

ORDINANCE NO. O-2014-017-15

CASE NO. Z-005-14

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN AND FUTURE LAND USE MAP IN ORDINANCE NO. O-2010-011-15, AS AMENDED, AND 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, 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-2010-011-15, as amended, the Comprehensive Land Use Plan 2010, which is the primary document on which to base all zoning, platting and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, the City Council now deems it necessary to update the Haltom City Comprehensive Land Use Plan as provided herein, and that such amendment is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan as well as health, safety, traffic and environmental considerations; 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 0.429 acres of land located on Lots 18D-1 & 18D-2, Block 1, John Akers Subdivision, locally known as 5308 and 5310 Lower Birdville Road (hereinafter-referenced as the "Property" described in Exhibit B), has filed an application to rezone the property from its present classification of "SF-1" Single Family Residential District to "M-2" Heavy Industrial District; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on July 22, 2014 and the City Council of the City of Haltom City, Texas held a public hearing on July 28, 2014 with respect to the Zoning Change and amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, as amended, is hereby amended as shown in Exhibit "A".

SECTION 2.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning approximately 0.429 acres of land located on Lots 18D-1 & 18D-2, Block 1, John Akers Subdivision locally known as 5308 and 5310 Lower Birdville Road and being more fully described in Exhibit "B", from "SF-1" Single Family Residential District to "M-2" Heavy Industrial District.

SECTION 3.

The zoning district 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 4.

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 5.

The use of the Property described above shall 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 6.

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. Ordinance No. O-2010-011-15 is hereby amended.

SECTION 7.

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 8.

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 9.

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 10.

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 2, 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 11.

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 28th DAY OF

July, 2014.

PASSED AND APPROVED ON SECOND READING THIS 11th DAY OF
AUGUST, 2014.



Rubén D. Hutchinson
Mayor

ATTEST:

Art Comacho
City Secretary

EFFECTIVE: 8-11-14

APPROVED AS TO FORM AND LEGALITY:

W. K. O.
City Attorney

Exhibit "A" Future Land Use Map

**Comprehensive Land Use Plan 2010
Future Land Use
Figure LU1
July 2010**

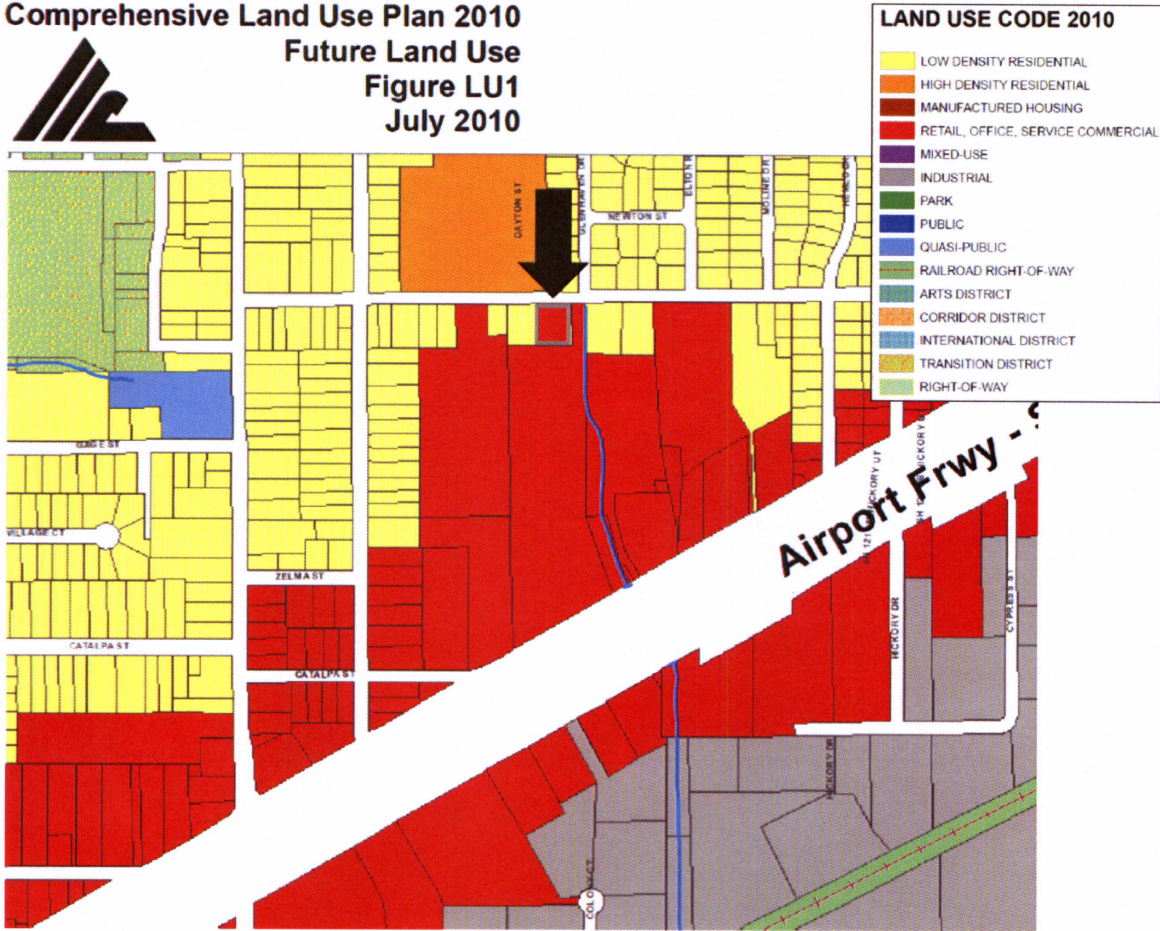


Exhibit "B"
Metes & Bounds Description of 5308 and 5310 Lower Birdville Road

BEING situated in the John Akers Survey, Abstract Number 24, Tarrant County, Texas and being all of Lot 18D-1 and 18D-2, Block 1, John Akers Subdivision, an addition to the City of Haltom City according to the plat thereof recorded in Volume 388-143, Page 13, Plat Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod found at the northwest corner of said Lot 18D-1, said iron rod also being the northeast corner of that certain tract of land described by deed to DV & RV Properties, Ltd. recorded in County Clerk's File Number D214043590, Deed Records, Tarrant County, Texas and being in the south right of way line of Lower Birdville Road (variable width right of way);

THENCE North 88 degrees 24 minutes 10 seconds East, 52.02 feet along the north line of said Lot 18D-1 and said south right of way line of Lower Birdville Road to a 5/8 inch iron rod found at the northeast corner of said Lot 18D-1, said iron rod also being the northwest corner of said Lot 18D-2;

THENCE North 89 degrees 29 minutes 26 minutes East, 52.02 feet along the north line of said Lot 18D-2 and said south right of way line of Lower Birdville Road to an "X" cut set at the northeast corner of said Lot 18D-2;

THENCE South 00 degrees 30 minutes 34 seconds East, along the east line of said Lot 18D-2, at 2.07 feet pass the most northerly northwest corner of Lot 1, Block 1, Baker Industrial Addition, an addition to the City of Haltom City according to the plat thereof recorded in Cabinet A, Slide 6612, Plat Records, Tarrant County, Texas in all 153.10 feet to a ½ inch iron rod found at the southeast corner of said Lot 18D-2, said iron rod also being an ell corner in the north line of said Lot 1;

THENCE South 89 degrees 28 minutes 25 seconds West, 70.12 feet along the south line of said Lot 18D-2 and said north line of Lot 1 to the southwest corner of said Lot 18D-2, said point also being the southeast corner of said Lot 18D-1;

THENCE South 89 degrees 28 minutes 25 seconds West, 52.01 feet along the south line of said Lot 18D-1 and continuing along said north line of Lot 1 to the southwest corner of said Lot 18D-1, said point also being the southeast corner of said DV & RV Tract;

THENCE North 00 degrees 32 minutes 11 seconds West, 152.15 feet along the west line of said Lot 18D-1 to the Point of Beginning and containing 18,678 square feet or 0.429 of an acre of land.