

**TOWN OF BARTONVILLE  
ORDINANCE NO. 476-09**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE BARTONVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, BY AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, BY ADDING A DEFINITION FOR RECREATIONAL VEHICLES; BY AMENDING CHAPTER 5. AGRICULTURAL DISTRICT (AG), SECTION 5.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 6. RESIDENTIAL ESTATES 5 (RE-5), SECTION 6.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 7. RESIDENTIAL ESTATES 2 (RE-2), SECTION 7.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; BY AMENDING CHAPTER 8, SINGLE FAMILY RESIDENTIAL 1 (R-1), SECTION 8.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES, SWIMMING POOLS, AND TO ADD REGULATIONS FOR WATER STORAGE TANKS; AND BY AMENDING CHAPTER 9. MANUFACTURED HOME (MH), SECTION 9.4 DEVELOPMENT AND PERFORMANCE STANDARDS TO PROVIDE FOR ADDITIONAL REGULATIONS FOR RECREATIONAL VEHICLES AND SWIMMING POOLS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR CONFLICTS WITH OTHER ORDINANCES; 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; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** The Bartonville Code of Ordinances be and the same is hereby amended by amending the Comprehensive Zoning Ordinance by amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, by amending Chapter 2, Section 2.2., Definitions, by adding a definition for a recreational vehicle as number 160a, which shall read as follows:

**“CHAPTER 2. DEFINITIONS**

.....

2.2 Definitions

.....

(159) Rear Yard. .....

(160a) Recreational Vehicle. A vehicular type unit designed for temporary living quarters for recreational camping or travel uses, which either has its own motor power or is mounted on or towed by another vehicle, excluding mobile homes as defined herein. This definition includes, but is not limited to, travel trailers, camping trailers, tent trailers, truck campers, motor homes and camper vans.

(160) Rectory. .....

.....”

**SECTION 2.** The Bartonville Code of Ordinances be and the same is hereby amended by amending the Comprehensive Zoning Ordinance by amending Chapter 14, Zoning, by amending Chapter 5 Agricultural District (AG), Section 5.4 Development and Performance Standards, Section G. Miscellaneous, by amending Subsection 2. to provide additional regulations for recreational vehicles; by amending Subsection 5. to provide minimum setback regulations for swimming pools; and, by adding Subsection 8. to provide for minimum setbacks for water storage tanks, which shall read as follows:

**“5.4 DEVELOPMENT AND PERFORMANCE STANDARDS**

**G. Miscellaneous**

.....

2. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited. Recreational vehicles may be occupied in conjunction with an approved

gas well drilling permit when twenty-four hour on-site supervision is required.

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5. In ground swimming pools shall maintain a minimum setback equal to the lesser of twenty (20) feet from all property lines or a distance equal to the minimum setback requirements for accessory buildings. The minimum setbacks for above ground pools shall be the same as the minimum setback requirements for accessory buildings.

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8. Water storage tanks used in conjunction with a fully functioning private water well shall meet the setback requirements for accessory buildings.”

**SECTION 3.** The Bartonville Code of Ordinances be and the same is hereby amended by amending the Comprehensive Zoning Ordinance by amending Chapter 14, Zoning, by amending Chapter 6 Residential Estates 5 (RE-5), Section 6.4 Development and Performance Standards, Section F. Miscellaneous by amending Subsection 2. to provide additional regulations for recreational vehicles; by amending Subsection 5. to provide minimum setback regulations for swimming pools; and, by adding Subsection 8. to provide for minimum setbacks for water storage tanks, which shall read as follows:

“6.4 DEVELOPMENT AND PERFORMANCE STANDARDS

F. Miscellaneous

.....

2. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited. Recreational vehicles may be occupied in conjunction with an approved gas well drilling permit when twenty-four hour on-site supervision is required.

.....

5. In ground swimming pools shall maintain a minimum setback equal to the lesser of twenty (20) feet from side and rear property lines or a distance equal to the minimum

setback requirements for accessory buildings. The minimum side and rear setback for above ground pools shall be the same as the minimum setback requirements for accessory buildings. All pools must maintain a minimum front yard setback equal to the distance measured from the primary structure to the front lot line.

