

ORDINANCE NO. 2010-013-15

ZONING CASE CU-001-10

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY AMENDING ON CERTAIN PROPERTY IN THE CITY OF HALTOM CITY BY APPROVING A CONDITIONAL USE PERMIT; PROVIDING 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 Comprehensive Zoning Ordinance of the City of Haltom City, 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, the owner of property located on the north side of NE 28th Street (State Hwy. 183) containing approximately .576 acres of land, locally known as 4415 NE 28th Street (the "Property"), has requested zoning authority to conduct automobile sales and residential quarters within a commercial building on said property; and

WHEREAS, the Property is currently zoned "M2" Industrial District but, pursuant to Ordinance No. 2006-014-15, automobile sales and residential quarters within commercial

buildings are permitted in an "M-2" Industrial District zoning by Conditional Use Permit only; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on June 22, 2010, and the City Council of the City of Haltom City, Texas, held a public hearing on July 26, 2010, with respect to amending the "M-2" Industrial District zoning by approving the Conditional Use Permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Comprehensive Zoning Ordinance, and all other laws dealing with notice, publication and procedural requirements for the approval of a change in zoning by approving a Conditional Use Permit on 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 to permit the following conditional use on the hereinafter-described property and area as shown below:

Lots 4, 5 and W 35' of Lot 3, Earles Addition located on the north side of NE 28th Street (State Hwy. 183), containing approximately .576 acres of land, locally known as 4415 NE 28th Street in the "M-2" Industrial District, Haltom City, Tarrant County, Texas.

A Conditional Use Permit to allow automobile sales and residential quarters within a commercial building in the "M-2" Industrial District, as more fully described on the site plan shown in Exhibit "A" and Standards of Performance in Exhibit "B" attached hereto and incorporated herein.

SECTION 2.

The Conditional Use Permit as herein established has been made in accordance

with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 3.

The official map of the City of Haltom City is amended and the City Secretary is directed to revise the official zoning map to reflect the approved Conditional Use Permit as set forth above.

SECTION 4.

The use of the property described above shall further be subject to all restrictions, terms and conditions contained in Exhibit "A" and Exhibit "B", as well as the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City. Additionally, the following restriction is placed on the Conditional Use Permit:

Approval of the Conditional Use Permit will automatically expire upon any change in use of the property. (Section 36.D.2.a. O-2002-032-15).

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 when 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). 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 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 is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10)

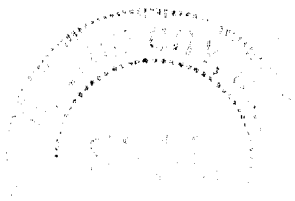
days after the first reading of this ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 10.

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

PASSED AND APPROVED ON FIRST READING THIS 26th DAY OF July, 2010.

PASSED AND APPROVED ON SECOND READING THIS 9th DAY OF August, 2010.



Mr. de Lopez
Mayor

ATTEST:

