



AGENDA

BARTONVILLE PLANNING AND ZONING COMMISSION

Wednesday, May 1, 2019

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

7:00 P.M.

A. **CALL TO ORDER**

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

C. **CITIZENS PARTICIPATION:**

Please fill out a "Citizen Participation" form in order to address the Commission and turn the form in to the Town representative. Individual speaker's time shall be limited to three (3) minutes each and may be extended by an additional (3) minutes with the approval of a majority of the Commissioners present. A 20 minute time allotment is set for this section. The purpose of this item is to allow the public an opportunity to address the Planning and Zoning Commission on issues that are not the subject of a public hearing. Any item requiring a public hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with at the administrative level by calling Town Hall at 817-693-5280 during business hours. **In accordance with the Open Meetings Act, the Commissioners may not discuss or take action on any item that has NOT been posted on the agenda. There will be no interaction with the members of the Planning and Zoning Commission.**

D. **APPROVAL OF MINUTES**

1. Discuss and consider approval of the April 4, 2019, meeting minutes.

E. **REGULAR ITEMS**

1. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 2 Definitions, Section 2.2 (72a), Farmers' Market, and by amending Division IV, Special Requirements, Chapter 30, Special Regulations For Certain Types of Uses, Section 30.4, Farmers' Market, and also amending Appendix C, Land Use Table, Farmers' Market.
2. Discuss and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances Chapter 10, Article 10.02, Subdivision Ordinance, Exhibit A, Development Ordinance, By Amending Appendix A, Engineering Design Standards, Section 1, Streets.

3. Discussion regarding restaurant drive-through facilities in Village Center (VC) zoning district.

F. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: April 25, 2019, at 2:15 pm, at least 72 hours prior to the time of said meeting.



Michael Montgomery, Town Administrator

The Planning and Zoning Commission reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

THE BARTONVILLE PLANNING AND ZONING COMMISSION MEETING HELD ON THE 4th DAY OF APRIL, 2019, AT BARTONVILLE TOWN HALL, 1941 E. JETER ROAD, BARTONVILLE, TX 76226, COUNTY OF DENTON, TEXAS AT 7:00 P.M.

The Planning and Zoning Commission met in a regular meeting with the following members present:

Ralph Arment, Chairman
Gloria McDonald, Vice-Chairman
Don Abernathy, Commissioner
Harry Otto, Commissioner
Gregory Peck, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1
Jim Roberts, Alternate 2

Also present:

Michael Montgomery, Town Administrator
Ed Voss, Town Attorney

There constituting a quorum, the following business took place:

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairman Arment led the pledge of allegiance.

C. CITIZENS PARTICIPATION

None

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the March 6, 2019, meeting minutes.

Commissioner Otto moved to approve the March 6, 2019, minutes. Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

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

E. REGULAR ITEMS

1. Continue public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards. *(The Planning and Zoning Commission opened the public hearing at their March 6, 2019, meeting and continued it to their April 4, 2019, meeting.)*

Mr. Montgomery stated that the off-street parking design technical standards needed to be codified within the Town’s Zoning Ordinance and that recommendations from the Town Engineer had been added to the proposed ordinance.

The Commissioners deliberated and added the following recommendations to F.1:

- a. Cellular confinement systems with open graded gravel or grass may be installed. These systems shall be designed and constructed per the manufacturer’s recommendations, and approved by the Town Engineer.
- b. Alternative parking lot materials shall be kept in dust-free condition.

The Commissioners further deliberated and added the following recommendations to F.2:

- A. Minimum parking requirements shall be met based upon use per Section 17.6, as amended.
- B. All vehicle parking areas shall be on an improved, dust-free surface.
- C. Excess parking may occur on unimproved services only on a temporary basis not to exceed 72 hours.”

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

Vice-Chairman McDonald moved to recommend an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, by amending Division IV, Special Requirements, Chapter 17, Off-Street Parking and Loading Requirements, Section 17.3, Nonresidential Districts and Nonresidential Uses in Residential Districts – Special Off-Street Parking Provisions, and by adding Appendix F, Off-Street Parking Technical Design Standards with the stated modifications. Commissioner Otto seconded the motion.

VOTE ON THE MOTION

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

- 2. Discussion on Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Zoning Ordinance, Division IV, Special Requirements, Chapter 30, Special Regulations for Certain Types of Uses, Section 30.4, Famers’ Market.

Mr. Montgomery stated that the current Farmers’ Market regulations were outdated and needed to be amended.

Tim House, 96 McMakin, spoke in favor of adding Farmers’ Market to the Rural Business zoning district as a permitted use.

Chris Lucido, 3450 Shiloh Road, Flower Mound, shared his thoughts regarding the ordinance.

No action taken.

F. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 7:58 p.m.

APPROVED this 1st day of May, 2019.

Approved:

Ralph Arment, Chairman

Attest:

Michael Montgomery, Town Administrator

(Seal)



Planning and Zoning Commission Meeting

Item #1

DATE: May 1, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 2 Definitions, Section 2.2 (72a), Farmers' Market, and by amending Division IV, Special Requirements, Chapter 30, Special Regulations For Certain Types of Uses, Section 30.4, Farmers' Market, and also amending Appendix C, Land Use Table, Farmers' Market.

Summary:

The Town's current ordinance regarding Farmer's Market needs to be revised to remove health and sanitation regulations so that they may be placed in the correct section of the Town's Code of Ordinances.

The Commission can also deliberate and provide recommendations regarding the definition and land use of Farmers' Market.

The draft ordinance is not available at the time of publication of this memo but will be provided to the Commission prior to the meeting.

ATTACHMENTS:

- Legal Notice
- Current Farmers' Market Ordinance

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

ORDER CONFIRMATION (CONTINUED)

Salesperson: Kaycee Key

Printed at 04/12/19 15:10 by plaga-dm

Acct #: 232

Ad #: 14782

Status: New

PUBLIC HEARING

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at **7:00 p.m. on Wednesday, May 1, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas**, to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 2 Definitions, Section 2.2 (72a), Farmers' Market, and by amending Division IV, Special Requirements, Chapter 30, Special Regulations For Certain Types of Uses, Section 30.4, Farmers' Market, and also amending Appendix C, Land Use Table, Farmers' Market. The Town Council will conduct the second Public Hearing at **7:00 p.m. on Tuesday, May 21, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas**, to hear public comment and consider the recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

DR-C 4/16/2019

**TOWN OF BARTONVILLE
ORDINANCE NO. 418-07**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, TO PROVIDE FOR THE DEFINITION OF "FARMERS MARKET" (72A); AMENDING SECTION 17.6 PARKING REQUIREMENTS TO PROVIDE FOR A FARMERS MARKET; AMENDING CHAPTER 30, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES TO PROVIDE FOR A FARMERS MARKET; AMENDING APPENDIX C, LAND USE TABLE TO PROVIDE FOR A FARMERS MARKET TO SAID TABLE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by amending Chapter 2, Section 2.2., Definitions, by adding (72-a) to provide a definition of farmers market, which shall read as follows:

' "CHAPTER 2. DEFINITIONS

.....

2.2 Definitions

.....

Option A

Staff Suggested Definition:

(72a) Farmers' Market. An open air market place where vendors who have grown, gathered, or raised fresh foods from Denton County or the immediate surrounding counties, sell those foods directly to the public for off-premise consumption.

Option B

Applicant Requested Definition:

(72a) Farmers' Market. An existing area used periodically by one or more farmers for the seasonal sale of agricultural or horticultural produce or merchandise produced on their farms. A Farmers Market shall not include the sale of commercially manufactured products which the farmers have not grown or produced on their farms.

.....”

SECTION 2. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, by amending Section 17.6 Parking Requirements Based Upon Use to add Subsection A(10a) Farmers Market, which shall read as follows:

“17.6 PARKING REQUIREMENTS BASED UPON USE

A.

10a. Farmers Market: One and one half (1 ½) spaces per designated booth space or one per one hundred (100) square feet of site area, whichever is greater.

.....”

SECTION 3. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, Chapter 30 Special Regulations for Certain Types of Uses, by adding Section 30.4 Farmers Markets, which shall read as follows:

“.....

30.4 FARMERS’ MARKET

- A. No person shall vend fresh fruits, vegetables or other produce or operate a farmers’ market without a valid permit issued by the Town.
- B. All edible items offered for sale must be consumed off-premise.
- C. Farmers’ markets shall be located on properly zoned private property. An active business other than a farmers’ market shall be currently operating on the property. The owner or operator of the farmers’ market shall obtain a notarized letter from the business owner stating that the market has permission to vend fresh fruits, vegetables or other produce on the

property. The notarized letter shall be submitted to the Town at the time of permit application.

