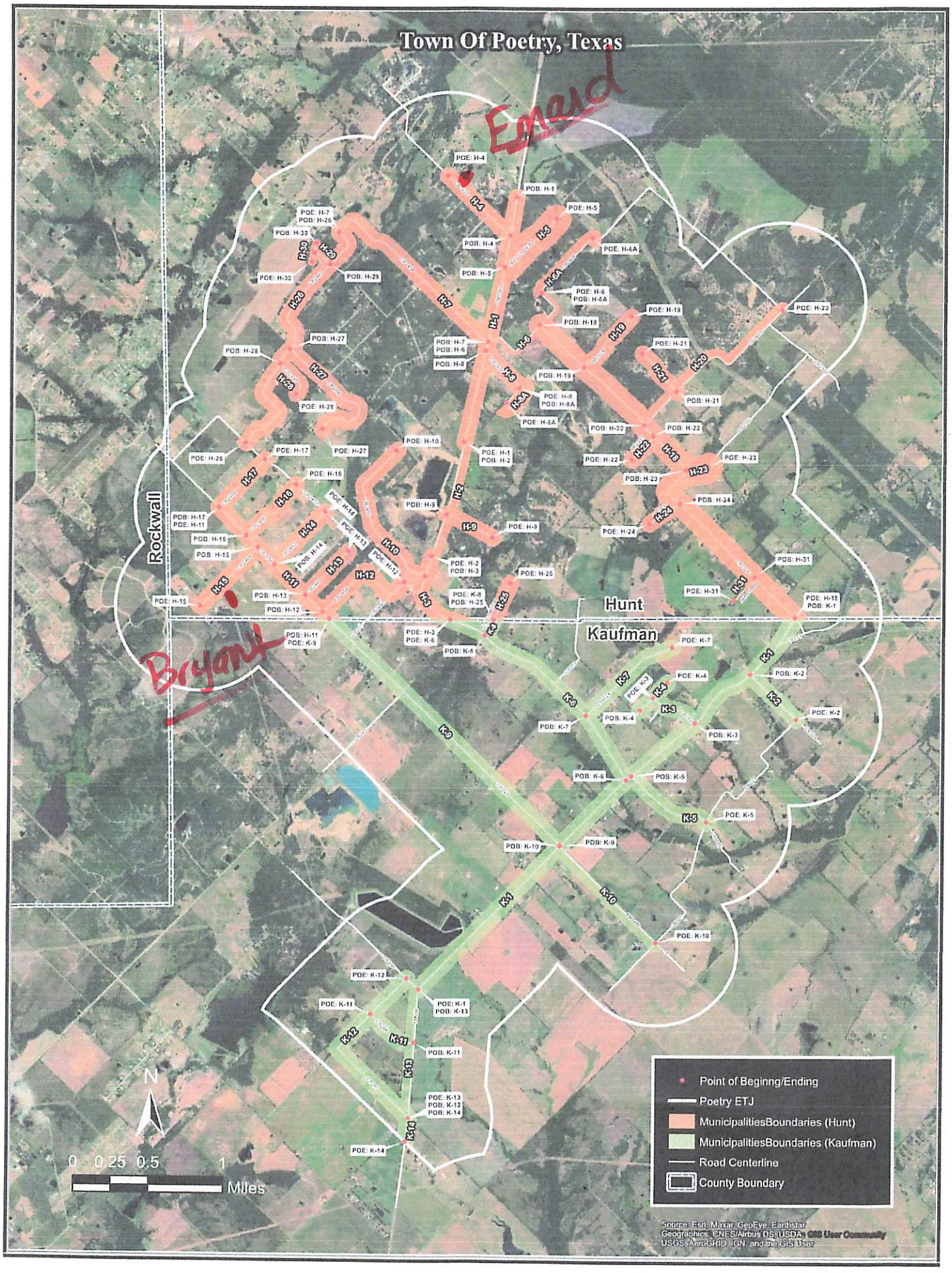

Town Of Poetry, Texas
Emerid
Bryant
Rockwall
Hunt
Kaufman
Point of Beginng/Ending
Poetry ETJ
MunicipalitiesBoundaries (Hunt)
MunicipalitiesBoundaries (Kaufman)
Road Centerline
County Boundary
N
0 0.25 0.5 1
Miles
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, GIS User Community, USGS, AeroGRID, IGN, and the GIS User

Zoning Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF POETRY, TEXAS, ADOPTING A PLANNING AND ZONING CODE TO MAINTAIN RURAL INTEGRITY, AND FURTHERING THE OBJECTIVES OF THE COMPREHENSIVE PLAN.

WHEREAS, the Town of Poetry, Texas is a Type A general Law municipality of the State of Texas and is a municipal body politic and corporate, established and existing under the laws of the State of Texas; and

WHEREAS, the Town Council of Poetry is the governing body of the Town and is authorized by the Texas Local Government Code to adopt ordinances and rules that are necessary and proper for governing and maintaining the good government of the Town, the welfare of the municipality and its trade, commerce, and sanitation; and

WHEREAS, the Council is authorized under Chapter 211 of the Texas Local Government Code to regulate the use of land within the municipal boundaries of the Town to promote the health, safety, morals and general welfare and the protection and promotion of areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the Town of Poetry, Texas, cherishes its unique rural spirit and agricultural lifestyle, valuing the tranquil, peaceful life it provides to its residents; and

WHEREAS, in accordance with the Poetry Comprehensive Plan, the Town seeks to protect this lifestyle from encroachment, uphold the rights of its residents, prevent overcrowding and congestion, and regulate development consistent with rural living; and

WHEREAS, the Town intends to uphold the liberties of its citizens, acknowledging the importance of having as few rules as possible and ensuring that any rules instituted are consistent with rural life; and

WHEREAS, the Town intends to preserve its natural landscape, avoiding where possible the destruction of trees and environmental sensitive areas, and promoting the preservation of open space; and

WHEREAS, the Town Council finds and determines that the comprehensive zoning ordinance and regulations adopted herein are intended to accomplish the goals and objectives of the Town Council and that these regulations are in the best interests of the public health, safety, morals and general welfare of the citizens of the Town of Poetry.

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

SECTION 1. PURPOSE; APPLICABILITY

1.1. This Code shall be known as and may be cited as the Zero Zoning Ordinance, or the comprehensive zoning ordinance, of the Town of Poetry, Texas.

1.2. The provisions of this ordinance are enacted to protect the public health, safety, morals, and general welfare, and to protect, preserve and promote of areas of historical, cultural, or architectural importance and significance. These provisions are specifically intended to:

1.2.1. Preserve and protect the Town's rural atmosphere and lifestyle and encourage a healthful and convenient distribution of population by regulating and limiting the density of development;
1.2.2. Lessen congestion in the streets;
1.2.3. Secure safety from fire, panic, and other dangers;
1.2.4. Prevent the overcrowding of land;
1.2.5. Ensure the provision of adequate size of yards, courts, and open space for adequate light, air, and fire safety;
1.2.6. Conserve the value of buildings and land;
1.2.7. Avoid undue concentration of population ;
1.2.8. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
1.2.9. Minimize loss due to destruction by nature or acts of God; and
1.2.10. Promote health, safety, morals and the general welfare .

1.3. The provisions of this ordinance shall apply to all land, buildings, structures, and uses thereof located within the Town of Poetry and its extraterritorial jurisdiction, unless an exemption is provided by the terms of this ordinance or as otherwise exempted by state law.

1.4. To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned by government agencies, including all municipal, state, and federal lands, within the corporate limits of the Town and its extraterritorial jurisdiction.

1.5. No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this ordinance.

SECTION 2. ZONING DISTRICTS ESTABLISHED

2.1. Zoning Districts Identified

The Town of Poetry, Texas, is hereby divided into zoning districts as listed in the section.

ABBREVIATED	ZONING DISTRICT NAME

DESIGNATION	
AR	AR: Agrarian. Farm/cattle land and large residential properties (5+ acres)
SF-E	SF-E: Single Family Estate. Mid-sized residential properties (2-5 acres)
SF	SF: Single Family. Small residential properties (1-2 acres)
B	B: Business. Light retail and neighborhood services

2.2. Description and Purpose of Zoning Districts

AR- Agrarian Residential District: This district provides for the farming, ranching, residential and gardening activities on land being utilized for these purposes. Density in this district is limited to one residential dwelling unit per 2 acres of the mother track.

SF-E - Single-Family Residential - Estate: The SF-E district provides for residential use and development on large lots with a minimum lot size of 87,120 square feet (two acres). Density in this district is limited to one residential dwelling unit per 2 acres of the mother track.

SF – Single Family Residential: This SF District provides for residential use and development on lots which are less than 87,120 square feet (two acres). Density in this district is limited to one residential dwelling unit per lot.

B - Business District - Light Retail, and Neighborhood Services. This district is intended for neighborhood shopping facilities, and retail and/or commercial facilities of a service character. Uses developed under the standards of the B District are designed to provide a compatible relationship between the nonresidential use and development and adjacent residential areas.

