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.
2. If less than fifty percent (50%) of the total appraised value, as determined by the Denton Central Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Town Secretary (or his/her designee).
3. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming

use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection F. above.

4. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Ordinance.

5. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the Denton Central Appraisal District.

H. Moving of Nonconforming Structure:

1. No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require any permits required by the Town, and may also require platting of the intended building site pursuant to the Town's Development Ordinance as well as concept plan, site plan or building permit plan approval as required by this Zoning Ordinance.

I. Nonconforming Lots:

(1) In any district in which single-family dwellings are permitted, a single-family residence may be erected on any single lot of record which existed as of May 10, 1983. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the district in which it is located for area, or dimensions, provided, however, that the requirements of the district for minimum yard setbacks shall be met unless a variance to said requirements has been granted by the Board of Adjustment.

(2) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and part, or all of said lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lots shall be considered for the purpose of this Ordinance to be an undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

J. Right to Proceed Reserved:

1. Nothing contained in this Section 1.23 [1.11] is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006, Also See [Appendix Section A.4.](#)

(Ordinance 361-05 adopted 3/22/05; Ordinance 527-12, sec. 1, adopted 1/17/12)

**1.12 PAYMENT OF ALL INDEBTEDNESS ATTRIBUTABLE TO THE SUBJECT PROPERTY**

A. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Town of Bartonville, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of zoning change or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the Town of Bartonville shall have been first fully discharged by payment, or until an arrangement, satisfactory to the Town, has been made for the payment of such debts or obligations or if written documentation from the Denton Central Appraisal District is provided indicating the property valuation is under review or in dispute. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the Town have been made for payment of said taxes, fees, etc. (Ordinance 361-05 adopted 3/22/05)





## Planning and Zoning Commission Meeting

**DATE:** October 3, 2018

**FROM:** Michael Montgomery, Town Administrator

**ITEM:** Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 2, Definitions

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### **Changes Suggested/Items to Consider:**

- (34) Caliper: Bring into conformance with tree ordinance
- (36) Carport: Review definition
- (155 & 156) Private Clusters: Ensure inline with approved TABC permit
- (164 Retail Store): Review definition

When reviewing Appendix C (Land Use Table), definitions will need to be added or removed to ensure that each land use in the table is defined.

### **ATTACHMENTS:**

- Redline Draft

## CHAPTER 2. DEFINITIONS

2.1 Certain words in this ordinance are defined for the purpose hereof as follows:

Words in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and directive. For definitions that are not specified the latest edition of Webster's Dictionary shall be used.

(Ordinance 361-05 adopted 3/22/05)

### 2.2 DEFINITIONS

(1) Accessory Buildings, Residential. In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, barns, storage building or garden shelter.

(2) Accessory Building, Nonresidential. In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use. For purposes of this definition, a tent is not considered an accessory building.

(3) Accessory Dwelling. A secondary living space that is on-site with a primary living space and that may be continued within the space [same] structure as the primary, or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a family member of the owner/occupant.

(4) Accessory Use. A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

(5) Adjacent. Touching, adjoining, contiguous or abutting.

(6) Advertising. Any promotion of commodities or services whether on-site or off-site. Prices and specials are considered as advertisement. Display of gasoline prices and telephone numbers shall not be considered as advertisement, but as a disclosure for public information.

(7) Agriculture. The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program, but does not include concentrated animal or

poultry feeding or breeding operations. All agricultural uses which include animals shall be maintained in compliance with the applicable rules and regulations of the Town of Bartonville, including prohibitions therein.

- (8) Alcohol Beverages, Retail Sales. (See Section 109 of the Texas Alcoholic Beverage Code.)
- (9) Alcohol Beverages, Wholesale. (See Section 109 of the Texas Alcoholic Beverage Code.)
- (10) Ambulance Service. Provision of private emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.
- (11) Animal Farm. (See Farms, General)
- (12) Antennas. (See [Chapter 22](#))
- (13) Antique Store. An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations that have value and significance as a result of age, design or sentiment.
- (14) Auto Body Repair and Service, Major. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; those uses listed under "automobile repair, minor"; and other similar uses.
- (15) Auto Body Repair and Service, Minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.
- (16) Auto Parts Store, Retail. The use of any building or other premises for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
- (17) Automobile. A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following - passenger cars, trucks, buses, motor scooters and motorcycles.
- (18) Bakery, Retail. A place for preparing, baking and selling all products on the premises where prepared.
- (19) Banks and Financial Institutions. An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.
- (20) Barber and Beauty Shop. (See Personal Service Shop)
- (21) Base density. The density specified for the base district for residential developments other than

planned residential developments.

