

**ORDINANCE NO. O-2018-023-15**

**CASE NO. CU-006-18**

**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 TIRE AND BATTERY SALES STORE USES 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 39 of the Zoning Ordinance, the owner of property consisting of approximately 0.3333 acres of land located on Lot AR1, Block 1 of the ADCO Subdivision, locally known as 5711 Denton Highway (hereinafter-referenced as the "Property"), has filed an application for approval of a Conditional Use Permit for tire and battery sales store uses on said property; and

**WHEREAS**, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on July 24, 2018 and the City Council of the City of Haltom City, Texas

held a public hearing on August 13, 2018 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 and battery sales store uses at the property consisting of approximately 0.3333 acres of land and being more fully described as Lot AR1, Block 1 of the ADCO Subdivision, locally known as 5711 Denton Highway.

**SECTION 2.**

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 3.**

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Design 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 4.**

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 5.**

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 6.**

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 7.**

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 8.**

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 9.**

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 13<sup>th</sup> DAY OF

AUGUST, 2018.

PASSED AND APPROVED ON SECOND READING THIS 27<sup>th</sup> DAY OF

AUGUST, 2018.






Mayor  
ATTEST:

  
City Secretary

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

**Exhibit "A"**  
**Design Standards**

1. Automobile tire and battery sales store uses are allowed.
2. Signage must be reviewed and permitted per the City's sign ordinance for any attached signage on the front/east elevation. Existing signage on the north and/or south elevations must be removed or an application to the Sign Board of Appeals must be submitted for variance request.
3. The first fifteen feet (15') of the required front yard setback, measured from the property line shall be landscaped with trees, grass, and shrubs.
4. No parking or display shall be allowed on unimproved surfaces.
5. The dumpster enclosure must be enclosed with a six foot (6') tall solid fence with a swinging gate and maintained in good condition.
6. The owner and/or agent, if any, shall be jointly and severally responsible for installing and maintaining all screening and/or landscaping in a healthy, neat, orderly and live-growing condition, and replacing it when necessary.
7. The hours of operation shall be limited to 9:00AM to 7:00PM on Monday through Saturday.
8. All artificial light sources shall be shielded so as to prevent direct rays of light from crossing a zoning district boundary line.
9. Noise reducing equipment/tools shall be utilized.
10. No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.
11. No outside lift stations or outside auto repair operations are allowed.
12. All business will be conducted within a building.
13. All storage of goods and/or display will be wholly contained within a building.
14. Fire lane required of twenty-four foot (24') must be marked and maintained.
15. Loading and unloading shall occur outside of the striped fire lane.

16. Loading and unloading zone must be distinct from drive lane. Portions of the drive lane are not included as part of the loading and unloading zone. Such space shall consist of a minimum area of ten feet (10') by twenty-five feet (25').

17. Commercial delivery vehicles limited to those able to maneuver on site and not back out or park on Denton Highway (i.e. no 18-wheeler tractor/trailers permitted)

18. Parking lot must be kept maintained and free of any damage.

19. Parking spaces must be marked and maintained to include curb stops.

20. No inoperable vehicles may be stored over twenty-four (24) hours unless inside an approved building.

21. No outside storage of vehicles is allowed overnight.

22. The exterior paint of the building shall be uniform for the entirety of the building.

23. The exterior of the building shall be well maintained and in good repair.

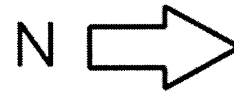
24. Outside storage of tire piles is prohibited. Tires must be stored inside a fully enclosed building and comply with the specification of the adopted fire codes.

25. The applicant shall have a tire recycling company routinely pick up unusable tires to ensure unusable tires are disposed of properly.

If there is any conflict between Exhibit "A" Design Standards and Exhibit "B" Site Plan the provisions in Exhibit "A" Design Standards shall control.

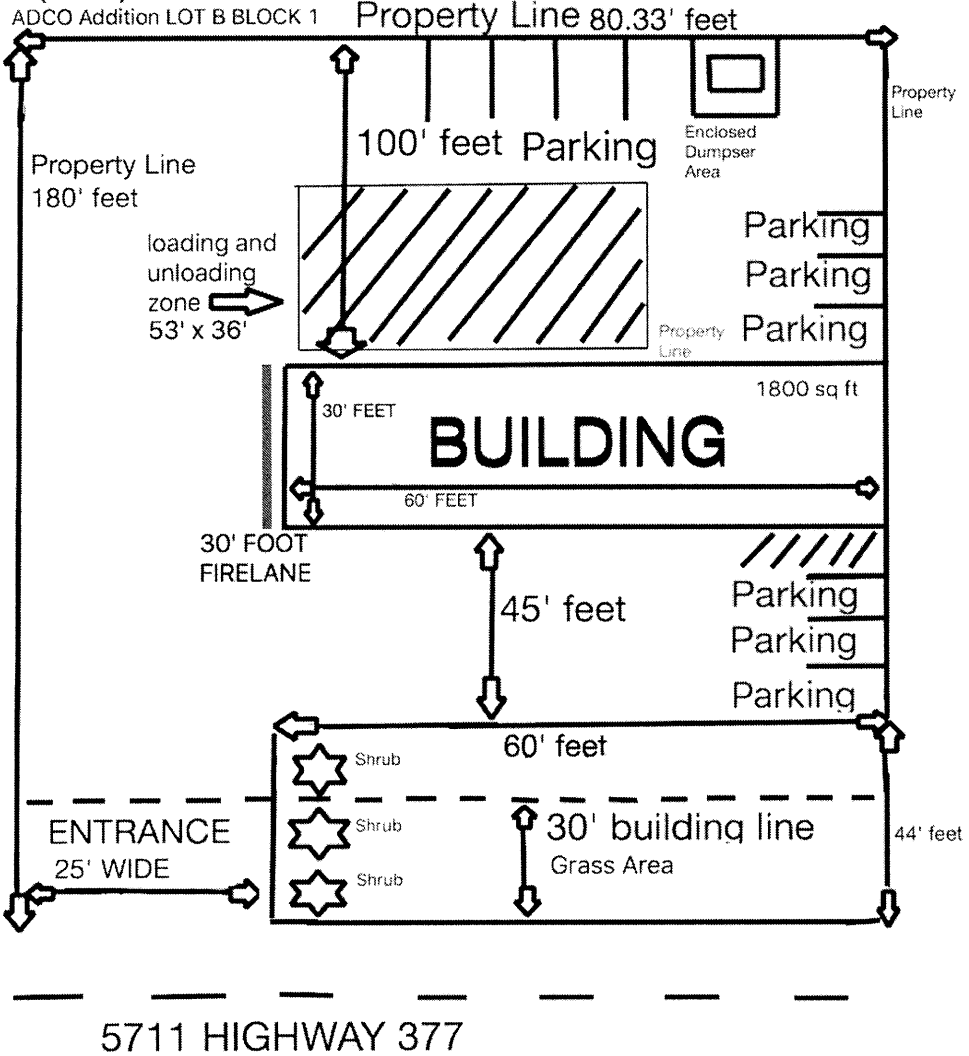
# Exhibit 'B' Site Plan

O - Utility Poles  
O - Fire Hydrats



ATA Trading  
5711 Denton Hwy  
Haltom City, Tx 76148  
(469) 226-2170

Exhibit 'B'  
Site Plan

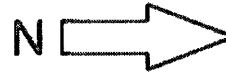
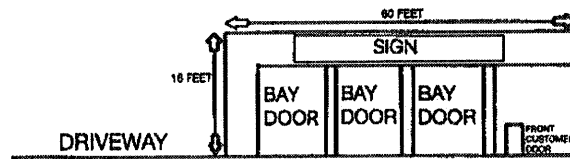


Created by Paint X



Site Plan

ATA Trading  
5711 Denton Hwy  
Haltom City, Tx 76148  
(469)226-2170  
Adco Addition Lot B Block 1



Created by Point X

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