

# Exhibit 1



# Town of Bartonville

## Application for Zoning Text Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

**Applicant: Stacey Smith**

**Mailing Address: 601 McMakin Rd \_\_\_\_\_**

**Phone: 817-996-3842 staceysmith@sswm.net**

**Fax: n/a**

**Email: \_\_\_\_\_**

**Zoning Text Amendment: 8.02.001 add to (b) \_\_\_\_\_**

I hereby certify that the information concerning this proposed zoning text change is true and correct.

*X Stacey Smith*

09/05/2024

\_\_\_\_\_  
Signature of Applicant/Owner

\_\_\_\_\_  
Date

**STAFF USE ONLY:**

**Date Submitted:** \_\_\_\_\_

**Fee Paid:** \_\_\_\_\_

**Accepted By:** \_\_\_\_\_

**Check No. :** \_\_\_\_\_

**P& Z Public Hearing:** \_\_\_\_\_

**Council Public Hearing:** \_\_\_\_\_

C. Classification of New/Unlisted Uses - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the Town of Bartonville. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Land Use Charts (Appendix C) shall be made as follows:

1. Initiation:

a. A person, Town department, the Planning and Zoning Commission, or the Town Council may propose zoning amendments to regulate new and previously unlisted uses.

b. A person requesting the addition of a new or unlisted use shall submit to the Town Secretary, or his/her designee, all information necessary for the classification of the use, including but not limited to:

1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing; The practice of shooting guns loaded with blanks on

Agricultural property historically has been an accepted as a legally appropriate and accepted practice within the Town of Bartonville, Texas and allowed under Ordinance 8.02(b). As the Town continues growing, a review of the existing language of Ordinance 8.02(b) makes it advisable to revise the language to more clearly reflect and document the historical practice: " Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property." and its continued permissibility on Agriculturally zoned properties within the Town and to minimize the expenditure of Town resources regarding the applicability of Ordinance 8.02(b) to this longstanding historical use of Agricultural property.

2. The type of product sold or produced under the use; N/A, Historical use of agricultural property.
  3. Whether the use has enclosed or open storage and the amount and nature of the storage; N/A
  4. Anticipated employment typically anticipated with the use; N/A
  5. Transportation requirements; N/A
  6. The nature and time of occupancy and operation of the premises; N/A
  7. The off-street parking and loading requirements; N/A
  8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; The sound does not exceed existing decibels allowed by existing noise ordinances and does not create any extra fumes, dust, toxic materials or vibration beyond typical historical agricultural uses.
  9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and N/A
  10. Impervious surface coverage. N/A
2. The Town Secretary, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection b. above. An amendment to this Ordinance shall be required as prescribed by [Appendix A](#). N/A- Not change to Zoning Map or New Defined Use Required.
  3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP).N/A- Not change to Zoning Map or New Defined Use Required.
  4. The Planning and Zoning Commission shall transmit its findings and recommendations to the Town Council as to the classification proposed for any new or unlisted use. The Town Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such

determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to [Appendix A](#). N/A- Not change to Zoning Map or New Defined Use Required.

5. Standards for new and unlisted uses may be interpreted by the Town Secretary, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in Subsection b. above shall be followed for determination of the appropriate district. The decision of the Town Secretary, or his/her designee, may be appealed according to the process outlined in Subsections 2. through 4. above.

Stacey and Ronnie Smith  
601 McMakin Road  
Bartonville, Texas 76226

September 5, 2024

Town of Bartonville  
1941 E. Jeter Road  
Bartonville, Texas 76226

Re: Application for Zoning Text Amendment Town of Bartonville

Dear Town of Bartonville:

Pursuant to this letter and the enclosed completed Application For Zoning Text Amendment, we respectfully request that that the Town of Bartonville amend Ordinance 8.02.001(b), Discharge of firearms, to include a new Part 5 at the end thereof, which would provide as follows (the "Amendment"):

***"(5) Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property."***

Initiation. The Amendment to Ordinance 8.02.001 is requested to clarify and document the longstanding continuous historical policy and practice of the Town of Bartonville of interpreting and enforcing Ordinance 8.02.001(a) as inapplicable to the discharge of a gun loaded with blanks on agricultural property with prior notice to the town marshal.

The Town of Bartonville historically consistently has interpreted and enforced Ordinance 8.02.001 as allowing the discharge of weapons loaded with blanks on agricultural land with prior notice to the town marshal. As the Town of Bartonville continues growing, the influx of new residents makes it increasingly likely that agricultural property owners, the Town of Bartonville law enforcement, elected officials and other Town leaders will face questions from residential property owners unaware that weapons loaded with blanks do not emit projectiles that create the safety concerns that are the target of Ordinance 8.02.001 and unfamiliar with the resulting longstanding practice of the Town of Bartonville of treating the discharge of a weapon loaded with blanks as allowed under Ordinance 8.02.001 on agricultural properties. The Amendment to Ordinance 8.02.001 would more clearly document and preserve the longstanding policy and practice by the Town of Bartonville of treating the discharge of weapons loaded with blanks on agricultural property as allowed under Ordinance 8.02.001. Concurrently, by codifying the customary practice of requiring prior notification to the town marshal before the discharge of a weapon loaded with blanks on agricultural property, the Amendment also supports the ability of law enforcement to respond to citizen calls and inquiries about a permitted discharge of a weapon loaded with blanks on Agriculturally zoned properties without the need to dispatch law enforcement to investigate.

With regard to the Application, we represent as follows to the best of our knowledge and understanding:

1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing: *The Town of Bartonville consistently has recognized the discharge of weapons loaded with blanks on agricultural zoned property for training or exhibition for recreational, recreational or other purposes as a legally appropriate and accepted practice on agricultural property within the Town of Bartonville allowed under Ordinance 8.02.001, whether conducted within a building or outside.*
2. The type of product sold or produced under the use: *N/A, Historical use of agricultural property.*
3. Whether the use has enclosed or open storage and the amount and nature of the storage: *N/A as the use requires no additional or special enclosed or open storage.*
4. Anticipated employment typically anticipated with the use: *N/A.*
5. Transportation requirements: *N/A.*
6. The nature and time of occupancy and operation of the premises: *N/A.*
7. The off-street parking and loading requirements: *N/A.*
8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; *The sound from the discharge of weapons loaded with blanks would be subject to generally applicable noise ordinances and based on historical uses by the applicant and of which the applicant is aware, do not exceed existing decibels allowed by existing noise ordinances and does not create any material extra fumes, dust, toxic materials or vibration beyond typical historical agricultural uses.*
9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required. *N/A.*
10. Impervious surface coverage. *N/A.*
11. The use contemplated by the Amendment would apply only to agriculturally zoned properties and does not modify the nature or performance of the agricultural zoned properties covered by the Amendment or require any zoning change or variance.

Thank you in advance for the consideration and approval of the Town of Bartonville for its prompt consideration and adoption of the Amendment. Should you have any questions or require any additional information, please contact Stacey Smith at [staceysmith@sswm.net](mailto:staceysmith@sswm.net) or via telephone at 817.996.3842.

Respectfully,

Town of Bartonville  
Re: Application for Zoning Text Amendment Town of Bartonville  
September 5, 2024  
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Stacey Smith

Ronnie Smith