- (22) Base district or base zoning district. The underlying residential or nonresidential zoning district with which a Planned Development District or Conditional Use Permit may be combined.
- (23) Basement. A story wholly or partly (at least 50 percent) measured from floor to ceiling, below the level of the ground on the street side of the building. A basement or cellar is not counted when measuring the height of a building.
- (24) Bed and Breakfast. A dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in not more than five (5) rooms or unattached units (e.g., cabins) for transient guests for compensation.
- (25) Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- (26) Block. An area within the Town enclosed by streets and occupied by or intended for buildings; or, if said work is used as a term of measurement, it shall mean the distance along a side or street between the nearest two streets which intersect said street on said side.
- (27) Board. The word "Board" shall mean the Zoning Board of Adjustment.
- (28) Breezeway. A covered passage one (1) story in height connecting a main structure and an accessory building.
- (29) Buffer. A strip of land, identified on a concept plan, site plan, development plan, established to protect one type of land use from another land use which is incompatible. Normally, a buffer is landscaped and kept in open space uses.
- (30) Building. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.
- (31) Building Line. Any line parallel or approximately parallel to the street line and beyond which buildings may be erected.
- (32) Building Official. The officer or other designated authority charged with the administration and enforcement of this Ordinance.
- (33) Business. Includes retail, commercial and manufacturing uses and districts as herein defined.
- (34) Caliper. The diameter of a tree measured ~~48 inches~~four and a half feet above natural grade level.
- (35) Caretaker's Quarters. Accessory dwelling facilities located on a premises for the housing of persons and their families who are employed on the premises as guards, caretakers or in similar custodial capacity.
- (36) Carport. A structure open on a minimum of 3 sides designed or used to shelter not more than 3 vehicles and not to exceed 24 feet on its longest dimension.

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- (37) Caterer. A business that provides food and beverages for off-site consumption.
- (38) Cellar. See basement.
- (39) Certificate of Occupancy. An official certificate issued by the Town through the Chief Building Official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.
- (40) Church[, ] rectory, or temple. A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by state law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.
- (41) Cleaners. Means a custom cleaning, laundry or pressing shop with a pickup station where work is performed on-site utilizing a non-chemical process for cleaning or laundry.
- (42) Clinic, Medical. The office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions who may or may not have associated in the practice of their professions.
- (43) Commercial Amusement. Establishments engaged in providing entertainment for a fee or to members and guests of a private association and including but not limited to such activities as dance halls; theatrical productions; bands, orchestras, and other musical entertainment; billiard and pool establishments; commercial facilities such as bowling alleys and skating rinks; coin-operated devices; amusement parks; amusement and bathing beaches; swimming pools; game parlors; dirt bike tracks; "paint ball" facilities and teen clubs.
- (44) Commission. The Planning and Zoning Commission of the Town of Bartonville, also referred to as "Town Planning Commission," "Plan Commission," or "Zoning Commission."
- (45) Community Home. A community-based residential home providing 24-hour care in a protected living arrangement for not more than six (6) residents with physical or mental disabilities and two (2) supervisors pursuant to Tex. Human Resources Code Ann. § 123.001 et seq. This classification is limited to homes for the care of persons suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
- (46) Comprehensive Plan. The planning document described in Chapter 211 of the Texas Local Government Code.
- (47) Conditional Use. Use by permit in a zoning district which specifies certain conditions under which the permit may be issued upon application and approval.
- (47a) Contractors' yards. Yards with outdoor storage of equipment and material used by contractors.
- (48) Convenience Store. A retail establishment, occupying less than 5,000 square feet of floor area,

primarily offering for sale meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for primarily off-premises consumption. May or may not include gasoline sales.

(49) Copy and/or Print Shop. An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet. A printing company shall be any printing business which operates in a space of 4,000 square feet or larger.

(50) Council. The Town Council of the Town of Bartonville, also referred to as "Town Council."

(51) Corner Lot. A lot which has at least 2 adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees.

(52) Court. An open, unoccupied space bounded on more than two sides by the walls of the 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 permanently open space.

(53) Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

(54) Crematorium. (See Funeral Home)

(55) Dairies. A wholesale business that processes milk for human consumption.

(56) Day Camp. A facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities, on a daytime basis only.

(57) Day Care Center. An establishment licensed by the state that provides care, protection and supervision for seven or more children or adults for periods of less than 24 hours per day on a regular basis for a fee or other compensation, excluding any establishment classified as a day care home. This classification shall not include overnight lodging, medical treatment, counseling, and/or rehabilitative services and does not apply to any public school.

(58) Day care home. An establishment registered with the state that provides care, protection and supervision in the caretaker's single-family detached residence for not more than six children under 14 years of age, including the caretaker's own children, and that provides care after school for not more than three additional elementary school children, provided that the total number of children cared for, including the caretaker's own children, does not exceed nine. This classification shall not include overnight lodging, medical treatment, counseling and/or rehabilitative services and does not apply to any school.

(59) Density. The number of dwelling units per gross usable acre of land.

(60) Depth of Rear Yard. The mean horizontal distance between the rear line of the building other than accessory buildings and the rear lot line.

- (61) Depth of Lot. The mean horizontal distance between the front and rear lot lines.
- (62) Dog Kennel. See Kennel.
- (63) Dwelling, Single-Family. A detached building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.
- (64) Dwelling. Any building or portion thereof other than a mobile home or manufactured home providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, and cooking.
- (65) District. A section of the Town for which the regulations governing the area, height or use of the building are uniform.
- (66) Double Frontage Lot. A lot having a frontage on 2 nonintersecting streets, as distinguished from a corner lot.
- (67) Easement. A privilege or right of use or enjoyment granted on, above, under or across a particular tract of land by one owner to another.
- (68) Electrical Repairing. A business that repairs household and business appliances and computers.
- (69) Equestrian Center. A building, land or facilities regularly used for equestrian activities, including but not limited to the boarding, schooling, training, hiring, selling, showing, competing or exhibition of horses or ponies.
- (70) Exterminating Company, Retail. A business that provides pest and rodent control to homes or business.
- (71) Family. Consists of one or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than four persons (excluding servants) who are living together in a dwelling unit.
- (72) Family Home. See Day Care Home.
- (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.
- (73) Farms, General - Crops. An area or orchard used for growing usual farm products, vegetables, fruits, trees, and grain and including the necessary accessory uses for raising, treating, and storing products grown on the premises, but not including any type of agriculture specifically prohibited by ordinance or law.
- (74) Farms, General - Livestock/Ranch. An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by

ordinance or law.

(75) Feed Lot. A business that operates a concentrated animal feeding operation as defined in State statutes.

(76) Fire Chief. Means the Fire Marshal of Denton County or the Fire Chief (or designee by the Town) of the Argyle Volunteer Fire District.

(77) Fire Station, Police Station or Municipal Building. Any public service building of the municipal government including a library or Town Municipal Building, but excluding storage yards, utility shops and equipment centers.

(78) Fix-It Shops. A business that repairs lawnmowers and other small engine powered equipment. No outside storage.

(79) Flood Fringe. That area in the floodplain which is not the floodway.

(80) Floodplain. Any land susceptible to being inundated by water from any source.

(81) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(82) Florist, Retail. An establishment primarily engaged in the retail sale of cut flowers and flowering plants.

(83) Floor Area. The total enclosed area of all floors in a building with a clear height of more than six (6) feet, measured to the outside surface of the exterior walls. Parking facilities, driveways, breezeways, carports, residential garages, and airspace above the atria ground floor are excluded from floor area calculations. Enclosed loading berths and off-street maneuvering area are also excluded, but not the dock area itself.

(84) Floor Area Ratio (FAR). The floor area of a main building or buildings on a lot, divided by the lot area.

(85) Front Lot Line. The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall designate which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general orientation as the front and rear lot lines, said lines shall be considered a front lot line in establishing minimum setback lines. If any alley exists on a corner lot, the front yard shall be opposite the alley (a side yard may not be designated adjacent to any alley).

(86) Front Yard. An open, unoccupied space on a lot facing a street upon which the structure shall face and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and main building or any projection thereof other than the projection of the usual steps or eave overhang.



(87) Funeral Home or Mortuary. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

(88) Furniture Store, Retail. Retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

**Editor's note**—The following subsection numbers are as numbered by the town.

(88) Garage Dwelling. See Accessory Dwelling

(89) Golf Course. An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

(90) Government Building. Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the Town of Bartonville, or any subdivision or agency of the State of Texas, the United States or the Town of Bartonville.

(91) Grade. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street; for buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building; any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Town Engineer shall establish such sidewalk level or its equivalent for the purpose of these regulations.

(92) Grocery Store, Retail. A retail establishment with 5,000 square feet of area or more primarily offering for sale meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items for off-premise consumption.

(93) Gross Usable Acres. The number of acres of land in a development site computed by subtracting from the total number of acres the number of acres occupied by (1) floodway, (2) 75% of any land area encumbered by a reservation of record, restricting all or a portion of the property from development, or encumbered as a power line easement, and (3) any other form of unusable open space.

(94) Group Day Care Home. (See Day Care Home).

(95) Group Home. A family-based facility providing 24-hour care in a protected living arrangement. This classification includes homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons over sixty (60) years of age or older, maternity homes, foster homes, homes for juvenile delinquents, and halfway houses.

(96) Hardware Store, Retail. An establishment primarily engaged in the retail sale of a number of

basic hardware lines, such as tools, builder's hardware, paint and glass, housewares and household appliances, and cutlery.

(97) Health or Sports Club.

(98) Heavy Load Vehicle.

(99) Height. The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

(100) Hobby Shop. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreation activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith and from which no traffic will be generated.

(101) Home Occupations. A business, occupation, or profession conducted within a residential dwelling unit or accessory building by the resident thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business;
- (3) Said home occupation shall not have a separate entrance for the business and shall not include appointed visits by the general public. Any business, occupation or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the city to order a cease to all such activity within said dwelling unit.

**Editor's note**—The following subsection numbers are as numbered by the town.

(99) Home Workshop. See Hobby Shop.

(100) Hospital. A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

- (101) Hotel or Motel. A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, and in which there are six (6) or more sleeping rooms.
- (102) In-Law Quarters. See Accessory Dwelling.
- (103) Incinerator. A wholesale business which burns garbage, waste, refuse or other materials as a primary means of disposal.
- (104) Interior Lot. A lot other than a corner lot.
- (105) Kennel or Animal Boarding. Any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards and/or trains dogs and/or cats or other household domesticated animals. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the treatment of such animals. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the town.
- (106) Key Lot. A corner lot that is so designated that the lots located directly behind it face the side street of the corner lot whether or not separated by an alley shall be considered a key lots.
- (107) Large Animal Breeding. Any operation which boards, [or] provides stalls or pens for the purpose of breeding large animals such as horses, mules or cattle.
- (107a) Light Manufacturing. Industrial operations relying on the assembly of products using parts previously developed from raw material and not classified as a point source of objectionable pollutants.
- (108) Living Area. That portion of the dwelling unit utilized for living purposes within the exterior walls of the structure and does not include porches, breezeways, garages and carports.
- (109) Loading Dock. The elevated portion of a building designed to accommodate the loading and unloading of semi-tractor/trailers.
- (110) Lot. Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place.
- (111) Lot Area. The area of the lot shall be the horizontal area of the lot as measured between lot lines, not including portions of streets.
- (112) Lot Coverage. The area of a parcel or lot covered by main buildings (including overhangs) and accessory buildings. Parking areas and others such as sidewalks are not counted in the calculation of lot coverage.
- (113) Lot Depth. The average horizontal distance between the front and rear lot lines.