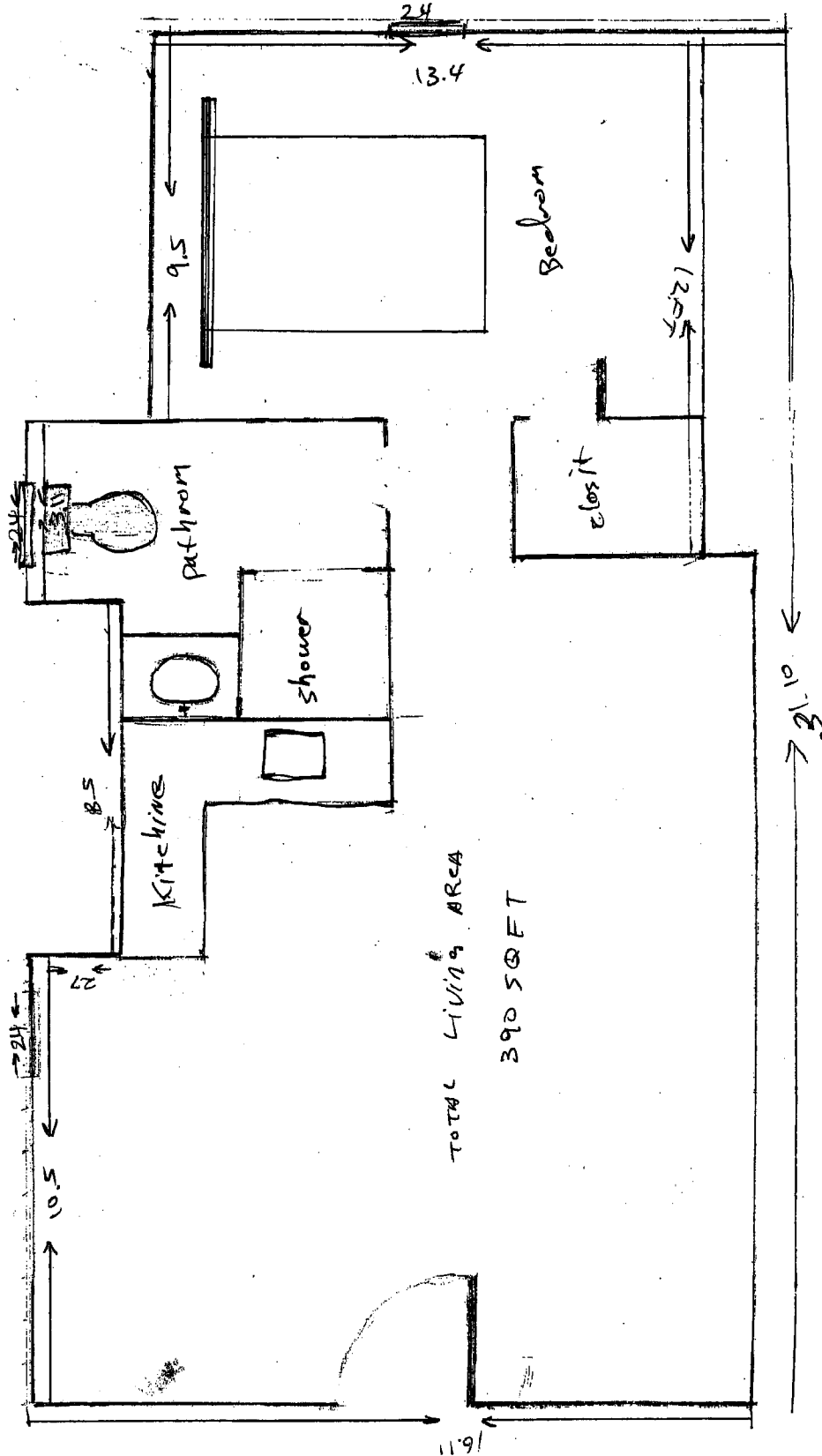
Art Comales
City Secretary

Effective: Aug. 9, 2010

APPROVED AS TO FORM AND LEGALITY:

