



PLANNING AND ZONING COMMISSION AGENDA

April 05, 2023 at 7:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

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 March 1, 2023, meeting minutes.

E. PUBLIC HEARINGS

2. CUP-2023-001

Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at 2700 FM 407 East.

3. LP-2023-001/#ZC-2023-001

Public hearing to consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2).

F. REGULAR ITEMS

4. Discussion on and review of the 2023 Comprehensive Land Use Plan.

G. FUTURE ITEMS

H. ADJOURNMENT

I 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.

/s/Tammy Dixon, Town Secretary

Posted: March 31, 2023 at 4:00 PM

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.



PLANNING AND ZONING COMMUNICATION

DATE April 5, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discuss and consider approval of the March 1, 2023, meeting minutes.

SUMMARY:

A meeting was held on March 1, 2023.

ATTACHMENTS:

The draft minutes will be distributed at the meeting.



PLANNING AND ZONING COMMUNICATION

DATE April 5, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: CUP-2023-001 Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at 2700 FM 407 East. Town File #CUP-2023-001.

APPLICATION ANALYSIS:

Applicant: CCM Engineering (consultant), on behalf of the Education Leads to Success Foundation (property owner)

Zoning: Agricultural District (AG)

Summary: The applicant has applied for a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at their existing facility located at 2700 FM 407 East., described as A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A. There is an existing facility whose use has been "grandfathered in" as an existing legal nonconforming use upon the adoption of the Bartonville Zoning Ordinance (BZO) (Ordinance 361-05, et. seq.). "Equestrian Center" and "Animal-Assisted Therapy" are both conditionally-permitted uses in the Agricultural District.

The Education Leads to Success Foundation has entered into a lease partnership with Universal Academy, an open-enrollment charter school, to establish a new school facility on their 100-acre site which is locally known as "CJ's Legacy Ranch". Because the existing equestrian center is an existing legal nonconforming use under the current Bartonville Zoning Ordinance, the applicant is required to first acquire the Conditional Use Permit for the existing use before adding any new uses to the site. In addition, Universal Academy is an equestrian-based charter school which is expected to have a close operational relationship with the existing equestrian facility – this would be considered an expansion of a legal nonconforming use, which is prohibited in BZO Section 1.11.

Bartonville Zoning Ordinance Section 16.10 lists the criteria for approval of a proposed conditional use permit:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors,

visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The CUP application is for an existing equestrian facility. The purpose of the CUP is to bring the existing use of the property into compliance with the current Bartonville Zoning Ordinance. One of the primary objectives of the Comprehensive Plan is to protect the existing residential areas and to preserve the rural atmosphere of the entire community. The existing equestrian facility has long contributed to the character goals described in the Comprehensive Plan. In addition, the Agricultural zoning district is intended to accommodate those property owners who wish to maintain active agricultural operations on their property. Equestrian-centered uses align with this intended use. Approval criteria 1, 2, and 7 are met with the existing use.

Approval criteria 3-6 are not altogether applicable in this case since this CUP is for an existing facility. Staff are not aware of any problems from the existing equestrian facility with regard to adverse effects to the roadway system or neighboring property owners that would need to be addressed through this CUP. Through discussions with the applicant, staff are aware that a site plan, site civil plan, and plat submittals will be required to prepare the site for the new school facility. As there will certainly be additional impacts generated from the new school facility, staff will identify mitigation measures to address those future impacts with subsequent application submittals.

The two most recent equestrian center CUPs are attached for reference only.

RECOMMENDED MOTION OR ACTION:

Staff is recommending approval.

PUBLIC COMMENT

As of this writing the Town has not received any public comment.

ATTACHMENTS:

- CUP Application
- Letter mailed to property owners within 200' with location map and mailing list
- Published Legal Notice
- ORD 692-20 Equestrian Center CUP
- ORD 643-18



Town of Bartonville

Application for Conditional Use Permit

All applications must be submitted in accordance with the Submission Schedule attached hereto. Please complete the attached checklist. A site plan application must be submitted with all Conditional Use Permit Applications.

Applicant (Owner or Agent, Specify): CCM Engineering (Agent)

Mailing Address: 2570 Justin Rd., Highland Village, TX 75077

Phone: 972-691-6633 Fax: _____

Email Address*: cody@ccm-eng.com
(*This will be the primary method of communication)

Owner's Name(s) if different¹: Education Leads to Success Foundation

Owner's Address: 2700 FM 407 East Bartonville TX 76226

Phone: 469-667-9546 Fax: _____

General Location of Property: 2700 FM 407 East Bartonville TX 76226

Current Zoning: AG

Legal Description of Property: _____
(Attach Complete Metes and Bounds Description)

Use Being Requested (In accordance with Appendix C:Land Use Table, of the Town of Bartonville's Comprehensive Zoning Ordinance): Public school horse ranch spec. education services w/ equine therapy

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized for the owner of the above described property.

Cody Crannell

Digitally signed by Cody Crannell
DN: G=Cody Crannell, O=United States, E=cody@ccm-eng.com, O=CCM
Engineering, L=US, CN=Cody Crannell
Date: 2023.03.07 15:46:04-0600

3/7/23

Signature of Applicant/Owner

Date

STAFF USE ONLY:

Date Submitted: _____ Fee Paid: _____

Accepted By: _____ Check No. : _____

P & Z Public Hearing: _____ Metes & Bounds Attached: Yes No

Council Public Hearing: _____ Notarized Statement: Yes No N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.

All applications must contain the required information as specified in the Town of Bartonville's Comprehensive Zoning Ordinance, (Code of Ordinances, Chapter 14, Exhibit "A"), including but not limited to Chapter 16 relating to conditional use permits.

ITEMS TO BE INCLUDED:

✓

	Completed Application
	Notarized statement signed by each property owner
	Tax certificate indicating no taxes are due
	Application Fee
	Completed Site Plan Application and documentation (to be submitted on a separate form)

APPLICATION REVIEW PROCEDURES

Upon initial submittal, your case will be distributed to the following for review: Bartonville Water Supply Corporation or Argyle Water Supply Corporation (as applicable), the Argyle Volunteer Fire District and the Town Engineer and other members of the Development Review Committee (DRC). The Plan(s) will then be scheduled for a DRC meeting (see attached schedule). At the DRC meeting, each department will furnish a copy of comments/concerns to the applicant. Once the plans are corrected, revisions must be submitted. The revisions will then go before the Planning and Zoning Commission (P&Z) for their review and recommendation. Once the P&Z Commission has made their recommendation, the Town Council will review and take action on the application.

SUBMITTAL REQUIREMENTS FOR DEVELOPMENT REVIEW COMMITTEE (DRC):

**See attached schedule for submittal deadlines.

Upon initial submittal the following is required

1. A set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

SUBMITTAL REQUIREMENTS FOR P&Z COMMISSION:

**See attached schedule for submittal deadlines.

Once the DRC has made their recommendation, the following is required on or before the deadline for revisions to the P&Z in accordance with the attached schedule:

1. An additional set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

SUBMITTAL REQUIREMENTS FOR TOWN COUNCIL:

**See attached schedule for submittal deadlines.

Once the P&Z Commission has made their recommendation, the following is required on or before the deadline for revisions to the Council in accordance with the attached schedule:

1. An additional set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall expire if:

1. A building permit for the use has not been approved within one (1) year of the date of approval of the permit;
2. The building permit subsequently expires;
3. The use has been discontinued or abandoned for a period exceeding six (6) months; or
4. A termination date attached to the permit has passed.

CRITERIA FOR APPROVAL

A. Factors - When considering applications for a conditional use permit, the Commission and the Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

B. Conditions - The Commission may recommend and the council may require such modifications in the proposed use and attach such conditions to the conditional use permit as are necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions include but are not limited to matters related to limitation of building size or height, increased open space, increased impervious surface, enhanced loading and parking requirements, additional landscaping and improvements including curbing and pedestrian amenities, vehicular access and parking, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 03/08/2023

I, King Hollis, owner of the Property located at 2700 FM 407 E Bartonville Tx 76226 do hereby certify that I have given my permission to _____, to submit this conditional use permit application.

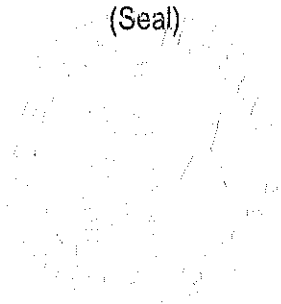
<u>King Hollis</u>	<u>King Hollis</u>
Print Name	Signature of Owner

<u>2700 FM 407 E Bartonville Tx 76226</u>	<u>214 708 5460</u>
Address	Phone No.