- (114) Lot Lines. The lines bounding a lot as defined herein.
- (115) Lot of Record. Any lot which has been recorded in the deed record of Denton County lawfully created prior to the effective date of these revised zoning regulations shall be deemed a "lot of record."
- (116) Lot Width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.
- (117) Main Building. The building or buildings on a lot which are occupied by the primary use.
- (118) Manufactured Housing or Modular Home. A structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.
- (119) Manufacturing. An establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, excluding processes utilizing hazardous materials as defined by the International Fire Code, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- (120) Meat/Seafood Market. A retail business that sells meat, seafood and/or poultry that which has been processed. No on-site slaughtering occurs.
- (121) Mini-warehouse. A building or group of buildings containing one or more individual compartmentalized storage units for inside storage of customer's goods or wares, where no unit exceeds 500 square feet in floor area. No outside storage, storage of explosives, flammable materials, materials emitting noxious odors or other similar activities shall be allowed. (Also termed Self-Storage Facility)
- (122) Mining. The extraction and removal from the site, or stockpiling of earth materials, including soil, sand, gravel, oil, gas, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:
- a. The extraction and removal from the site, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.
  - b. The extraction and removal from the site, or stockpiling of earth materials incidental to construction

of landscaping, retaining walls, fences, stock pond less than 300 cubic yards, and similar activities consistent with the land use allowed at the site of removal.

(123) Mobile Home. A dwelling designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

(124) Mortuary. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial.

(125) Motion Picture Theater, Indoor. A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

(126) Motorcycle. Usually a two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, all-terrain vehicle motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

(127) Motor Vehicle. Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

(128) Municipal Facility or Use. Any area, land, building, structure or facility which is owned, used, leased or operated by the Town of Bartonville.

(129) Nonconforming Use. The use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

(130) Nurseries, Retail. An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

(131) Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

(132) Office, Professional and/or Administrative. A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

(133) Office and Clinic, Medical and/or Dental. See Clinic, Medical.

(134) Office. A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity.

(135) Oil or Gas Well. (See Section 30.3 [[chapter 32](#)])

(136) Open Space. An outdoor or unenclosed area designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility, or

service areas.

(137) Open Storage. See Outside Storage.

(138) Orchards. See Farm General.

(139) Outside Display or Sales. Outside temporary display or finished goods that are specifically intended for retail sale.

(140) Outside Storage. The permanent and/or continuous keeping, display or storing of any goods, materials, merchandise or equipment outside of any building on a lot or tract for more than 24 hours. Also referred to as open storage.

(141) Paint Shop, Retail. A commercial establishment where painting services are performed.

(142) Park. Any publicly owned or dedicated to a governmental unit area, parcel, site, piece of land or property for active or passive recreational use as an open space; including any environmentally sensitive area that shall be maintained in a natural condition.

(143) Parking Lot. An all-weather surfaced area consisting of parking spaces, access driveways, designated fire lanes and other areas commonly used by motor vehicles.

(144) Parking Space. An area of not less than two hundred (200) square feet (measuring approximately 10 feet by 20 feet) not on a public street, surfaced with reinforced concrete, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street permitting free ingress and egress.

(145) Pawn Shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

(146) Personal Services Shop or Custom Personal Services. Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including, but not limited to, barber and beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pickup stations, tailor or seamstress services, and other similar types of uses, with no outside storage.

(147) Pet Grooming. See Pet Shops.

(148) Pet Shops, Retail. A retail establishment with no outside pens, offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building. May also offer small animal pet grooming services.

(149) Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Bartonville, Texas and subject to approval by the Planning and Zoning Commission and filed in the plat records of Denton County, Texas.

(150) Planned Development. A residential or nonresidential development project approved through

establishment of a Planned Overlay District, which must meet the requirement of this Ordinance.

(151) Premises. Land together with any buildings or structures situated thereon.

(152) Primary Use. The principal or predominant use of any lot or building.

(153) Principal Building. The Main Building.

(154) Printing Shop. See Copy and Printing Shop.

(155) Private Club, Type 1. See Section 109 of the Texas Alcoholic Beverage Code.

(156) Private Club, Type 2. See Section 109 of the Texas Alcoholic Beverage Code.

(157) Private Garage. An accessory building or portion thereof in which privately owned motor-driven vehicles are stored by occupants of the premises, not more than one (1) of which may be a vehicle exceeding or larger than one (1) ton capacity, and which is not used as a home occupation or other business.

(157A) Private Road: A way for providing vehicular traffic access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded and which are not maintained by a public agency.

(157a) Public/Semi-Public. A building, structure or complex of buildings that protect the health, safety, welfare and quality of life throughout the community. These facilities are mostly provided by public, not-for-profit, state, county, and/or local governmental or quasi-governmental entities that require physical facilities to provide their respective services.

(158) Public Utility. Any of the following utilities: water distribution, sanitary sewage collection, telephone, cable television, natural gas, and/or electrical power.

(159) Rear Yard. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches, or driveways.

(160a) Recreational Vehicle. A vehicular type unit designed for temporary living quarters for recreational camping or travel uses, which either has its own motor power or is mounted on or towed by another vehicle, excluding mobile homes as defined herein. This definition includes, but is not limited to, travel trailers, camping trailers, tent trailers, truck campers, motor homes and camper vans.

(160) Rectory. See church.

