

TOWN OF BARTONVILLE
ORDINANCE NO. _____-24

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT "A," ORDINANCE NO. 361-05, THE ZONING ORDINANCE, BY AMENDING CHAPTER 13, GENERAL COMMERCIAL DISTRICT (GC), ARTICLE 13.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH USE AND APPROVING AN ACCOMPANYING SITE PLAN, ON AN APPROXIMATELY 0.75-ACRE TRACT OR PARCEL OF LAND SITUATED IN LOT 3, BLOCK A, OF DCFWSD #7 RETAIL CENTER ADDITION IN THE LANTANA TOWN CENTER, LOCATED WEST OF THE INTERSECTION OF JUSTIN ROAD AND E. JETER ROAD IN BARTONVILLE; PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law with reference to amending the Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due public hearings and affording full and fair hearings to all property owners generally, the Town Council of the Town of Bartonville, Texas, is of the opinion that said zoning ordinance should be amended as provided herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

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

**SECTION 2.
CUP GRANTED**

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by granting CUP-2023-007, a Conditional Use Permit (CUP) to allow for the operation of a restaurant with drive-through use on approximately 0.75-acre tract parcel of land situated in Lot 3, Block A, of DCFWSD #7 Retail Center Addition, in Lantana Town Center, generally located west of the intersection of Justin Road and E. Jeter Road, in Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance, which includes the following condition:

1. Provision to the Town of a copy of a shared parking agreement with the neighboring property, that is developed under CUP-2023-0006, prior to issuance of a building permit.

**SECTION 3.
SITE PLAN APPROVED**

Accompanying the CUP that is approved by this Ordinance is Site Plan SP-2023-004, required to provide the necessary site detail to develop the area in accordance with the CUP and applicable development standards. Site Plan SP-2023-004 is hereby approved, with the following added conditions:

1. All parking area lighting shall be installed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Bartonville Zoning Ordinance Section 13.3.7 and Bartonville Zoning Ordinance Chapter 28.
2. The trash receptacle shall be screened with an eight-foot-tall screen constructed of masonry materials of like and similar materials to those of the primary structure.

**SECTION 4.
REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town 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, 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 6.
SAVINGS**

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

**SECTION 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.
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 Bartonville Zoning

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

**SECTION 10.
NO VESTED RIGHTS**

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

**SECTION 11.
EFFECTIVE DATE**

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

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 16th day of January, 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary