

## AGENDA

### BARTONVILLE PLANNING & ZONING COMMISSION

#### REGULAR MEETING

FEBRUARY 2, 2022

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

7:00 PM

**A. CALL REGULAR MEETING TO ORDER**

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

**C. PUBLIC PARTICIPATION**

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

**D. APPROVAL OF MINUTES**

1. Discuss and consider approval of the January 5, 2022 regular meeting minutes.

**E. REGULAR ITEMS**

1. *Public Hearing – New & Unlisted Use: Automated Car Wash*  
[CLICK HERE](#) to submit comments regarding this Public Hearing item.

Public hearing to receive public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit A, Zoning ordinance related to a new and unlisted use for automated car washes. The proposed amendment may add, remove, or change definitions and amend the Land Use Table to indicate zoning districts where permitted.

- a. Staff presentation
- b. Applicant presentation
- c. Those in favor
- d. Those opposed
- e. Rebuttal
- f. Hearing closed to public comment
- g. Discuss and take appropriate action

2. *Public Hearing – Posted Notice Requirements*

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

Public hearing to receive public comment and consider recommendations to the Town Council regarding public hearing posted notice requirements by amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, The Zoning Regulations, Appendix A, Section A.5 by repealing and replacing subsection C. Posted Notice.

- a. Staff presentation
- b. Applicant presentation
- c. Those in favor
- d. Those opposed
- e. Rebuttal
- f. Hearing closed to public comment
- g. Discuss and take appropriate action

**F. FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA**

**G. ADJOURN REGULAR MEETING**

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: January 28, 2022 at 6:30 p.m., at least 72 hours prior to the time of said meeting.

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Cori Reaume, Interim 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 held a regular meeting on the 5<sup>th</sup> day of January, 2022, at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas.

**Present:**

Ralph Arment, Chairperson  
Don Abernathy, Commissioner  
Harry Otto, Commissioner  
Margie Arens, Alternate 1  
Larry Hayes, Alternate 2

with the following members absent: Gloria McDonald, Vice-Chairperson; Brenda Hoyt-Stenovitch, Commissioner

Also present: Cori Reaume, Interim Town Administrator; Ed Voss, Town Attorney; and Chris Hartke, Town Engineer

There constituting a quorum, the following business took place:

**A. CALL TO ORDER**

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

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

Chair Arment led the Pledge of Allegiance.

**C. PUBLIC PARTICIPATION**

There was none.

**D. APPROVAL OF MINUTES:** Discuss and consider approval of the November 3, 2021 regular meeting minutes.

Commissioner Otto moved to approve the December 1, 2021 meeting minutes. Commissioner Arens seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, Abernathy, Otto, Arens, Hayes  
**NAYS:** None  
**VOTE:** 5/0

**REGULAR ITEMS**

1. *Site Plan Amendment – The Barrel, Bartonville Town Center*

*Public hearing to hear public comment and consider recommendations to the Town Council regarding a Site Plan Amendment for Bartonville Town Center, being part of a tract of land described as Lot 1R-1 Block A, Denkmann Plaza Addition, Town of Bartonville, Denton County, Texas. The property is generally described as a 7.32-acre tract of land generally located on the west side of FM 407, more commonly known as 2648 FM 407, Bartonville, Texas. The site plan amendment is requested to identify the location of a proposed new wall sign with illumination.*

Ms. Reaume explained that while many signs currently installed in Bartonville Town Center are illuminated, the Town’s ordinance related to signage does not allow for illuminated signs unless they are explicitly identified and approved as part of a site plan.

In order to accommodate the proposed illuminated sign for The Barrell, a site plan amendment application was required. Staff intend to perform additional research and will likely make recommendations in the coming months for an update to the Town’s ordinances to allow for illuminated signs in this zoning district.

Ms. Reaume further explained that the proposed sign exhibits less illumination than many existing signs in the Town Center, and that the applicant submitted multiple sign options before finally seeking the proposed sign under consideration.

