



AGENDA

BARTONVILLE TOWN COUNCIL WORK SESSION

February 9, 2022

Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas 76226
6:30 PM

A. CALL WORK SESSION TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council 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 Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

D. WORK SESSION ITEMS

1. Discussion on proposed amendments to the Town of Bartonville Zoning Ordinance related to equestrian center regulations, including private and commercial stables and related matters.

E. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.



Tammy Dixon, Town Secretary



February 6, 2022/ 5:15 PM

Date/Time Posted



TOWN COUNCIL AGENDA ITEM NO. 1

WORK SESSION

DATE: February 9, 2022

FROM: Cori Reaume, Interim Town Administrator

ITEM: Discussion on proposed amendments to the Town of Bartonville Zoning Ordinance related to equestrian center regulations, including private and commercial stables and related matters.

SUMMARY:

The Town recently held two public hearings related to updating ordinances related to equestrian centers as recommended by a committee that was created by the Town Council. The committee's task was to review the existing regulations, with a desire to provide clarity for any incoming equestrian centers, as well as protection of the quality of life for our residents.

Due to the amount of feedback from the public on this item during the January 18, 2022 public hearing, the Town Council opted to leave the public hearing open and continue it until the next Town Council meeting on February 15, 2022 to allow for this work session to discuss this item further and gain feedback from interested residents and stakeholders.

Feedback received by the public to date, as well as any additional comments provided during the work session will be reviewed and evaluated by the Town in advance of any action taken on the draft ordinance updates.

ATTACHMENTS:

- Red-line of current ordinance outlining proposed changes
- Written comments from the public received through February 6, 2022.

RECOMMENDATION:

There is no action to be taken at this meeting, discussion item only.

Town of Bartonville Ordinance Provisions: Equestrian Centers and Related Matters

From Town Zoning Ordinance—Current:

CHAPTER 2. DEFINITIONS

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. The size and purpose limitations do not necessarily apply to equestrian facilities, which are governed by conditional use permit and site plan requirements.

~~(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.

(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.

11) *Animal Farm.* (See Farms, General)

(11A) *Animal-Assisted Therapy.* An outdoor business or nonresidential use of animal-assisted relaxation techniques and animal-assisted mental and/or physical therapy techniques using instructors or therapists.

(xx) Engages in a farm animal activity means riding, handling, training, driving, loading, unloading, feeding, vaccinating, exercising, weaning, transporting, producing, herding, corralling, branding, or dehorning of, assisting in or providing health management activities for, assisting in the medical treatment of, being a passenger on, or assisting a participant or sponsor with a farm animal. The term includes management of a show involving farm animals, animal assisted therapy, and engagement in routine or customary activities on a farm to handle and manage farm animals. The term does not include being a spectator at a farm animal activity unless the spectator is in an unauthorized area and in immediate proximity to the farm animal activity.

(69) ~~Equestrian Center~~Commercial equestrian facility. A building, land or facilities, including accessory buildings and accessory dwellings, regularly used for equestrian activities equine animal activities, and is not a private equestrian facility, including but not limited to the boarding, schooling, training, hiring, selling, showing, competing or exhibition of horses or ponies.

(xx) Private equestrian facility. A building, land or facilities, including accessory buildings and accessory dwellings, where equine animals are kept and regularly used for the enjoyment of the occupants of the premises, with no more than five (5) stalls used for the housing of the equine animals on the premises.

(xx) Equine animal means a horse, pony, mule, donkey, or hinny.

(xx) Farm animal means: (a) an equine animal; (b) a bovine animal; (c) a sheep or goat; (d) a ratite, including an ostrich, rhea, or emu; (e) a chicken or other fowl; or (f) a honeybee kept in a managed colony.

(xx) Equine animal activity means: (a) an equine animal show, competition, performance, or event that involves any equine animal; (b) training or teaching activities involving an equine animal, including equestrian riding lessons or classes, animal assisted therapy, and the renting and/or leasing of equine animals; (c) owning, breeding, raising, boarding or pasturing an equine animal, including daily care; (d) riding, inspecting, evaluating, handling, transporting, loading, or unloading an equine animal belonging to another, without regard to whether the owner receives monetary consideration or other thing of value for the use of the equine animal or permits a prospective purchaser of the equine animal to ride, inspect, evaluate, handle, load, or unload the equine animal; (e) placing or replacing horseshoes on an equine animal; (f) examining or administering medical treatment to an equine animal by a veterinarian; or (g) transporting or moving an equine animal.

(74) Farms, General — Livestock and Farm Animal/Ranch. An area used for the raising thereon of ~~the usual~~ livestock and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and ~~storing~~housing livestock and farm 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.

(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.~~

(107) Large Animal Breeding. Any operation which boards, [or] provides stalls or pens for the purpose of breeding ~~large livestock or farm~~ animals such as horses, mules or cattle. [Make CUP in AG, RE-5, RE-2, RLI in Appx. C.]

~~(xx) Livestock means: (A) an animal raised for human consumption; or (B) a farm animal.~~

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

~~(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.~~

(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 farm animals consisting of two (2) or more ~~horses, cattle~~ equine animals, 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~~ farm animals and/or livestock 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.

Zoning District Notes

1. AG, RE-5, RE-2, RE-1, and MH each have a note: “Any buildings, ~~or structures or yard~~ for raising, feeding, ~~pasturing or~~ housing of equine animals, farm animals, or livestock or poultry shall be located no closer than fifty (50) feet from the property line.” RLI does not have this note.

2. AG, RE-5, RE-2, RE-1, and MH each have a note: “Standards for Nonresidential Uses. Site plan approval (see Chapter ~~2-3~~) shall be required for any permitted nonresidential use (e.g., school, church, private recreation facility, commercial equestrian facility, etc.) in the ___ district. Any nonresidential land use which may be permitted in this district shall conform to the “RB”-Rural Business standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. Said site plan approval shall not be required for home occupations uses that conform to the Town’s standards.”

Site Plan Requirement

Chapter 3.2.E

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. ~~f~~For any new nonresidential development;
2. ~~f~~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~~private equestrian facility, etc.; ~~or~~
4. for any new commercial equestrian facility, and any changes to existing commercial equestrian facilities.

Add: New Chapter 21A to Zoning Ordinance, Division IV. Special Requirements

Chapter 21A. Commercial Equestrian Facilities

21A.1. PARKING REQUIREMENTS

- A. Parking areas must comply with Chapter 17 requirements applicable to a nonresidential district.
- B. Driveway configurations must meet turn radius requirements for a fire truck and be approved by the Fire Department and Town Engineer.

C. Horse trailers, other trailers, and recreational vehicles may be parked on a pervious, dust-free surface as approved by the Town Engineer.

D. Commercial equestrian facility entrances shall be set back from the public right-of-way a distance of forty feet (40') in order to avoid blocking the public right-of-way.

21A.2. ACCESSORY BUILDINGS

A. Accessory buildings must comply with Chapter 19 requirements.

B. Equestrian areas and accessory buildings shall not be located within seventy-five feet (75') of any adjacent property line.

C. Outside storage, including manure/animal waste, shall be set back at least seventy-five feet (75') from any adjacent property line. All manure/animal waste must be contained in a structure, and must be removed upon notice from the Town of receipt of two or more complaints about odor, flies or other unpleasant conditions related to the manure/animal waste.

21A.3. FENCING AND SCREENING REQUIREMENTS

A. All fencing and screening requirements in Chapter 20 shall be applicable and shall be followed.

B. Areas designated for trailer and recreational vehicle parking shall be screened from view from adjacent residential property and from the public right-of-way.

21A.4. OPERATIONAL REGULATIONS

A. All facilities shall comply with all applicable building, health and fire code requirements.

B. Soil in an arena shall be kept in a dust-free condition.

C. Any lighting of an outdoor area or a covered area shall be shielded and/or angled so that light does not create glare onto surrounding adjacent properties or public rights-of-way, and shall comply with lighting and glare standards set forth in the Town's Code of Ordinances. All lighting in an outdoor area or a covered area used for equine animal activities must be turned off at 10:00 p.m. nightly.

D. All amplified sound shall comply with the Town's noise ordinance, as amended, or the terms of this provision, whichever is more restrictive. All amplified sound shall comply with the following sound level when measured at the property boundary of the receiving land: 62 decibels as measured on a sound level meter using the A-weighting network. Notwithstanding any provision herein, all amplified sound shall not unreasonably disturb or interfere with the peace, comfort and repose of neighboring persons of ordinary

sensibilities. This provision applies between the hours of 7:00 a.m. to 7:00 p.m. Amplified sound occurring outside of these stated hours is prohibited.

E. Hours of Operation: In addition to boarding of horses at all times, equine animal activities shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m.

F. No commercial equestrian facility may be located on property that is only accessible by a private road, unless all such road owners consent and the private road is acceptable to the Fire Department.

DATE: January 16, 2002

FROM: Siobhan O'Brien and Greg Stevens (owners Horselife Farm), Steve Dumaine and Michelle Apple (owners Apple Equestrian) and Jackie and Dean Pisani (owners Rockgate Equestrian), Beth and Paul Buckner (private equestrian facility in Barrington Hills), Lynne and Andrew Partridge (Pear Tree Farm private equestrian facility).

ITEM: Discussion regarding P&Z ad-hoc committee formed for clarification of Zoning ordinance as it pertains to commercial equestrian facilities.

The ad hoc committee of Gloria McDonald, Harry Otto, Bridget Melson and Jim Roberts formed to review various equestrian facility definitions and ordinances and submitted changes to the Town Council in a meeting January 5th, 2022. As equestrian property owners, we have an interest in changes proposed by the town. When ordinances and zoning changes have been made in the past, all property owners within 200 feet of the change were notified by letter. None of the property owners listed above received a letter or notification of the proposed ordinance changes.

This document states the town had not received any public comments as of December 30, 2021. None of the aforementioned property owners were aware of the proposed changes.

We request the definitions proposed in Chapter 2 Definitions be more specifically defined and legally reviewed.

(1) The additional sentence at the bottom of the paragraph is unclear *“does not necessarily apply to equestrian facilities”*. **It needs to be made clear if it does or does not apply to commercial and private equestrian facilities.**

(11A)XX Engages in a farm animal activity means riding, handling, training, driving, loading, unloading, feeding, vaccinating, exercising, weaning, transporting, producing, herding, corralling, the medical treatment of, being a passenger on... *“The term does not include being a spectator at a farm animal activity unless the spectator is in an unauthorized area and in immediate proximity to the farm animal activity”*. **That verbiage needs to be clarified and specific intention of wording needs to be provided.**

69) ~~Equestrian Center~~ Commercial equestrian facility. *“regularly used for equine animal activities, and is not a private equestrian facility”* – **Need Clarification on that definition and the differences between private and commercial. Couldn't it state, operating under a CUP?**

XX Private Equestrian Facility. Building, land or facilities, including accessory buildings and accessory dwellings, where equine animals are kept and regularly used for the enjoyment of the occupants of the premises, with no more than five (5) stalls used for the housing of the equine animals on premises. – **This doesn't define occupants as owners, it doesn't address an owner allowing friend or non-occupant of the property to keep a horse on property. The Bartonville statutes state 2 horse/one acre so now it doesn't matter the size of acreage, it's only 5 horses stabled? How many horses can be full turnout no stable?**

21A.1 C Horse trailers, other trailers, and recreational vehicles may be parked on a pervious, dust-free surface as approved by the Town Engineer. – **May is not a specific term, is it allowing or suggesting or requiring? Now the Town Engineer needs to approved every spot a trailer may park?**

21A.2 B Equestrian areas and accessory buildings shall not be located within seventy-five feet ('75)- it was previously 50'. Are current buildings grandfathered and what happens during change of ownership?