- C. Fresh fruits, vegetables or other produce displays shall be confined to tables that are at least six (6) inches above the ground. Fresh produce shall not be cut or sliced. No samples of fresh produce shall be offered.
- D. The farmers' market may operate up to three (3) days per week from March 1 to October 31. All activities including set up, tear down and sales shall take place no earlier than 7:00 a.m. and no later than 8:00 p.m.
- E. No food shall be cooked on-site.
- F. All material related to the farmers' market must be removed by 8:00 p.m. each day. Outside storage is prohibited.
- G. Farmers' markets must meet the minimum setback requirements as set forth in Chart 4.4.
- H. Farmers' markets shall meet the requirements of Section 12.3(7)a of this ordinance, with the exception of Section 12.3(7)a(1).
- I. All activities must comply with the noise standards as set forth in Section 27.3 of this ordinance.
- J. No more than 20 percent of the display area allocated to each vendor shall be devoted to nonfood items.
- K. The resale of household goods, personal effects, tools, art work, small household appliances and other items of a similar nature shall be prohibited.
- L. The sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, and/or home canned or packaged items shall be prohibited, except as otherwise permitted under the Code of Ordinances and the Town of Bartonville's Health Code. Canned, preserved and baked items must be prepared in a certified, commercial kitchen and labeled according to regulatory requirements of the State of Texas.
- M. The sale of plants, shrubs, trees and materials used in indoor or outdoor planting or pest prevention shall be prohibited, except any potted or hanging plants of one gallon or less. The sale of fresh herbs shall be exempt from this requirement.
- N. The sale of firewood shall be prohibited.

- O. The sale or keeping of animals shall be prohibited.
- P. Conveniently located toilet facilities shall be available for all vendors and customers. A notarized letter from the business owner granting the market vendors access to toilet facilities during all hours of the farmers’ market operation shall be submitted with the permit application.
- Q. The permit holder shall ensure that all trash, refuse and garbage is removed from the site at the end of each day or that trash, refuse and garbage is placed in appropriate containers for later disposal. The premises occupied by the farmers’ market shall be kept clean and free of accumulated trash, refuse or garbage during the hours of operation.
- R. The owner or operator of a farmers’ market commits an offense if the farmers’ market is operated in violation of any provision of this section. Any violation of this section may be subject to revocation of the permit.”

SECTION 4. That the Code of Ordinance be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, Appendix C, Land Use Table by amending the land use table by adding farmers’ market to said chart, which shall read as follows:

Use	“Zoning District							
	AG	RE-5	RE-2	R-1	RB	VC	GC	MH
.....								
Farm General – Livestock/Ranch/Crops	P	P	P	C	*	*	*	*
Farmers’ Market	*	*	*	*	*	P	*	*
.....“								

SECTION 5. SEVERABILITY. That 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 6. SAVINGS. That 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 7. ENGROSS AND ENROLL. That 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. That the Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 9. EFFECTIVE DATE. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 20th day of March, 2007.

APPROVED:




Ron Robertson, Mayor

ATTEST:


Kristi Gilbert, Deputy Town Secretary



Planning and Zoning Commission Meeting

Item #2

DATE: May 1, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Discussion and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances Chapter 10, Article 10.02, Subdivision Ordinance, Exhibit A, Development Ordinance, By Amending Appendix A, Engineering Design Standards, Section 1, Streets.

Summary:

The Town Administrator and Town Engineer have reviewed the Engineering Design Standards and have suggested changes to reflect the Town's Comprehensive Plan adopted in 2017.

ATTACHMENTS:

- Draft Ordinance Redline
- Draft Ordinance Clean

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

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 10, ARTICLE 10.02, SUBDIVISION ORDINANCE, EXHIBIT A, DEVELOPMENT ORDINANCE, BY AMENDING APPENDIX A, ENGINEERING DESIGN STANDARDS, SECTION 1, STREETS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Town Council of the Town of Bartonville, in compliance with ~~state law~~Section 1.10 of the Development Ordinance, ~~have~~has given the requisite notice ~~by publication and otherwise~~, and after holding ~~due a public~~ hearings and affording ~~a full and fair hearing to all property owners generally~~due process, the governing body of the Town of Bartonville is of the opinion that said ~~zoning ordinance~~Development Ordinance should be amended as provided herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

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

**SECTION 2.
AMENDMENT ADOPTED**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 10, Article 10.02, Subdivision Ordinance, Exhibit A, the Development Ordinance, Appendix A, entitled "Engineering Design Standards (EDS)," Section 1, Streets, is hereby amended and shall read as follows:

~~***~~ **“APPENDIX A**
Engineering Design Standards (EDS)

1. Streets:

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

1. Streets may be constructed with asphalt paving.

2. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - 20 feet.