(161) Residence. A dwelling.

(162) Residential District. District where the primary purpose is residential use.

(163) Restaurants, Cafeterias, Cafes. An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

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(A) A sit-down restaurant where customers, normally provided with an individual menu, are generally served in nondisposable containers by a restaurant employee at the same table or counter at which such items are consumed. This use may include takeout service, but excludes any service to a customer in a motor vehicle.

(B) A cafeteria or cafeteria type operation where foods and beverages generally are served in nondisposable containers and consumed within the restaurant building. This use may include takeout service, but excludes any service to a customer in a motor vehicle.

(C) A small specialty restaurant having floor area exclusively within a shopping center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway within the center. This use may include takeout service, but excludes any service to a customer in a motor vehicle.

(164) Retail Store or Shop. A retail establishment that does not fit the definition of any other land use classification and that does not entail any outdoor sales, service, display, storage or other activity. Typical uses include, but are not limited to, apparel and accessory stores, camera and photographic supply stores, clothing rental stores, consumer electronics stores, gift, novelty and souvenir shops, luggage and leather goods stores, jewelry stores, music stores, art galleries, book or stationery stores, candy and/or tobacco stores, drugstores, ~~meat markets~~, seed stores, shoe sales and repair, sporting good sales, and video tape rental stores.

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(165) Riding Academy. ~~A business which offers equestrian riding lessons or classes, horse rental and relating activities.~~ See equestrian center.

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(166) Schools, Private. A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.

(167) Schools, Public. A school under the sponsorship of a public agency providing elementary or secondary curriculum, but not including private trade or commercial schools.

(168) Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

(169) Servant's Quarters. An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, yard person, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections. Must meet the requirements of an accessory dwelling unit.

(170) Sexually Oriented Businesses. As defined in Article 4.102 [Section 4.05.002] of the Town Code.

(171) Shopping Center shall mean a place built and intended to be used for retail shops, department



stores, restaurants, travel services and allied businesses. The term shopping center also includes shopping malls. Shopping center shall not include strip malls. For the purposes of this ordinance, a strip mall shall mean a shopping center that is contained on a single plat lot and has a building or set of buildings that contain one or more shops, department stores, restaurants, office uses or businesses that have a common open or enclosed walkway and open into a common parking lot.

(172) Shrub. A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

(173) Side Lot Line. Any lot line not the front or rear lot line.

(174) Side Yard. An open, unoccupied space on the same lot with a building situated between the building line on the lot and extending through from the front yard to the required rear yard.

(175) Sign. As defined in Article 3.1101 [[Section 3.04.002](#)] of the Town Code.

(176) Site Barring Fence. A structure which blocks the view from the ground to the height specified and serves as a visual barrier.

(176a) Sport Court, Private. An area designed for the use of sporting activities including, but not limited to, tennis, basketball, volleyball or other similar nonaquatic sports for the exclusive use of residents and their nonpaying guests.

(177) Stable, Commercial. A stable for horses, mules or ponies, used for the rental of stall space for more than 6 horses, mules or ponies or used for the sale or rental of more than 6 horses, mules or ponies.

(178) Stable, Private. A stable used solely for the owner's private purposes for the keeping of horses, mules or ponies. (See Section 21.5 - Standards for Private Stables. [sic]) Rental stalls for the purposes of boarding horses, mules or ponies are allowed for up to six (6) horses, mules or ponies. If more than six (6) stalls are used for the rental of stall space or the rental or sale of horses, mules or ponies, it shall be considered a commercial stable.

(179) Storage Garage. A building or portion thereof used for the storage of more than five (5) passenger motor vehicles and trucks of not more than one and one-half (1-1/2) ton capacity.

(180) Story, Half. A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) percent of the area of the first story below.

(181) Story, Standard. One having eleven (11) feet six (6) inches between floors.

(182) Street. A public or private thoroughfare which affords the principal means of access to property, including any road or other thoroughfare.

(183) Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

(184) Street Median (or Median). The non-pavement or pavement area between the moving traffic

lanes of a street.

(185) Structural Alterations. Any change in the supporting members of a building, such as loadbearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

(186) Studios, Art and/or Music. A building or portion of a building used as a place of work by a photographer, musician or artist.

(187) Studios, Therapeutic Massage. Any place of business in which therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(188) Swimming Pools - Private. A swimming pool constructed and maintained for the exclusive use of residents and their nonpaying guests.

(189) Tents: A temporary or semi-permanent structure or shelter, consisting of canvas or other material stretched, draped over or attached to a frame or pole(s). A collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors or as a temporary building.

(190) Travel Agency. A business which offers or makes travel arrangements.

(191) Truck. A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles.

(192) Truck Farm. An area or business where fruits and vegetables are sold primarily from vehicles.

(193) Utility Regulating Stations. A facility or substation designed to monitor or distribute electricity.

(194) Variance. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance may not be granted on the basis of pecuniary hardship.

(195) Veterinarian Hospital or Clinic shall mean any institution, place or enclosure used for the harboring or reception for care and/or treatment of injured or sick animals consisting of two (2) or more horses, cattle, dogs, cats, livestock or other animals.

(196) Veterinarian Hospital or Clinic - Large Animals. A veterinary hospital that includes animal boarding facilities that are primarily used for large animals and are not wholly enclosed within a building.

(197) Veterinarian Hospital or Clinic - Small Animals. A veterinary hospital in which all activities are wholly enclosed within a building and are primarily used for small, household pets.