Wk Or
City Attorney

Floor plan of 2nd story



RECEIVED
MAR 09 2010
By

SCALE

1" = 2' FT

TOTAL DOWNSTAIR

825.50 FT

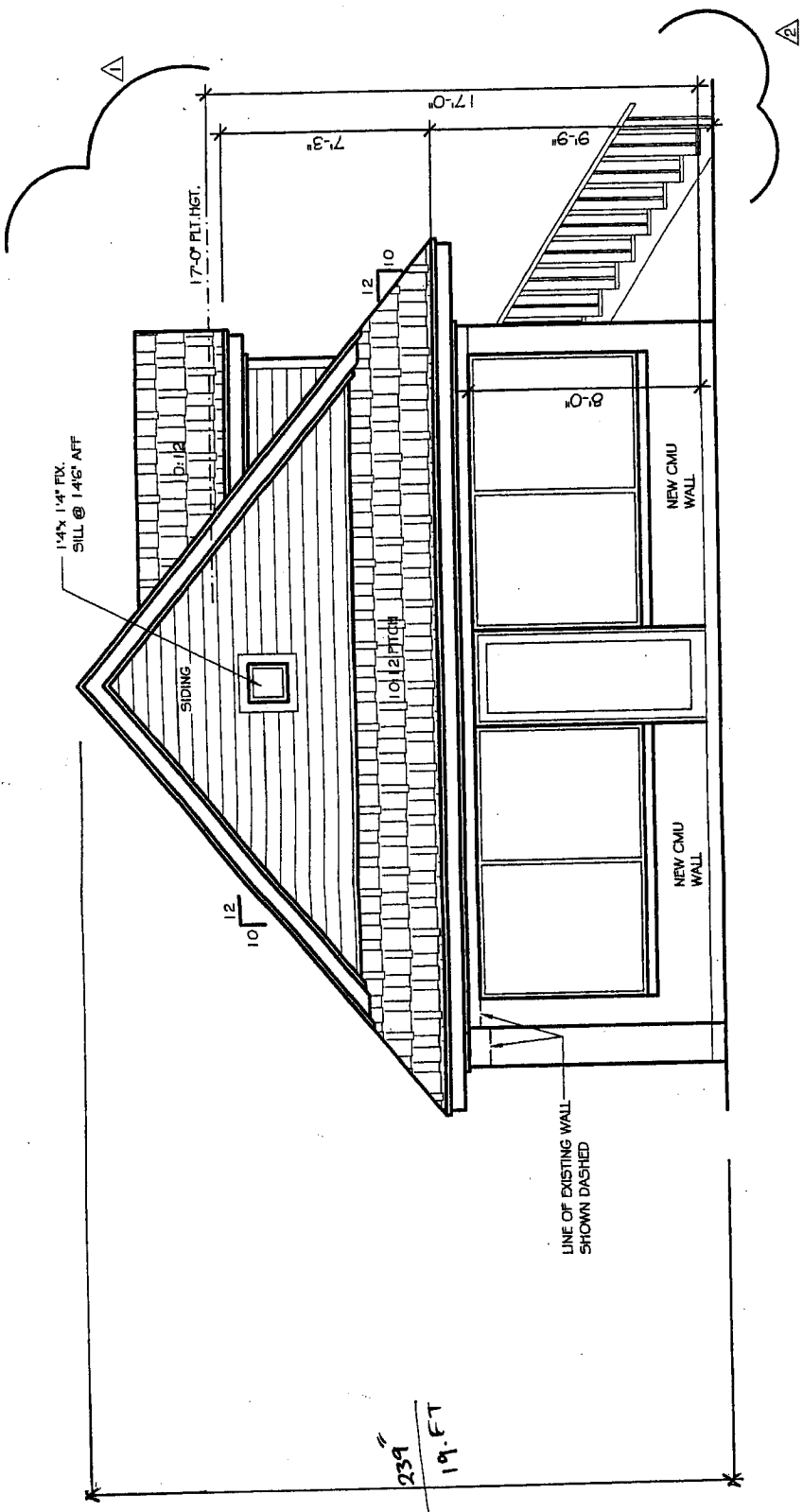
TOTAL UPSTAIR

390.50 FT

RECEIVED

MAR 29 2010
"Revisions"

EXHIBIT "A"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT "A"

MUSA AUTO SALES

4415 NE28th ST

HALTOM CITY TX 76117

PHONE 817-222-1289

MUSAAUTOSALE@YAHOO.COM

EXHIBIT B

CONDITIONAL USE PERMIT REQUEST

4415 NE 28TH ST

REQUEST BY

MUSA AUTO SALES



moosa Mahmoud

Request for Conditional Use Permit

4415 ne 28th st

Haltom city TX 76117

M USA Auto sales

At the end of 2004 I Mousa Mahmoud and My wife Amal Othman purchased the property at 4415 ne 28th st Haltom City Tx 76117

It was previously a car lot and had been vacant for more than 2 years at the time of purchase.

On September 2004 Haltom City granted us a certificate of occupancy for used car sales.

Since 2004 we have been operating our business at this location and our business has improved about 50% since we moved from Fort Worth.

During this time we continued to improve the property to be one of the best looking car lots on N.E. 28st .

We work very hard and will never stop working to make our location something that I, and Haltom City can be proud of.

We have a customer base of more than 200 clients and

Our goal to move up to late model, higher end, luxury cars.

We have been subject to vandalism and theft as as well as many other car lots on N.E. 28th st

Therefore it is very important to our business to have a security guard to live on the premises to insure the protection of our inventory.

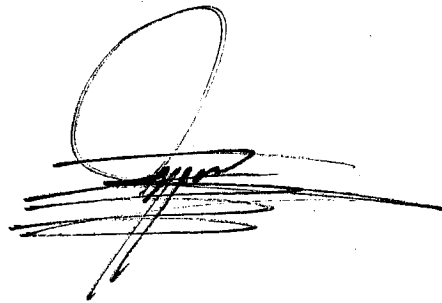
Our business is strictly for selling automobiles and there is no mechanic shop or anything that would disturb community peace day or night.

Our hours of operation are from 10.00 am to 7.00 pm Mon thru Sat

Thank you for your cooperation in this matter.

This request for a conditional use permit respectfully submitted by

Mousa Mahmoud

A handwritten signature in black ink, consisting of a large, stylized loop at the top and several horizontal strokes below it, extending to the right.



RECEIVED
MAR 09 2010
By _____

