

ORDINANCE NO. 0-2012-006-15
Zoning Case Z-003-12

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY TEXAS BY ADOPTING REGULATIONS FOR TIRE AND BATTERY SALES STORES; PROVIDING FOR THE CLASSIFICATION OF TIRE AND BATTERY SALES STORES AS A CONDITIONAL USE PERMIT IN ALL NON-RESIDENTIAL ZONING DISTRICTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City ("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 Texas Local Government Code; and

WHEREAS, the City Council is empowered under the Texas Local Government Code to adopt ordinances and rules for the orderly and beneficial operation of City government and the welfare of the citizens of Haltom City; and

WHEREAS, the City Council has adopted a Comprehensive Zoning Ordinance which 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, the City Council desires to amend the Comprehensive Zoning Ordinance to permit tire and battery sales stores in non-residential zoning districts, but only after issuance of a conditional use permit; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City held a public hearing on February 28, 2012 and the City Council held a public hearing on March 12, 2012 with respect to the amendments 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 amendments described herein.

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

SECTION 1.

Section 9, "Use Matrix" of the Comprehensive Zoning Ordinance of the City of Haltom City is hereby amended by amending the Table of Permitted Uses, Subsection E, "Automobile and Transportation Related Uses" to provide that tire and battery sales stores shall be allowed only as a conditional use permit in all non-residential zoning districts.

SECTION 3.

This ordinance shall be cumulative of all provisions of the City of Haltom City, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

All rights and remedies of the City of Haltom City are expressly saved as to any and all violations of the provisions of the Zoning Ordinance of the Code of Ordinances of the City of

Haltom City, Texas, or any other ordinances regulating zoning and land use which 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 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.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, 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.

SECTION 8.

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 12th DAY OF March, 2012.

PASSED AND APPROVED ON SECOND READING THIS 26th DAY OF March, 2012.



Richard Hutchison
Richard Hutchison, Mayor

ATTEST:

Art Camacho
Art Camacho, City Secretary

APPROVED AS TO FORM AND LEGALITY:

W. L. Oe
City Attorney