

ORDINANCE NO. O-2016-024-15

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 CERTAIN LAND USES; PROVIDING AND AMENDING CERTAIN LAND USE DEFINITIONS; PROVIDING FOR AND AMENDING THE CLASSIFICATION OF CERTAIN LAND USES IN CERTAIN ZONING DISTRICTS; PROVIDING AND AMENDING RESTRICTIONS AND PARKING REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of Haltom City, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance.

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

SECTION 1.

Section 28, "Definitions" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following definitions:

Banquet Hall: An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with said functions.

Household Laundry Service Facility: A commercial establishment where clothes and other household fabrics can be washed and dried, primarily using coin-operated machines or other means of self-service laundry. Also known as washaterias, laundromats, launderettes, and lavanderias.

Massage Therapy Clinic: Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Massage Therapy, Unlicensed: Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law. Acupuncture, acupressure, reflexology, and similar unlicensed therapeutic practices are included in this definition.

Tattoo and/or Piercing Studio: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles

or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

And changing the following definitions:

Barber shop / beauty salon: An establishment that provides personal services such as haircuts, braiding of hair, weaving of hair, perms, color treatments, manicures, pedicures, skin care, permanent cosmetics, tanning, noninvasive and/or nonaggressive dead skin exfoliation and hair removal, body wraps, esthetician specialties and cosmetology procedures. Tattoo studio, dental procedures, and medical procedures are not included in this definition as primary or accessory uses.

Commercial amusement center, indoor operations only: A facility providing for entertainment and amusement. Games contained in the facility may include skilled games or activities such as, but not limited to, shuffle boards, darts, bowling facilities, roller/ice skating rinks, dominos, and arcade/video/computer games. Not included in this definition are games commonly referred to as eight-liners or slot machines or other games of chance resembling machines, dice, card games, or other gambling-like devices.

SECTION 2.

Section 9, "Matrix of Uses" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following changes to the table of uses:

KEY:

P = Permitted
C = Conditional
SE = Special Exception

| D. Recreational and entertainment uses: | SF-1 | SF-2 | D | MF-1 | MF-2 | MHD | TH | O | C-1 | C-2 | C-3 | C-4 | C-5 | M-1 | M-2 |
|---|------|------|---|------|------|-----|----|---|-----|-----|----------------|----------------|-----|-----|-----|
| Banquet hall | | | | | | | | | | C | P ^A | P ^A | | | |
| Health and physical fitness center | | | | | | | | | P | P | P | P | | P | P |
| Park, playground and recreation area | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| G. Retail and service uses: | SF-1 | SF-2 | D | MF-1 | MF-2 | MHD | TH | O | C-1 | C-2 | C-3 | C-4 | C-5 | M-1 | M-2 |
| Health service facilities | | | | | | | | P | P | P | P | P | | P | P |
| Household laundry service facility | | | | | | | | | | | C | | | | |
| Massage therapy clinic | | | | | | | | | | C | C | | | | |
| Massage therapy, unlicensed | | | | | | | | | | C | | | | | |
| Tattoo and/or piercing studio | | | | | | | | | | C | C | C | | | |

^A Refer to Sec. 29.BB for supplementary district regulations

SECTION 3.

Section 31.D, "Schedule of Minimum Parking Spaces" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following changes to the schedule of minimum parking spaces:

KEY:

| Use | Number of Spaces | Required for Each | Additional Requirements |
|---------------------------------------|------------------|--------------------|-------------------------|
| Commercial: | | | |
| Banquet hall | 1 | 100 square feet | Minimum of 60 spaces |
| Commercial amusement center (indoors) | 1 | 125 square feet | |
| Health and physical fitness center | 1 | 300 square feet | |
| Household laundry service | 1 | 3 washing machines | |
| Massage therapy clinic | 1 | 350 square feet | |
| Massage therapy, unlicensed | 1 | 350 square feet | |
| Tattoo and/or piercing studio | 1 | 400 square feet | |

SECTION 4.

Section 29, "Supplementary District Regulations" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the addition of the following:

BB. *Banquet Hall.* Banquet halls as a primary use must:

1. Be located in a tenant space of at least 6,000 square feet within a multi-tenant building that has a contiguous building footprint of at least 20,000 square feet; and
2. Have the owner, lessee or operator of any banquet hall maintain good order upon the premises and shall not permit disorderly or immoral conduct or loitering thereon, nor shall he or she cause or permit any noise or nuisance on the parking area of the banquet hall whereby the quiet and good order of the neighborhood is disturbed; and
3. Not have the owner, lessee or operator of any banquet hall allow the operation of any sound equipment at any place or in any manner that will disturb the peace and quiet of persons residing in any residential building or operating in any business building located on or within 400 feet of the premises on which such banquet hall is located; and
4. Not be conducted during the following hours:
 - a. From 12:00 midnight to 12:00 noon on Monday, Tuesday, Wednesday, Thursday, and Friday; and
 - b. From 1:00 a.m. until 12:00 noon on Saturdays and Sundays.

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, 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 phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section 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 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 any such unconstitutional phrase, clause, sentence, paragraph or section.

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) 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 are expressly saved as to any and all violations of the provision of the Zoning Ordinance of the Code of Ordinances of the City of Haltom City, Texas, as amended, or any other ordinances regulating zoning and land use 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 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 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 14th DAY OF
November, 2016.

PASSED AND APPROVED ON SECOND READING THIS 20th DAY OF
November, 2016.



John G. Smith
MAYOR

ATTEST:

Mr. Comallo
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

W.D.
CITY ATTORNEY