(198) Width of Side Yard. The mean horizontal distance between a side wall of a building and the side line of the lot.

(199) Yard. An open, unoccupied space other than a court, on the lot in which a building is situated, and which is unobstructed from the ground to the sky.

(200) Zoning Districts. The districts established in the Zoning Ordinance of the Town of Bartonville, Texas.

(201) Zoning District Map. The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

(Ordinance 361-05 adopted 3/22/05; Ordinance 376-05, sec. 1, adopted 11/15/05; Ordinance 390-06, sec. 1, adopted 6/20/06; Ordinance 404-06, sec. 1, adopted 9/19/06; Ordinance 418-07, sec. 1, adopted 3/20/07; Ordinance 476-09, sec. 1, adopted 6/16/09; Ordinance 504-10, sec. 1, adopted 9/21/10; Ordinance 513-11, sec. 1, adopted 3/15/11; Ordinance 541-13 adopted 2/19/13; Ordinance 564-14, sec. 1, adopted 7/15/14; Ordinance 576-15, sec. 1, adopted 1/20/15)



## Planning and Zoning Commission Meeting

**DATE:** October 3, 2018

**FROM:** Michael Montgomery, Town Administrator

**ITEM:** Discussion regarding text changes to Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Division 1, General Requirements, Chapter 3, Site Plan

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### **Changes Suggested/Items to Consider:**

- 3.2 General Site Plan: Minor process revision

### **ATTACHMENTS:**

- Redline Draft

## CHAPTER 3. SITE PLANS

### 3.1 PURPOSE

A. This Section establishes a review process for nonresidential developments. The purpose is to ensure that a development project is in compliance with all applicable Town ordinances and guidelines prior to commencement of construction. (Ordinance 361-05 adopted 3/22/05)

### 3.2 GENERAL SITE PLAN

#### A. Approval Process

1. Maximum of Four Steps: The review process shall include up to four (4) steps:

~~a. Approval of other required plans or plats (see the Development Ordinance for platting requirements); and~~

~~ba.~~ Pre-application conference;

~~cb.~~ Site Plan consideration by Planning & Zoning Commission and Town Council;

~~c. Approval of other required plans or plats (see the Development Ordinance for platting requirements); and~~

d. Construction of project (after Town approval of all required plans and plats).

#### 2. Site Plan Required

a. A General Site Plan shall be required for development within the AG, RE-5, RE-2, R-1, MH, RLI, RB, VC, GC and P/SP zoning districts and specified in Subsection 3.2 E. below.

b. The approval process for a General Site Plan shall generally be reviewed by the Town Secretary, Town Planner, Town Engineer, recommendation by the Planning and Zoning Commission, and final consideration by the Town Council.

c. General - For the purposes of this Zoning Ordinance, the term "required plan(s)" is intended to refer to any of the plans specified in this Zoning Ordinance, as applicable.

B. Official Submission Date and Completeness of Application: The "official submission date" shall be the date upon which a complete application for approval of a required plan is submitted to the Town Secretary.

1. No application shall be deemed officially submitted until the Town Secretary determines that the application is complete and a fee receipt is issued by the Town.

2. Applications for any required plan must include all required information listed here and all such required information must be submitted in order for a Site Plan application to be considered complete and to be accepted for official submission by the Town.

a. An application for a Site Plan with notarized signatures of the owner or his/her designated

representative if the applicant is not the owner of the subject property;

- b. Application fee as established on the Town of Bartonville schedule of fees;
- c. Verification that all taxes and assessments on the subject property have been paid;
- d. Copies of the Site Plan, including all information specified by this Ordinance and the Town of Bartonville's Development Ordinance, on ~~24" x 36"~~ 11" X 17" sheet(s) drawn to a known engineering scale that is large enough to be clearly legible and other required information, the quantity of which shall be determined by the Town Secretary, or his/her designee;
- e. General layout for the required public improvements (water, wastewater, grading/storm drainage, streets, water quality, fire lanes and hydrants, screening and landscaping, etc.), the quantity of which shall be determined by the Town Secretary, or his/her designee;
- f. Reduced copies (11" x 17") of the site plan as required by the Town Secretary, or his/her designee;
- g. Landscaping and irrigation plans, the quantity of which shall be determined by the Town Secretary, or his/her designee; and
- h. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Town Secretary, or his/her designee, in order to ensure that the development request is understood.

C. Supplemental Requirements: The Town's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

D. Pre-Application Conference: Prior to formal application for approval of a required site plan, the applicant(s) should consult with the Town's Development Review Committee in order to become familiar with the Town's development regulations and the development process. At the pre-application conference, the developer may be represented by his/her land planner, engineer, surveyor, or other qualified professional.

E. Applicability: Submission and approval of a General Site Plan shall be required for development within the AG, RE-5, RE-2, R-1, MH, RLI, RB, VC, GC and P/SP zoning districts as follows:

1. For any new nonresidential development;
2. For any increase in an existing nonresidential structure that is greater than thirty (30) percent of the existing building square footage; or
3. For that portion of a single-family residential development that contains a private amenity or facility - i.e. recreation center, park, horse stable, etc.

F. Building Permit and Certificate of Occupancy: No building permit shall be issued until a Site Plan, as required, and all other required engineering/construction plans are first approved by the Town. No certificate of occupancy shall be issued until all construction and development conforms to the Site Plan

and engineering/construction plans, as approved by the Town.