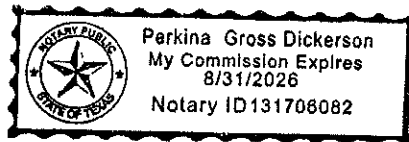
State of Texas §
County of DALLAS §

Before me, Perkina Gross Dickerson, a Notary Public in and for said County and State, on this day personally appeared King Hollis known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)



Perkina Gross Dickerson
Notary



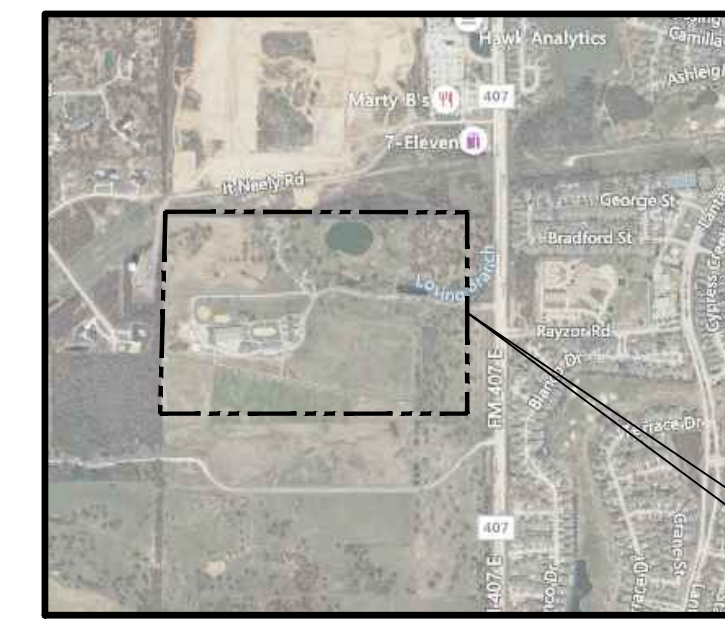
Owner Info:

EDUCATION LEADS TO SUCCESS
FOUNDATION
2104 CAVALIER WAY
FLOWER MOUND, TX 75022-5588

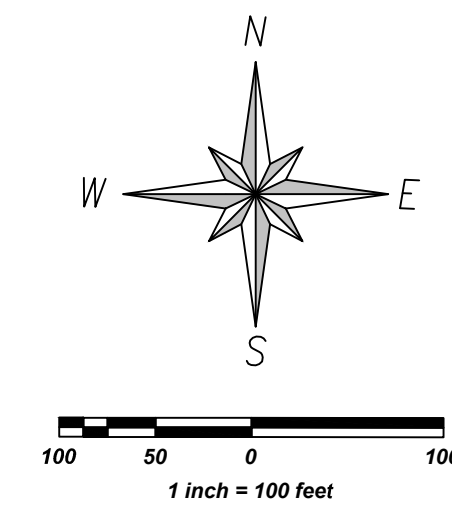
- EXISTING SITE USES:
- EQUINE THERAPY
 - HORSE TRAINING AND STORAGE

NOTES:

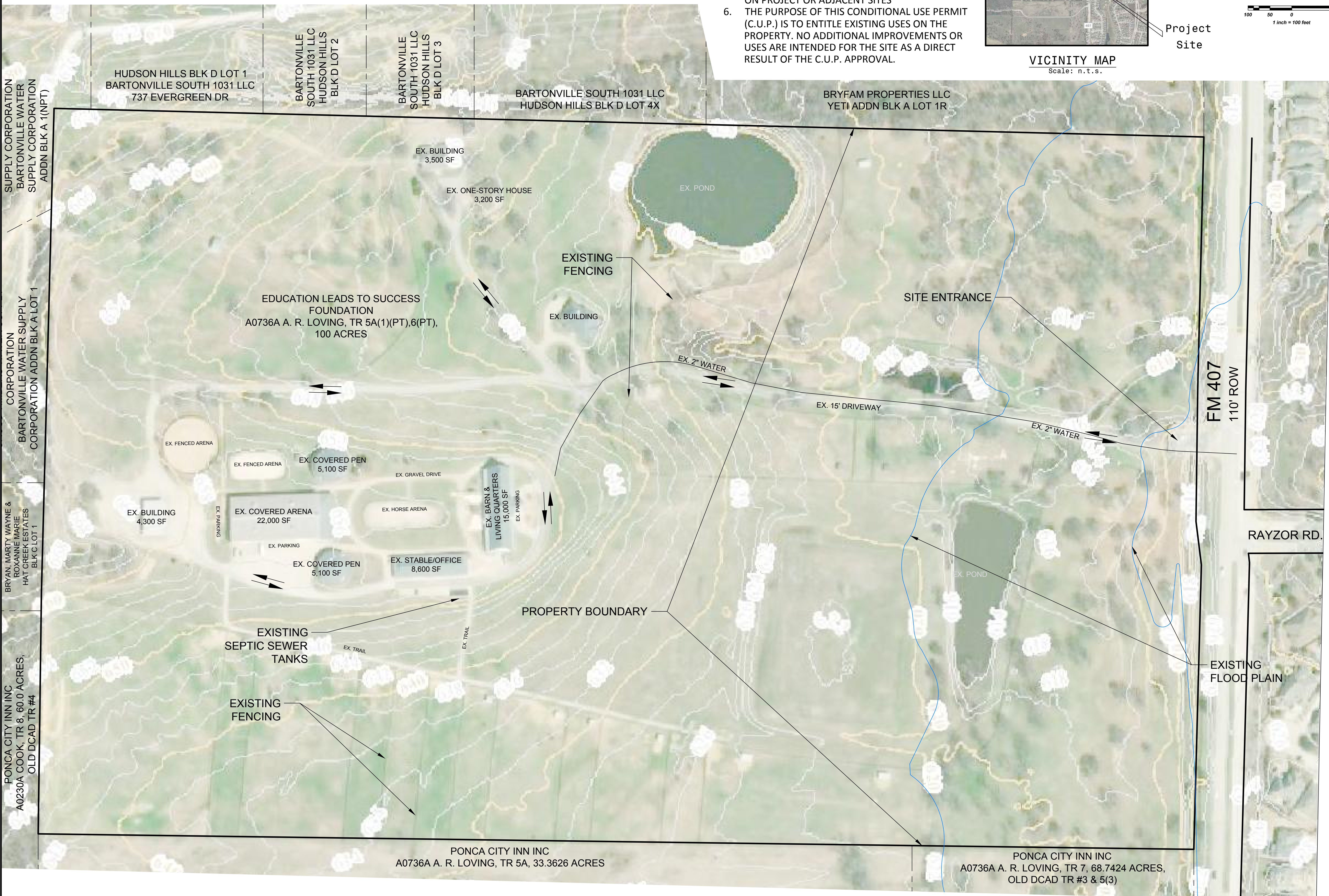
1. SITE ACREAGE: 100 AC
2. EXISTING ZONING: AG
3. NO EXISTING FIRE LANE ON SITE
4. SITE IS AN EXISTING EQUESTRIAN CENTER AND THAT USE IS TO REMAIN
5. NO EXISTING STORM OR WASTEWATER FACILITIES ON PROJECT OR ADJACENT SITES
6. THE PURPOSE OF THIS CONDITIONAL USE PERMIT (C.U.P.) IS TO ENTITLE EXISTING USES ON THE PROPERTY. NO ADDITIONAL IMPROVEMENTS OR USES ARE INTENDED FOR THE SITE AS A DIRECT RESULT OF THE C.U.P. APPROVAL.



VICINITY MAP
Scale: n.t.s.



Project Site

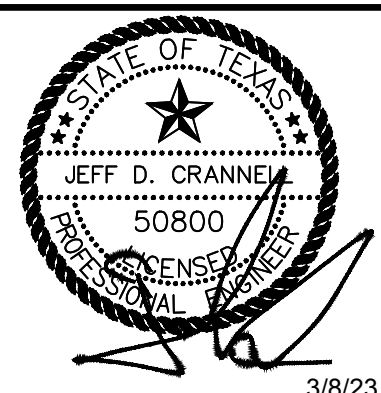


CCM Engineering

2570 FM 407, Suite 209
Highland Village, Texas 75077
Ph: 972.691.6633
Fax: 972.691.6628
TBPE FIRM #605

Legacy Ranch
Equestrian Center
Town of Bartonville,
Denton County

Site Plan



REVISIONS

DESIGN: CCM
DRAWN: CCM
DATE: 3/8/23
SCALE:
NOTES:
FILE:

March 23, 2023

[NAME]
[ADDRESS]
[CITY], [STATE] [ZIP]

Re: Proposed Conditional Use Permit for Education Leads to Success Foundation, 2700 FM 407 East, Bartonville, Texas

Dear [NAME],

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023 at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding a proposed Conditional Use Permit to allow equestrian uses and special education services with equine therapy on a 100-acre tract of land situated in the A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Conditional Use Permit and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Sincerely,

Tammy Dixon, TRMC, CMC
Town Secretary
Town of Bartonville

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

Item E2.

ORDER CONFIRMATION

Salesperson: Legals Denton Printed at 03/15/23 09:22 by plaga-dm

Acct #: 232 Ad #: 51230 Status: New WHOLD

BARTONVILLE TOWN OF Start: 03/18/2023 Stop: 03/18/2023
1941 EAST JETER ROAD Times Ord: 1 Times Run: ***
ARGYLE TX 76226 STD9 1.00 X 43.00 Words: 187
Total STD9 44.00
Class: 9005 DP LG LEGALS
Rate: CLLLG Cost: 36.80
Affidavits: 1
Ad Descrpt: ELTS CUP NEWSPAPER NOTICE
Descr Cont: NOTICE OF PUBLIC HEARING
Given by: RYAN A WELLS-AD TERRAM CONSULT
P.O. #: TAMMY DIXON
Contact: Created: plaga 03/15/23 09:20
Phone: (817)430-4052 Last Changed: plaga 03/15/23 09:22
Fax#: Agency: tdixon@townofbartonville.com
Email: Agency: tdixon@townofbartonville.com

URL: _____

Source: _____ Section: CLASSIFIED Page: ____
Camera Ready: N Group: _____ AdType: CLASS
Misc: _____
Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Pickup Src: _____
Changes: None ___ Copy ___ Art ___ Size ___ Copy Chg Every Run ___
Coupon: _____ Gang Ad #: _____
Ad Copy Method: _____
Special Instr: _____

COMMENTS:
LGL - ELTS CUP Newspaper Notice

PUB ZONE EDT TP RUN DATES
DRMC A 95 S 03/18
DWRC A 84 S 03/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

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

Item E2.