SECTION 3. ZONING DISTRICT MAP

3.1. Zoning District Boundaries Delineated on Zoning District Map
The proposed boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the Town of Poetry, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

3.2. Regulations for Maintaining Zoning District Map
Upon adoption, two (2) original, official, and identical copies of the Zoning District Map bearing the signature of the Mayor and attestation of the Town Secretary and shall be filed and maintained as follows:

3.2.1. One copy shall be filed with the Town Secretary, to be retained and labeled as the "Original Zoning Map" and shall not be changed in any manner.

3.2.2. One copy shall be filed with the Town Secretary and shall be maintained up-to-date by posting thereon all changes and subsequent amendments. A written record (logbook) shall be kept by the Town Secretary of all changes made to the Zoning District Map.

3.2.3. Reproductions of the official Zoning District Map may be made for information purposes.

SECTION 4. ZONING DISTRICT BOUNDARIES

4.1. Rules for Determining District Boundaries

The district boundary lines of zoning districts shown on the zoning district map are usually along streets and property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

4.1.1. Boundaries indicated as approximately following streets shall be construed to follow the centerline of such street, highway, or alley.

4.1.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

4.1.3. Boundaries indicted as approximately following town limits shall be construed as following town limits.

4.1.4. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as AR - Agrarian District, temporarily.

SECTION 5. ZONING OF ANNEXED TERRITORY

5.1. Permanent Zoning Concurrent With Zoning

An area or areas being annexed to the Town of Poetry shall ordinarily be given permanent zoning concurrently with the annexation.

5.2. Temporary Classification

In instances in which the zoning of a newly-annexed territory concurrently with the annexation is not accomplished, the annexed territory shall be temporarily classified as AR – Agrarian District, until permanent zoning is established by the Town Council. The procedure for establishing permanent zoning of annexed territory shall conform to the procedure established by law for changes to zoning district boundaries The Town Council shall determine a permanent zoning for such area as soon as practicable after annexation.

SECTION 6. COMPLIANCE WITH ZONING REGULATIONS; SIGNAGE

6.1. Exclusions

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction or the use of land at the time of the passage of this ordinance.

6.2. One Main Building on a Lot or Tract

In single family residential districts, a lot shall have no more than one main building per 2 acres of the mother track.

6.3. Signage

No off-premise sign in excess of ten (10) feet in height, measured from the average grade of the property on which the sign is erected, shall exist, be constructed or be allowed on any lot or tract in the Town or within the Town's extraterritorial jurisdiction, unless authorized by majority vote of the Town Council. The regulations contained within this ordinance pertaining to nonconforming structures shall apply to signs.

SECTION 7. AR – AGRARIAN RESIDENTIAL

7.1. General Purpose and Description

This district provides for the continuance and use of land for residential, farming, ranching, raising, producing, or keeping plants or animals, or cultivation and management of other natural resources or farm products on land being utilized for these purposes. Accessory uses that are incidental to the permitted uses are also allowed, and may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site. Density in this district will usually be no greater than one (1) residential dwelling unit per 2 acres of the mother track.and may include other buildings and structures incidental to agricultural use including barns, stables and loafing sheds.

7.2. Permitted Uses

A building or premise shall be only for the following purposes:

7.2.1. Single family residential use;
7.2.2. Farming and raising of crops, fruits and vegetables;
7.2.3. Ranching and raising of livestock (excluding commercial feed lots);
7.2.4. Parks, playgrounds, community buildings, libraries, museums and other public recreational facilities, police and fire stations and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
7.2.5. Churches and public and private schools; and
7.2.6. Such other uses as may be permitted with a Specific Use Permit.

7.3. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 8. SF-E - SINGLE-FAMILY RESIDENTIAL – ESTATE

8.1. General Purpose and Description

The SF-E district provides for residential development and use on large lots with a minimum lot size of two acres. Density in this district will usually be no greater than one (1) residential dwelling unit per 2 acres of the mother track. Uses that are incidental to the permitted uses are also allowed.

8.2. Permitted Uses
A building, land or premises in the SF-E District shall be used only for the following purposes:

8.2.1. Single family residential use;
8.2.2. Parks, playgrounds, community buildings, libraries, museums and other public recreational facilities, police and fire stations and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
8.2.3. Churches and public and private schools; and
8.2.4. Such other uses as may be permitted with a Specific Use Permit.

8.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 9 SF – SINGLE FAMILY RESIDENTIAL:

9.1. General Purpose and Description: This SF District provides for residential use and development on lots which are at least one acre but less than two acres. Uses that are incidental to the permitted uses are also allowed. Density in this district is limited to one single family dwelling unit per lot.

9.2. Permitted Uses
A building or premise in an SF-E District shall be used only for the following purposes:

8.2.1. Single family residential use;
8.2.2. Parks, playgrounds, community buildings, libraries, museums and other public recreational facilities, police and fire stations and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
8.2.3. Churches and public and private schools; and
8.2.4. Such other uses as may be permitted with a Specific Use Permit.

9.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 10. B - BUSINESS - LIGHT RETAIL, AND NEIGHBORHOOD SERVICES

10.1. General Purpose and Description.
The Business District - B- is intended for neighborhood shopping facilities, and retail and/or commercial facilities of a service character for large lots with a minimum lot size of two acres. Density in this district is limited to one business unit per lot. The B District is established to accommodate the daily and frequent retail needs of the community as well as those that are incident to agricultural uses. The following regulations shall be applicable to all uses in the district:

10.2. Permitted Uses
10.2.1. Offices such as:
10.2.1.1. Executive and administrative offices;
10.2.1.2. Business offices of a public utility, real estate, insurance, commercial or

industrial establishment;

10.2.1.3. Medical, dental offices and clinics, legal, engineering, architectural and similar professional offices, accounting, auditing and bookkeeping service offices;

10.2.1.4. Finance agency offices and banks, including drive through facilities;

10.2.1.5. Miscellaneous business services such as credit reporting agencies, stenographic services, business and management consulting services;

10.2.1.6. Offices of non-profit organizations;

10.2.1.7. Municipal and other governmental offices; and

10.2.1.8. Any other office in which goods or merchandise are not commercially created, displayed, stored, exchanged or sold.

10.2.2. Retail sales and personal service shops and establishments as follows:

10.2.2.1. Feed store;

10.2.2.2. Tack shop;

10.2.2.3. Restaurants serving food and beverages.

10.3. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 11. USE OF LAND AND BUILDINGS

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is contrary to the following table. In addition to the uses specified in each of the zoning districts, the following additional uses are allowed in the designated districts (the letter "A" indicates an allowed use, the letter "S" indicates a use allowed only by Specific Use Permit, and a blank space means that the use is prohibited):

TYPE OF USE	AR	SF-E	SF	B
Accessory building	A	A	A	S
Carport	A	A	A	A
Garage, private	A	A	A	A
Manufactured Housing, HUD-Code	A	A	A	
Manufactured Homes	A	A	A	
Stable, private	A	A	A	S

SECTION 12. CLASSIFICATION OF NEW AND UNLISTED USES

12.1. Procedure For Classifying New/Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the town. 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 shall be made as follows:

12.1.1. The Town Secretary shall refer the question concerning any new or unlisted use to the Town Council as to the zoning classification(s) into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

12.1.2. The Town Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.

12.1.3. The Town Council shall approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.

SECTION 13. NONCONFORMING USES, STRUCTURES, AND LOTS

13.1. Uses in Existence at Time of Adoption of Ordinance

A nonconforming status shall exist when a use, structure or lot which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of this ordinance.

13.2. Expansion of Nonconformity Prohibited

No nonconforming use, structure or lot may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance.

13.3. Repairs/Normal Maintenance on Nonconforming Uses Permitted

Repairs and normal maintenance may be made to a nonconforming building or structure.

13.4. Change of Nonconforming to Conforming Use

Any nonconforming use, structure or lot may be changed to a conforming use, structure or lot and once such change is made, the use, structure or lot shall not thereafter be changed back to a nonconforming use.

13.5. Abandonment/Discontinuation of Nonconformity

Whenever a nonconforming use or structure is abandoned, all nonconforming rights shall cease, and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment

shall involve the intent of the user or owner to discontinue a nonconforming operation and an act of discontinuance. Discontinuance of a nonconforming use or the vacancy of a nonconforming structure for a period of at least six (6) months shall be construed as conclusive proof of intent to abandon the nonconforming use or structure. Any nonconforming use occurring within a structure that is moved from the premises shall be considered to have been abandoned. Any nonconforming structure which is damaged or destroyed by fire, flood or other natural causes shall terminate all nonconforming rights in and to the structure if the cost to repair the damage is at least 50% of the value of the structure.

SECTION 14. PLANNING AND ZONING COMMISSION/Board of Adjustment

14.1. Organization and Appointment of Planning Commission

The Town Council shall serve as the Planning and Zoning Commission until such time as a separate Commission is deemed desirable and is established by the Town Council.

