

**ORDINANCE NO. O-2014-008-15**

**CASE NO. CU-002-14**

**AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY APPROVING A CONDITIONAL USE PERMIT FOR A TIRE AND BATTERY SALES STORE AND AN AUTOMOBILE & LIGHT TRUCK REPAIR SHOP USE ON CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; 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 0.9753 acres of land located on Lot 2R, Block 16 of the Meadow Oaks Addition, locally known as 5161 Broadway Avenue (hereinafter-referenced as the "Property"), has filed an application for approval of a Conditional Use Permit for Tire & Battery Sales Store and Automobile & Light Truck Repair Shop uses on the Property; and

**WHEREAS**, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on April 22, 2014 and the City Council of the City of Haltom City, Texas held a public hearing on May 12, 2014 with respect to the Conditional Use permit 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 approval of the Conditional Use Permit.

**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 approving a Conditional Use Permit for Tire & Battery Sales Store and Automobile & Light Truck Repair Shop uses on the Property consisting of approximately 0.9753 acres of land located on Lot 2R, Block 16 of the Meadow Oaks Addition, locally known as 5161 Broadway Avenue.

**SECTION 2.**

The Conditional Use Permit as herein established has 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 Conditional Use Permit 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" Performance Standards and Exhibit "B" Site Plan attached hereto and shall further be subject to all the applicable regulations contained in the 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 12<sup>th</sup> DAY OF  
May, 2014.

PASSED AND APPROVED ON SECOND READING THIS 19<sup>th</sup> DAY OF  
May, 2014.

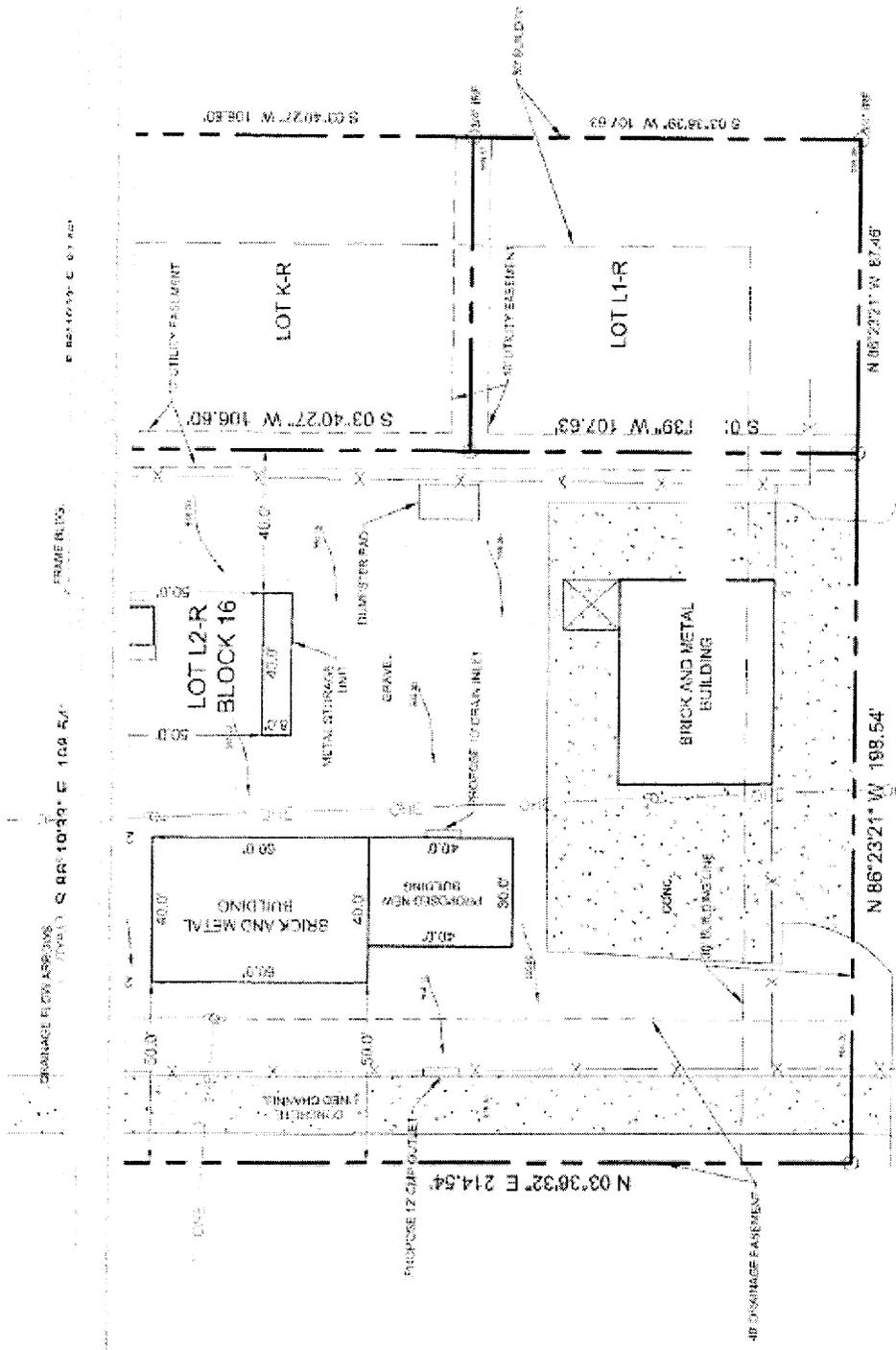


Richard Hutchins  
Mayor

ATTEST:  
Art Combs  
City Secretary

EFFECTIVE: May 19<sup>th</sup>, 2014

APPROVED AS TO FORM AND LEGALITY:  
WkOe  
City Attorney



5161 BROADWAY AVENUE

# Donihoo's Tire Pros

*Everything Rotates Around You....*

April 29, 2014

**To: Justin French, AICP**

Director of Planning and Community Development  
City of Haltom City  
5024 Broadway Ave. | P.O. Box 14246  
Haltom City, Texas 76117

Dear Mr. French:

I would like to address the items you mentioned in your previous e-mail,

- Business Hours are 8 AM to 5:30 PM, with the roadside assistance being a 24 hour service.
- Procedures for discarding used oil and transmission fluids - I have a service that comes out on a scheduled Basis to pick up all the used fluids.
- External Illumination - I have a marquee sign out front, as well as some security lights in the back of the business for the protection of my customers vehicles and their property.
- Special event permits through the Haltom City Police Dept - In the event of any type of future events I will be sure that I acquire the proper permits, the events are as such ( Car Shows, Dyno Day or benefit to help kids at Christmas etc...)
- Parking and drive surfaces - I feel I have adequate parking in the front and rear of my establishment at this point, however I am looking into paving the rear area to provide additional parking.
- Soundproofing - I have had a sound engineer come out to see what options are available with the type of business and equipment being used, if deemed I will only use during hours of normal operation.

Sir, I do hope that I have addressed all issues of concern for you and the members of council and will also be acceptable to the residents in the immediate neighborhood.

I am open for any suggestions that may be given toward the issues of concern.

Sincerely,

Dennis Donihoo

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Haltom City, Texas 76117  
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