Commissioner Otto suggested consideration of businesses being limited from having illuminated signs after business hours when ordinance changes are reviewed and/or updated. Town Attorney, Ed Voss, indicated that as an option but reminded Commissioners that some lighting in parking areas can be used as a safety feature.

Chairperson Arment opened the public hearing at 7:03 p.m.

No public comment was received in favor. No comment was received in opposition.

Chairperson Arment closed the public hearing at 7:03 p.m.

Commissioner Arens moved to recommend approval to the Town Council the Site Plan Amendment, as proposed. Commissioner Abernathy seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, Abernathy, Otto, Arens, Hayes  
**NAYS:** None  
**VOTE:** 5/0

2. *Zoning Ordinance Amendment – Equestrian Centers*

*Public hearing to hear public comment and consider recommendations to the Town Council regarding proposed amendments to the Town of Bartonville Zoning Ordinance related to equestrian center regulations, including private and commercial stables and related matters. The proposed amendments may add, remove, or change definitions, amending zoning districts where permitted, and/or by adding additional requirements and provisions necessary for the regulation of private and commercial stables within all of the Town’s zoning districts.*

Chairperson Arment opened the public hearing at 7:11 p.m.

Town Attorney, Ed Voss, provided background regarding the establishment of the Equestrian Center Committee, and the process used by the committee for their review. Many other cities’ ordinances were reviewed, as well as the previous conditional use permits approved by the Town related to equestrian centers. Some changes were originally proposed by the group but after further review, it was found to be impractical to remove certain definitions or items because of many other references throughout the Town’s Code of Ordinances.

Chairperson Arment suggested revisiting the time limit of 7:00 p.m. for the hours of operation to be in line with the proposed 10:00 p.m. allowed for lighting.

Additional conversation was held regarding the hours of operation, lighting, and amplified sound limits. Ultimately, the group opted to recommend changing the hours of operation to extend to 10:00 p.m. consistent with the proposed times for lighting, but to require a stop to amplified sound at 7:00 p.m.

No public comment was received in favor. No comment was received in opposition.

Claire Rock, 1408 E. Jeter Rd., spoke neither in favor nor opposed.

Chairperson Arment closed the public hearing at 7:37 p.m.

Commissioner Otto moved to recommend approval to the Town Council of the draft ordinance, with the changes discussed. Commissioner Abernathy seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, Abernathy, Otto, Arens,  
**NAYS:** Hayes  
**VOTE:** 4/1

**F. FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA**

Ms. Reaume mentioned an upcoming consideration of a new and unlisted use to be added into the Town's land use table for an automated car wash, and an upcoming subdivision consisting of 5-acre lots.

**F. ADJOURNMENT**

There being no further business to come before the board, Chairman Arment declared the meeting adjourned at 7:41 p.m.

**APPROVED this the 2<sup>nd</sup> day of February 2022.**

Approved:

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Ralph Arment, Chair

Attest:

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Cori Reaume, Interim Town Administrator



## Planning and Zoning Commission Meeting

### Item # 1

**DATE:** February 2, 2022

**FROM:** Cori Reaume, Interim Town Administrator

**ITEM:** Public hearing to receive public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit A, Zoning ordinance related to a new and unlisted use for automated car washes. The proposed amendment may add, remove, or change definitions and amend the Land Use Table to indicate zoning districts where permitted.

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#### **Summary:**

An application was received from A-S 114 Lantana TC Phase 2, L.P. requesting the Town consider the addition of a currently unlisted land use. The use to be considered is for an automated car wash, which is considerably different from any uses currently in the Land Use Table, and should be added into the table following public hearings and action by the Planning & Zoning Commission, as well as the Town Council.

The proposed new definition is as follows: *Car Wash, Automatic: A facility designed and used for the primary purpose of washing and cleaning passenger automobiles in which all tasks are performed by mechanical means, and the automobile is typically driven through the facility by the automobile operator. Self-service vacuum stations may also be located on the property.*

After careful consideration of the Town's zoning districts, staff recommend the addition of this use, only by conditional use permit, in the General Commercial zoning district. That recommendation and the respective ordinance changes is outlined in the draft ordinance included with this item.