14.2. Organization and Appointment of Board of Adjustment

The Town Council shall serve as the Board of Adjustment until such time as a separate Board is deemed desirable and is established by the Town Council. When presiding as a Board of Adjustment, a quorum shall be at least four (4) members of the Town Council. When presiding as a Board of Adjustment, the Town Council shall have the authority to hear and consider appeals from orders of Town officials in zoning matters, variances based on unnecessary hardship, and special exceptions where the terms of an ordinance delegates the authority to consider special exceptions.

SECTION 15. DEFINITIONS

15.1 General Rules of Construction:

The following rules of construction shall apply to the interpretation of words used in this ordinance:

15.1.1: words used in the present tense include the future tense;

15.1.2: words used in the singular number include the plural number;

15.1.3: words in the plural number include the singular number;

15.1.4: the words “building” and “structure” are synonymous;

15.1.5: the words “lot”, “plot” and “tract” are synonymous; and

15.1.6: the word “shall” is mandatory and not discretionary.

15.2 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Use or Building: An accessory building or use is one which: (a) is subordinate to a main building or primary use; and (b) is located on the same lot as the main building or primary

use. An accessory building is a structure that is not connected or attached to the main building by a common roof line.

Acre: An area of land consisting of 43,560 square feet. As used in these regulations, acreage is net, not gross; the area comprised by an acre of land does not include areas occupied by streets, alleys and drainage ways.

Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building, Main or Primary - A building in which is conducted the principal use of the lot on which it is situated. Detached accessory buildings (not connected and sharing a common roof line) do not comprise the main or primary building.

Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.

Carport: A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed thirty-six (36) feet on its longest dimension.

Dwelling Unit - A building or portion thereof designed exclusively for residential occupancy, including dwelling units that may specifically be designated as one-family or dingle-family, and two-family. The phrase “dwelling unit” does not refer to buildings designed and used as hotels, boarding houses, rooming houses, multiple-family dwellings, and motels.

Family - One or more persons related by blood, marriage, or adoption, or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Farm, Ranch, or Orchard - An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions.

Garage, Private - A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

HUD-code manufactured home - means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length, or, when erected on site, at least 320 square feet, includes the plumbing, heating, air conditioning, and electrical systems of the home, and does not include a recreational vehicle as defined by 24 C.F.R. 3282.8(g).

Lot - An undivided tract or parcel of land under one (1) ownership having frontage upon a public

street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record or in a survey.

Manufactured housing and *manufactured home* - mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Mobile home - means a structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Nonconforming lot - A parcel of land having less area, frontage, or dimensions than required in the district in which it is located, but which existed prior to the adoption of the district regulations.

Nonconforming structure - A structure or building having a dimension or setback than otherwise required by the regulations applicable to the district in which it is situated, but which was constructed prior to the adoption of the district regulations.

Nonconforming use - A use of land lawfully used and occupied prior to the effective date of an ordinance or regulation that does not conform to the use regulations of the district in which it is situated.

Sign - Any device, name, number, identification, description, announcement, declaration, demonstration, flag, banner, pennant, illustration, light, or insignia, and the supporting structure of any of the same, placed upon or affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which directs attention to any object, product, service, place, activity, person, institution, organization, or business, except that holiday lights and decorations shall not be considered signs.

Single family dwelling - A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing or manufactured homes.

Stable, private - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed two (2) horses per one acre area of a farm or lot.

Trailer, - Any unpowered vehicle designed to be towed by a powered vehicle, not to be used for living quarters.

SECTION 17. CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

17.1. Declaration of Policy

The Town declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

17.1.1. To correct any error in the regulations or map.

17.1.2. To recognize changed or changing conditions or circumstances in a particular locality.

17.1.3. To recognize changes in technology, style of living, or manner of doing business.

17.2. Authority to Amend Ordinance

The Town Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of this ordinance and/or the zoning map and any change in the classification or boundaries of the zoning districts may be initiated by the Town Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

17.3. Changes in Zoning District Boundaries or Classifications

17.3.1. Upon filing of an application for an amendment to the classification or boundaries of a zoning district, the Town Council shall hold a public hearing on said application.

17.3.2. For zoning changes that seek to modify zoning district classifications or boundaries, written notice of the date, time and location of the public hearing shall be:

17.3.2.1 sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice, mailed first-class postage prepaid, to be given at least thirty (30) days before the date of such hearing; and

17.3.2.2. published in the official newspaper of the Town or another newspaper of general circulation at least sixteen (16) days from the date of such publication; and

17.3.2.3. posted on the Town's website continuously for at least thirty (30) days prior to the public hearing; and

17.3.2.4. posted on the property by the applicant with a sign, plainly visible from the nearest public roadway, which shall state "Zoning Change Requested, for information call Town Hall" and the telephone number shall be listed. The sign shall be at least eighteen (18) by twenty-four (24) inches in size and shall be continuously posted for at least fifteen (15) days before the public hearing. However, failure of owners to receive notice of hearing, or the failure of signage to be posted, shall in no way affect the validity of the action taken.

17.3.3. For zoning changes that seek to amend regulations contained within this ordinance, written notice of the date, time and location of the public hearing shall be published and posted in the manner and within the times set forth in subsections 17.3.2.2 (published in the Town's official newspaper) and 17.3.2.3 (posted on the town's website).

SECTION 18. SPECIFIC USE PERMITS

18.1. Purpose

Specific Use Permits (SUP's) are zoning classifications that may include regulations as a part of the zoning ordinance granting the SUP. The uses that normally fall into the specific use category are uses that have unique characteristics that may, depending on the location of the property, require different conditions and regulations not otherwise listed under the basic zoning districts, or uses that are not considered by this ordinance as an allowed use by right. The Town's consideration of SUP applications is discretionary, not ministerial, and may be granted or denied by the Town Council based on the best interests of the public health, safety, morals and general welfare.

18.2. Process

An application for an SUP may only be filed by the owner of the affected property or his/her duly authorized agent. The town may charge a fee to the applicant in an amount intended to compensate the town for the costs of publication and administrative expenses. The Town Council shall conduct a public hearing on the application after notice of the date, time and location is delivered, published, and posted in accordance with the notice requirements for zoning classification or district boundary changes.

18.3. If granted, the town council may impose reasonable conditions on the use allowed by the SUP, including but not limited to hours of operation, parking requirements, on-site signage, and limitations on the emission of noise, dust and fumes. The specific conditions set forth in the ordinance granted the SUP will supersede the provisions of this ordinance only when in direct conflict; otherwise all zoning regulations under this ordinance will apply. The zoning map shall identify the properties on which an SUP has been granted.

SECTION 19. PENALTY FOR VIOLATIONS

Any person, association or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars ($2000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. The foregoing sanction is not exclusive and the town may pursue any and all other remedies associated with violations of its zoning regulations as may be allowed by law.

SECTION 20. VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so determined to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the Town of Poetry, the terms of this ordinance shall control.

SECTION 21. EFFECTIVE DATE

This ordinance shall be effective upon its adoption by the Town Council and the and the publication of its caption as the law may so require.

APPENDIX 1

DISTRICT REGULATIONS

	AG	SF-E	SF	B-1
MAXIMUM HEIGHT (feet)	30	30	30	20
SIDE YARD WIDTH (feet)	35	35	35	35
MINIMUM REAR YARD (feet)	50	50	50	50
MINIMUM FRONT YARD (feet)	75	75	75	75
MINIMUM LOT AREA (square feet)	87,120	87,120	43,560	43,560
MINIMUM LOT WIDTH (feet)	200	200	150	200
MINIMUM LOT DEPTH (feet)	400	400	200	400
MAXIMUM LOT COVERAGE	15%	10%	10%	TBD%

NOTES TO APPENDIX 1

a) The minimum residential lot area for the various districts shall be in accordance with the

regulations for each district, except that a lot having less area than required which was an official “lot of record” at the time of the adoption of this ordinance (a nonconforming lot) may be used for a one-family dwelling.

b) No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

c) The front yard setback shall be measured from the property line at an existing street to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).

d) The rear yard setback or depth is defined as the distance from the boundary of a lot which is most distant from or is most nearly parallel to the front lot line, and the front, rear or side of any structure. The side yard setback or depth is the distance between the front, rear or side of any structure and any lot line that is not the front or rear lot line. Eaves and roof extensions or a porch without posts or columns may project into the required rear or side yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the yard to a height greater than thirty (30) inches above the average grade of the yard

e) The height of a building is measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof’s surface, if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade is not officially established, the average front yard grade shall be used for a base level.

f) Where a building line has been established by an ordinance adopted by the Town Council and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance.

g) Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

h) Single-family dwellings require building lots of two (2) acres or more, except in the SF-Single Family Residential District.

Agenda
Town of Poetry
Workshop and Special Town Council Meeting

Thursday, October 26th, 2023
5671 CR 323
Poetry Town Hall
6:30 p.m.

a) Call the Town Council to order.
b) Roll call to confirm quorum– Clerk Robin Boles
c) Pledge of allegiance—Simeon White
d) Invocation—Simeon White

e) **CITIZEN COMMENTS: Persons wishing to speak on any posted agenda item may do so when the individual item is opened for consideration by the Council. Speakers will be limited to 3 minutes unless a longer period of time is allowed by law for use of a translator. Persons wishing to speak must sign up at least 24 hours in advance of the meeting by emailing contact@poetrytexas.org or by signing up in person at the meeting location from 6-6:30 pm with name, address, and an agenda item on which there is a desire to speak. You must be signed up to speak during the meeting. Comments should be respectful with no personal attacks. To preserve the order and decorum of the meeting of the Town Council, any person who makes, profane, slanderous, or threatening remarks or who becomes disruptive during the meeting will be asked to leave the Council Chambers. (Texas Penal Code §§ 38.13, 42.05)**

f) **Items of Community Interest:**
Pursuant to Section 551.0415 of the Texas Government Code, the Town Council may report on the following items: 1) expression of thanks, congratulations, or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders upcoming Town Council events; 5) about community events, and 6) announcements involving an imminent threat to public health and safety.

g) WORKSHOP Meeting 6:30 pm -7:30 pm.
Citizens will be given 3 minutes at the front of the workshop to speak regarding their views regarding zoning.
Topic: Discuss the Zoning Ordinance proposed.

h) Secretary's Memo—Mayor Pro Tem, Mike Jaffe, to give Secretary's Report

i) Special Agenda:

1) Discuss and take action on the MUD petition at Bishop Field Airport.

2) Discuss the annual renewal for M365 Business & Archiving license for 7, renewal expiring December 14th. [We only have the original from 2022 on file].

3) Discuss and take action on the Emard release from ETJ petition.

4) Discuss and take action on the Bryant release from ETJ petition.

j) General Public Comments: Comments are limited to three (3) minutes. If a translator is needed, the speaker may be given up to four (4) minutes. *Sign-up is required BEFORE the Meeting is called to order.* *Be aware that the Town Council can only respond with* ***factual information only****. The Town Council may consider putting citizen concerns on a future agenda.*

k) Adjournment **NOTE: The Town Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including Sec. 551.071 (private consultation with the attorney for the Town); Sec. 551.072 (purchase, exchange, lease, or value of real property); Sec. 551.074 (personnel or to hear complaints against personnel); Sec. 551.076 (deployment, or specific occasions for implementation of security personnel or devices); and Sec. 551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.**

Notes: Disabled persons requiring special assistance are requested to notify the Town of Poetry 24 hours in advance of the meeting by calling the mayor's office at 214-317-8128.

I certify that the above notice of the meeting was posted at 5671 CR 323 Poetry Texas on October 21st, 2023 by 6:30 pm and online at poetrytexas.org.

_____

Tara Senkevech, Mayor

Town Secty Office
Received 9/21/23
T. Schlaader

COPY

Rec'd 9/20/23 BS cert. mail

COATS | ROSE

Certified Article Number
9434 7266 9904 2365 4365 52
SENDER'S RECORD

VICTOR CRISTALES
ASSOCIATE

VCRISTALES@COATSROSE.COM
DIRECT: (972) 419-4704
FAX: (972) 702-0662

September 13, 2023

VIA CERTIFIED MAIL

Office of the Mayor and Town Secretary
Town of Poetry
Attn: Honorable Tara Senkevech and Evie Anderson
5671 County Road 323
Poetry, Texas 75160

Re: Petition for Release from the Town of Poetry's Extraterritorial Jurisdiction (the "Petition")

Honorable Mayor and Ms. Anderson:

Enclosed please find a copy of the above-described Petition, pursuant to Chapter 42 of the Texas Local Government Code, as amended. Please reach out to Mindy L. Koehne at mkoehne@coatsrose.com or (972) 982-8461 with any question regarding the Petition.

Very truly yours,

Victor Cristales

Enclosure

COPY

PETITION FOR RELEASE FROM THE TOWN OF POETRY'S EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS §

COUNTY OF HUNT §

TO THE HONORABLE MAYOR AND TOWN COUNCIL, TOWN OF POETRY, TEXAS:

COMES NOW the undersigned (the "Petitioner"), acting pursuant to Chapter 42 of the Texas Local Government Code, as amended (the "Act"), respectfully petitions the Town of Poetry, Texas ("Town") to release certain property located within the Town's extraterritorial jurisdiction, as more particularly described in the attached Exhibit "A" (the "Property"). In support of same, Petitioner would respectfully show the following:

I.

The Property is located within the extraterritorial jurisdiction of the Town of Poetry, Texas in Hunt County, Texas, and is not within the corporate limits or extraterritorial jurisdiction of any other municipality. Petitioner requests release from the extraterritorial jurisdiction of the Town of Poetry, Texas.

II.

The Property does not lie in an area:

(i) within five (5) miles of the boundary of a military base, at which an active training program is conducted, as defined by Section 43.0117 of the Texas Local Government Code, as amended;

(ii) that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county in which the population grew by more than fifty percent (50%) from the previous federal census in the federal census conducted in the year 2020 and has a population of greater than 240,000;

(iii) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million and that is within fifteen (15) miles of the boundary of a military base, at which an active training program is conducted, and in a county with a population of more than two (2) million;

(iv) designated as an industrial district under Section 42.044 of the Texas Local Government Code, as amended; or

(v) subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code, as amended.

III.

The persons or entities (through authorized representatives) signing this Petition constitute a majority in value of the holders of title to the Property as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls.

IV.

The Petitioner, having met the petition requirements in § 42.104 of the Act, requests the Town immediately release the Property from the Town's extraterritorial jurisdiction pursuant to § 42.105(c) of the Act. Otherwise, the Property shall be released by operation of law pursuant to § 42.105(d) of the Act.

V.

This Petition will be filed with the Town Secretary, Town of Poetry, Texas.

VI.

WHEREFORE, the Petitioner respectfully prays that this petition be granted in all respects and that the Town Council of the Town of Poetry, Texas adopts an ordinance or resolution releasing the Property from the Town's extraterritorial jurisdiction.

[SIGNATURE PAGE TO FOLLOW]

COPY

RESPECTFULLY SUBMITTED, on this the 1 day of SEPTEMBER 2023.

PETITIONER:

BISHOP AIRFIELD RANCH, LLC
a Texas limited liability company

By: _____
Name: Benjamin P. Pogue
Title: Manager

STATE OF TX §
§
COUNTY OF Collin §

This instrument was acknowledged before me on the 1 day of SEPTEMBER, 2023 by Benjamin P. Pogue, Manager of Bishop Airfield Ranch, LLC, a Texas limited liability company, on behalf of said limited liability company.

_____
Notary Public in and for the State of Texas

(SEAL)

DEBI MORELLI-MATZKE
Notary Public, State of Texas
Comm. Expires 01-14-2027
Notary ID 131853074

4857-8720-9596.v1

COPY

EXHIBIT "A"
Legal Description and Map of the Property

LEGAL DESCRIPTION
439.900 ACRES

BEING a tract of land situated in the Samuel McFadgin Survey, Abstract No. 651 and the John J. Rials Survey, Abstract No. 871, Hunt County, Texas, and being a part of that called 423.552 acre tract of land described in deed to Bishop Airfield Ranch, LLC as recorded in Document Number 2021-18126, Official Public Records of Hunt County, Texas, and being all of that called 19.02 acre tract of land described in deed to Bishop Airfield Ranch, LLC as recorded in Document Number 2021-21073, Official Public Records of Hunt County, Texas and being further described as follows

BEGINNING at a point for corner;

THENCE South 45°38'41" East, 854.55 feet to a point for corner;

THENCE South 28°02'42" West, 1,906.06 feet to a point for corner;

THENCE South 42°34'12" East, 1,075.70 feet to a point for corner;

THENCE North 28°44'32" East, 79.77 feet to a point for corner;

THENCE North 43°02'59" East, 53.48 feet to a point for corner;

THENCE North 47°46'56" East, 399.77 feet to a point for corner;

THENCE North 45°20'31" East, 400.02 feet to a point for corner;

THENCE North 37°41'27" East, 200.39 feet to a point for corner;

THENCE North 36°31'48" East, 626.78 feet to a point for corner;

THENCE North 12°40'13" West, 69.69 feet to a point for corner;

THENCE North 36°54'00" East, 193.68 feet to a point for corner;

THENCE South 46°35'33" East, 687.66 feet to a point for corner;

THENCE South 45°33'08" East, 62.96 feet to a point for corner;

THENCE South 43°02'01" East, 314.76 feet to a point for corner;

THENCE South 42°59'55" East, 211.32 feet to a point for corner;

THENCE South 37°42'55" West, 187.82 feet to a point for corner;

THENCE South 48°05'55" East, 210.96 feet to a point for corner;

THENCE South 13°39'23" West, 1,612.68 feet to a point for corner;

THENCE South 34°51'29" West, 944.58 feet to a point for corner;

THENCE South 28°50'45" West, 984.71 feet to a point for corner;

THENCE North 71°07'24" East, 542.27 feet to a point for corner, the beginning of a non-tangent curve to the left with a radius of 126.46 feet, a central angle of 18°14'19", and a chord bearing and distance of South 22°38'17" East, 40.09 feet;

THENCE along said non-tangent curve to the left, 40.26 feet to a point for corner;