2. Minimum Thickness of Asphalt - 2 Inches.

3. Type Surface - Type C HMA.

~~4.~~ 5. Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - 22 feet.

2. Minimum Thickness of Base - 8 Inches.

3. Compaction of Base - 95% Standard Proctor (ASTM D698).

4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

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

1. Maximum Slope - 3:1.

2. Minimum Width - 14 feet.

6. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.

2. Maximum Slope - 1 inch per foot.

2. Residential Streets - Subdivisions with Lots Containing Less than 5 Acres

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

2. Standard Specifications:

1. Paving:

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

2. Base:

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

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

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

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

1. Maximum Slope - 3:1.
2. Minimum Width - 14 feet.

6. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.
2. Maximum Slope - 1 inch per foot.

3. Minor Collector

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

2. Streets shall be designed in accordance with the standard section(s) specified by the Thoroughfare Plan, as amended.

3. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - 22 feet.
2. Minimum Thickness Asphalt - 2 inches.
3. Type Surface - Type C HMAC.
- ~~4.~~ Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - 24 feet.
2. Minimum Thickness of Base - 8 Inches.
3. Compaction of Base - 95% ~~TxDOT, %~~ Standard Proctor (ASTM D698).
4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

1. Maximum Slope - 3:1.
2. Minimum Width - 18 feet.

5. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.

2. Maximum Slope - 1 inch per foot.

4. Minor-Rural Collector

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

2. Streets shall be designed in accordance with the standard section(s) specified by the Thoroughfare Plan, as amended.

3. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - ~~20-24~~ feet.

2. Minimum Thickness of Asphalt - 2 Inches.

3. Type Surface - Type C HMA.

~~54.~~ Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - ~~22-26~~ feet.

2. Minimum Thickness of Base - 8 Inches.

3. Compaction of Base - 95% Standard Proctor (ASTM D698).

4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

1. Maximum Slope - 3:1.

2. Minimum Width - 18 feet.

5. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.

2. Maximum Slope - 1 inch per foot.”

**SECTION 3.
REPEALING**

All provisions of the Ordinances of the Town of Bartonville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.
SEVERABILITY**

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

**SECTION 5.
SAVINGS**

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

**SECTION 6.
PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished ~~by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense~~ in accordance with Section 1.01.009 of the Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.
ENGROSS AND ENROLL**

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

**SECTION 8.
PUBLICATION**

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

**SECTION 9.
EFFECTIVE DATE**

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

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the _____ day of _____, 2019.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary

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

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 10, ARTICLE 10.02, SUBDIVISION ORDINANCE, EXHIBIT A, DEVELOPMENT ORDINANCE, BY AMENDING APPENDIX A, ENGINEERING DESIGN STANDARDS, SECTION 1, STREETS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Town Council of the Town of Bartonville, in compliance with Section 1.10 of the Development Ordinance, has given the requisite notice, and after holding a public hearing and affording due process, the governing body of the Town of Bartonville is of the opinion that said Development Ordinance should be amended as provided herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

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

**SECTION 2.
AMENDMENT ADOPTED**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 10, Article 10.02, Subdivision Ordinance, Exhibit A, the Development Ordinance, Appendix A, entitled "Engineering Design Standards (EDS)," Section 1, Streets, is hereby amended and shall read as follows:

**"APPENDIX A
Engineering Design Standards (EDS)**

1. Streets:

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

1. Streets may be constructed with asphalt paving.

2. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - 20 feet.

2. Minimum Thickness of Asphalt - 2 Inches.

3. Type Surface - Type C HMA.

4. Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - 22 feet.

2. Minimum Thickness of Base - 8 Inches.

3. Compaction of Base - 95% Standard Proctor (ASTM D698).

4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

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

1. Maximum Slope - 3:1.

2. Minimum Width - 14 feet.

6. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.

2. Maximum Slope - 1 inch per foot.

2. Residential Streets - Subdivisions with Lots Containing Less than 5 Acres

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

2. Standard Specifications:

1. Paving:

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

2. Base:

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

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

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

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

1. Maximum Slope - 3:1.
2. Minimum Width - 14 feet.

6. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.
2. Maximum Slope - 1 inch per foot.