The Commission will conduct a public hearing to receive comments for or against the proposed changes, and may opt to recommend the draft ordinance changes as presented, or to recommend with changes to the definition and/or the allowable zoning districts.

**Public Comments:** The Town has not received any public comments as of January 28, 2022.

#### **ATTACHMENTS:**

- Application
- Published Legal Notices (Original and revised to correct 2<sup>nd</sup> hearing location)
- Draft Ordinance



**Town of Bartonville**  
 Application for Zoning Text Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

Applicant: A-S 114 LANTANA TC PHASE 2, L.P.

Mailing Address: 8827 W. SAM HOUSTON PARKWAY N; SUITE 200; HOUSTON, TX 77040

Phone: 281-640-7195

Fax: \_\_\_\_\_

Email: MHARNEY@NEWQUEST.COM

Zoning Text Amendment: UNLISTED FORM OF LAND USE - AUTOMATED EXPRESS AUTO WASH

I hereby certify that the information concerning this proposed zoning text change is true and correct.

Signature of Applicant/Owner

12/20/2021

Date

<b>STAFF USE ONLY:</b>	
Date Submitted: _____	Fee Paid: _____
Accepted By: _____	Check No. : _____
P& Z Public Hearing: _____	
Council Public Hearing: _____	

C. Classification of New/Unlisted Uses - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the Town of Bartonville. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Land Use Charts (Appendix C) shall be made as follows:

1. Initiation:
  - a. A person, Town department, the Planning and Zoning Commission, or the Town Council may propose zoning amendments to regulate new and previously unlisted uses.
  - b. A person requesting the addition of a new or unlisted use shall submit to the Town Secretary, or his/her designee, all information necessary for the classification of the use, including but not limited to:
    1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
    2. The type of product sold or produced under the use;
    3. Whether the use has enclosed or open storage and the amount and nature of the storage;

4. Anticipated employment typically anticipated with the use;
5. Transportation requirements;
6. The nature and time of occupancy and operation of the premises;
7. The off-street parking and loading requirements;
8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
10. Impervious surface coverage.

2. The Town Secretary, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection b. above. An amendment to this Ordinance shall be required as prescribed by [Appendix A](#).

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP).

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the Town Council as to the classification proposed for any new or unlisted use. The Town Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to [Appendix A](#).

5. Standards for new and unlisted uses may be interpreted by the Town Secretary, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in Subsection b. above shall be followed for determination of the appropriate district. The decision of the Town Secretary, or his/her designee, may be appealed according to the process outlined in Subsections 2. through 4. above.



December 20, 2021

Ms. Tammy Dixon  
Town Secretary  
Town of Bartonville  
1941 East Jeter Road  
Bartonville, Texas 76226

Via Electronic Transmittal

Re: Application for Zoning Text Amendment  
Unlisted Form of Land Use

Dear Ms. Dixon,

Please find attached an Application for Zoning Text Amendment for an unlisted form of land use. The requested land use is an Automated Express Auto Wash facility within the General Commercial (GC) zoning district. It is our understanding that the use is not currently a listed form of land use within the Land Use Charts within the Ordinances of the Town of Bartonville, but in general, the use is a compatible use within commercial developments.

As outlined in the application, the following information is provided in support of the use classification:

- 1. The nature of the use and whether the use involved dwelling activity, sales, services or processing;**  
The proposed land use is an Automated Express Auto Wash facility with self-service vacuum stations.
- 2. The type of product sold or produced under the use;**  
The proposed use is a service use.
- 3. Whether the use has enclosed or open storage and the amount and nature of the storage;**  
Storage of detergents and drying agents is enclosed within the equipment room.
- 4. Anticipated employment typically anticipated with the use;**  
Anticipated employment is 10 people with average of 2 to 5 employees onsite at a time.

**5. Transportation requirements**

The proposed land use will be within a larger commercial development. Limited delivery truck use will be necessary.

**6. The nature and time of occupancy and operation of the premises;**

Hours of operation is anticipated to be 7:30 a.m. to 7:30 p.m.