G. Extent of Area That Should Be Included In a Site Plan: When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed.

H. Principles and Standards for Site Plan Review and Evaluation: The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Town of Bartonville, and to ensure that all developments are, to the best extent possible, constructed according to the Town's codes and ordinances.

The Town Secretary, or his/her designee, shall review the Site Plan for compliance with all applicable Town ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Bartonville; for the promotion of the health, safety, order, efficiency, and economy of the Town; and for the maintenance of property values and the general welfare.

General Site plan review and evaluation by the Town Secretary, or his/her designee, shall be performed with respect to the following:

1. The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the Town of Bartonville.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the Town of Bartonville, as amended.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.

12. Protection and conservation of watercourses and areas that are subject to flooding.
13. Provision of the adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity, storm drainage, and adequate traffic management.
14. Consistency with the Comprehensive Plan of the Town of Bartonville, as amended.
15. In approving a Site Plan, the Town Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community. When considering an application for site design and use, the Planning and Zoning Commission may recommend and the Town Council may include any or all of the following conditions if they find it necessary to meet the intent and purpose of the standards of this Ordinance:
  - a. Require a maximum increase of up to twenty percent (20%) in the width or required plant materials for perimeter bufferyards in order to ensure compatibility between different land uses.
  - b. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
  - c. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.
  - d. Require retention of significant physical features of a site. Said significant physical features includes, but are not limited to: existing stands of trees, protected trees as specified by the Town's tree preservation standards, bodies of water, watercourses, floodplains and other flood hazard areas, and other natural features.
  - e. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc. to be consistent with the standards of this Ordinance.
  - f. Specify the type and placement or shielding of lights for outdoor circulation, parking, and security.
  - g. Require new developments that produce more than five hundred (500) vehicle trips per day to provide traffic mitigation by means of traffic signals, traffic controls, turning islands, landscaping or any other means necessary to insure the viability, safety, and integrity of existing and proposed thoroughfares, based upon the results of a Traffic Impact Assessment meeting the minimum criteria specified in the Development Ordinance, as amended.
  - h. Require pedestrian access, separate pedestrian accessways, sidewalks and protection from rain for pedestrians in new developments.
  - i. Require developments to provide access to improved streets and, where possible, provide access to the lower order street rather than a major collector or arterial street as designated on the Thoroughfare Plan, as amended.
  - l. Submission Requirements for Site Plan Approval: A Site Plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be



constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information the following information and items shall be submitted with an application for Site Plan approval in addition to any additional specific requirements for the review of Site Plan applications that may be devised and amended from time to time. It shall be the applicant's responsibility to obtain and be familiar with the requirements for Site Plan approval.

1. A title block within the lower right-hand corner of the concept plan with the proposed name of the project/subdivision;
2. The name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the design or survey;
3. The scale of the drawing (both written and graphic scale) and north arrow;
4. The date the drawing was prepared;
5. Total site acreage and the location of the property according to the abstract and survey records of Denton County, Texas;
6. A vicinity or location map that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;
7. The boundary survey limits of the tract and scale distances with north clearly indicated;
8. The names of adjacent subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
9. The existing uses of the subject property;
10. The general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated;
11. A generalized circulation plan for the subject property showing the proposed locations and patterns of motor vehicle and pedestrian traffic. Said circulation plan shall contain arrows indicating traffic flow;
12. The existing zoning and existing/proposed uses on adjacent land;
13. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract;
14. The location, type, size and recording information for any existing easements located on the subject property or within two hundred (200) feet of the subject property. In the event no existing easements have been dedicated, a note to that effect shall be provided;
15. The location and building footprints of existing buildings located on the property. Existing buildings shall be noted as to those that are to remain and those that are to be removed;
16. Railroad rights-of-way located within two hundred (200) feet of the subject property;

17. Topography, including contours at five-foot intervals, with existing drainage channels or creeks;
18. Any 100-year floodplain as designated on the appropriate Flood Insurance Rate Map (FIRM) located on or within two hundred (200) feet of the subject tract. In the event that a 100-year floodplain is not located on the subject tract or within two hundred (200) feet of the subject tract, a note to that effect must be provided with the reference to appropriate panel number;
19. Any significant natural features such as rock outcroppings, caves, wildlife habitats, etc.;
20. All substantial natural vegetation;
21. Location of Gas/Oil wells or pipelines;
22. Location, type, size, and ownership of all existing water and wastewater lines. Said water and wastewater lines shall include all appurtenances - i.e. valves, hydrants;
23. Location, type, and size of all drainage and other underground structures;
24. Proposed connection to all existing water, wastewater, and drainage systems;
25. Adjacent political subdivisions, corporate limits, and/or school district boundaries;
26. Proposed strategies for tree preservation proposed strategies for tree preservation [sic] in accordance with Section 3.5 [[Article 3.05](#)] of the Town's Code of Ordinances (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction);
27. The layout and width (right-of-way lines) of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways;
28. Existing and planned driveways located within two hundred (200) feet of the subject tract, including those located on the opposite side of divided roadways;
29. A general arrangement of land uses and buildings, including but not limited to:
  - a. Proposed nonresidential and residential densities;
  - b. Building footprints for each proposed structure;
  - c. Building heights;
  - d. Building square footages for each proposed structure. For multi-tenant or multi-purpose buildings, show the square footage for each intended use;
  - e. Building massing and orientation;
  - f. Location of loading/service areas;
  - g. Location of recycling containers, compactors, dumpsters and their enclosures;
  - h. Sidewalks and pedestrian walkways;

