

ORDINANCE NO. O-2010-005-15

CASE NO. Z-005-09

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF HALTOM CITY AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, in accordance with Section 9 of the Zoning Ordinance, the owner of property consisting of approximately 8.5411 acres of land located on Lot 1, Blk. 1, Dayton Square Addition, locally known as 2029 Dayton Street (the "Property"); has filed an application to change the zoning on Lot 1, Blk. 1, Dayton Square Addition and rezone Lot 1, Blk. 1, Dayton Square Addition from its present classification of a split zone of "D" Duplex Residential and "C-2" Commercial District to the "PD-MF" Planned Development Multi Family District; and

WHEREAS, The Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on January 12, 2010 and the City Council of the City of Haltom City, Texas held a public hearing on January 25, 2010 with respect to the zoning changes described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS, THAT:

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning the property consisting of approximately 8.5411 acres of land located at 2029 Dayton Street and being more fully described as:

Lot 1, Blk.1, Dayton Square Addition and rezone Lot 1, Blk. 1, Dayton Square Addition from its present classification of split zoned "D" Duplex Residential and "C-2" Commercial to the "PD-MF" Planned Development Multi-Family District to operate an existing apartment complex on this site.

SECTION 2.

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 3.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification as set forth above.

SECTION 4.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Planned Development Site Plan and Exhibit "B" Planned Development (District Standards) attached hereto and shall further be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences,

clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 25th DAY OF January, 2010.

PASSED AND APPROVED ON SECOND READING THIS 8th DAY OF February, 2010.



Mark Lagoyles
Mayor

ATTEST:

Art Combs
City Secretary

EFFECTIVE: 2-8-2010

APPROVED AS TO FORM AND LEGALITY:

Wk Oh
City Attorney

Dayton Square Apartments

EXHIBIT "B"

**2029 DAYTON STREET
Z-005-09**

Planned Development District
Development Standards

Applicant:

Johnson Land Surveyors
P.O. Box 330833
Fort Worth, Texas 76163
(817) 923-9915
Fax: (817) 923-8995

Owner/Developer:

Cross Equities, LLC
16475 N. Dallas Parkway
Addison, Texas 75001
(214) 751-8664
www.crossequities.com

Submitted December 9, 2009

For Review

by

The City of Haltom City
Planning and Zoning Commission

And

The City of Haltom City
City Council

DAYTON SQUARE APARTMENTS

PLANNED DEVELOPMENT DISTRICT STANDARDS

- 1.0 Planned Development District- Multi-Family Residential
- 1.01 **General Description:** Multiple Family units are attached units. These units consist of two-level units. Access is allowed from access drives or parking areas connecting to adjacent public street (Lower Birdville Road). The multiple-family units range from two (2) units per building to sixteen (16) units per building. Requirements for the multiple-family development shall be governed by standards as described below.
- 1.02 **Permitted Uses:** Land uses permitted within the multi-family areas are as follows:
- a. Dwellings, multi-family residential units are at a density of 19.67 units per acre.
 - b. Clubhouse.
 - c. Laundry facility.
- 1.03 **Density:** Overall density is 19.67 units per gross acre of land.
- 1.04 **Required Parking:** Parking for the multi-family development are as follows:
- 1.87 off-street parking spaces are provided for each multi-family dwelling unit.
- 1.05 **Building Materials:** All multi-family structures have an exterior finish of glass, stucco, concrete tile, exterior wood trim, or a combination thereof.
- 1.06 **Lot Width:** The width of any lot is not less than eighty (80) feet.
- 1.07 **Front Yard:** The minimum depth of the front yard adjacent to Lower Birdville Road is twenty-five (25) feet.
- 1.08 **Side Yard:** The minimum side yard is fifteen (15) feet.
- 1.09 **Rear yard:** The minimum depth of the rear yard adjacent to Waldemar Street is twenty-five (25) feet.
- 1.10 **Building Height:** There are 2- one story structures and 20- two story structures. The height of all multi-family structures does not exceed two stories.
- 1.11 **Fencing Requirements:** The multi-family residential development is screened by brick fence and by ornamental metal fence along the entire perimeter.

DAYTON SQUARE APARTMENTS

- 1.12 **Open Space Requirements:** The Planned Development District shall provide a minimum of twenty-five percent (25 %) usable open space.
- 1.13 **Entry Sign:** The existing entry sign has been permitted by the City.
- 1.14 **Site Access:** Primary access to the site will be from Lower Birdville Road.
- 1.15 **Unit Mix Square Footages:**
- a. 1 Bedroom/ 1 Bath: 535
 - b. 2 Bedroom/ 1 Bath: 735
 - c. 3 Bedroom/ 1-1/2 Bath: 960
 - d. 4 Bedroom/ 2 Bath: 1,280
- 1.16 **Amenities:**
- a. Crown Moldings in the Living Room and Dining Areas.
 - b. Fire and sprinkler system in every unit.

Community:

- a. Gated Access Entry.
- b. Minimum 4,200 Square Foot Clubhouse and Leasing Center.
- c. Community Center.