3. Minor Collector

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

2. Streets shall be designed in accordance with the standard section(s) specified by the Thoroughfare Plan, as amended.

3. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - 22 feet.

2. Minimum Thickness Asphalt - 2 inches.

3. Type Surface - Type C HMA.

4. Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - 24 feet.

2. Minimum Thickness of Base - 8 Inches.

3. Compaction of Base - 95% Standard Proctor (ASTM D698).

4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

1. Maximum Slope - 3:1.

2. Minimum Width - 18 feet.

5. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.

2. Maximum Slope - 1 inch per foot.

4. Rural Collector

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

2. Streets shall be designed in accordance with the standard section(s) specified by the Thoroughfare Plan, as amended.

3. Standard Specifications:

1. Paving:

1. Minimum Width of Asphalt Roadway (Paving) - 24 feet.
2. Minimum Thickness of Asphalt - 2 Inches.
3. Type Surface - Type C HMAC.
4. Grade - 0.3 percent minimum (0.5 percent desired for ditches).

2. Base:

1. Minimum Width of Base - 26 feet.
2. Minimum Thickness of Base - 8 Inches.
3. Compaction of Base - 95% Standard Proctor (ASTM D698).
4. Type of Base - Portland Cement Treated Base, 4% by Weight, or if P.I. is Above 15 the Town may require lime instead of Portland Cement.

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

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

1. Maximum Slope - 3:1.
2. Minimum Width - 18 feet.

5. Shoulder Preferred from edge of paving:

1. Minimum Width - 4 feet.
2. Maximum Slope - 1 inch per foot.”

**SECTION 3.
REPEALING**

All provisions of the Ordinances of the Town of Bartonville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.
SEVERABILITY**

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

**SECTION 5.
SAVINGS**

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

**SECTION 6.
PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished in accordance with Section 1.01.009 of the Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.
ENGROSS AND ENROLL**

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

**SECTION 8.
PUBLICATION**

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

**SECTION 9.
EFFECTIVE DATE**

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

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the _____ day of _____, 2019.

APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary



Planning and Zoning Commission Meeting

Item #3

DATE: May 1, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Discussion regarding restaurant drive-through facilities in Village Center (VC) zoning district.

Summary:

Drive-through facilities for restaurants within the Village Center (VC) zoning district are currently not defined within the Land Use table. Additionally, there are no provision for restaurant drive-throughs within the Off-Street Parking And Loading Requirements within the zoning ordinance.

A discussion will be had about if the Commission wants to allow drive-through facilities for restaurants, and if so, under what conditions.

A property owner in the Village Center zoning district has requested this discussion prior to their Site Plan submittal.

ATTACHMENTS:

- Chapter 17, Off-Street Parking and Loading Requirements

DIVISION IV. SPECIAL REQUIREMENTS

CHAPTER 17. OFF-STREET PARKING AND LOADING REQUIREMENTS**17.1 PURPOSE**

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions. (Ordinance 361-05 adopted 3/22/05)

17.2 RESIDENTIAL DISTRICTS - SPECIAL OFF-STREET PARKING PROVISIONS

- A. Required off-street parking shall be provided on the same lot/site as the use it is to serve.
- B. All vehicle parking areas shall be on an improved, dust-free surface installed to meet or exceed Town standards for paving, parking and on-site circulation. All driveways and approaches to parking spaces shall be similarly improved.
- C. No required parking space, garage, carport, or other motor vehicle storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).

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

17.3 NONRESIDENTIAL DISTRICTS AND NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS - SPECIAL OFF-STREET PARKING PROVISIONS

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in [Chapter 28](#).
- B. For safety and firefighting purposes and for public convenience, free mutual access through to adjacent nonresidential parking areas and properties shall be provided in accordance with [Section 17.10](#) (Fire Lanes).
- C. All off-street parking, maneuvering, fire lane, loading and storage areas shall be paved in accordance with the Town's current technical design standards.
- D. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public walkways, except for single-family dwellings, which are only allowed to egress onto a local street or residential collector street.
- E. All parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- F. Each standard off-street surface parking space size shall be in accordance with the design standards as shown in Illustration 2 [in [Appendix B](#)] for space design only. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

1. Standard: Ten feet (10') by twenty feet (20') - eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.
2. Compact: Eight feet (8') by sixteen feet (16'); must be clearly designated with appropriate signage and pavement markings. The use of compact spaces shall be limited to ten percent (10%) of the standard parking requirement.
3. Parallel: Eight feet (8') by twenty-two feet (22').