C. Outside storage, ... changed to 75 feet, wasn't it previously 50'?

21A.3 B. Areas designated for trailer and recreational vehicle parking shall be screened from view from adjacent residential property and from the public-right-of-way. – What does screened mean and is this for new facilities or existing?

21A.4 C and D both of those are already included in the CUP requirements.

E. Hours of Operation: In addition to the boarding of horses at all times, equine animal activities shall only be conducted between the hours of 7am and 7pm. – there was no restriction on activities in the past, only on lights and sound. If a vet visit is an equine activity (as previously defined), they can't come after 7pm? Clients may come ride before 6am or after 7pm when it's cooler in the summer. The lights can be on until 10pm. Clients will come to ride between 7 and 9 pm in the winter.

F. No commercial equestrian facility may be located on a property that is only accessible by a private road, unless all such road owners consent and the private road is acceptable to the Fire Department. – If a currently private facility is redefined as commercial because they have more than 5 horses stabled or they allow non-occupants to enjoy the use of the horse, and they are on a private road, do they need to reclassify as commercial and apply for a CUP?

Because of the significant numbers of questions and concerns, we are asking to have an additional public discussion with the P&Z ad hoc committee to determine clearer wording and definitions to provide a document with clear intent and clarification of ordinances.:

Sincerely,

Some of your Bartonville equestrian landowners,

Siobhan O'Brien

Greg Stevens

Jackie Pisani

Dean Pisani

Steve Dumaine

Michelle Apple

Lynne Partridge

Andrew Partridge

Beth Buckner

Paul Buckner

To Bartonville Town Council

Citizen:

Greg Peck, 150 Hidden Oaks Trail, Bartonville, TX 76226

Regarding: Agenda Item No. 5 – Public hearing to consider proposed amendments to the Town of Bartonville Zoning Ordinance related to equestrian center regulations, including private and commercial stables and related matters.

Position on Item – Against

Reasons:

1. This amendment only discusses guidelines for Commercial Equine operations; however, the agenda also includes Private. This causes significant concern because if amendment to Commercial Equine facilities is passed the extension to private facilities seems implied.
2. It seems Equine facilities within Bartonville town limits have complied with “Conditional Use Permits” and have rectified any noted issues with the permit guidelines. There is no need for an overreaching policy since all commercial equine operations are required to get a conditional use permit. These permits are not designed to be inspected but to provide a guideline should a dispute with neighbors or community occur.
3. A big reason people come to Bartonville is because of the rural feel and the equine facilities are a fantastic way to preserve large open spaces and the beauty of horses and other livestock. If we as a town set policies that repel the equine community, it won't be long till we are refining our master plan to include greater density in housing.

Clarification Requested:

1. Is this for future permitting and zoning or does this change require modifications to any current commercial or private equine facilities? For commercial facilities that already have a conditional use permit does this affect those facilities in any way?
2. How many of the special committee members are:
 - a. Horse Owners
 - b. Current horse Riders
 - c. Equine Competitors
 - d. Animal Care professionals / Veterinarians
3. (156a) How did the committee determine that Private equestrian facilities have a limit of 5 stalls?
4. 21A. 1. C - Has the town engineer provided a list of adequate dust free surfaces for parking trailers? Grass is dust free, is that adequate?

5. 21A. 2. C. What is an approved structure to put animal waste in? If the waste is in appropriate facility and is regularly maintained, what happens if complaints are still brought against a facility? (Late summer and early fall there are always lots of flies no matter what abatement measures are taken...feed through, spray, traps, etc.)
6. 21A. 4. A. What are the applicable building, health and fire code requirements documented for equine facilities? I have been in many barns of varying cleanliness and infrastructure. Sometimes simple is completely adequate. Who or what code decides?
7. 21A. 4. B. Is access to water adequate or is there a level of arena sand that is required? If access to watering is sufficient, are there exceptions during times of drought?
8. 21A. 4. D. Assuming the 62 decibel limits are not exceeded, how did committee determine that 7 a.m. to 7 p.m. is reasonable timeframe for playing music? (60 decibels is the level of sound of a normal conversation)
9. 21A. 4. E. How did committee determine that all equine activities should be limited from 7 a.m. to 10 p.m.? During the summer months the only times that a horse can be aggressively worked is in the cool of the morning and the evening.
10. 21A. 4. F. Once a commercial equine facility has received consent from all road owners and fire department, is that use right irrevocable?
11. Section 16. Penalty – Is this simply a town standard penalty or is this an exceptionally high fine to discourage additional Commercial equine facilities from coming to Bartonville?