**7. The off-street parking and loading requirements;**

All parking will be onsite, 4 to 6 spaces for employees. Stacking for the automated wash is sufficient for 8 to 10 vehicles – typical process time per vehicle is 2-1/2 minutes.

**8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;**

The vacuum station motors and other equipment are contained to within the equipment room to mitigate noise. The exit with dryers and blowers is oriented toward the roadway to mitigate impact on adjacent properties.

**9. The requirements for public utilities such as sanitary sewer and water and any specific public services that may be required; and**

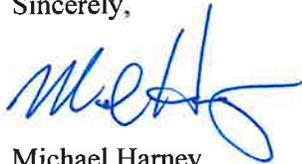
A water reclamation system is proposed within the site, which reduces the average water use to 25 gallons per vehicle, half of the industry average.

**10. Impervious surface coverage.**

The proposed surface coverage will be consistent with the design for a commercial use. Detention is provided offsite and is sufficient for the proposed development.

Please do not hesitate to contact our office at 281-640-7195 should you have any questions or comments regarding this matter.

Sincerely,



Michael Harney  
Development Manager

Attachments

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 01/12/22 09:51 by plaga-dm

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Acct #: 232

Ad #: 41855

Status: New

**NOTICE OF PUBLIC HEARING  
TOWN OF BARTONVILLE**

**Original Public Notice**

The Planning & Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at 7:00 p.m. on February 2, 2022, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding:

Proposed amendments to the Town of Bartonville Zoning Ordinance related to a new and unlisted use for automated car washes. The proposed amendment may add, remove, or change definitions, and amend the Land Use Table to indicate zoning districts where permitted.

The Town Council will conduct a second public hearing at 7:00 p.m. on February 15, 2022 at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment, and consider the recommendations of the Planning & Zoning Commission. All interested parties are encouraged to attend.

Drc 01/15/2022

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 01/26/22 14:47 by amcco-dm

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Acct #: 232

Ad #: 42190

Status: New WHOLD WHOI

The Planning & Zoning Commission for the **Town of Bartonville, Texas**, will conduct the first of two public hearings at 7:00 p.m. on February 2, 2022, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding:

Proposed amendments to the Town of Bartonville Zoning Ordinance related to a new and unlisted use for automated car washes. The proposed amendment may add, remove, or change definitions, and amend the Land Use Table to indicate zoning districts where permitted.

The Town Council will conduct a second public hearing at 7:00 p.m. on February 15, 2022 at Lantana Community Church, 2200 E. Jeter Rd., Bartonville, Texas, to hear public comment, and consider the recommendations of the Planning & Zoning Commission. All interested parties are encouraged to attend.

Revised Legal notice correcting the location of the February 15, 2022 public hearing to Lantana Community Church.

Drc 01/29/2022

**TOWN OF BARTONVILLE**  
**ORDINANCE NO. \_\_\_\_\_-22**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT “A,” THE ZONING ORDINANCE, BY AMENDING APPENDIX C, LAND USE TABLE AND RELATED PROVISIONS TO ADD THE ‘CAR WASH, AUTOMATIC’ USE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

**SECTION 1.**  
**AMENDMENT TO APPENDIX C, LAND USE TABLE**

The Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 14, Exhibit “A,” the Zoning Ordinance, Appendix C, Land Use Table to add the Car Wash, Automatic use district designations to read as follows:

Use	Zoning District										
	AG	RE-5	RE-2	R-1	RLI	RB	RS	VC	GC	MH	P/SP
Car Wash, Automatic	*	*	*	*	*	*	*	*	C	*	*

**SECTION 2.  
AMENDMENT TO CHAPTER 2**

The Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 14, Exhibit “A,” the Zoning Ordinance, Chapter 2, Definitions, Article 2.02 Definitions by adding a definition for the Car Wash, Automatic use to read as follows:

“(34-A) Car Wash, Automatic: A facility designed and used for the primary purpose of washing and cleaning passenger automobiles in which all task are performed by mechanical means, and the automobile is typically driven through the facility by the automobile operator. Self-service vacuum stations may also be located on the property.

