TOWN OF BARTONVILLE ORDINANCE NO. XXX-23

AN ORDINANCE AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT "A," ORDINANCE 361-05, ZONING ORDINANCE, BY AMENDING, CHAPTER 12, VILLAGE CENTER DISTRICT (VC), ARTICLE 12.2, USES PERMITTED, BY GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN EVENT CENTER USE LOCATED ON A 14.722 ACRE-SITE THAT IS PART OF LOT 1R, BLOCK A, YETI ADDITION, LOCATED AT 1001 I.T. NEELY ROAD; PROVIDING FOR REPEAL OF ORDINANCE NO. 734-22; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state 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.

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

SECTION 1.

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by amending Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit for the operation of an Event Center use located on a 14.722 acre-site that is part of Lot 1R, Block A, Yeti Addition, Bartonville, Texas, located at 1001 I.T. Neely Road in Bartonville. The Conditional Use Permit granted herein includes the following additional conditions:

Security personnel for all events occurring at the Event Center approved by this Ordinance shall be provided by the owner/operator of the Event Center at no cost to the Town of Bartonville, as follows:

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1. One (1) peace officer shall be provided as security for any event containing up to 50 persons in attendance;

- 2. Two (2) peace officers shall be provided as security for any event containing 51 to 200 persons in attendance;
- 3. Two (2) peace officers shall be provided as security for any event that utilizes the lawful service of alcoholic beverages to event attendees through the use of two (2) bar areas notwithstanding if the number of persons in attendance is less than 51 persons;
- 4. Three (3) peace officers shall be provided as security for any event containing in excess of 201 persons in attendance;
- Coordination and scheduling of peace officers required hereunder shall occur between the Chief of Police of the Bartonville Police Department, or his designee, and the owner/operator of the Event Center in sufficient time ahead of all events to ensure compliance with these conditions;
- 6. Each peace officer providing security at any event shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the Event Center, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the Event Center before the beginning of the event in sufficient monetary amount to pay each peace officer for the minimum payment amount required hereunder, or for the entire event time period, whichever is greater;
- 7. The term "peace officer" as used herein means a person elected, employed, or appointed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law; and
- 8. The failure to comply with the above security personnel requirements, including the underpayment of a peace officer, will result in the prohibition/termination of the event until such time as the above security personnel requirements are satisfied.

The concept plan applicable to this use is approved and attached to this Ordinance as Exhibit A.

SECTION 2. REPEAL OF ORDINANCE NO. 734-22

Upon the Effective Date of this Ordinance, Town Ordinance No. 734-22, enacted on September 20, 2022, is hereby repealed in its entirety and replaced by this Ordinance.

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SECTION 3. SEVERABILITY

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

SECTION 4. SAVINGS

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

SECTION 5. ENGROSS AND ENROLL

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

SECTION 6. PUBLICATION

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

SECTION 7. PUNISHMENT

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Bartonville Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

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SECTION 8. NO VESTED RIGHTS

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

SECTION 9. EFFECTIVE DATE.

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

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 15th day of August 2023.

APPROVED:
Jaclyn Carrington, Mayor
ATTEST:
Shannon Montgomery, TRMC, Town Secretary

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EXHIBIT A CONCEPT PLAN







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