

**TOWN OF BARTONVILLE
ORDINANCE NO. XXX-10**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.300, ORDINANCE 361-05, ZONING REGULATIONS FOR THE TOWN OF BARTONVILLE, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW AN ELEVATED WATER TANK AND RELATED FACILITIES ON A TRACT OF LAND OF APPROXIMATELY 4.735 ACRES KNOWN AS LOT 1, BLOCK A OF THE BARTONVILLE WATER SUPPLY ADDITION, AN ADDITION TO THE TOWN OF BARTONVILLE, TEXAS AS RECORDED IN CABINET V, PAGE 806 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS BEING MORE SPECIFICALLY DESCRIBED HEREIN AND ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING FOR CONDITIONS AS DESCRIBED HEREIN AND ATTACHED HERETO AS EXHIBIT “B”; PROVIDING FOR CONFORMANCE WITH APPROVED SITE PLAN, WHICH IS ATTACHED HERETO AS EXHIBIT “C”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING 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 Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Bartonville is of the opinion that said zoning ordinance should be amended as provided herein; and,

WHEREAS, the Town Council is of the opinion and finds that such conditional use permit to allow an elevated water tank and other related facilities, in the “RE-2” Residential Estates 2 district would not be detrimental or injurious to the public health, safety and general welfare, and will promote the best and most orderly development of the properties affected in the Town of Bartonville, the owners and occupants thereof, and the Town generally; and,

WHEREAS, the Town Council additionally finds:

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.

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 and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
CHAPTER 14, ARTICLE 14.300,
ZONING REGULATIONS AND ZONING MAP AMENDED**

- 2.01 The Town of Bartonville Code of Ordinances, Chapter 14, Article 14.300, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, and the Official Zoning Map of the Town of Bartonville is hereby amended so as to allow a conditional use permit (CUP-15) on a tract of land of approximately 4.735 acres situated in Lot 1, Block A of the Bartonville Water Supply Corporation Addition, an addition to the Town of Bartonville,

Texas, as recorded in Cabinet V, Page 806 of the plat records of Denton County, Texas, being more specifically described herein and attached hereto, as Exhibit “A,” as if fully incorporated herein, providing for the development of Phase I of the Stargate Water Facilities to include an elevated water tank and related facilities with the conditions as described and attached hereto, as Exhibit “B.”

2.03 The development must generally conform to the site plan which is attached hereto and incorporated herein as Exhibit “C.”

2.04 That if there is any conflict between the provisions of this ordinance and the Comprehensive Zoning Ordinance and development regulations, this ordinance shall govern.

**SECTION 3
OFFICIAL ZONING MAP AMENDED**

The Town Secretary is hereby directed to amend the official zoning map to reflect the conditional use permit as 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 regulations, zoning maps, zoning designations or changes in zoning designations, 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.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by a vote of ____ to ____ this the ____ day of _____, 2010.

APPROVED:

Ron Robertson, Mayor

ATTEST:

Debbie E. Millican, Town Administrator

(Seal)

Exhibit "A"

Attached to Town of Bartonville Ordinance **XXX-10**

METES AND BOUNDS DESCRIPTION OF SUBJECT PROPERTY

A tract of land more commonly known as Lot 1, Block A, Bartonville Water Supply Corporation Addition, an addition to the Town of Bartonville, Texas, as recorded in Cabinet V, Page 806, Denton County Plat Records, Denton County, Texas and also being in the Dan Cook Survey, A-230, and the Abraham Loving Survey A-736, Town of Bartonville, Denton County, Texas, being that certain called 4.735 acre tract of land described in deed to Bartonville Water Supply Corporation (BWSC) recorded in Volume 4979, Page 2895 of the Real Property Records of Denton County, Texas and being more specifically described as follows:

BEGINNING at a ½ inch iron rod at the easterly southeast corner of said 4.735 acre tract, being the southwest corner of the certain called 102.0418 acre tract of land described in deed to W. Bruce Monroe, Recorded in Volume 4631, Page 570 of Real Property Records of Denton County, Texas, and being on the north line of that certain tract of land described in deed to Stargate Sport Horses, L.P., recorded in Volume 4754, Page 785 of the real property records of Denton County, Texas;

THENCE South 89°27'40" West 59.87 feet, along the north line of said Stargate tract, to a sandstone monument found at the northwest corner thereof, being an inner ell corner of said Lot 1, Block A;

