

**TOWN OF BARTONVILLE
ORDINANCE NO. XXX-23**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS,
GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR
THE OPERATION OF AN EQUESTRIAN CENTER AND
SPECIAL EDUCATION SERVICES WITH EQUINE THERAPY
LOCATED AT 2700 FM 407 EAST, BARTONVILLE, TEXAS;
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 a Conditional Use Permit (CUP) to allow for the operation of an Equestrian Center and Special Education Services with Equine Therapy located at 2700 FM 407 East, Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance with the following conditions:

1. Soil in the equestrian arenas are to be kept in a dust-free condition.
2. Lights in the equestrian arena and all outside equestrian operations shall cease at 10:00PM nightly.
3. All amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the Town's noise ordinance, as amended, or the terms of this Ordinance, whichever is more restrictive. Any amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the following sound level when measured at the property boundary of the receiving land: 62 decibels as measured on a sound level meter using the A-weighting network. Notwithstanding any provision herein, any amplified sound in any equestrian accessory building or outdoor equestrian arena shall not unreasonably disturb or interfere with the peace, comfort and repose of neighboring persons of ordinary sensibilities. This provision applies between the hours of 8:00AM to 7:00PM. Amplified sound in an equestrian accessory building or outdoor equestrian arena outside of stated hours is prohibited.
4. If manure is not spread on the property, manure must be contained in a compost structure at least 250 feet from any property line and removed weekly or composted.
5. There shall be no more than 6 horse training clinics per year, and no more than 4 horse show events and/or additional horse training clinics per year, at a rate of no more than 2 of such events per month and events may not occur on consecutive weekends. A horse training clinic shall include no more than 30 participants per day not to exceed 2 days. A horse show event is defined as including more than 30 participants per day not to exceed 2 days.

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.

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 bylaw.

**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.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 18th day of April, 2023.

APPROVED:

(Seal)

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary