

AGENDA

HALTOM CITY COUNCIL MEETING

May 11, 2015

CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session/ Regular Session
Work Session 6:00 p.m. - Regular Session 7:00 p.m.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)

- Discuss 6 Stones’s Community Powered Revitalization Program.
- Review and discuss items on the regular agenda of May 11, 2015.

EXECUTIVE SESSION

Section 551.071

As authorized by Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on: open meetings, open records, contracts, expenditures and oversight of the Haltom City Economic Development Corporation, litigation, and settlement offers and/or claims for the following cases:

- Donald Anthony Hains v. City of Haltom City
- Burkett v. City of Haltom City, et al.
- Flynn v. Haltom City EDC
- Emily A. Rudicel v. City Secretary/Haltom City Police Department
- Progressive County Mutual Ins. Co. v. The City of Haltom City

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property owned or leased by the City and the Economic Development Corporation.

Section 551.087 – Deliberations about Economic Development Incentives

Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE – Council Member Stephanie Davenport

ANNOUNCEMENTS/EVENTS

PROCLAMATION/PRESENTATION

“National EMS Week” Proclamation and MedStar Update – Matt Zavadsky

REGULAR AGENDA

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of April 27, 2015.
2. **Resolution No. R-2015-011-01** – Consideration and/or action regarding approval of the resolution nominating Hillshire Brands as an Enterprise Project.

3. **Ordinance No. O-2015-008-15 (Z-004-15)** - Conduct a public hearing and consider action on the application of Keith Paris for approval of a Zoning Change request from "M-2" Heavy Industrial to "C-2" Commercial District located on Tracts 1R1A and 2R1A of the Green B. Stanley Survey, Abstract 1378, being approximately 4.565 acres of land located south of Interstate Loop 820 Highway and east of Haltom Road, locally known as 5050 Interstate Loop 820 Highway and unaddressed property. - **1st Reading**
4. **Ordinance No. O-2015-007-15 - Fence Ordinance Amendment** – Conduct a public hearing and consider action on an amendment to Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, by amending regulations to provide more specific regulations regarding fences, walls, and screening standards. – **1st Reading**

VISITORS/CITIZENS FORUM

*This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker's Request Form to the City Secretary. All comments must be directed toward the presiding Officer rather than an individual council member or staff. Each speaker must limit his/her comments to the **subject matter** listed on the Speaker's Request Form and must refrain from personal attacks toward any individual. A three to six minute time limit will be granted. **(Six minutes with prior notification and three without prior notification)**. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.*

BOARDS/COMMISSIONS

5. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members.
6. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions.
7. **Board/Commission Reports** – Receive reports from Council liaisons.

EXCUSED ABSENCE OF COUNCIL MEMBERS

8. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

EXECUTIVE SESSION

See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

9. Take any action deemed necessary as a result of the Executive Session.

ADJOURNMENT

CERTIFICATION

I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 8th DAY OF MAY, 2015 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.



ART CAMACHO, CITY SECRETARY

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON _____ DAY OF _____, 2015.

Name: _____ Title: _____



This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015
Department: City Secretary
Subject: Minutes of April 27, 2015

BACKGROUND

On April 27, 2015, a Regular Meeting was held at City Hall, 5024 Broadway Avenue, Haltom City, Texas.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve the Minutes of the Meeting of April 27, 2015.

ATTACHMENTS

April 27, 2015 Minutes

**MINUTES
HALTOM CITY COUNCIL MEETING
CITY HALL, 5024 BROADWAY AVENUE
April 27, 2015**

A Regular Meeting was held by the City Council of the City of Haltom City, Texas, on April 27, 2015, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present, to-wit:

Mayor Richard Hutchison	Mayor Pro Tem Bob Watkins
Council Place 1 Marian Hilliard	Council Place 2 Jeff Western
Council Place 3 David Averitt	Council Place 4 Trae Fowler
Council Member 6 Stephanie Davenport	Council Place 7 Dr. An Truong

Staff Present: Tom Muir, City Manager; Wayne Olson, City Attorney; Art Camacho, City Secretary; Susan White, Business Development Coordinator, Justin French, Planning and Community Development Director, Toni Beckett, Human Resources and Risk Management Director, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER

Mayor Hutchison called the Worksession to order at 6:00 p.m. Greg Van Nieuwenhuize, Public Works Director, presented an update on the Backage Road Project that included a detailed account of the specific expenditures on the construction and stabilizing of the drainage outfall structure cost of \$384,432.00. He also provided a timeline should the project be submitted for bidding. Council Member Trae Fowler presented a flow diagram regarding the possible hiring of a Public Safety Director position, which included the different city department administrative authority being divided among the City Manager, Assistant City Manager, and the Public Safety Director. The Consent Agenda was reviewed and clarification was made regarding Agenda Item # 6 – Property Enhancement Incentives Policy – and a change was also made concerning the starting month in Section 4 being changed from May to March on Agenda Item # 9 – Council Budget Committee. No other changes were made on the Consent Agenda and no Executive Session was held. Mayor Hutchison closed the Worksession at 7:00 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Hutchison called the meeting to order at 7:10 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Stephanie Gilfeather, of St. Luke Methodist Church, gave the Invocation and Mayor Pro Tem Bob Watkins led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS AND EVENTS

City Secretary Art Camacho announced the following:

Library

Writing Contest – A writing contest will be held for individuals from the 5th grade to adult. It will include poetry and short stories, with the deadline of Saturday, May 30th. The city website has all of the rules at www.haltomcitytx.com.

Family Movie Night - The Family Movie night will feature “Planes – Fire and Rescue” on Monday, May 11th at 6:30 p.m.

Story Times – Held on Thursdays from 11:00 a.m. to 11:45 a.m. for 3 yrs. and older. For ages 2 and younger, it is held on Fridays from 10:30 a.m. to 11:15 a.m.

Craft Fair – The Haltom City Masonic Lodge will be hosting its annual spring Craft Fair on Saturday, May 2nd. The address is 4403 Broadway and this year’s event will include a garage sale on the front lawn.

Awards Presentation – The “Images of Haltom City” 27th Anniversary photo contest awards presentation program will be held this Thursday, April 30th and the Haltom City Tarrant County College Northeast Center, 3201 Friendly Lane, at 6:30 p.m. Everyone is welcome and prizes and certificates will be awarded and citizens can meet the contest judges and discuss contest results. For more information, citizens can call 817-222-7767 or contact Fran Burns, Community Projects Director, at fburns@haltomcitytx.com.

City General and Special Election - Haltom City will be holding a General Election to elect the Mayor and Council Places 1, 2, and 7, and a Special Election for Council Place 3. Current Mayor Richard Hutchison and Council Member Place 3 David Averitt are running for the Mayor’s position. Dr. An Truong is uncontested for Council Member Place 7. In the race for Council Member Place 1, the candidates are Marian Hilliard and Jeannine Nunn; Council Member Place 2 candidates are Jeff Rhoads and Walter Grow. In the Special Election for Council Place 3, the candidates are Scott Garrett and Willis O’Dell. Citizens will also be voting on the continuance of the Crime Control and Prevention District (CCPD) ¼ cent sales tax. The single polling place listed below will be open from 7:00 a.m. to 7:00 p.m. on Saturday, May 9, 2015.

Location of Polling Place and Precincts on May 9, 2015:

Polling Place #1:	Haltom City Northeast Center	1199, 1622, 4042, 4102, 4141,
	3201 Friendly Lane	4159, 4191, 4218, 4239, 4290
	Haltom City, Texas, 76117	4328, 4362, 4399, 4410, 4483
		4485, 4533, 4602, 4620

EARLY VOTING BY PERSONAL APPEARANCE DAYS AND HOURS

April 27 – May 1	Monday - Friday	8:00 a.m. – 5:00 p.m.
May 2	Saturday	7:00 a.m. – 7:00 p.m.
May 3	Sunday	11:00 a.m. – 4:00 p.m.
May 4-5	Monday -Tuesday	7:00 a.m. – 7:00 p.m.

Haltom City Northeast Center, 3201 Friendly Lane, Haltom City, Texas 76117

Other Early Voting stations can be found on the following link to Tarrant County Elections: <http://www.tarrantcounty.com/evote/site/default.asp>.

Council Member Fowler announced the passing of citizen Tom Hall to the audience and requested prayer for his family and commented on his community volunteerism.

REPORTS

1. **Monthly Financial Report** – Consideration and/or action regarding approval of the preliminary monthly Financial Report for the month of March 2015. Finance Director Jennifer Fung presented the financial report and a discussion was held regarding the quarterly increases in sales tax revenues. Council Member Dr. An Truong moved, seconded by Council Member David Averitt, to approve the monthly financial report for the month of May 2015. ***The vote was unanimous. Motion carried.***
2. **Quarterly Investment Report** – Consideration and/or action regarding approval of the March 2015 Quarterly Investment Report. Finance Director Jennifer Fung presented the quarterly investment report and gave additional comments concerning the current national financial status. Council Member Averitt moved, seconded by Council Member Davenport, to approve the March 2015 Quarterly Investment Report. ***The vote was unanimous. Motion carried.***

3. **2015 Crime Statistics (1st Quarter)** – Presentation of Haltom City Police Department crime statistics for the first quarter of 2015. Police Chief Keith Lane gave a PowerPoint presentation with the first quarter crime statistics data. A discussion was held regarding the number of officers present during each work shift and Chief Lane also commented on the quality number of applications the department receives for employment at Haltom City. No action was taken.
4. **Capital Improvements Report** – Presentation of quarterly status report of all major capital improvement projects. Greg Van Nieuwenhuize, Public Works Director, presented the report and a discussion was held regarding the project's landscaping, signage, inspection work, sidewalk replacements and new construction regarding the Lower Fossil Linear Park. No action was taken.

CONSENT AGENDA

5. **Minutes** – Consideration and/or action regarding approval of the Minutes of the Regular meeting of April 13, 2015 and the April 16, 2015 Worksession.
6. **Property Enhancement Incentives Policy** – Consideration and/or action regarding approval of Resolution No. R-2015-003-01 authorizing the Property Enhancement Incentives Policy.
7. **Resolution No. R-2015-009-03** – Consideration and/or action regarding approval to amend the authorized representatives for the TexPool local government investment pool.
8. **Annual Evaluation of Tax Abatement** – Consideration and/or action regarding approval of the Hillshire Brands project tax abatement for the 2015 calendar year.
9. **Council Budget Committee** – Consideration and/or action regarding approval of Resolution R-2015-008-01 creating the Council Budget Committee.
10. **Ordinance No. O-2015-003-15 (CU-002-15)** - Consider action on the application of Arnulfo Rodriguez, on behalf of Jesus Mejia-Villalva, for a Conditional Use Permit request with site plan approval, for Tire Sales Store uses located on Tract 18B09 of the Joel Walker Survey, A-1654, being 0.198 acres located south of E. Belknap Street and west of Layton Avenue, locally known as 4320 E. Belknap Street. **2nd Reading**
11. **Ordinance No, O-2015-004-15 (Z-001-15)** - Consider action on the application of Chase D. Pearce, on behalf of Jimmy and Ann Nguyen, for approval of a Zoning Change request from “PD” Planned Development for all “C-3” uses plus limited Auto Dealer, Auto Repair, and Residential Quarters uses to “PD” Planned Development for all “C-3” uses plus Auto Dealer, Auto Repair, and Residential Quarters uses located on Lot 1R, Block 1R of the Le Addition, being 1.682 acres of land located south of NE 28th Street and west of N. Beach Street, locally known as 2219 N. Beach Street. **2nd Reading**
12. **Ordinance No. O-2015-005-15 (Z-002-15)** - Consider action on the application of Victor Trotter, on behalf of Nenaire Corp Partner, Inc. and Rita R. Wilson for approval of a Zoning Change request from “C-3” Commercial District and “M-1” Industrial District to “PD” Planned Development for “C-3” uses plus office warehouse, warehouse, and wholesale distributor and “PD” Planned Development for limited “M-1” uses located on G. W. Burkitt’s Subdivision Block 22, Lot 22A and 22B, L. Merrill 25R, 26R & 27R; Tracts 18B07, 18B1, 18B1A,