G. The perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device, such as a curb or wheel stop, installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. Parking shall not be permitted to encroach upon the public right-of-way or upon neighboring property in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot. All entrances into parking lots shall be at least twenty-four feet (24') in width, or a maximum of forty-five feet (45') in width (fifty feet for divided entrances). Divided entrances into parking lots shall have a minimum ingress lane of eighteen feet (18'); a minimum landscaped median width of five feet (5') for an unbroken distance of at least one hundred feet (100') into the site, and a minimum egress lane of twenty-two feet (22'). If the entrance is for a fire lane, then it shall have twenty-two foot (22') minimum ingress and egress lanes (same median standards as above).

H. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than twenty feet (20') and without having to go the wrong way in a traffic aisle.

I. Parking space(s) for persons with disabilities and other associated provisions shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked.

J. In all nonresidential categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.

K. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of a revised site plan (see [Chapter 3](#)).

L. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable

geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.

2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.

3. For business operations other than those addressed by item 2. above and kiosks that provide drive-up service, a minimum of three (3) stacking spaces for each service window shall be provided.

4. For a full-service carwash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

5. For each automated self-service (drive-through/rollover) carwash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

6. For each wand-type self-service carwash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.

7. For motor vehicle quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.

M. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three (3) parking spaces deep unless adequate turnaround space is provided. A minimum five-foot (5') deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

N. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

(Ordinance 361-05 adopted 3/22/05; Ordinance 451-08, sec. 2, adopted 5/20/08)

17.4 OFF-STREET LOADING SPACE - ALL DISTRICTS

A. All retail and other nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 3 [in [Appendix B](#)]). Such off-street loading space may be adjacent to (but not any portion of) a public or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a "regular" loading space shall be ten feet by thirty feet (10' x 30'), and a "large" loading space shall be at least ten feet by sixty-five feet (10' x 65'). Loading spaces or berths shall be provided in accordance with the following schedule:

1. Office and institutional uses, or portion(s) of building devoted to office/institutional uses:

0 to 19,999 square feet:	0 spaces
20,000 to 49,999 square feet:	1 regular space
50,000 to 149,999 square feet:	1 regular space and 1 large space
150,000+ square feet:	2 regular spaces and 1 large space

2. Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

B. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is located within one hundred (100) feet a residential use or district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the site plan provided that the Town Council makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.

C. Public, private, or parochial elementary and secondary schools shall provide one (1) paved off-street pedestrian loading and unloading space for an [a] motor vehicle on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass-by or through traffic to move while motor vehicles waiting or parked to pick up children occupy loading/unloading areas.

D. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, subject to the following:

1. Such arrangement(s) for loading spaces are approved by the Town Council after recommendation by the Planning and Zoning Commission;
2. Said consideration by the Planning and Zoning Commission and Town Council shall be based on the following criteria:
 - a. The number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question;
 - b. Any off-site loading berths shall be located on an immediately contiguous lot or tract, or on a lot or tract within two hundred (200) feet of each building or use in which it will serve; and
 - c. A long-term remote loading lease agreement is provided upon approval of the Town as a condition of such use.

(Ordinance 361-05 adopted 3/22/05; Ordinance 451-08, sec. 1, adopted 5/20/08)

17.5 PARKING ACCESS FROM A PUBLIC STREET - ALL DISTRICTS

- A. In the approval of a site plan, design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.
- B. In all districts (except single-family), the site plan and paving plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the Town, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and/or street paving improvements in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time of site plan and construction plat approval.
- C. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces that are accessed directly from the street.
- D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 2 [in [Appendix B](#)].

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

17.6 PARKING REQUIREMENTS BASED UPON USE

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 1. Art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

2. Bank, savings and loan, or similar institution: One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 38.3 K. [17.3 L.]).
3. Bed and breakfast facility: One (1) space per guest room in addition to the requirements for a normal residential use.
4. Bowling alley or center: Six (6) parking spaces for each alley or lane.
5. Business or professional office (general): One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified herein.
6. Church, rectory, or other place of worship: One (1) parking space for each three (3) seats in the main auditorium/sanctuary.
7. Commercial amusement (indoor): One (1) space per one hundred (100) square feet of gross floor area, or as follows:
 - a. Racquetball or handball courts - Three (3) spaces for each court.
 - b. Indoor tennis courts - Six (6) spaces for each court.
 - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet.
 - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area.
 - e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet.
 - f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet.
 - g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3.5) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens.
 - h. Amusement Center - One (1) space for each game table and one (1) space for each amusement device.
 - i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
8. Commercial amusement (outdoor): Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area.
9. Convenience store (with gasoline pumps): One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering motor vehicles for refueling.

