

ORDINANCE NO. O-2019-025-15

CASE NO. Z-009-19

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 4.03 acres of land located on Lot 1, Block 1 of the Family Furniture Addition, locally known as 5230 Denton Highway (hereinafter-referenced as the "Property"), has filed an application to rezone the property from its present classification of "PD-C2" Planned Development – Commercial District limited to furniture sales to "PD-C2" Planned Development - Commercial District for all "C2" Commercial District uses including

furniture sales, banquet hall, catering and food trucks with development plan approval on said property; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on August 27, 2019 and the City Council of the City of Haltom City, Texas held a public hearing on September 9, 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 consisting of approximately 4.03 acres of land located on Lot 1, Block 1 of the Family Furniture Addition, locally known as 5230 Denton Highway, from “PD-C2” Planned Development – Commercial District limited to furniture sales to “PD” Planned Development for all “C2” Commercial District uses including furniture sales, banquet hall, catering and food trucks with development plan approval on said property.

SECTION 2.

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 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 zoning classification 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" Design Standards and Exhibit "B" Development 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 9th DAY OF

SEPTEMBER, 2019.

PASSED AND APPROVED ON SECOND READING THIS 14th DAY OF

OCTOBER, 2019.



[Signature]
Mayor

ATTEST:

[Signature]
City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

[Signature]
City Attorney

Exhibit 'A'
Design Standards

1. Bay doors are prohibited on the west and south building facades.
2. No structure shall be built within 100 feet of a residential district boundary.
3. Evergreen shrubs shall be planted along Denton Highway and shall achieve a minimum height of 36 inches within 18 months of planting as shown on the attached Exhibit "B" Development Plan.
4. Shrubs shall be planted along the north property line of the subject site and shall achieve a minimum height of 48 inches within 18 months of planting as shown on the attached Exhibit "B" Development Plan.
5. Trees having a minimum of two caliper inches at planting shall be planted in the southwest corner of the subject site as shown on the attached Exhibit "B" Development Plan. The total caliper inches to be planted per this stipulation shall equal or exceed 14 caliper inches with a minimum of seven trees being planted.
6. Any dumpster located on the property shall be screened and include a six-foot solid wood gate.
7. A six-foot (6') wood screening fence shall be maintained on the eastern end of the north property line where the subject site abuts single family residential.
8. Food trucks shall be an accessory use to the banquet hall and/or catering. If banquet hall and/or catering is abandoned/vacated, food truck allowed use would be eliminated. No food truck shall remain on property overnight.
9. The food truck request will only apply to the event center. The owner of the Planned Development will be held responsible for all required documentation and licensing required by State, County, and City.
10. Food truck(s) will be used for individual events and only allowed to operate during event hours at the 5230 Denton Highway, Suites 60 & 80. Only two (2) food trucks allowed at specified event. The food trucks will be located in the most eastern section of paved parking lot (behind building) only during operation of event. Truck operator will provide letter of permission required from host business for each event. Menu of food items to be sold will be provided.

11. Food Truck Operator/owner must meet all City, County, and State regulations for food, tax reporting, and insurance. Must maintain a good standing status with State. All licensing permits must be prominently displayed. Food Truck Operator and/or employee(s) must have a Certified Food Manager Certification/Accredited Food Handlers cards required.
12. Food Truck Operator/Owner must prepare all food in truck operations or at a Commissary. Food Truck Operator must also provide the most current of all license(s), inspection(s) indicating the location and facility use of the central preparation kitchen. Otherwise, no food prepared from outside source allowed to be sold or served.
13. Food Truck Operator/Owner must contain and secure all waste produced during operation. Any waste should be disposed of by Operator/Owner outside of Haltom City, following specific regulations by State, County, and City. City will not be responsible for Grease/Oil waste receptacles.
14. Food Truck Operator/Owner will be subject to changes to City requirements and inspections at any time.
15. Food truck will provide their own generators and will meet safety codes outlined by Fire Department.
16. Equipment for cooling, heating, and holding food capacities shall be sufficient in number and capacity to provide temperatures as specified by State, County, and City.
17. Manual warewashing shall consist of at least a 3-compartment sink for manual washing, rinsing, and sanitizing equipment and utensils based on requirements of State, County, and City. The sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils used during operation.
18. At least one sink shall be available for convenient use by employee(s) as specified by State, County, and City for handwashing.
19. Mobile water system materials, design, and operation will meet requirements of State, County, and City requirements. A Mobile Food Unit's tank inlet shall be provided with a hose connection of a size or type that will prevent its use for any other service, fill hose and water hold tank shall be labeled as "PORTABLE WATER".

20. Should alcoholic beverages be served, an off-duty Haltom City Police Officer will be required to be present during the event. The Police Office will remain until alcohol has been completely stored and/or handled appropriately.