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8. Water storage tanks used in conjunction with a fully functioning private water well shall meet the setback requirements for accessory buildings.”

**SECTION 4.** The Bartonville Code of Ordinances be and the same is hereby amended by amending the Comprehensive Zoning Ordinance by amending Chapter 14, Zoning, by amending Chapter 7 Residential Estates 2 (RE-2), Section 7.4 Development and Performance Standards, Section F. Miscellaneous by amending Subsection 2. to provide additional regulations for recreational vehicles; by amending Subsection 5. to provide minimum setback regulations for swimming pools; and, by adding Subsection 7. to provide for minimum setbacks for water storage tanks, which shall read as follows:

“7.4 DEVELOPMENT AND PERFORMANCE STANDARDS

F. Miscellaneous

.....

2. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited.

.....

5. In ground swimming pools shall maintain a minimum setback equal to the lesser of twenty (20) feet from side and rear property lines or a distance equal to the minimum setback requirements for accessory buildings. The minimum side and rear setback for above ground pools shall be the same as the minimum setback requirements for accessory buildings. All pools must maintain a minimum front yard setback equal to the distance measured from the primary structure to the front lot line.

.....

7. Water storage tanks used in conjunction with a fully functioning private water well shall meet the setback requirements for accessory buildings.”

**SECTION 5.** The Bartonville Code of Ordinances be and the same is hereby amended by amending the Comprehensive Zoning Ordinance by amending Chapter 14, Zoning, by amending Chapter 8 Single Family Residential 1 (R-1), Section 8.4 Development and Performance Standards, Section G. Miscellaneous by amending Subsection 2. to provide additional regulations for recreational vehicles; by amending Subsection 5. to provide minimum setback regulations for swimming pools; and, by adding Subsection 7. to provide for minimum setbacks for water storage tanks, which shall read as follows:

“8.4 DEVELOPMENT AND PERFORMANCE STANDARDS

G. Miscellaneous

.....

2. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited.

.....

5. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited. Recreational vehicles may be occupied in conjunction with an approved gas well drilling permit when twenty-four hour on-site supervision is required.

.....

7. Water storage tanks used in conjunction with a fully functioning private water well shall meet the setback requirements for accessory buildings.”

**SECTION 5.** The Code of Ordinances be and the same is hereby amended by amending Comprehensive Zoning Ordinance amending Chapter 14, Zoning, Exhibit “A,” Zoning Ordinance, by amending Chapter 9 Manufactured Home (MH), Section 9.4 Development and Performance Standards, Section F. Miscellaneous by amending

Subsection 2. to provide additional regulations for recreational vehicles; by amending Subsection 5. to provide minimum setback regulations for swimming pools; and, by adding Subsection 9. to provide for minimum setbacks for water storage tanks, which shall read as follows:

“9.4 DEVELOPMENT AND PERFORMANCE STANDARDS

F. Miscellaneous . . . . .

2. The minimum setback requirements for recreational vehicles shall be the same as the minimum setback requirements for accessory buildings. No recreational vehicle shall be connected to any utilities. Habitation and/or temporary occupancy is prohibited.

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9. All swimming pools shall maintain a minimum setback of five (5) feet from side and rear property lines. Front yard setbacks shall be equal to the distance measured from the primary structure to the front lot line.”

**SECTION 7.** This ordinance shall be cumulative of all other ordinances of the City of Argyle affecting zoning and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 8.** 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, 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 9.** It is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 10.** That all provisions of the Ordinances of the Town of Bartonville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 11.** That any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the Town of Bartonville, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

**SECTION 12.** 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 13.** 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 14.** That 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 the Town Council of the Town of Bartonville, Texas, by a vote of \_\_\_\_ to \_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2009.

APPROVED:

\_\_\_\_\_  
Ron Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Kristin A. Gilbert, Town Secretary