

ORDINANCE NO. O-2019-017-15

CASE NO. Z-006-19

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, 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 3.9502 acres located on Green B. Stanley Survey Abstract 1378, Tract 5A02, located west of Janada Street, locally known as 4233 Janada Street (hereinafter-referenced as the "Property"), has filed an application to rezone the property from its present classification of "M-1" Industrial to "PD-M-1" Planned Development Industrial;

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on June 25, 2019 and the City Council of the City of Haltom City, Texas held a public hearing on July 8, 2019 with respect to the Zoning Change 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 of approximately 3.9502 acres of land from "M-1" Industrial District to "PD-M-1" Industrial District, located west of Janada Street, locally known as 4233 Janada Street, and being part of the Green B. Anthony Survey, Abstract 1378, Tract 5A02, Tarrant County Texas.

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 zoning classification 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, 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 8th DAY OF
JULY, 2019.

PASSED AND APPROVED ON SECOND READING THIS 22nd DAY OF
JULY, 2019.





Mayor
ATTEST:


City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Exhibit "A"
Design Standards
Planned Development for M-1 Manufacturing Use plus
Automotive Part Assembly, Remanufacture and Rebuilding

Definition amendments for this PD:

Assembly - A manufacturing process (often called a progressive assembly) in which parts (usually interchangeable parts) are added as the semi-finished assembly moves from workstation to workstation where the parts are added in sequence until the final assembly is produced.

Remanufacture - The rebuilding of a product to specifications of the original manufactured product using a combination of reused, repaired and new parts. It requires the repair or replacement of worn out or obsolete components and modules.

Rebuild - An automotive part rebuild such as an engine block or a transmission is a major mechanical overhaul done to a vehicle's original block or transmission. An engine or transmission rebuild is defined as a process where the finished product is "as new," inside and out. All parts that have "wear" on them get replaced with new items. This includes valves, pistons, bearings, seals, o-rings, rubber or plastic parts, and gaskets.

Planned Development Provisions

Permitted Uses:

1. All M-1 Manufacturing uses as listed as permitted or as a conditional use in the adopted use charts and in accordance with the provisions of the M-1 Industrial District.
2. In addition to the permitted and conditional uses listed, the assembly, remanufacture or rebuilding of automotive parts are permitted subject to the additional restrictions listed as follows:

Conditions:

1. There will be no retail or wholesale sales at the location and individuals will not drop off or pick up on site.
2. All inventory will be delivered by large semi-trucks or box trucks and offloaded on pallets on loading docks in loading spaces. Once assembled, remanufactured or rebuilt, they will be loaded back on trucks and delivered to the customer sites. No overnight storage of product on the loading docks or outside.

3. Noise produced from uses within the building shall not extend beyond the property lines in any direction. The day-night average sound level at the property line shall not exceed 75 decibels, unless the property line adjoins property zoned for residential uses where the maximum day-night average sound level shall not exceed 65 decibels. The day-night average sound level (LDN) is the 24-hour average sound level, in decibels, obtained after addition of ten sound decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.
4. There shall be an 18' X 18' green space at each corner of points of ingress/egress for the property. No parking shall be allowed in non-residential districts within an area measuring 18 feet square with one side of the square along a property line and a second side of the square along the width limit of a drive approach in any district. The above noted 18-foot square area of no parking shall be behind the property line and adjacent to the throat of a driveway.
5. No truck parking or maneuvering will be allowed on Janada St. Trucks will be restricted to using Glenview Drive to the north and will be restricted by management and this PD ordinance from accessing the site through the residential area to the south.
6. All operations except loading and unloading shall be within the building with no outside storage of inventory or materials.
7. Metal debris/recycling shall be contained/stored inside the building or in a screened dumpster as shown on the site plan. No materials shall be visible from the street right-of-way.”.
8. There will be no repair or work on vehicles, nor will customers drop off vehicles for removal or installation of rebuilt or remanufactured parts.
9. No hazardous or explosive chemicals will be involved in the operations unless otherwise authorized by the Fire Marshal and/or Environmental Specialist.
10. All lubricating, cleaning or other fluids either removed from the parts or used in the cleaning of the parts shall be stored inside the building in tanks and periodically removed by third party firms specializing in the recycling and removal of such products. Under no circumstances shall fluids other than ordinary wastewater from office, breakroom and restroom uses be placed in the municipal wastewater system.

11. The following items will be required as shown on a site plan approved administratively by the Commission:
- a. Shielded lighting of the parking lot.
 - b. Existing landscaping shall be maintained to the maximum extent possible and the paving on the right-of-way shall be removed and replaced with grass.
 - c. Twenty-four (24) trees shall be the minimum requirement in front of the existing building and outside the paved areas, due to truck maneuvering. Existing trees shall remain and any trees removed shall be replaced.
 - d. Dumpster enclosures will be screened from the right-of-way with a six foot (6') tall solid material fence (approved masonry product or r-panel with trim cap) with a swinging gate and maintained in good condition.
 - e. Additional parking will be added as needed to meet employee requirements. Parking along the Janada Street right-of-way will have bumper blocks on each space along the right-of-way. Up to two feet (2') of the eighteen foot (18') parking space will be vehicle overhang over the right-of-way with the remaining sixteen feet (16') of the space paved, enabling the parking to meet the dimensions of the City. Employee parking is prohibited on the street or on unpaved and/or unstriped areas. Truck waiting and off-loading shall be in designated areas.
 - f. Other design and performance requirements as deemed necessary to preserve the M-1 Industrial District character.