**SECTION 3.  
SEVERABILITY**

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

**SECTION 4.  
SAVINGS**

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

**SECTION 5.  
ENROSS AND ENROLL**

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

**SECTION 6.  
PUBLICATION**

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

**SECTION 7.  
PUNISHMENT**

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

**SECTION 8.  
NO VESTED RIGHTS**

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

**SECTION 9.  
EFFECTIVE DATE**

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

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

APPROVED:

\_\_\_\_\_  
Bill Scherer, Mayor

*(Seal)*

ATTEST:

\_\_\_\_\_  
Tammy Dixon, Town Secretary



## Planning and Zoning Commission Meeting

### Item #2

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**DATE:** February 2, 2022

**FROM:** Cori Reaume, Interim Town Administrator

**ITEM:** Public hearing to receive public comment and consider recommendations to the Town Council regarding public hearing posted notice requirements by amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, The Zoning Regulations, Appendix A, Section A.5 by repealing and replacing subsection C. Posted Notice.

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#### **SUMMARY:**

In conjunction with requests for zoning and rezoning, including Conditional Use Permit (CUP), Variances, Site Plans, and Amended Site Plans, typical municipal practice (not mandated by State Law) is to require a sign or signs be placed on a subject property along adjacent roadways providing notice of a this "Zoning Change."

The Town's Code requires the Town to post the sign(s) on the property owners property. Generally staff utilizes the building official to install the signs. His fee (per his contract) is \$60/hr. (min half hour). Total cost being \$60 to install and uninstall each sign. If the building official is unavailable, staff must post the notice, which may require using personal vehicles and leaving Town Hall during office hours.

After researching, other communities' policies are as follows:

- The Town of Copper Canyon **does not require** signs to be posted on property.
- The Towns of Double Oak, Flower Mound, Prosper, Frisco: **require the property owner and/or applicant, at their expense, to purchase sign, per the Town's requirements and to post the sign(s) on the property.**
- The Town of Argyle, **requires the property owner/applicant, to post the sign (provided by the Town – size of a real estate sign) on their property.**

At the September 21, 2021 Town Council meeting the Town Council directed staff to prepare an ordinance amending the regulations for Public Hearing Notice Signs to require the property owner/applicant to post the sign, provided by the Town.

New signs were purchased, made of 4 x 4 corrugated plastic with brass grommets that are connected to two t-posts.

Current Posted Notice Requirements:

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

1. A minimum of one sign shall be placed on each street frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the front property line.
2. The notification signs shall be left in place until final action is taken on the request for approval or development application, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the Town Secretary of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

Proposed Posted Notice Requirements:

C. Posted Notice. Whenever this Zoning Ordinance requires that notice of a public hearing be posted on land the applicant shall erect a notification sign, provided by the Town, stating the purpose of the public hearing, on the subject property before the tenth (10<sup>th</sup>) day prior to the first public hearing.

1. A minimum of one sign shall be placed adjacent on each street frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the front property line. *(no change)*
2. The notification signs shall be left in place until final action is taken on the request for approval or development application. The applicant shall remove and return such sign(s) to the Town within five calendar days after action by the Town Council or immediately upon the withdrawal of the petition, whichever comes first.

*It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the Town Secretary of any missing or defective signs. It is unlawful for a person to alter any*

*notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.*

**ATTACHMENTS:**

NONE

**RECOMMENDATION:** Recommend approval of the proposed changes to the Town Council, as presented.

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 01/12/22 09:57 by plaga-dm

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Acct #: 232

Ad #: 41857

Status: New

**NOTICE OF PUBLIC HEARING  
TOWN OF BARTONVILLE**

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at 7:00 p.m. on Wednesday, February 2, 2022, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council

*regarding public hearing posted notice requirements by amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning Regulations, Appendix A, Section A.5 by repealing and replacing subsection C. Posted Notice.*

The Town Council will conduct the second Public Hearing at 7:00 p.m. on Tuesday, February 15, 2022, at Lantana Community Church, 2200 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Drc 01/15/2022