THENCE South 71°07'23" West, 589.74 feet to a point for corner;

THENCE South 29°23'08" West, 76.67 feet to a point for corner;

THENCE South 45°44'20" East, 334.70 feet to a point for corner;

THENCE South 44°59'01" East, 436.86 feet to a point for corner;

THENCE South 43°27'31" West, 1,104.46 feet to a point for corner;

THENCE South 44°00'05" East, 76.40 feet to a point for corner;

THENCE South 44°22'18" West, 840.22 feet to a point for corner;

THENCE South 44°08'28" West, 226.34 feet to a point for corner;

THENCE South 44°19'45" West, 1,392.23 feet to a point for corner;

THENCE North 35°41'10" West, 998.73 feet to a point for corner;

THENCE North 45°48'09" West, 1,521.68 feet to a point for corner;

THENCE North 15°33'12" East, 740.46 feet to a point for corner;

THENCE North 43°54'43" East, 3,624.06 feet to a point for corner;

THENCE North 43°48'12" West, 1,826.83 feet to a point for corner;

THENCE North 24°38'17" West, 311.12 feet to a point for corner;

THENCE North 30°55'19" East, 1,195.99 feet to a point for corner;

THENCE North 19°10'43" East, 170.34 feet to a point for corner;

THENCE North 19°23'18" East, 1,350.22 feet to the **POINT OF BEGINNING** and containing 19,162,035 square feet or 439.900 acres of land.

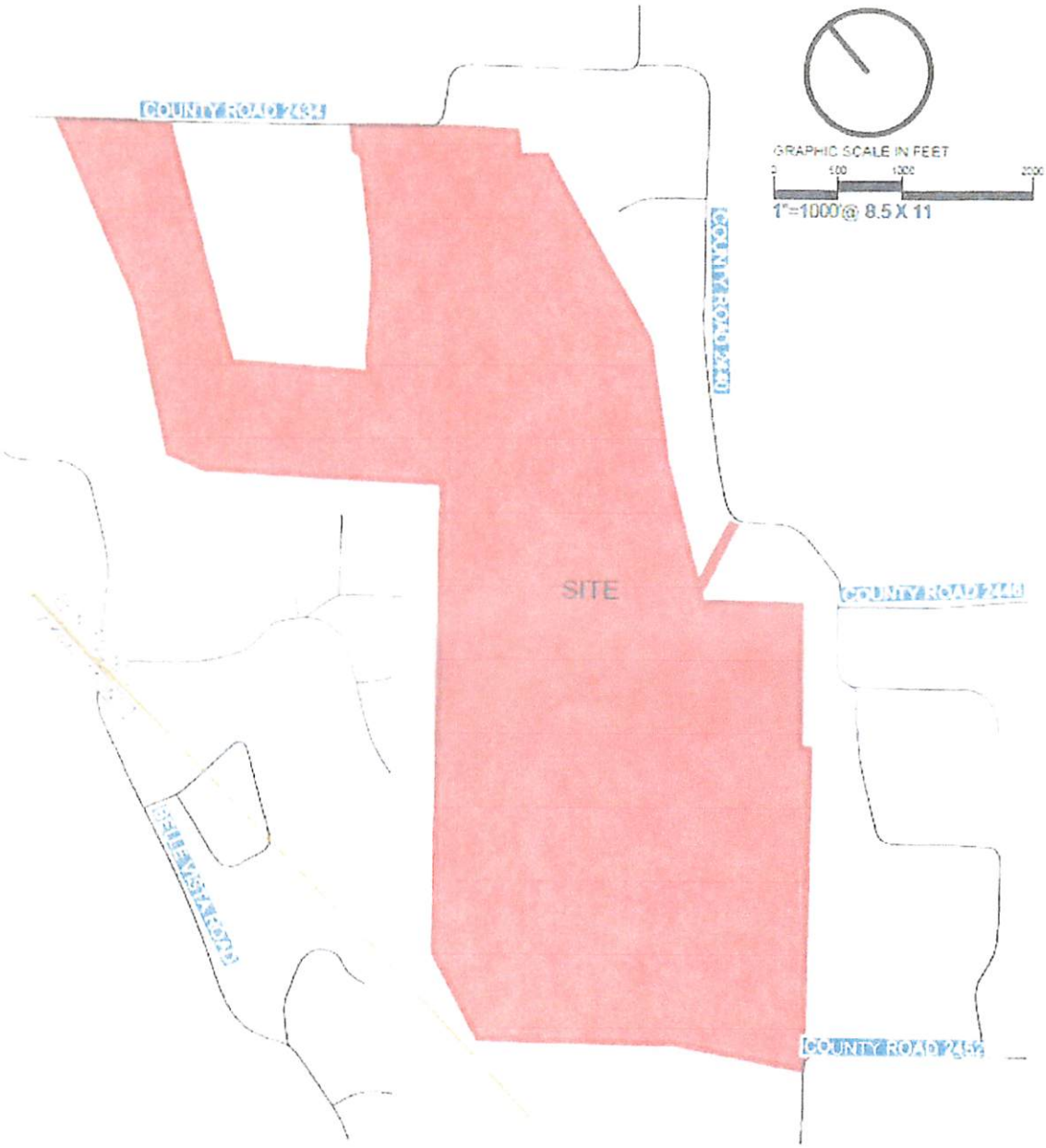
COPY

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

STATE OF TEXAS
REGISTERED
DANIEL R. ARTHUR
5933
PROFESSIONAL
LAND SURVEYOR

4857-8720-9596.v1

COPY



LOCATION MAP
SCALE 1" = 1000'

EXHIBIT 1

Bishop Field MUD No. 1 of Hunt County

Hunt County, Texas 75189
April 2023

Kimley »Horn

4857-8720-9596.v1

Computer Solutions East
Business Technology Simplified

Prepared for THE TOWN OF POETRY

M365 Business Basic (7) & Exchange Archiving (7) Licenses Renewal (Yearly) - The Town of Poetry

Quote#004817 v1

PREPARED FOR

Josh Senkevech
josh@senkor.com
(972) 476-7999

PREPARED BY

Vinny Oni
vinny@computersolutionseast.com
(914) 355-5800

Vinny Oni

Computer Solutions East
Business Technology Simplified

www.computersolutionseast.com - +1(914)355-5800 option 2

Annual Subscriptions

DESCRIPTION	PRICE	QTY	EXT. PRICE
Microsoft 365 Business Basic - Expiring on December 06, 2022 Microsoft 365 Business Basic	$68.40	7	$478.80
Exchange Online Archiving for Exchange Online - Expiring on January 18, 2023 Exchange Online Archiving for Exchange Online	$36.00	7	$252.00
		Subtotal:	**$730.80**

Computer Solutions East
Business Technology Simplified

www.computersolutionseast.com - +1(914)355-5800 option 2

M365 Business Basic (7) & Exchange Archiving (7) Licenses Renewal (Yearly) - The Town of Poetry

Prepared by:

Computer Solutions East, Inc.

Vinny Oni
(914) 355-5800
Fax +1(484)423-2893
vinny@computersolutionseast.com

Prepared for:

THE TOWN OF POETRY

101 Poetry Rd,
Terrell, TX 75160-9590
Josh Senkevech
(972) 476-7999
josh@senkor.com

Quote Information:

004817

Version: 1
Delivery Date: 11/25/2022
Expiration Date: 12/14/2022

Quote Summary

DESCRIPTION	AMOUNT
Annual Subscriptions	$730.80
Total:	**$730.80**

Payment Options

DESCRIPTION	PAYMENTS	INTERVAL	AMOUNT
Term Options			
100% on Products	1	One-Time	$0.00
50% on Services	**1**	**One-Time**	**$0.00**
Annual Subscriptions	1	One-Time	$730.80

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Computer Solutions East
Business Technology Simplified

www.computersolutionseast.com - +1(914)355-5800 option 2

Computer Solutions East, Inc.

Signature: Vinny Oni

Name: Vinny Oni

Title: Inside Sales Specialist

Date: 11/25/2022

THE TOWN OF POETRY

Signature:

Name: Josh Senkevech

Initials: SDC

Date: 11/25/2022 12:56:23 AM

IP Address: 43.247.61.253

Email Address: sunshine.cadutdut@coraloceansaipan.com

PO Number: 11182022

Terms and Conditions

Hardware and Software

This quote is valid for 15 days. Pricing and availability are subject to change due to availability. This project includes only the work listed in this document. Any requests for additional work will be added to the agreement as an addendum and billed hourly, not contributing the estimate listed above, or documented for future projects. This quote serves as an estimate only. Services are charged on time and materials (i.e. Actual time spent) basis.

Computer Solutions East, Inc. cannot be held responsible for delays in work or deliverables held up outside the control of Computer Solutions East, Inc. Computer Solutions East, Inc. reserves the right to deny service for customers with a balance of or past 45 days.

20 days return Policy: In the event that becomes necessary to return an item, it should be returned within 20 days and there will be a 25% restocking fee.