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 03/15/23 09:22 by plaga-dm

Acct #: 232

Ad #: 51230

Status: New WHOLD WHOI

NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023 at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding a proposed Conditional Use Permit to allow equestrian uses and special education services with equine therapy on a 100-acre tract of land situated in the A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Conditional Use Permit and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Drc 03/18/2023

**TOWN OF BARTONVILLE
ORDINANCE NO. 692-20**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRAIN CENTER (TRAINING FACILITY) WITH ANIMAL ASSISTED THERAPY LOCATED AT 875 PORTER ROAD, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town of Bartonville, Texas, as a general law municipality, is 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 with reference to amending the Zoning Ordinance, 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, Texas, 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.
CUP GRANTED**

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by granting a Conditional Use Permit (CUP) to allow for the operation of an Equestrian Center (training facility) with Animal Assisted Therapy located at 875 Porter Road, Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance with the following conditions:

1. Arena not to exceed the minimum 50' rear setback and the 20' side yard setback.
2. The eastern portion of the existing gravel loop drive to be relocated to the east of the new covered arena.

3. Driveway reconfiguration to continue to meet the turn radius for a fire truck and applicant shall obtain Fire Department approval.
4. Soil in the arena to be kept in a dust free condition.
5. LED lights in the arena to be directed downward and cease before 9:00 pm
6. No amplified sound to be installed in the arena.
7. No horse shows or outside events that will bring outside participation or visitors other than current users or client base is permitted.
8. An updated site plan must be submitted that shows driveway reconfiguration

SECTION 2. 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 3. SAVINGS

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

SECTION 4. 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 5
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 6.
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 Bartonville Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.
NO VESTED RIGHTS**

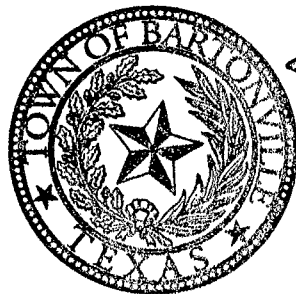
No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided by law.

**SECTION 8.
EFFECTIVE DATE**

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

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 21ST day of July, 2020.



APPROVED:

[Handwritten signature of Bill Scherer]

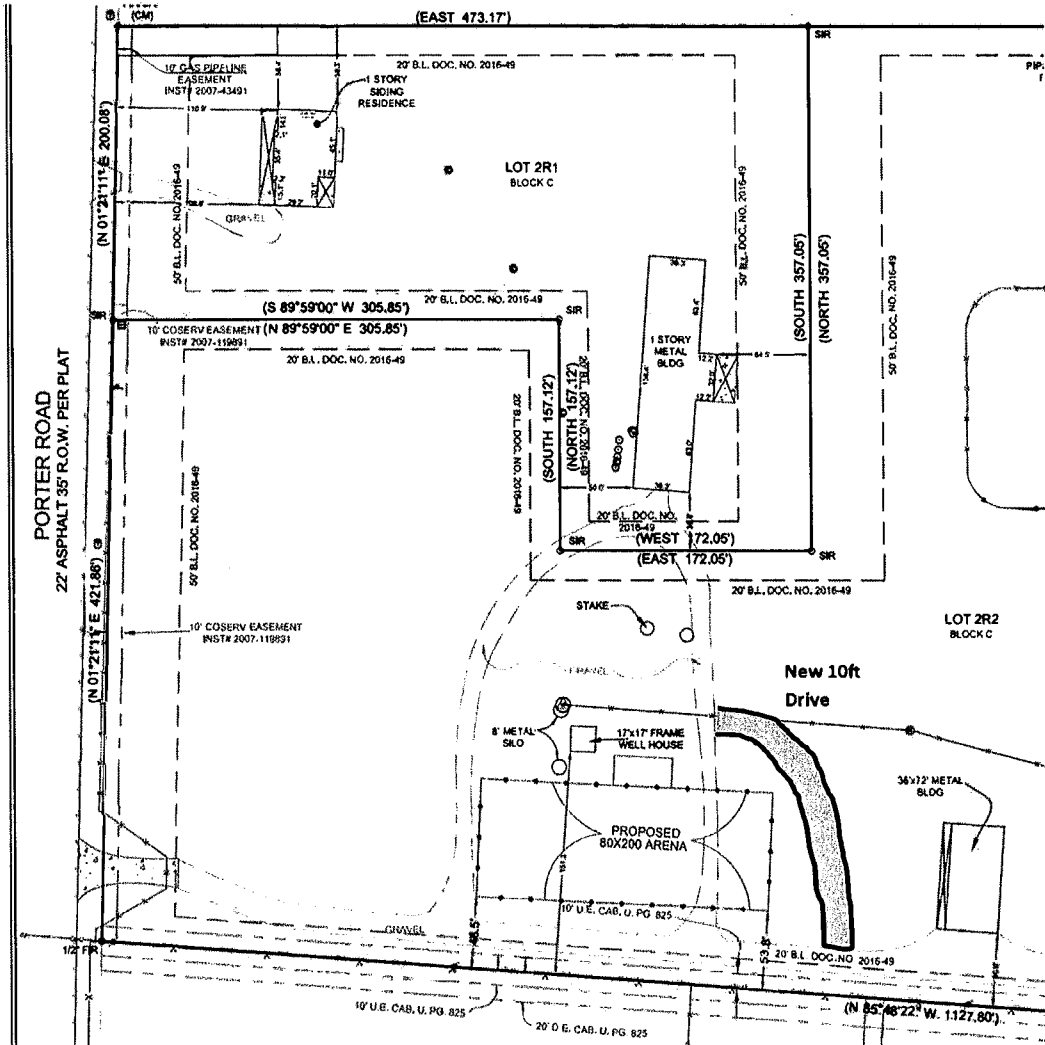
Bill Scherer, Mayor

ATTEST:

[Handwritten signature of Tammy Dixon]

Tammy Dixon, Town Secretary

Revised Site Plan with Driveway Configuration 7/16/2020



DRC MEDIA COMPANY

NEWS & ADVERTISING SOLUTIONS
One company delivers it all.

3555 Duchess Drive
P.O. Box 369
Denton, TX 76202
940-387-3811

Publication(s): Denton Record-Chronicle

PROOF OF PUBLICATION

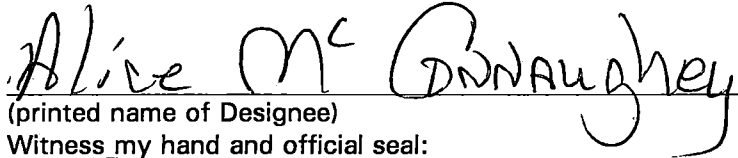
Being duly sworn (s)he is the Publisher/authorized designee of Denton Record-Chronicle, in City of Denton/surrounding areas in Denton County; Newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the date of the attached notice, and that the said notice was published in said newspaper Denton Record-Chronicle on the following dates below:

07/26/2020 07/27/2020



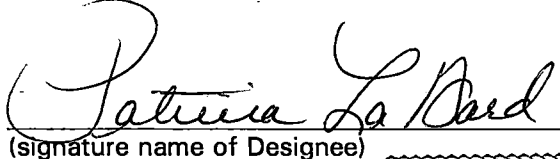
(signature of Authorized Designee)

Subscribed and sworn to before me
this 27th day of July, 2020 by



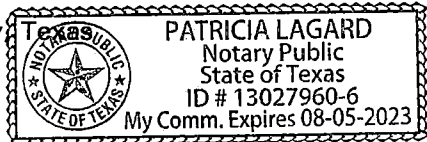
(printed name of Designee)

Witness my hand and official seal:



(signature name of Designee)

Notary Public, Denton County



BARTONVILLE TOWN OF
1941 EAST JETER ROAD
ARGYLE TX 76226

ORDINANCE NO. 692-20
AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRAIN CENTER (TRAINING FACILITY) WITH ANIMAL ASSISTED THERAPY LOCATED AT 875 PORTER ROAD, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE. THIS ORDINANCE PROVIDES FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000) FOR EACH OFFENSE.
Effective Date: Upon its passage and publication
Adopted: July 21, 2020
Approved: Bill Scherer, Mayor
Attest: Tammy Dixon, Town Secretary
drc 07/26/2020 & 07/27/2020

Ad Number: 28676

Price: \$51.50

Ad Copy:
ORDINANCE NO. 692-20

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRAIN CENTER (TRAINING FACILITY) WITH ANIMAL ASSISTED THERAPY LOCATED AT 875 PORTER ROAD, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE. THIS ORDINANCE PROVIDES FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000) FOR EACH OFFENSE.

Effective Date: Upon its passage and publication
Adopted: July 21, 2020
Approved: Bill Scherer, Mayor
Attest: Tammy Dixon, Town Secretary

drc 07/26/2020 & 07/27/2020

**TOWN OF BARTONVILLE
ORDINANCE NO. 643-18**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRIAN CENTER (TRAINING FACILITY) LOCATED AT 1200 ROCKGATE ROAD, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town of Bartonville, Texas, as a general law municipality, is 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 with reference to amending the Zoning Ordinance, 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, Texas, 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.
CUP GRANTED**

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by granting a Conditional Use Permit (CUP) to allow for the operation of an Equestrian Center (training facility) located at 1200 Rockgate Road, Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance with the following conditions:

1. Soil in the equestrian arenas be kept in a dust free condition.
2. Lights in the equestrian arenas and all outside equestrian operations will cease at 10:00 p.m. nightly.

3. All amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the Town's noise ordinance, as amended, or the terms of this Ordinance, whichever is more restrictive. Any amplified sound in any equestrian accessory building or outdoor equestrian arena 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, any amplified sound in any equestrian accessory building or outdoor equestrian arena 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 8:00AM to 7:00PM. Amplified sound in an equestrian accessory building or outdoor equestrian arena outside of stated hours is prohibited.
4. Equestrian arenas may not be located within 250 feet of the eastern property line. Equestrian accessory buildings and/or equestrian arenas shall not be located within 250 feet of Rockgate Road.
5. Driveways must meet the turn radius for a fire truck as approved by the Argyle Fire Department and Town Engineer.
6. There shall be no more than 6 horse training clinics per year, and no more than 4 horse show events and/or additional horse training clinics per year, at a rate of no more than 2 of such events per month and events may not occur on consecutive weekends. A horse training clinic shall include no more than 30 participants per day not to exceed 2 days. A horse show event is defined as including more than 30 participants per day not to exceed 2 days.
7. All manure must be contained in a compost structure west of the covered equestrian arena until composted.

SECTION 2. 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 3.
SAVINGS**

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

**SECTION 4.
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 5
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 6.
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 Bartonville Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.
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.

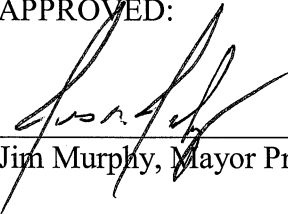
**SECTION 8.
EFFECTIVE DATE**

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

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 26th day of September, 2018.

APPROVED:



Jim Murphy, Mayor Pro Tem

ATTEST:



Tammy Dixon, Town Secretary



Submitted by Sherry Pound and Jim Fay

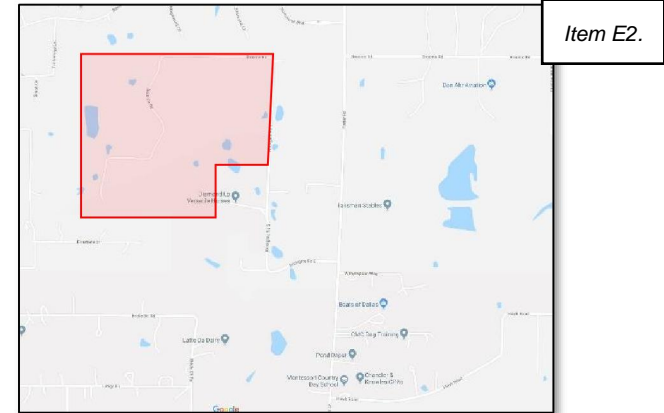
Introduction : My husband, Jim, and I are Bartonville residents, living at 1672 Barrington Hills Blvd, and have recently purchased the 79 acres located at 1030 Rockgate Rd (Rockgate and Broome Rd) with the intention of building our new home and equestrian center on the property. We’ve lived in Bartonville since 2015 and love the rural feel of the town and especially the horse community that is at the heart of this community. It’s been our dream to own land and have an equestrian facility of our own. We love Bartonville and think this is the perfect spot to live and make our dream come true.

By the way, the word “Yarraman” is the aboriginal word for “Horse”, so, thus naming the property celebrates both our love for horses as well as my Australian heritage.

Requested Property Use: It’s our intention to build and operate a commercial equestrian center at 1030 Rockgate Rd., Bartonville, Texas. The facility would be a class A affair similar to several other equestrian centers in Bartonville and the surrounding communities. Our intention is to sell 3, 2 acre lots along Rockgate Rd. which would add to the existing neighborhood feel and provide a buffer to the equestrian center.

Equestrian Components: The equestrian facilities, as shown on the accompanying site plan would be composed of the following:

- 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
- Well & pump house



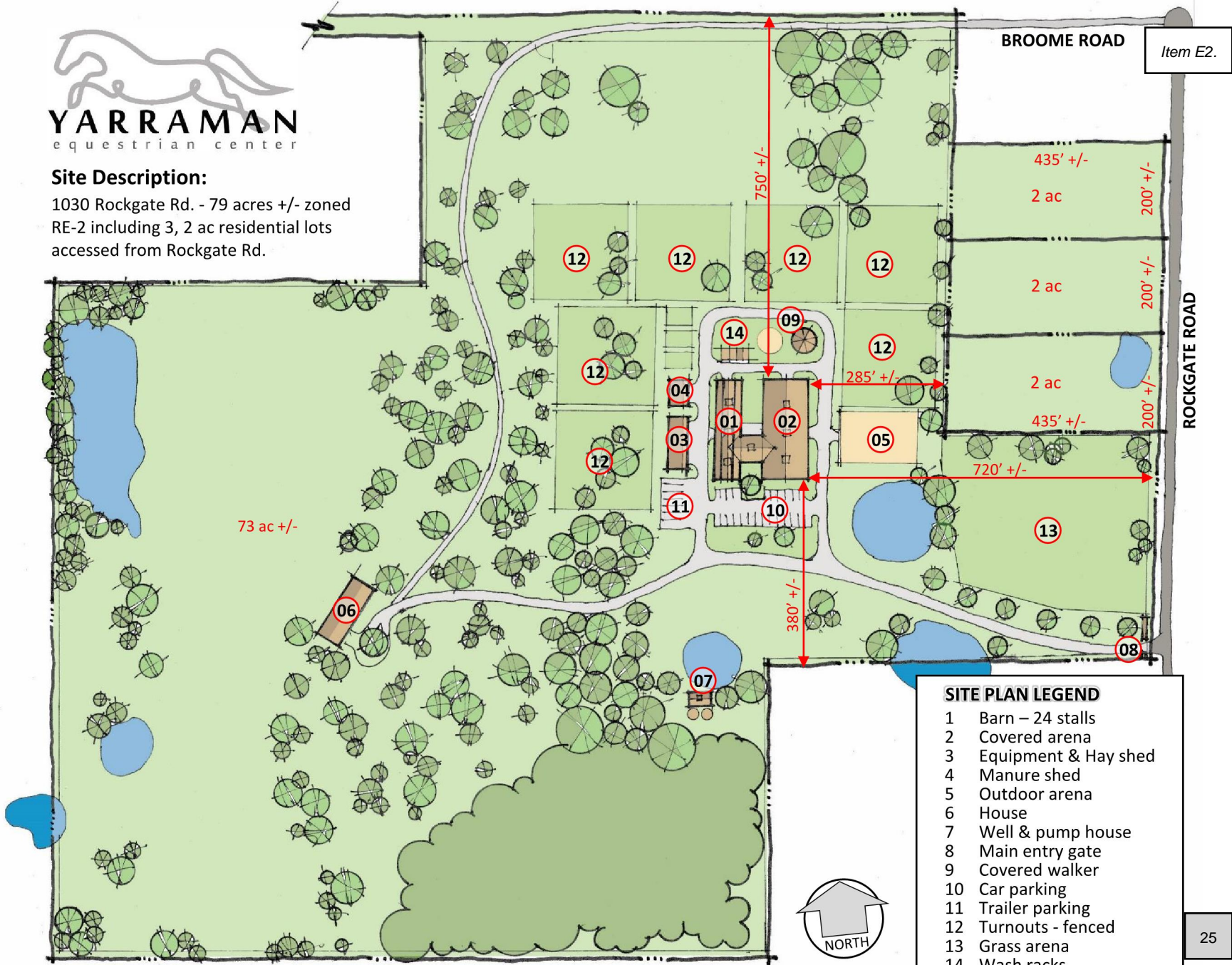
Care has been taken in the layout of the center to segregate the public, worker and equine traffic in order to minimize potential conflicts. We’ve also gone to great lengths to position the “none public” elements behind the arena and barn. This effectively screens these uses from street and public view as well as mitigating sound, light and odors from any neighbors and roadways adjacent to the property.



Site Description:

1030 Rockgate Rd. - 79 acres +/- zoned RE-2 including 3, 2 ac residential lots accessed from Rockgate Rd.

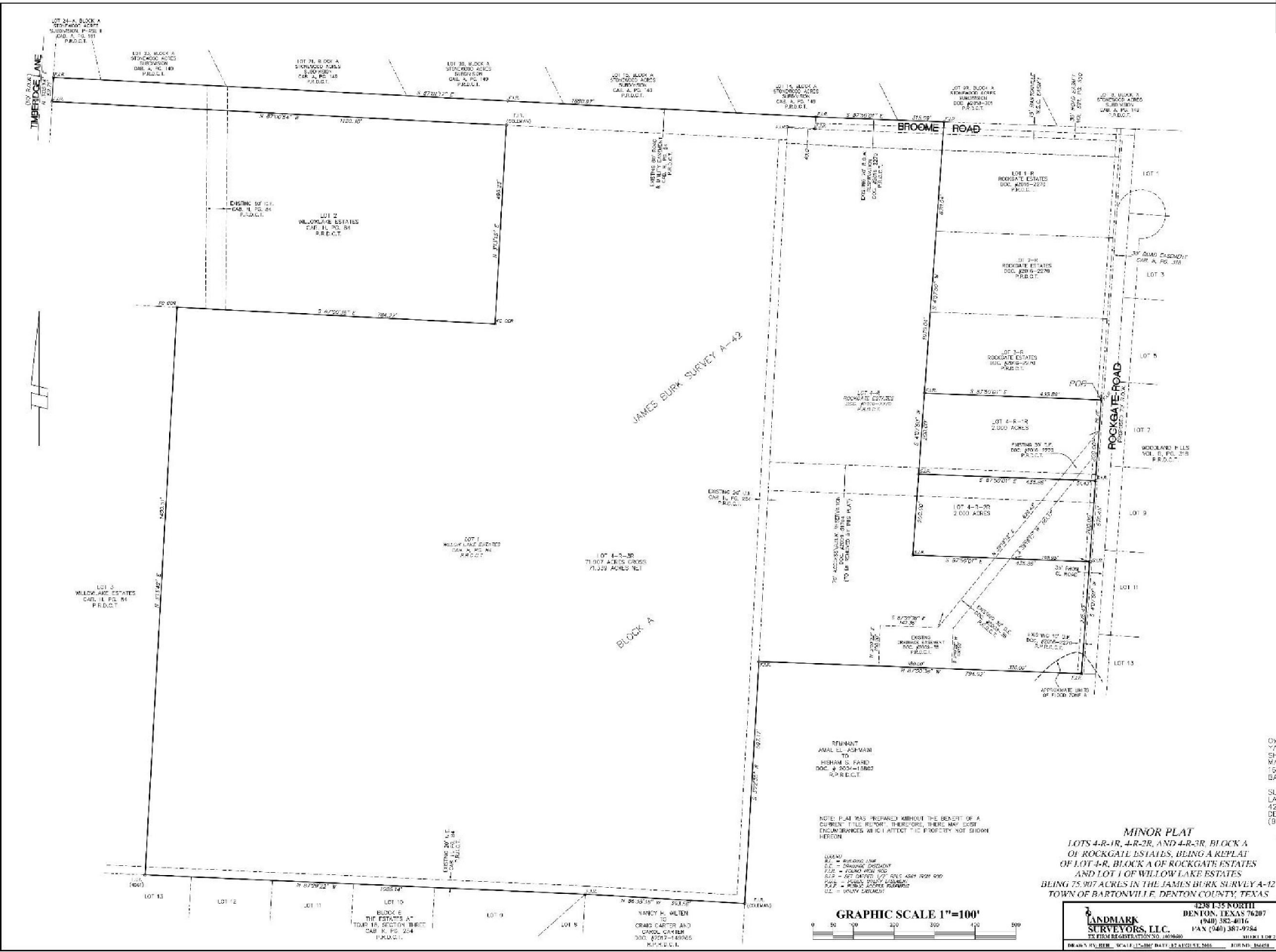
Item E2.



SITE PLAN LEGEND

1	Barn – 24 stalls
2	Covered arena
3	Equipment & Hay shed
4	Manure shed
5	Outdoor arena
6	House
7	Well & pump house
8	Main entry gate
9	Covered walker
10	Car parking
11	Trailer parking
12	Turnouts - fenced
13	Grass arena
14	Wash racks





**TOWN OF BARTONVILLE
ORDINANCE NO. XXX-23**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRIAN CENTER AND SPECIAL EDUCATION SERVICES WITH EQUINE THERAPY LOCATED AT 2700 FM 407 EAST, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town of Bartonville, Texas, as a general law municipality, is 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 with reference to amending the Zoning Ordinance, 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, Texas, is of the opinion that said zoning ordinance should be amended as provided herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
CUP GRANTED**

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by granting a Conditional Use Permit (CUP) to allow for the operation of an Equestrian Center and Special Education Services with Equine Therapy located at 2700 FM 407 East, Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance with the following conditions:

1. _____.
2. _____.
3. _____.

**SECTION 3.
SEVERABILITY**

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

**SECTION 4.
SAVINGS**

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

**SECTION 5.
ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross

and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 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 Bartonville Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each 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 bylaw.

**SECTION 9.
EFFECTIVE DATE**

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

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 18th day of April, 2023.

APPROVED:

(Seal)

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary

DRAFT



PLANNING AND ZONING COMMUNICATION

DATE April 5, 2023

FROM: Thad Chambers, Town Administrator
LP-2023-001/#ZC-2023-001

AGENDA ITEM: Public hearing to consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2).

APPLICATION ANALYSIS:

Applicant: Alexander Michael Wacker (property owner)

Land Use and Zoning: Current land use designation is Rural Business (RB). Current zoning is Rural Business (RB).

Summary: The applicant is the owner of a 10.076-acre tract of land located on the southeast corner of East Jeter Rd and McMakin Road. The legal description of the property is BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision. The corresponding Denton CAD parcels numbers are 82579, 73555, and 37531. The applicant has applied for an amendment of the Land Use Plan for the subject property from Rural Business (RB) to Residential (RE-2). In addition, the applicant is concurrently requesting a change in the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2).

The subject property is currently vacant save for an existing single-family home and accessory structure, both in a state of disrepair. The applicant states that he is requesting the land use and zoning change in order to pasture livestock and construct a barn. The applicant didn't provide any additional supporting justification for the requested land use and zoning change.

Land Use Plan Amendment

According to the Bartonville Comprehensive Plan, it is the applicant's responsibility to provide evidence proving that the proposed rezoning is better or more consistent with land uses in the surrounding area

than what is shown on the Land Use Plan map. Plan amendments should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of amendments to the Plan. The Town Council and other Town officials should consider each proposed amendment carefully to determine whether or not it is consistent with the Plan's goals and policies and whether it will be beneficial for the long-term health and vitality of the Town of Bartonville.

The subject property is currently designated as Rural Business (RB) on the adopted Future Land Use Plan. The RB land use designation was assigned to the property from its previous Agricultural (AG) designation in 2015 through Ordinance 579-15, following a request by the then-owner. This designation has been established in two locations in Bartonville – the intersection of McMakin Road and East Jeter Road, and at the intersection of FM 407 and FM 1830. Based on mapping data prepared for the Town of Bartonville, the total area of land designated as RB in the Land Use Plan is 31.36 acres. With the Town's total land area consisting of 4,393.33 acres, the RB land use classification makes up 0.71 percent of the total area of the Town.

While commercial land use designations are generally associated with higher property and sales tax revenues than traditional suburban and semi-rural residential development, the commercial uses typically demand higher levels of utility service such as water and sewer to provide sufficient intensity of development as to make a commercial development work. Given that the Town's sewer service area does not extend to the subject property, the property will be required to be served by a septic system, thus limiting the potential for a productive commercial center on the 10-acre parcel. This may be a reason that this property did not develop for commercial uses in the intervening years since the original land use plan amendment. The minimum lot size within the RE-2 land use plan designation (and the corresponding zoning district) provides sufficient space to accommodate septic systems. Therefore, a conversion of the land use designation from RB to RE-2 is suitable for this location and meets the Comprehensive Plan and other adopted plans.

Zoning Change

Bartonville Zoning Ordinance Appendix A, Section A.1.A.5 lists the criteria of approval for a zoning change:

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any other incorporated plan maps;
2. Whether the proposed zoning map amendment is consistent with an annexation or development agreement in effect;
3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; and
5. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

Because a zoning change must be consistent with the Comprehensive Plan (see approval criterion #1), approval of this zoning change request is contingent upon the approval of the land use plan amendment

described above. The proposed zoning change amendment would amend the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The Rural Business (RB) district is intended to provide local shopping facilities which provide retail business service and office facilities for the convenience of residents of the Town. There is a similar geographic relationship of the area of land designated as RB zoning and the total Town area as that described above regarding the Land Use Plan. The RE-2 zoning designation is intended to provide areas for rural residential development, guide development in an orderly fashion, and allow for a land use buffer for areas of lower intensity.

Approval criterion #3 listed above requires decision makers to consider the uses permitted by the proposed change in zoning district classification to immediate area of the land to be reclassified. With RB-zoned properties to the north and west of the subject property and RE-2 zoned property to the south, the subject property serves as a buffer between existing commercial and residential uses. In response to approval criterion #4, as stated previously, the development of local shopping facilities requires additional public infrastructure that the Town is unable to provide for this location in the foreseeable future through a modification of the town's sewer service area. Therefore, the amendment of the zoning classification to RE-2 meets the applicable approval criteria listed above.

RECOMMENDED MOTION OR ACTION:

Staff is recommending approval.

ATTACHMENTS:

- Land Use Amendment and Zoning Change Applications
- Letter mailed to property owners within 200' with location map and mailing list
- Published legal notice
- Draft Ordinances



Town of Bartonville

Application for Land Use Plan Amendment

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

Applicant (Owner or Agent, Specify): KAZ Surveying, Inc. (Surveyor)

Mailing Address: 1720 Westminster Street, Denton, TX 76205

Phone: 940-382-3446

Fax: _____

Owner's Name(s) if different: Alexander Michael Wacker

Owner's Address: 353 County Road 2510, Decatur, TX 76234

Phone: 940-902-3659

Fax: _____

Current Land Use Plan Designation: Vacant
Rural Business

I hereby request that the Land Use Plan be changed to: Residential RE-2

A letter of intent should be submitted with this application. The letter of intent should define the reason(s) why the applicant is proposing to change the land use of the subject property and the acreage of the property. When reviewing proposals to change the Land Use Plan, the Town takes into consideration the below listed items. It would be beneficial for the applicant to address the following in the letter of intent:

- Will the proposed change enhance the proposed site and the surrounding area?
- Is the proposed change a better use than what is shown on the Land Use Plan?
- Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, or even enhance, adjacent residential properties?
- Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed use present a significant benefit to either the Town or the community as a whole in terms of public health, safety and/or welfare (i.e. would it address a physical or social need of the community or its citizens; would it be to the Town's economic advantage; would it add needed jobs in a particular employment sector, etc.)?

I hereby certify that the information concerning this proposed land use plan amendment is true and correct and that I am the owner of record or the authorized¹ for the owner of the above described property.

[Signature]
Signature of Applicant/Owner

1-20-23
Date

STAFF USE ONLY:	
Date Submitted: _____	Fee Paid: _____
Accepted By: _____	Check No. : _____
P& Z Public Hearing: _____	Metes & Bounds Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Council Public Hearing: _____	Notarized Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 1/20/2023

I, Alexander Michael Wacker, owner of the Property located at 147 McMakin Road do hereby certify that I have given my permission to KAZ Surveying, Inc., to submit this land use plan amendment application.

Alexander Michael Wacker
Print Name

[Signature]
Signature of Owner

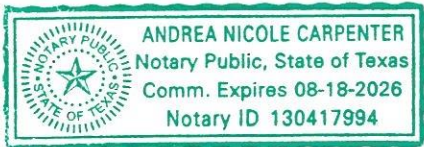
147 McMakin Rd
Address

940-902-3659
Phone No.

State of Texas §
County of Denton §

Before me, Andrea Carpenter, a Notary Public in and for said County and State, on this day personally appeared Alexander Wacker known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)

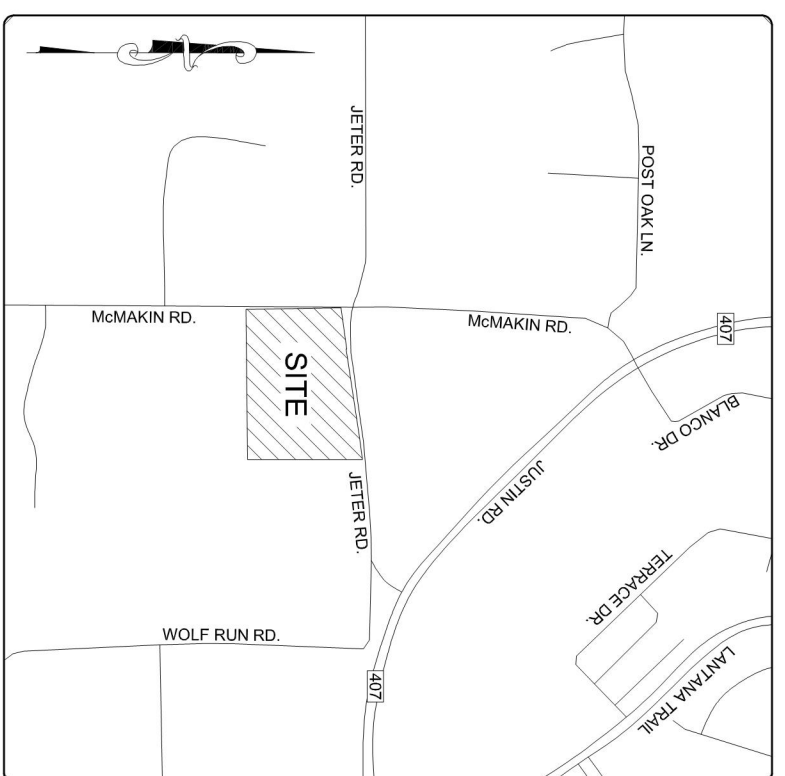


Andrea Carpenter
Notary

Hello, I'm writing this letter for the purpose of the zone change on the 10 acres I own on the corner of Jeter and McMackin road. I'm looking to get it re zoned from RB-2 to RE-2 because I will be using it as a pasture for my animals and am wanting to put up a barn.

Thanks

Alex Wacker



General Notes:
 1. All capped iron rods found are stamped "KAZZ" unless otherwise noted.
 2. I have reviewed the F.E.M.A. Flood Insurance Rate Map for the Town of Bartoville, Community Number 481501, effective date 04-18-2011, and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 510 G of said map.
 3. Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment.
 4. The purpose of this Minor Replat is to merge an unplatted head of land and an existing platted lot into one lot.
 5. NOTICE: Selling a portion of this addition by metes & bounds is a violation of Town ordinance and State law, and is subject to fines and/or withholding of utilities and building permits.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°57'19\"/>	

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2964.75	114.05'	114.05'	N 82°18'27\"/>

Approved by Planning and Zoning Commission
 Town of Bartoville, Texas

Chairman _____ Date _____

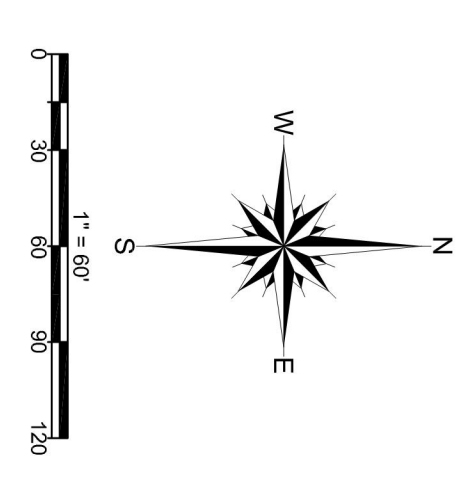
Minor plat approved by the Town of Bartoville for filing at the office of the County Clerk of Denton County, Texas
 Town of Bartoville, Texas

Mayor _____ Date _____

ATTEST:
 Town Secretary _____ Date _____

LEGEND

ROB = POINT OF BEGINNING
 FIRCOP = CAPPED IRON ROD FOUND
 FIR = IRON ROD FOUND
 FIRCOP = IRON ROD FOUND
 P.R.D.C.T. = PLAT RECORDS DENTON COUNTY, TEXAS
 R.P.R.D.C.T. = REAL PROPERTY RECORDS DENTON COUNTY TEXAS
 R.O.M. = RIGHT OF WAY
 N. = NORTHING
 S. = SOUTHERING
 E. = EASTING
 W. = WESTING
 O.H.U. = OVERHEAD UTILITIES
 C.L. = CENTERLINE OF ROAD



SURVEYOR:
 KENNETH A. ZOLLINGER, INC.
 1720 WESTMINSTER STREET
 DENTON, TEXAS 76205
 PHONE: 940-382-3446
 TPLS FIR# 10002100

OWNER:
 ALEXANDER MICHAEL WACKER
 351 COUNTY ROAD 2510
 DECATUR, TEXAS 76234
 PHONE: 940-902-3659

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
 COUNTY OF DENTON

I, KENNETH A. ZOLLINGER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR PLACED WITH CAPPED 1/2\"/>



FOR REVIEW ONLY

STATE OF TEXAS
 COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC, DENTON COUNTY, TEXAS.
 MY COMMISSION EXPIRES _____

1720 WESTMINSTER
 DENTON, TX 76205
 PHONE: 940-382-3446
 FAX: 940-382-3447
 DENTON, TX 76205
 PHONE: 940-382-3446
 FAX: 940-382-3447
 KENNETH A. ZOLLINGER

**MINOR REPLAT OF
 KINCADE SUBDIVISION
 LOT 1R**

BEING A REPLAT OF LOT 1 OF THE KINCADE SUBDIVISION, AN ADDITION TO THE TOWN OF BARTONVILLE, TEXAS, RECORDED IN CABINET C, PAGE 129, OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS
 AND BEING 9.84 ACRES IN THE B.B. & C. R.R. SURVEY, ABSTRACT NUMBER 152, TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS

OWNERS CERTIFICATION

STATE OF TEXAS
 COUNTY OF DENTON

WHEREAS, Alexander Michael Wacker, is the owner of all that certain head of land lying and being situated in the Buffalo Bayou, Brazos and Colorado Railroad Company, Abstract Number 152, Denton County, Texas, being Lot 1 of Kincaide Subdivision, an addition to the Town of Bartoville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas (P.R.D.C.T.), and all of that called 0.573 of an acre head of land described in a deed to Alexander Michael Wacker as recorded in Instrument Number 2022-113957, Real Property Records, Denton County, Texas (R.P.R.D.C.T.), and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2\"/>

OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, Alexander Michael Wacker, acting herein by and through his (his) duly authorized officers, does hereby adopt the minor replat designating the hereinabove described property as lot 1R of Kincaide Subdivision, an addition to the Town of Bartoville, Denton County, Texas, and does hereby dedicate, in fee simple, to public use forever, the streets and easements shown thereon. The streets are dedicated for street purposes, the easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat: no buildings, fences, trees or shrubs or other improvements or growths shall be constructed, or placed upon, over and across the streets as shown, except that landscape improvements, if approved by the Town of Bartoville, may be placed on the streets and easements shown hereon, and the use by public utilities being subordinate to the public and Town of Bartoville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The Town of Bartoville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, an addition to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Bartoville, Denton County, Texas.