THENCE South 00°18'55" East 837.43 feet, along the west line of said Stargate tract and the east line of said Lot 1, Block A, to a ½ inch iron at the southerly southeast corner thereof, being an ell corner of Lot 2, S & D Ranch Addition, an Addition to the Town of Bartonville according to plat thereof recorded in Cabinet U, Page 933 of the Plat Records of Denton County, Texas;

THENCE South 89°41'05" West 300.00 feet, along the most southerly south line of said Lot 1, Block A, and its common line with said Lot 2, S & D Ranch Addition, to a ½ inch iron rod;

THENCE North 00°18'55" West 486.66 feet, along the southerly west line of said Lot 1, Block A, and continuing along its common line with said Lot 2, S & D Ranch Addition, to a ½ inch iron rod;

THENCE North 52°36'39" East 300.81 feet, continuing along said common line, to a ½ inch iron rod;

THENCE North 00°18'55" West 271.86 feet, continuing along said common line to a ½ inch iron rod;

THENCE North 82°14'59" East 60.51 feet, continuing along said common line to a ½ inch iron rod;

THENCE North 00°18'55" West 70.59 feet, continuing along said common line to a ½ inch iron rod;

THENCE North 82°14'59" East 60.56 feet, to a ½ inch iron rod at an ell corner of said Lot 2, S & D Ranch Addition, being the most northeasterly corner of said Lot 1, Block A, and being on the west line of said Monroe tract;

THENCE South 00°15'59" East 188.46 feet, along said line, to the POINT OF BEGINNING and containing approximately 4.735 acres of land.

DRAFT

Exhibit “B”

Attached to Town of Bartonville Ordinance **XXX-10**

DEVELOPMENT REGULATIONS

For

BARTONVILLE WATER SUPPLY CORPORATION ELEVATED WATER TANK

Purposes of District and Intent of Regulations: The intent of the proposed district is to allow the construction of Phase I of the Stargate Water Facilities to include an elevated water tank and related facilities on an existing, undeveloped tract, while preserving the rural character of the area. The regulations provided herein are designed to preserve the orderly development of the subject tract and surrounding areas in such a way that conforms with the Comprehensive Land Use Plan and the Town’s Zoning Regulations.

Definitions: Unless otherwise stated herein, the definitions contained in Ordinance 361-05, as amended, apply to this ordinance.

Permitted Uses: Those uses permitted in the “RE-2” Residential Estates 2 District and an elevated water tank with related facilities, which generally applies to the site plan which is attached hereto and incorporated herein as Exhibit “C.”.

Lot Regulations:

- A. **Maximum Building Height:** The elevated tank height shall not exceed one hundred and sixty feet (160’) measured from the natural grade. Any structures accessory to the elevated tank shall not exceed thirty six feet (36’) measured from the natural grade.
- B. **Setbacks:** The minimum set back of any structure shall be a minimum of fifty feet (50’) from all property lines.
- C. **Fences:** All facilities associated with the water tower must be enclosed by a chain link fence a minimum of eight (8) feet tall or a masonry fence a minimum of six (6) feet tall. Barbed wire is not permitted.
- D. **Outside Storage:** Outside storage of vehicles, equipment and other materials is prohibited, except for equipment necessary for the daily operations of the water tank and its associated facilities.
- E. **Parking Requirements:** The development must provide for a minimum of two parking spaces.
- F. **Lighting Standards:** Four hundred (400) watt wall-paks are to be located on the meter building and the elevated water tank. Additional lighting as required by state and federal safety standards may be installed. All lighting shall be directed in such a way as to limit the light pollution extending beyond the property line

- G. Elevated Water Tank:** The Town Council shall approve all cosmetic changes to the elevated tank, including, but not limited to color, verbiage and graphics.
- H. Noise Standards:** All operations must be conducted in accordance with the applicable noise regulations of the Town.
- I. Compliance with State and Local Regulations:** The elevated water tank and the associated facilities must comply with all state and federal regulations.
- J. Maintenance of Road, Landscaping and Other Facilities:**
1. The access easement and driveway shall be maintained at all times in such a manner to guarantee access by emergency vehicles at all times.
 2. The landscaping and fencing shall be maintained at all times in accordance with the applicable nonresidential landscaping and fencing regulations of the town.

Exhibit “C”

Attached to Town of Bartonville Ordinance **XXX-10**

APPROVED SITE PLAN

****Note: Only the items indicated as Phase I are approved under this conditional use permit. All Phase II items must be submitted as a revision to this conditional use permit.**

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