Computer Solutions East. Inc. requires a payment of 100% for the products quoted above prior to processing the quote. In addition a 50% deposit of the estimated service fee is required prior to commencement of work. An Invoice of owning will be presented on completion of the project including a report of all billable hours. Balance is due upon receipt of invoice. Any further expenses directly related to this project will be billed on the service invoice (must be approved by customer).

License-Based Billing

Dates	• Your date of enrollment is the day you sign up to the Subscription. • Your monthly billing date is the first day of the month.
Payment Terms	• Payments must be made by Credit Card (managed and corporate approved customers will follow invoice contract guidelines for payments) on the due date of enrollment and subsequent monthly billing date. • Delinquent accounts are subject to immediate suspension and followed by termination if not paid within two business day after follow up. Suspended accounts are subject to de-provisioning and termination of services.
Billing Rules	• Billing is calculated in advance for the next billing period for license-based services, based on the number of licenses at the end of the prior billing period. • You are billed in arrears for any changes in the number of licenses (pro-rata calculation based on license-days). Pro-rata calculation uses the following formula: [ROUND((ROUND(Unit Price * Quantity / Number of days in pro-rated Month, 2) * Number of pro-rated days) / Quantity, 2) * Quantity]. • Payments are billed for seats sold (not seats provisioned).

	• Price is guaranteed through the term of the subscription. Prices may change at subscription renewal.
Adjustments/Credits/Cancellations	• For annual contracts, no cancellation or early termination of license- based services will be allowed. We can only decrease / suspend any licenses ONLY after the completion of annual contract and the changes will reflect on renewal. • Any changes to the license- based services can be performed within 3 days, including the day of purchase. There will be full refund issued if cancelled on day 1, and a pro-rated refund if cancelled on day 2 & 3. • Cancellation credits for licensed based services are NOT pro-rated for unused days for mid-cycle cancellations.
Tax	• You will be subject to sales tax based on your details. • Find further tax details from your local tax office or tax advisor.

Usage-Based Billing

Usage-based billing
Azure operates in the "pay as you go" model, in which you are only billed for Azure services consumed.

Dates	• Your enrollment day is the day you sign up for the Subscription. • Your monthly billing date is the first day of the month.
Payment terms	• Payments must be made by Credit Card (managed and corporate approved customers will follow invoice contract guidelines for payments) on the due date of enrollment and subsequent billing date. • Delinquent accounts are subject to immediate suspension and followed by termination if not paid within two business day after follow up. We will NOT be liable for any data loss. • **Suspended**, users are not able to sign in or access services. • All data will be deleted unless the subscription is reactivated within 90 days, or 90 days plus the number of days between the time the account was opened and the first billing period (maximum 120 days).

Billing rules	• Metered service rates can change within the invoice cycle.
	  ○ Price increases: 30 days notice is provided.
	  ○ Price decreases: reflected day of change.
	  ○ Existing subscriptions use the rate in effect at the beginning of the billing cycle.
	  ○ New subscriptions (created within bill cycle) use the rate in effect at the create date.

Adjustments/Credits/Cancellations	• You'll see payments with adjustments on your next monthly billing invoice.

	• Early termination fees are currently not charged for the cancellation of usage-based services.
Tax	• You will be taxed based on your details. • Find further tax details from your local tax office or tax advisor.

Redacted

PETITION FOR RELEASE OF AREA BY LANDOWNER OR RESIDENT

FROM EXTRATERRITORIAL JURDISDICTION

TO THE TOWN OF POETRY, TEXAS:

Pursuant to Chapter 42, Local Government Code as amended and effective September 1, 2023, Petitioners David Lee Emard & Deborah Ann Emard, hereby file this Petition for Release of Area within the municipality's extraterritorial jurisdiction ("ETJ") and in support thereof would respectfully show as follows:

FACTUAL BACKGROUND

Petioners attest that they: (a) are all of the residents of the area described by the Petition in the Town of Poetry's extraterritorial jurisdiction; (b) are the owners of the majority in value of such area consisting of one parcel of land in the Town of Poetry's extraterritorial jurisdiction; and (c) constitute the majority in value of the holders of title to such land to be released.

ARGUMENT AND AUTHORITY

1. As set forth above, Petitioners are all of the residents of the area described by the Petition in the municipality's extraterritorial jurisdiction. *See* Tex. Loc. Gov. Code Sec. 42.102(a).

2. Petitioners are more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding . See Tex. Loc. Gov. Code Sec. 42.102(b).

3. In addition, Petitioners are the owners of the majority in value of such area consisting of one tract of land in the municipality's extraterritorial jurisdiction. *See* Tex. Loc. Gov. Code Sec. 42.102(b).

4. Likewise, Petitioners constitute the majority in value of the holders of title of land in the area described by the Petition, as indicated by the tax rolls of the Hunt Central Appraisal District ("HCAD"), in accordance with Tex. Loc. Gov. Code Sec. 42.104(a)(2).

5. As set forth below, Petitioners have satisfied the signature requirement described by Tex. Loc. Gov. Code Sec. 42.104(a) by submitting all of the required signatures not later than the 180th day after the date the first signature for the petition was obtained and such signatures are in writing, as required by Tex. Loc. Gov. Code Secs. 42.104(c) and (d).

6. The petition includes a map of the land to be released and describes the boundaries of the land to be released by metes and bounds . *See* Tex. Loc. Gov. Code Sec. 42.104(d)(1) and (2). *See also* Exhibits. "A" All of the land owned by the partitioners and Exhibit B"- Description of Property to be released by this partition, and Exhibit "C "depicting a map incorporating the property described in Exhibit "A" and Exhibit "B", attached hereto.

7. The "area described by the petition" and "land to be released" as set forth herein is any part of the following property included within the Town of Poetry ETJ: (1) HCAD Property ID: 34441 ; Legal Acreage: 12.2 ; GEO ID: 0941-0130-0000-56 ; Legal Description: A0941 Strickland Amon, Tract 13 ; Tract or Lot: ; Abstract Subdivision Code: A0941-Strickland Amon ; Neighborhood Code SQLW A-G and as more specifically described on Exhibits "A" Whole property description and Exhibit "B" , Portion to be released, attached hereto and which are incorporated herein by reference.

8. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(a) Petitioners request this petition requesting removal shall be verified by the municipal secretary or other person responsible for verifying signatures.

9. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(b), Petitioners request the municipality to notify the residents and landowners of the results of the petition.

10. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(c), since the Petitioners have obtained the required number of signatures under Section 42.104, the aforementioned municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

Respectfully submitted,
Petitioner(s) Name: Signature David Lee Emard Date: 10-10-2023

Petitioner(s) Name: Signature Deborah Ann Emard Date: 10·10·2023

Petitioner(s)

home address:

[redacted]

Terrell, Texas 75160

Phone number:

[redacted]

And email: [redacted]

CERTIFICATE OF SERVICE

This is to certify that on the 10TH day of October, 2023, a true and correct copy of the above and foregoing instrument was this date sent to the Town of Poetry, Texas via email to secretary@poetrytexas.org and contact@poetrytexas.org. as well as all of the Town Council of the Town of Poetry, Texas

David Lee Emard

Deborah Ann Emard

[redacted]

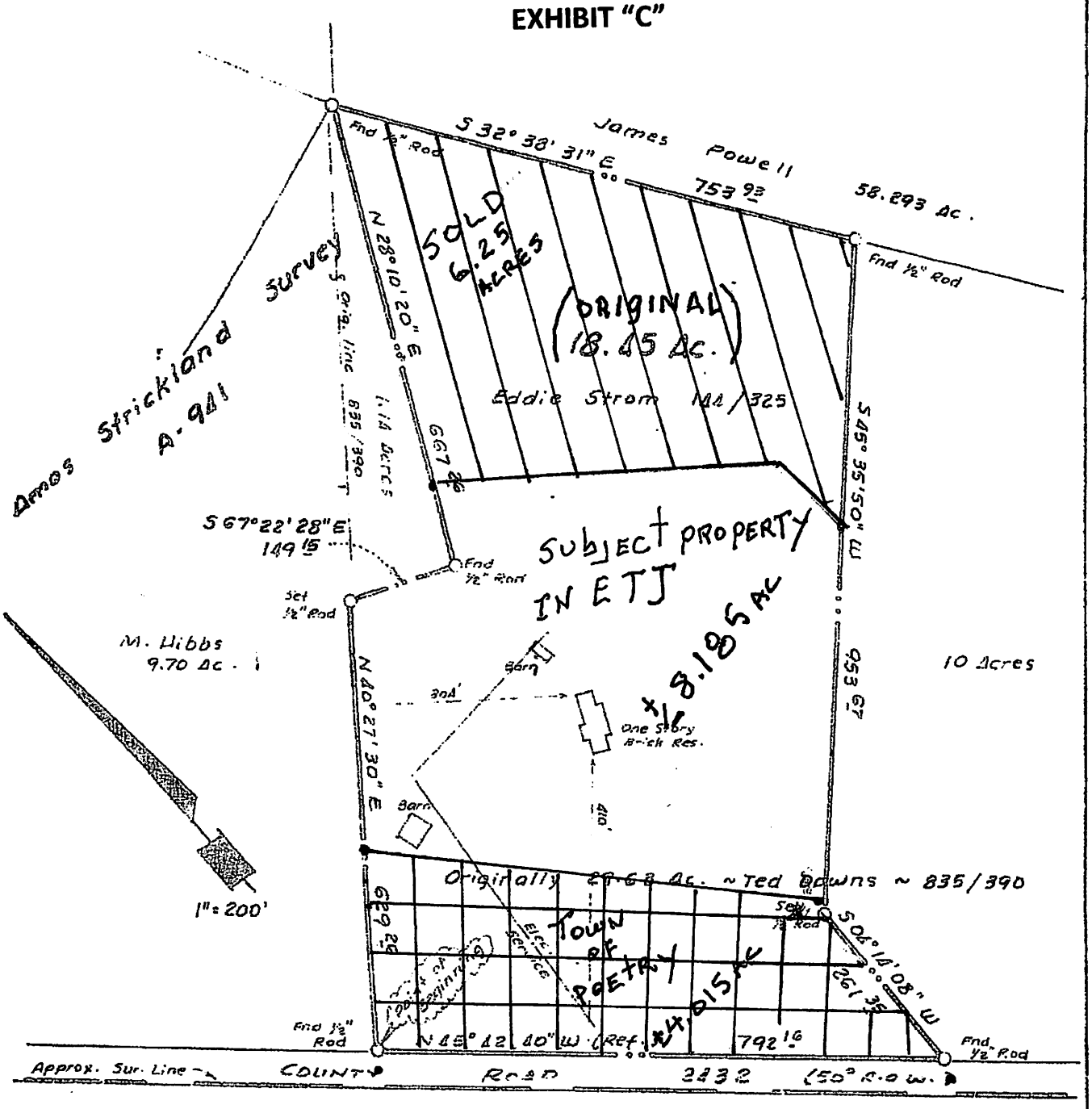
[redacted]

[redacted]

[redacted]

Plat showing part of the Amos Strickland Survey, A-941, Hunt County, Texas

EXHIBIT "C"



The plat as shown hereon was prepared from an on-the-ground survey performed by me during the month of August, 1994; there are no visible easements, encroachments, protrusions or conflicts except as shown hereon; no portion of the subject property lies within the 100 year flood plain as shown on the Flood Insurance Rate Maps for Hunt County, Texas.

August 22, 1994

Ray L. Vannoy
R.P.L.S. No. 1988

THENCE South 45 degrees 35 minutes 50 seconds West, 399.67 feet to a fence post for corner;

THENCE North 04 degrees 33 minutes 55 seconds West, 129.60 feet to a fence post for corner;

Thence North 50 degrees 35 minutes 55 seconds West,477.08 feet to a ½ inch rod set for corner;

THENCE North 28 degrees 09 minutes 50 seconds East, 546.83 feet to the PLACE OF BEGINNING and containing 6.25 acres of land.

LESS AND EXCEPT;

Being all of that tract of land in Hunt County, Texas and a part of Plat tract H-4 as defined in "AN ORDER FOR THE INCORPORATION OF THE TOWN OF POETRY, TEXAS", Vol 2020 Page 20915 of the Real Property Records of Hunt County, Texas and more specifically described as the most southerly 261 feet of said 18.45 acres;

EXHIBIT "B"

DESCRIPTION OF THE RELEASED PORTION

State of Texas

County of Hunt

Being all of that tract of land in Hunt County, Texas and a part of the Amos Strickland Survey, A-941, and being all of that called 18.45 acres conveyed to David Lee Emard and wife Deborah Ann Emard by deed of record in Volume 340, Page 311 of the Real Property Records of Hunty County, Texas, and being further described as follows:

Beginning at a point on the northeast line of County Road 2432, being the most westerly corner of said 18.45 acres, a ½ inch steel od found for corner;

THENCE North 40 degrees 27 minutes 30 seconds East, 629.26 feet to a ½ inch steel rod set for corner:

THENCE South 67 degrees 22 minutes 28 seconds East, 149.15 feet to a ½ inch rod set for corner;

THENCE North 28 degrees, 10 minutes, 20 seconds East, 667.26 feet to ½ inch steel rod found at the North corner of said 18.45 acres;

THENCE South 32 degrees 38 minutes 31 seconds East, 753.93 feet to a ½ inch steel rod found for corner;

THENCE South 45 degrees 35 minutes 50 seconds West. 953.67 feet to a ½ inch steel rod set for corner;

THENCE South 04 degrees 14 minutes, 08 seconds West, 261.35 feet to a ½ inch steel rod found for corner;

THENCE North 45 degrees 42 minutes 40 seconds West (reference) 792.16 feet along the Northwest Line of County Road 2432 to the point of beginning, containing 18.45 acres of land.

LESS AND EXCEPT;

Being all that tract of land in Hunt County, Texas and a part of the Amos Strickland Survey , A- 941 and being all of that called 6.25 acres conveyed to Richard Russell by deed of record in Volume 0470, Page 409 of the real property Records of Hunt County, Texas and being further described as follows:

Beginning at a ½ inch iron rod found for corner said point being the north corner of said 18.46 acres;

THENCE South 32 degrees 38 minutes 31 seconds East, 753.44 feet to a ½ inch iron rod found for corner;

THENCE South 32 degrees 38 minutes 31 seconds East, 753.44 feet to a ½ inch iron rod found for corner;

THENCE South 45 degrees 35 minutes 50 seconds West, 399.67 feet to a fence post for corner;

THENCE North 04 degrees 33 minutes 55 seconds West, 129.60 feet to a fence post for corner;

Thence North 50 degrees 35 minutes 55 seconds West,477.08 feet to a ½ inch rod set for corner;

THENCE North 28 degrees 09 minutes 50 seconds East, 546.83 feet to the PLACE OF BEGINNING and containing 6.25 acres of land.

Exhibit "A"

DESCRIPTION of The Whole Property

State of Texas

County of Hunt

Being all of that tract of land in Hunt County, Texas and a part of the Amos Strickland Survey, A-941, and being all of that called 18.45 acres conveyed to David Lee Emard and wife Deborah Ann Emard by deed of record in Volume 340, Page 311 of the Real Property Records of Hunt County, Texas, and being further described as follows:

Beginning at a point on the northeast line of County Road 2432, being the most westerly corner of said 18.45 acres, a ½ inch steel od found for corner;

THENCE North 40 degrees 27 minutes 30 seconds East, 629.26 feet to a ½ inch steel rod set for corner:

THENCE South 67 degrees 22 minutes 28 seconds East, 149.15 feet to a ½ inch rod set for corner;

THENCE North 28 degrees, 10 minutes, 20 seconds East, 667.26 feet to ½ inch steel rod found at the North corner of said 18.45 acres;

THENCE South 32 degrees 38 minutes 31 seconds East, 753.93 feet to a ½ inch steel rod found for corner;

THENCE South 45 degrees 35 minutes 50 seconds West. 953.67 feet to a ½ inch steel rod set for corner;

THENCE South 04 degrees 14 minutes, 08 seconds West, 261.35 feet to a ½ inch steel rod found for corner;

THENCE North 45 degrees 42 minutes 40 seconds West (reference) 792.16 feet along the Northwest Line of County road 2432 to the point of beginning, containing 18.45 acres of land.

LESS AND EXCEPT;

Being all that tract of land in Hunt County, Texas and a part of the Amos Strickland Survey , A- 941 and being all of that called 6.25 acres conveyed to Richard Russell by deed of record in Volume 0470, Page 409 of the real property Records of Hunt County, Texas and being further described as follows:

Beginning at a ½ inch iron rod found for corner said point being the north corner of said 18.46 acres;

Redacted copy

PETITION FOR RELEASE OF AREA BY LANDOWNER OR RESIDENT
FROM EXTRATERRITORIAL JURDISDICTION

TO THE TOWN OF POETRY, TEXAS:

Pursuant to Chapter 42, Local Government Code as amended and effective September 1, 2023, Petitioners Dale P. Bryant and Rebecca T. Bryant, hereby file this Petition for Release of Area within the municipality's extraterritorial jurisdiction ("ETJ") and in support thereof would respectfully show as follows:

FACTUAL BACKGROUND

Petioners aver that they: (a) are all of the residents of the area described by the Petition in the Town of Poetry's extraterritorial jurisdiction; (b) are the owners of the majority in value of such area consisting of one lot in the Town of Poetry's extraterritorial jurisdiction; and (c) constitute the majority in value of the holders of title to such land to be released.

ARGUMENT AND AUTHORITY

1. As set forth above, Petitioners are all of the residents of the area described by the Petition in the municipality's extraterritorial jurisdiction. *See* Tex. Loc. Gov. Code Sec. 42.102(a).

2. Petitioners are more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding. See Tex. Loc. Gov. Code Sec. 42.102(b).

3. In addition, Petitioners are the owners of the majority in value of such area consisting of one lot of land in themunicipality's extraterritorial jurisdiction. *See* Tex. Loc. Gov. Code Sec. 42.102(b).