WITNESS, MY HAND, THIS _____ DAY OF _____, 2023.

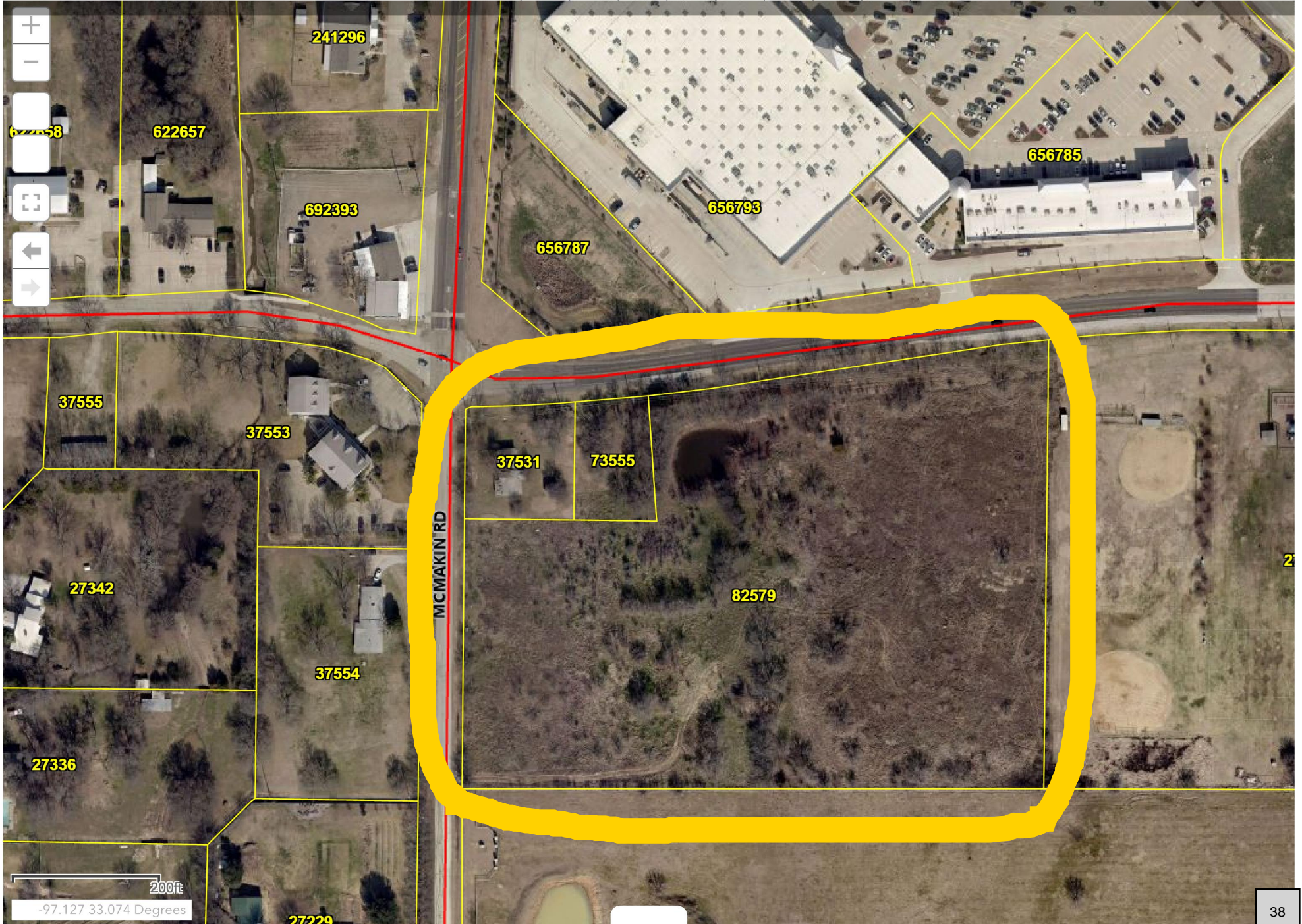
ALEXANDER MICHAEL WACKER _____ DATE _____

STATE OF TEXAS
 COUNTY OF DENTON

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF _____ COUNTY _____

MY COMMISSION EXPIRES ON _____





Town of Bartonville

Application for Zoning Map Amendment

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

Applicant (Owner or Agent, Specify): KAZ Surveying, Inc. (Surveyor)

Mailing Address: 1720 Westminster Street, Denton, TX 76205

Phone: 940-382-3446 Fax: _____

Owner's Name(s) if different: Alexander Michael Wacker

Owner's Address: 353 County Road 2510, Decatur, TX 76234

Phone: 940-902-3659 Fax: _____

Engineer/Surveyor if applicable: _____

Mailing Address: _____

Phone: _____ Fax: _____

General Location of Property: Southeast Intersection of Jeter Road and McMakin Road

Legal Description of Property: ~~NO 73555 A0152A BBB & CRR, TR 6, 0.25 ACRES, OLD DCAD TR 1B~~
~~ID 37531A0152A BBB & CRR, TR 7, 0.323 ACRES, OLD DCAD TR 1A~~ *see attached deed*
ID 82579 KINGADE LOT 1

(Attach Complete Metes and Bounds Description)

Nature and reason for Zoning Change: Building a barn/barndominium at the Northwest corner

Does this request conform with the adopted Land Use Plan? Yes No

If the change requested does not conform with the adopted Land Use Plan, you must submit a Land Use Plan Amendment Application.

Current Zoning: Rural Business (RB)

I hereby request that the Zoning Designation be changed to: Residential (R-2)
(If a PD is proposed, submit PD Application)

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized¹ for the owner of the above described property.



Signature of Applicant/Owner

1-20-23

Date

STAFF USE ONLY:	
Date Submitted: _____	Fee Paid: _____
Accepted By: _____	Check No. : _____
P& Z Public Hearing: _____	Metes & Bounds Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Council Public Hearing: _____	Notarized Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 1/20/2023

I, Alexander Michael Wacker, owner of the Property located at 147 McMakin Road do hereby certify that I have given my permission to KAZ Surveying, Inc. to submit this zoning amendment application.

Alexander Michael Wacker
Print Name

[Signature]
Signature of Owner

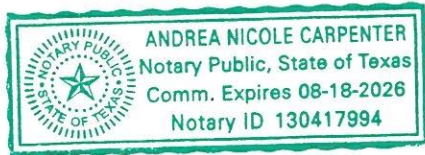
147 McMakin RD
Address

940-902-3659
Phone No.

State of Texas §
County of Denton §

Before me, Andrea Carpenter, a Notary Public in and for said County and State, on this day personally appeared Alexander Wacker known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)



Andrea Carpenter
Notary

Instrument Number: 113957

ERecordings-RP

WARRANTY DEED

Recorded On: August 04, 2022 10:46 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 113957
Receipt Number: 20220804000317
Recorded Date/Time: August 04, 2022 10:46 AM
User: Terri B
Station: Station 20

Record and Return To:

eRecording Partners



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: August 3, 2022

Grantor: EKY REAL ESTATE HOLDINGS, LLC

Grantor's Mailing Address:

4901 Bridle Bit Road
Flower Mound, TX 75022

Grantee: ALEXANDER MICHAEL WACKER

Grantee's Mailing Address:

353 County Road 2510
Decatur, TX 76234

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

TRACT I:

Field Notes to all that certain tract or parcel of land situated in the B.B.B. AND C.R.R. CO. SURVEY, ABSTRACT NUMBER 152, Denton County, Texas, being a resurvey of all of a called 0.573 of an acre of land situated in the Deed to McMakin Ten Acre, LLC, as recorded in Document Number 2017-129585, Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of herein described tract at the re-entrant northeast corner of Lot 1 of Kincade Addition, as recorded in Cabinet C, Slide 129, Plat Records, Denton County, Texas;

THENCE South 84 degrees 37 minutes 24 seconds West with a south line of said 0.573 acre tract and a north line of said Lot 1, a distance of 215.11 feet to a capped iron rod found for a corner

from which a PK nail found for reference bears South 84 degrees 42 minutes 18 seconds East, a distance of 26.73 feet;

THENCE North 01 degree 05 minutes 08 seconds West with an east line of an asphalt survey roadway under apparent public use posted as McMakin Road and a west line of said 0.573 of an acre tract a distance of 111.19 feet to a capped iron rod set for corner in the south line of Farm to Market Road 407;

THENCE North 81 degrees 57 minutes 17 seconds East with a south line of said F.M. 407 and a north line of said 0.573 of an acre tract, a distance of 216.49 feet to a capped iron rod set for corner;

THENCE South 00 degrees 47 minutes 46 seconds East along or near a fence part of the way with an east line of said 0.573 of an acre tract and a west line of said Lot 1, a distance of 121.65 feet to the Point of Beginning and enclosing 0.573 of an acre of land, more or less.

TRACT II;

BEING Lot 1 of KINCADE SUBDIVISION, an addition to the Town of Bartonville, Denton County, Texas, according to the map or plat thereof recorded in Cabinet C, Slide 129, Plat Records, Denton County, Texas.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; shortages in area; and taxes for 2022, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

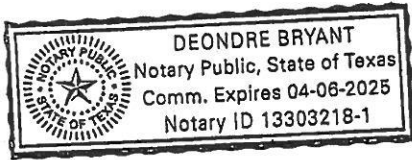
EKY REAL ESTATE HOLDINGS, LLC

By: *Jeffrey D. York*
JEFFREY D. YORK, Manager

Carmen M. York
CARMEN M. YORK, Manager

STATE OF TEXAS §
 §
COUNTY OF Dallas §

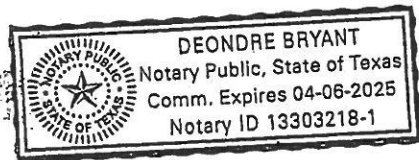
This instrument was acknowledged before me on the 3rd day of August, 2022, by JEFFREY D. YORK, Manager of EKY REAL ESTATE HOLDINGS, LLC, on behalf of said limited liability company.



[Signature]
NOTARY PUBLIC, State of Texas

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 3rd day of August, 2022, by CARMEN M. YORK, Manager of EKY REAL ESTATE HOLDINGS, LLC, on behalf of said limited liability company.



[Signature]
NOTARY PUBLIC, State of Texas

March 23, 2023

[NAME]
[ADDRESS]
[CITY], [STATE] [ZIP]

Re: Proposed Land Use and Zoning Amendment for 147 McMakin Road, Bartonville, Texas

Dear [NAME],

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2). The tract of land is located at the southeastern corner of the intersection of McMakin Road and E Jeter Road in Bartonville, Texas.;

and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The applicant is Alexander Michael Wacker.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the change of land use designation in the Town's Comprehensive Plan, change in zoning designation, and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Sincerely,

Tammy Dixon, TRMC, CMC
Town Secretary
Town of Bartonville

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

Item E3.

ORDER CONFIRMATION

Salesperson: Legals Denton Printed at 03/15/23 09:28 by plaga-dm

Acct #: 232 Ad #: 51231 Status: New WHOLD

BARTONVILLE TOWN OF Start: 03/18/2023 Stop: 03/18/2023
1941 EAST JETER ROAD Times Ord: 1 Times Run: ***
ARGYLE TX 76226 STD9 1.00 X 62.00 Words: 269

Total STD9 63.00
Class: 9005 DP LG LEGALS
Rate: CLLLG Cost: 50.10
Affidavits: 1

Ad Descrpt: 147 MCMAKIN ROAD LAND USE
Descr Cont: NOTICE OF PUBLIC HEARING
Given by: RYAN A WELLS-AD TERRAM CONSULT
P.O. #: TAMMY DIXON

Contact: Created: plaga 03/15/23 09:25
Phone: (817)430-4052 Last Changed: plaga 03/15/23 09:27
Fax#: Agency:
Email: tdixon@townofbartonville.com

URL: _____

Source: _____ Section: CLASSIFIED Page: ____
Camera Ready: N Group: _____ AdType: CLASS

Misc: _____
Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____

Delivery Instr: _____ Pickup Src: _____
Changes: None ____ Copy ____ Art ____ Size ____ Copy Chg Every Run ____
Coupon: _____ Gang Ad #: _____
Ad Copy Method: _____

Special Instr: _____

COMMENTS:
LGL - 147 McMakin Road Land Use

PUB ZONE EDT TP RUN DATES
DRMC A 95 S 03/18
DWRC A 84 S 03/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type) Name (signature)

(CONTINUED ON NEXT PAGE)

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 03/15/23 09:28 by plaga-dm

Acct #: 232

Ad #: 51231

Status: New WHOLD WHOI

NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2). The tract of land is located at the southeastern corner of the intersection of McMakin Road and E Jeter Road in Bartonville, Texas.

and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The applicant is Alexander Michael Wacker.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the change of land use designation in the Town's Comprehensive Plan, change in zoning designation, and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Drc 03/18/2023

**TOWN OF BARTONVILLE
ORDINANCE NO. _____-23**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE LAND USE MAP OF THE BARTONVILLE COMPREHENSIVE MASTER PLAN TO REFLECT A CHANGE IN THE ZONING DESIGNATION FOR THE APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law, have given the requisite notice by publication and otherwise, and after holding due 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 the Land Use Map of the Bartonville Comprehensive Master Plan should be amended as provided herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
LAND USE MAP AMENDED**

The Land Use Map of the Bartonville Comprehensive Master Plan shall be and the same is hereby amended by changing the zoning designation of approximately 10.076 acres, located at the Southeast corner of McMakin and East Jeter Roads, as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, from a zoning designation of "RB" Rural Business to a zoning designation of "RE-2" Residential Estates.

**SECTION 3.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville 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 any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 5.
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning classifications or changes in zoning classifications, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.
ENGROSSMENT AND ENROLLMENT**

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 7.
PUBLICATION**

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

**SECTION 8.
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 9.
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 10.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the 18th day of April, 2023.

APPROVED:

Jaclyn Carrington, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary

Exhibit A
Field Notes 10.076 Acres

Tract I:

WHEREAS, Being a 0.573 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 152, in the Town of Bartonville, Denton County, Texas, and being that same tract of land described by deed to McMakin Ten Acre, LLC, as recorded in Document No. 2017-129585, of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for the northeast corner of the herein described tract, same point being the northernmost northwest corner of Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, page 129 of the Plat Records of Denton County, Texas, same point being in the south line of F.M. Road No. 407 (a variable width right-of-way);

THENCE South 00 degrees 43 minutes 14 seconds West, with a west line of said Lot 1, a distance of 121.66 feet to a ½ inch iron rod found for corner;

THENCE South 84 degrees 52 minutes 41 seconds West, with a north line of said Lot 1, a distance of 215.00 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner next to a wood cross tie set in concrete for corner in the east line of McMakin Road (a variable width right-of-way);

THENCE North 00 degrees 56 minutes 29 seconds West, with the east line of said McMakin Road, a distance of 111.10 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner in the south line of said F.M. Road No. 407;

THENCE North 82 degrees 06 minutes 00 seconds East, with the south line of said F. M. Road No. 407, a distance of 216.49 feet to the POINT OF BEGINNING and containing a total of 0.573 acre of land more or less, and being subject to any and all easements that may be in effect.

Tract II:

Being Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the plat recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas, containing 9.503 acres.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 361-05, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BARTONVILLE, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL ESTATE, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare; and

WHEREAS, the owner of a 10.076 acre tract of land located at the Southeast corner of McMakin and East Jeter Roads in Bartonville, Texas, has initiated an application on the hereinafter described property to re-zone same; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the Town of Bartonville on the 5th day of April, 2023, and by the Town Council of the Town of Bartonville on the 18th day of April, 2023, with respect to the zoning change described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the Town Council of the Town of Bartonville, Texas does hereby deem it advisable and in the public interest to amend Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town, as described herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes

**SECTION 2.
ORDINANCE 361-05 AMENDED**

Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town of Bartonville is hereby amended so as to change the zoning classification of approximately 10.076 acres located at the Southeast Corner of McMakin and East Jeter Roads in the Town of Bartonville, as more particularly described in Exhibit "A" attached hereto, and incorporated herein for all purposes, from a zoning designation of "RB" Rural Business to a Zoning Designation of "RE-2" Residential Estate.

**SECTION 3.
OFFICIAL ZONING MAP AMENDED**

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classification approved herein.

**SECTION 4.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville 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 any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning classifications or changes in zoning classifications, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
ENGROSSMENT AND ENROLLMENT**

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

**SECTION 8.
PUBLICATION**

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

**SECTION 9.
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 10.

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

Ordinance No. _____

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Item E3.

PASSED AND APPROVED by a vote of ____ to ____ this the 18th day of April, 2023.

ATTEST:

APPROVED:

Tammy Dixon, Town Secretary

Jaclyn Carrington, Mayor

Exhibit A
Field Notes 10.076 Acres

Tract I:

WHEREAS, Being a 0.573 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 152, in the Town of Bartonville, Denton County, Texas, and being that same tract of land described by deed to McMakin Ten Acre, LLC, as recorded in Document No. 2017-129585, of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for the northeast corner of the herein described tract, same point being the northernmost northwest corner of Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, page 129 of the Plat Records of Denton County, Texas, same point being in the south line of F.M. Road No. 407 (a variable width right-of-way);

THENCE South 00 degrees 43 minutes 14 seconds West, with a west line of said Lot 1, a distance of 121.66 feet to a ½ inch iron rod found for corner;

THENCE South 84 degrees 52 minutes 41 seconds West, with a north line of said Lot 1, a distance of 215.00 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner next to a wood cross tie set in concrete for corner in the east line of McMakin Road (a variable width right-of-way);

THENCE North 00 degrees 56 minutes 29 seconds West, with the east line of said McMakin Road, a distance of 111.10 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner in the south line of said F.M. Road No. 407;

THENCE North 82 degrees 06 minutes 00 seconds East, with the south line of said F. M. Road No. 407, a distance of 216.49 feet to the POINT OF BEGINNING and containing a total of 0.573 acre of land more or less, and being subject to any and all easements that may be in effect.

Tract II:

Being Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the plat recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas, containing 9.503 acres.