10. Day nursery, day care center: One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle).
- 10a. Farmers' Market: One and one-half (1-1/2) spaces per designated booth space or one per one hundred (100) square feet of site area, whichever is greater.
11. Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.
12. Health club, health spa or exercise club: One (1) space per one hundred fifty (150) square feet of floor area.
13. Lodge or fraternal organization: One (1) space per two hundred (200) square feet.
14. Manufactured/mobile home or manufactured/mobile home park: Two (2) spaces for each manufactured/mobile home unit, plus visitor/supplemental parking equal to one-half space per lot, plus additional spaces as required herein for accessory uses.
15. Medical or dental office: One (1) space per one hundred and fifty (150) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
16. Mini-warehouse: Four (4) spaces per establishment, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.).
17. Mortuary or funeral home: One (1) parking space for each two hundred (200) square feet of floor space in viewing rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary, whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
18. Motor vehicle or auto parts sales (indoors): One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.
19. Office (administrative or professional): One (1) space for each three hundred (300) square feet of floor area.
20. Pawn shop: One (1) space for each two hundred (200) square feet of floor area.
21. Places of public assembly not listed: One (1) space for each three (3) seats provided (see Subsection 38.7 B. [17.7 B.]).
22. Real estate office: One (1) space for each two hundred (200) square feet.
23. Restaurant, private club, nightclub, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy),

whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities.

24. Retail or personal service establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities.
25. Retirement housing for the elderly (independent living): One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.
26. School, elementary (grades K-6): One (1) parking space for each fifteen (15) students (design capacity).
27. School, secondary or middle (grades 7-8): One (1) parking space for each twelve (12) students (design capacity).
28. School, high school (grades 9-12): One space for each three (3) students, faculty and staff (design capacity).
29. Technical School, College, Junior College or University: One (1) space per three (3) students, based upon maximum enrollment or design capacity, whichever is greater.
30. Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium): One (1) parking space for each three (3) seats or bench seating spaces.
31. Veterinarian clinic: One (1) space per three hundred (300) square feet of gross floor space.

(Ordinance 361-05 adopted 3/22/05; Ordinance 418-07, sec. 2, adopted 3/20/07)

17.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES AND MISCELLANEOUS OFF-STREET PARKING REQUIREMENTS

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the conditional use.
- B. "Seat" shall be interpreted as follows:
 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and
 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Town Secretary, or his/her designee, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this

determination, then he/she may submit a request for determination by the Planning and Zoning Commission and the Town Council using the same process for classifying new and unlisted uses.

E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. If a building or use that was in existence prior to the effective date of this Ordinance is enlarged by more than fifty percent (50%) in floor area, number of employees, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.

F. For buildings which have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see Subsection G. below).

G. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall only be allowed if approved on the site plan. To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the County, and shall provide a copy of the filed agreement to the Town of Bartonville prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

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

17.8 LOCATION OF PARKING SPACES

All parking spaces required herein shall be located on the same lot of the building or use served, except as follows:

A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential building served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and the Town Council is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract or on a lot or tract within two hundred feet (200') of such building or structure providing:

a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or

- b. That a long-term remote parking lease agreement be provided upon approval by the Town as a condition of such use.

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

17.9 USE OF REQUIRED PARKING SPACES, NONRESIDENTIAL DISTRICTS

A. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent. (Ordinance 361-05 adopted 3/22/05)

17.10 FIRE LANES

A. Fire lanes shall be provided in all nonresidential developments (in all zoning districts), as required by the adopted Fire Code of the Town (also see the Development Ordinance for certain fire lane regulations). Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20') or as required by the Fire Code of the Town of Bartonville, whichever is greater. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhang, vertical height control device, etc.).

B. Whenever forty percent (40%) or more of an existing, nonconforming fire lane is replaced or resurfaced within a twelve (12) month period, the entire fire lane shall be replaced according to the Town's current paving standards.

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