4. Likewise, Petitioners constitute the majority in value of the holders of title of land in the area described by the Petition, as indicated by the tax rolls ofthe Hunt County Central Appraisal District ("HCAD"), in accordance with Tex. Loc. Gov. Code Sec. 42.104(a)(2).

5. As set forth below, Petitioners have satisfied the signature requirement described by Tex. Loc. Gov. Code Sec. 42.104(a) by submitting all of the required signatures not later than the 180th day after the date the first signature for the petition was obtained and such signatures are in writing, as required by Tex. Loc. Gov. Code Secs. 42.104(c) and (d).

6. The petition includes a map of the land to be released and describes the boundaries of the land to be released by lot and block numbers. *See* Tex. Loc. Gov. Code Sec. 42.104(d)(1) and (2). *See also* Exhibit. "A" all of the property owned by Partitioners and Exhibit "B" the property to be released and Exhibit. "C" map of area defined in Exhibit A and B, attached hereto.

7. The "area described by the petition" and "land to be released" as set forth herein is any part of the following property included within the Town of Poetry ETJ: (1) HCAD Property ID: 45112; Legal Acreage: 10; GEO ID: 3110-0000-0140-89; Legal Description: Being all of Lot 14 Grande Verde Subdivision in the Elizabeth Graves Survey, A-1306, as recorded in Volume 400, Page 922-B of the Plat Records of Hunt County, Texas; Tract or Lot: 14; Abstract Subdivision Code: S3110; Neighborhood Code STR L-Aand as more specifically described on Exhibits "A" and Exhibit "B" attached hereto and which are incorporated herein by reference. See also the map attached hereto as Exh. "C,"

8. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(a) Petitioners request this petition requesting removal shall be verified by the municipal secretary or other person responsible for verifying signatures.

9. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(b), Petitioners request the municipality to notify the residents and landowners of the results of the petition.

10. Pursuant to Tex. Loc. Gov. Code Sec. 42.105(c), since the Petitioners have obtained the required number of signatures under Section 42.104, the aforementioned municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

Respectfully submitted,

Petitioner(s) Name: Signature_____ Date: 10/12/23

Petitioner(s) Name: Signature_____ Date: 10/12/23

Petitioner(s) home address

Texas 75160

Phone number

And email

CERTIFICATE OF

SERVICE

This is to certify that on the 12 day of October, 2023, a true and correct copy of the above and foregoing instrument was this date sent to the Town of Poetry, Texas via email to secretary@poetrytexas.org , The Mayor and all Town Councilmen.

Partitioners Name_____

Partitioners Name_____

Exhibit "A"

Legal Description of the Property

State of Texas

County of Hunt

Being all of Lot 14 of the Grande Verde Subdivision in the Elizabeth Graves Survey, A-1306, as recorded in Volume 400, Page 922-B of the Plat records of Hunt County, Texas,

Exhibit "B"

Description of the Portion to be Released

State of Texas

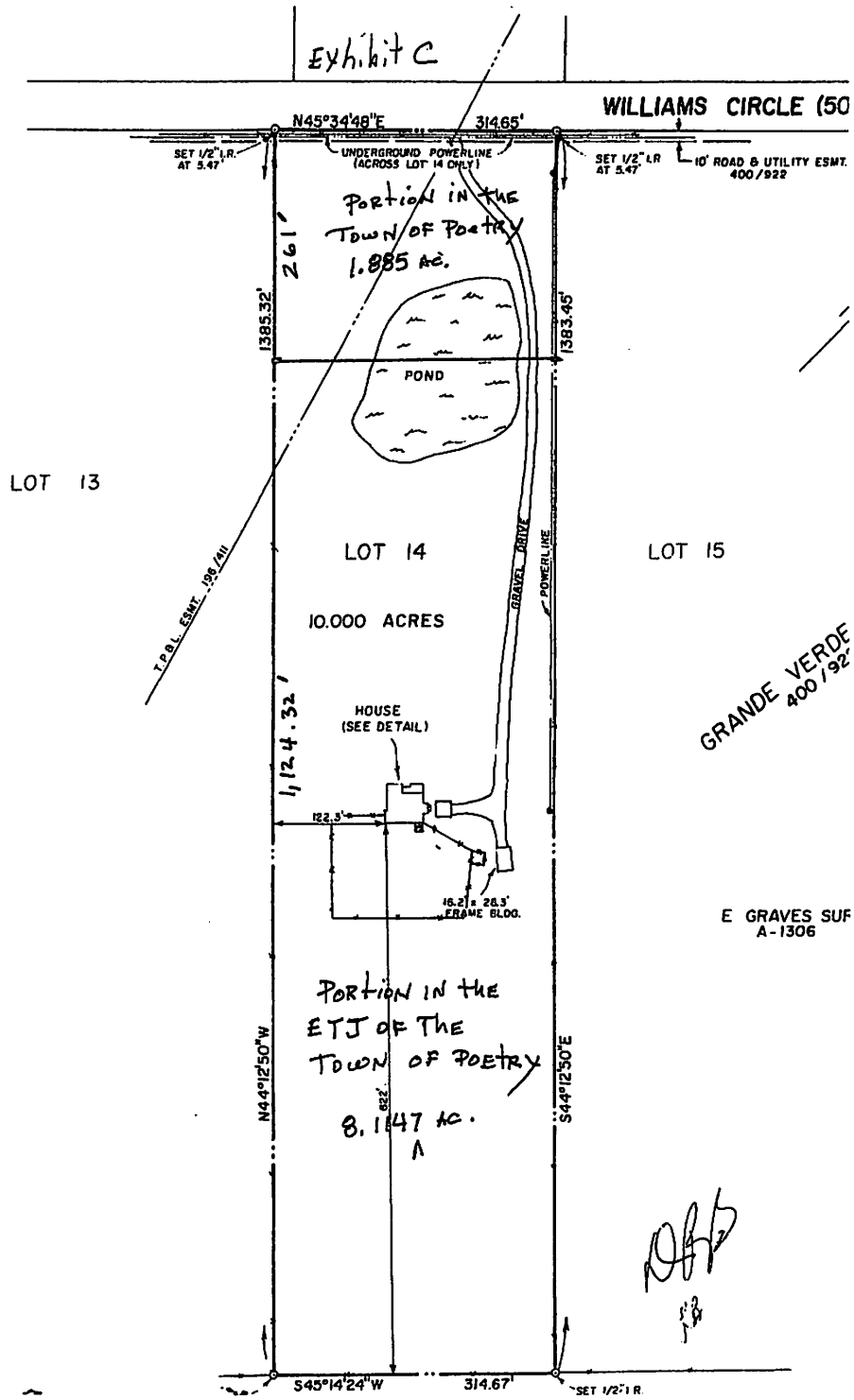
County of Hunt

Being all of Lot 14 of the Grande Verde Subdivision in the Elizabeth Graves Survey, A-1306, as recorded in Volume 400, Page 922-B of the Plat records of Hunt County, Texas,

Less and except

that portion of Plat Tract H-15 encumbering said lot 14 out of that ORDER FOR THE INCORPORATION OF THE TOWN OF POETRY, TEXAS, as recorded in instrument 2020-20915, Dated November 24, 2020, of the records of Hunt County. And more specifically defined as the southern most 1,124.34 feet of said lot 14.

Exhibit C


WILLIAMS CIRCLE (50
N45°34'48"E
314.65'
SET 1/2" I.R. AT 5.47'
UNDERGROUND POWERLINE (ACROSS LOT 14 ONLY)
SET 1/2" I.R AT 5.47'
10' ROAD & UTILITY ESMT. 400/922
Portion in the Town of Poetry 1.885 AC.
261'
1385.32'
1383.45'
POND
LOT 13
LOT 14
10.000 ACRES
LOT 15
T.P.&L. ESMT. 198/411
GRAVEL DRIVE
POWERLINE
GRANDE VERDE 400/92
1,124.32'
HOUSE (SEE DETAIL)
122.3'
16.2' x 26.3' FRAME BLDG.
E GRAVES SUF A-1306
Portion in the ETJ of The Town of Poetry
8.1147 AC.
N44°12'50"W
S44°12'50"E
622'
S45°14'24"W
314.67'
SET 1/2" I.R.

Memo from the Town Secretary

To: Town Council October 26, 2023 Meeting

From: Theresa Scholander

CC: Citizens

- Town of Poetry offices have moved!

  The Town's permanent office is open Thursdays 1pm-5pm and located at 5671 CR 323.

- Town of Poetry will immediately begin the audit process.

Engagement letter 2023 was reviewed with the council, signed and approved employing Kyle Caperton, CPA., Murrey, Paschall & Caperton, P.C.

Audit activities include but are not limited to the audit of financial statements of the governmental activities and each major fund, of the Town of Poetry as of and for the year ended September 30,2023.

- Community-wide Fall cleaning day is scheduled Saturday, November 11, 2023. Let all pull together to Keep Poetry Beautiful!

Mailing address: 5671 CR 323 Poetry, TX 75160 Phone: 469-902-7001
email: secretary@poetrytexas.org