18B5, 18B6, 18B11, and 18D of the Joel Walker Survey, A-1654; and Lots 26A, 27A, and 28A of the J. A. Murrel Addition being 3.328 acres of land located south of E. Belknap Street and east of Layton Avenue, locally known as 1708, 1714, and 1728 Layton Avenue; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan Rezoning Cases (3) – **2nd Reading**

Council Member Jeff Western moved, seconded by Council Member Truong, to approve the Consent Agenda consisting of Agenda Items # 5 through # 12. **The vote was unanimous. Motion carried.**

REGULAR AGENDA

13. **Schedule Special Council Meeting and Cancel a Regularly Scheduled Council Meeting** – Consideration and/or action to schedule a special Council meeting for May 18, 2015 to allow for the canvassing of the May 9th General Election and the installation of newly elected officials and cancel the regularly scheduled meeting of May 25, 2015. Mayor Hutchison presented this item and a discussion was held regarding action, specifically regular Council action items, that would still be taken at the meeting, but still include the candidates swearing and new Council installation. Council Member Fowler moved, seconded by Mayor Pro Tem Watkins, to approve the scheduling of the regular Council meeting on May 11th and a special Council meeting for May 18th for canvassing the votes, and canceling the regularly scheduled meeting of May 25th in observance of the (Memorial Day) holiday. **The vote was unanimous. Motion carried.**

VISITORS/CITIZENS FORUM

The following citizen came forward:

1. Geneva Cooper, 42014 Joy Lee – Addressed the Council concerning her neighbor's dogs and the noise nuisance they are causing.

BOARDS/COMMISSIONS

14. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. There were no resignations.
15. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions. There were no appointments or reappointments.
16. **Board/Commission Reports** – Receive reports from Council liaisons. Council Member Hilliard stated a P & Z meeting will be held on Tuesday, April 28, 2015 that will include a Public Hearing on the Fence Ordinance.

EXCUSED ABSENCE OF COUNCIL MEMBERS

17. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter. There were no absences.

EXECUTIVE SESSION

Section 551.071

As authorized by Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on: open meetings, open records, contracts, expenditures and oversight of the Haltom City Economic Development Corporation, litigation, and settlement offers and/or claims for the following cases:

- Donald Anthony Hains v. City of Haltom City
- Phillip Payne v. City of Haltom City
- Burkett v. City of Haltom City, et al.
- Flynn v. Haltom City EDC

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property owned or leased by the City and the Economic Development Corporation.

Section 551.087 – Deliberations about Economic Development Incentives

Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect.

Section 551.074

Deliberation regarding the appointment, employment, evaluation, reassignment, resignation, duties, discipline or dismissal of the City Secretary.

The Council went into Executive Session at 8:13 p.m.

RECONVENE TO REGULAR SESSION

14. Take any action deemed necessary as a result of the Executive Session.
The Council reconvened into Regular Session at 9:01 p.m. and no action was taken.

15. **ADJOURNMENT**

Mayor Hutchison adjourned the meeting on April 27, 2015 at 9:02 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

Richard Hutchison, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015

Department: Admin/Economic Development

Subject: Hillshire Brands – Enterprise Project

BACKGROUND

A longstanding community asset, Hillshire Brands continues to look for ways to improve and enhance its operations at 3900 Meacham Boulevard. The opportunity exists for the City of Haltom City to nominate Hillshire Brands for an Enterprise Project Designation with the State of Texas. The nomination does not obligate the City to provide any financial incentives from City revenues, rather it opens the door for Hillshire Brands to receive state sales and use tax refunds. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site.

This nomination would be the second for Hillshire Brands which was originally nominated by ordinance on November 10, 2014. The enterprise project designation is competitive and the application was not accepted into the program at the last round.

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state. Local communities must nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program.

To be eligible for the State designation, Hillshire Brands commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements. Hillshire Brands currently has approximately 700 employees. The rebate is calculated on 500 retained jobs, with 35% of those employees living in an enterprise zone or economically disadvantaged. The state sales and use tax rebate is \$2,500 per employees; $500 \times 2500 = \$1,250,000$ over five years. Local sales and use tax is not part of the rebate program, only state sales and use tax.