- i. Parking plan showing the proposed on-site parking stalls with dimensions and driveway aisles with dimensions;
- j. Retention/detention ponds with proposed aesthetic treatments;
- k. Screening walls;
- l. Fences;
- m. Signage;
- n. Fire lanes with dimensions for fire lane aisles and turn-arounds;
- o. A lighting plan for all external lighting demonstrating that the City's lighting standards have been met. Said lighting plan shall include the following:
  - 1. The location and type of all lighting fixtures including the height of all pole lights;
  - 2. A photometric analysis showing the estimated illumination at the property line;
  - 3. The type of illumination fixtures to be utilized;
  - 4. The type and method of shielding proposed;
  - 5. Visibility easements; and
  - 6. Any proposed sites for parks, schools, public facilities, public or private open spaces;
- 29[a]. A landscape plan meeting the Town of Bartonville standards for landscape plans as specified in [Chapter 18](#) of this Ordinance;
- 30. An irrigation plan meeting the Town of Bartonville standards for irrigation plans as specified in [Chapter 18](#) of this Ordinance;
- 31. Building facade (elevation) plans showing the type and color of the exterior materials to be utilized for each building or structure and each screening wall. Said building elevations shall be drawn to a scale of one inch equals twenty feet (1" = 20') or any such scale as designated by the Town Secretary, or his/her designee; and

Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the Town is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Town Secretary, or his/her designee, shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

J. Procedures for Site Plan Review and Approval

1. Town Staff Review of Site Plans

a. Upon official submission of a complete application of a General Site Plan for approval, the Town shall review the application. Specifically, the Town Secretary, or his/her designee, and Town Engineer shall review the Site Plan prior to the Site Plan being forwarded to the Planning and Zoning Commission.

- b. Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the Town's codes and ordinances.
- c. Following Town staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected or modified Site Plan to the Town Secretary within seven (7) calendar days prior to the Planning and Zoning Commission meeting.
- d. The Town Secretary shall then submit the corrected or modified plan to the Planning and Zoning Commission.
- e. The Town Secretary shall forward the original plan application to the Commission if the corrected or modified version is not resubmitted within the prescribed time period.
- f. A corrected or modified plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

## 2. Planning and Zoning Commission Review of and Action on Site Plans

- a. All General Site Plan applications shall be reviewed by the Planning and Zoning Commission.
- b. The Town Secretary shall schedule consideration of any Site Plan application on the regular agenda of the Planning and Zoning Commission after review by the Town Staff.
- c. The Planning and Zoning Commission shall review the Site Plan and shall recommend approval, approval subject to certain conditions, or denial of the Site Plan to the Town Council.

## 3. Town Council Review of and Action on Site Plans

- a. All General Site Plan applications shall be reviewed and considered by the Town Council after a recommendation by the Planning and Zoning Commission.
- b. The Town Secretary shall schedule consideration of any Site Plan application on the regular agenda of the Town Council after a final recommendation by the Planning and Zoning Commission.
- c. The Town Council shall review the Site Plan and shall approve, approve subject to certain conditions, deny with prejudice or deny without prejudice the Site Plan.

1. Denial With Prejudice - Those Site Plans denied with prejudice are subject to the time limits for reapplications and shall be subject to payment of all applicable fees.

2. Denial Without Prejudice - Those Site Plans denied without prejudice are exempted from the time limits for reapplications and any applicable fees may be waived by the Town.

## 4. Revisions to the Approved Site Plan

### a. Minor Revisions/Amendments

1. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Planning and Zoning Commission shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications submitted on an

“Amended Site Plan,” which shall substantially conform to the previously approved Site Plan.

2. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the Town Secretary. Minor revisions include such changes as parking area configuration, building configuration and similar changes which do not alter the standards in this ordinance.

b. Major Revisions - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “Revised Site Plan” must be resubmitted, reviewed, and approved by the Planning and Zoning Commission and Town Council. The Town Secretary shall have the authority to determine whether a Revised Site Plan warrants a review and approval as outlined in Subsection 3.2 I.1. [3.2.J.1.] above.

K. Effect of Review/Approval: The Site Plan shall be considered authorization to proceed with construction of the site provided all other required Town approvals are obtained (such as final plat, engineering plans, etc.).

L. Validity and Lapse of Site Plan Approval:

1. The approved Site Plan shall be valid for a period of two (2) years from the date of Site Plan approval by the Town Council. By the end of the two-year period, the applicant must have completed the next “progress benchmark” as set forth below. If this is not accomplished, then the approved Site Plan shall expire and shall become null and void.

Approved Plan → Next “Progress Benchmark”

Site Plan ←— Engineering release and commencement of construction of public improvements, and application for a building permit for at least one of the buildings on the approved Site Plan within two (2) years following approval of the Site Plan.

2. Extension and Reinstatement Procedure:

a. Prior to the lapse of approval for a Site Plan, the applicant may petition the Town (in writing) to extend the Site Plan approval.

b. Such petition shall be considered by the Town Council, and an extension may be granted by the Town Council at such meeting.

c. If no petition is submitted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a “new project,” and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

d. In determining whether to grant a request for extension, the Town Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the Site Plan at that

point in time.

(Ordinance 361-05 adopted 3/22/05; Ordinance 513-11, sec. 2, adopted 3/15/11; Ordinance 564-14, sec. 2, adopted 7/15/14)