From: [Horselife Farm](#)
To: [Town Administrator](#)
Cc: [Steve Dumaine](#); [Jackie Pisani](#); [Shelley Peters](#)
Subject: Horselife Feedback on Agenda Item 5 (Redefining Commercial and Private ordinances)
Date: Tuesday, February 1, 2022 1:30:43 PM

Cori,

Thank you for hosting the additional P&Z meeting Wednesday evening at 7pm. I have some feedback, questions regarding the document. I have detailed them below. Thank you, Siobhan O'Brien

Page 3 156a: Private Equestrian facility:

"where equine animals are kept and regularly used for the enjoyment of the occupants of the premises, with no more than five (5) stalls used for the housing of the equine animals on the premises."

--It seems the capacity of a private facility should be tied to the acreage. A 10 acre facility can have 18 horses on property (2/acre) so the facility should be able to house the number of horses allowed on premise. That would also protect the grazing and land erosion.

Section 3 - Zoning Ordinance amended Chapter 3

2. - For any increase in an existing non residential structure that is greater than 30% of the existing building sq footage --Is that all building square footage combined?

4. for any new commercial equestrian facility, and any changes to existing commercial facilities. - -Please define ANY changes to existing commercial facilities?

Section 4. Chapter 5

E. Standards for Nonresidential Uses. Site plan approval shall be required for any permitted nonresidential use in the AG district. (what about those with CUP in the RE2 district)?

Section 5 Chapter 6

F.1. Any buildings, or structures for raising, feeding or housing of equine animals, farm animals, or livestock shall be located no closer than 50' from property line - Isn't the current standard 30' why change?

Section 6 chapter 7

D. Standards for non residential uses - (where can i find the rural business standards document

F. 1. Any buildings structures- no closer than 50' Isn't the current standard 30'

Section 8 chapter 9

D. Standards for non residential uses ... in the MH district. - Where is the MH district in Bartonville?

F.1. Any buildings or structures for raising... no closer than 50'. - wasn't it 30' before?

Section 9 Chapter 21

A. Chapter 17 requirements - where do I find Chapter 17?

C. Horse trailers, or other trailers, and recreational vehicles, MAY be parked on a pervious (permeable?), dust-free surface as approved by the Town Engineer - what does MAY mean? When do we need to apply that rule? When does the Town Engineer have to come?

21A.2. Accessory Buildings

A. Where do we find Chapter 19 requirements?

C. Outside storage including manure/animal waste...unpleasant conditions- Can you more clearly define structure for manure and must be removed upon notice from the Town of receipt of two or more complaints about the odor. What sorts of complaints? Many manure piles are picked up on a monthly rotational basis. It is hard to get that rescheduled any quicker. Anyone could complain, not confirming the fly came from one farm or another. upon what timeframe MUST it be removed or will it incur the \$2000 fine?

21A.3 Fencing and Screening Requirements

A. Where do we see Chapter 20?

B. Areas designated for trailer and recreational vehicle parking shall be screened from the public right-of-way - What sort of screen from view and how easily seen?

21A.4 Operational Regulations

This seems very similar to the requirements listed in the CUP application

E. Hours of Operation - 7am to 10pm. In the summer when it is extremely hot, horse professionals frequently ride/exercise the horses starting at 6am, the farrier might come around 6:30 and we may leave to haul to shows before 6am .

Thank you, Siobhan