Resolution No. R-2015-011-11 references Ordinance No. O-2014-035-01 which was approved on November 10, 2014. This ordinance not only nominated Hillshire Brands, but it also served as authorization for the City to participate in the Texas Enterprise Zone program pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve Resolution No. R-2015-011-11 nominating Hillshire Brands as an Enterprise Project.

ATTACHMENT

Resolution No. R-2015-011-11

RESOLUTION NO. R-2015-011-01

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM AND NOMINATING THE HILLSHIRE BRANDS COMPANY FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE.

WHEREAS, Haltom City (City) has previously passed an Ordinance No. O-2014-035-01 dated November 24, 2014, a copy of which is attached to this resolution as Exhibit “A”, electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in that Order;

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider The Hillshire Brands Company (Hillshire) as an enterprise project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the “Act”), Hillshire has applied to the City for designation as an enterprise project;

WHEREAS, the City finds that Hillshire meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Hillshire is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction located outside of an enterprise zone and at least thirty-five percent (35%) of the business’ new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
3. The designation of Hillshire as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Hillshire meets the criteria for tax relief and other incentives adopted by the City and nominates Hillshire for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Hillshire as an enterprise project pursuant to the Act;

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

That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

BE IT FURTHER RESOLVED that Hillshire is a “qualified business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

BE IT FURTHER RESOLVED that the enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate on June 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY this 11th day of May, 2015.

SIGNED:

Richard Hutchison, Mayor

ATTEST:

Art Camacho, City Secretary

APPROVED AS TO FORM:

Wayne Olson, City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015

Department: Planning & Community Development

Subject: Ordinance No. O-2015-008-15
First Reading (Z-004-15)
Haltom Crossing

BACKGROUND

Conduct a public hearing and consider action on the application of Keith Paris for approval of a Zoning Change request from “M-2” Heavy Industrial to “C-2” Commercial District located on Tracts 1R1A and 2R1A of the Green B. Stanley Survey, Abstract 1378, being approximately 4.565 acres of land located south of Interstate Loop 820 Highway and east of Haltom Road, locally known as 5050 Interstate Loop 820 Highway and unaddressed property.

The applicant requests to rezone the subject site in order to market the property for retail/restaurant uses. The existing “M-2” Heavy Industrial District does not allow retail/restaurant uses and allows uses such as pawn shop and RV or camper sales lot that are not desirable uses at this location. The subject site is the former location of the Great Western Inn, which was demolished in 2014.

FISCAL IMPACT

None.

RECOMMENDATION

On April 28, 2015, the P&Z recommended approval of Z-004-15 by a vote of 6-0-0.

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. 0-2015-008-15

ORDINANCE NO. O-2015-008-15

CASE NO. Z-004-15

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 4.565 acres of land located on Tracts 1R1A and 2R1A of the Green B. Stanley Survey, A-1378, locally known as 5050 Interstate Loop 820 Highway and unaddressed property (hereinafter-referenced as the "Property"), has filed an application to rezone the property from its present classification of "M-2" Heavy Industrial District to "C-2" Commercial District; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on April 28, 2015 and the City Council of the City of Haltom City, Texas held a public hearing on May 11, 2015 with respect to the Zoning Change described herein; and

WHEREAS, the City Council deems the Zoning Change described herein as consistent with the Haltom City Comprehensive Land Use Plan as provided herein, and that such Zoning Change is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan as well as health, safety, traffic and environmental considerations; 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 approximately 4.565 acres of land from “M-2” Heavy Industrial District to “C-2” Commercial District, located south of Interstate Loop 820 Highway and east of Haltom Road, locally known as 5050 Interstate Loop 820 Highway and unaddressed property, and being Tracts 1R1A and 2R1A of the Green B. Stanley Survey, A-1378.

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 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 _____ DAY OF _____, 2015.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2015.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015

Department: Planning & Community Development

Subject: Ordinance No. O-2015-007-15
First Reading
Zoning Ordinance Amendment

BACKGROUND

Conduct a public hearing and consider action on an amendment to Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, by amending regulations to provide more specific regulations regarding fences, walls, and screening standards.

On February 9, 2015, the City Council directed staff and the Planning and Zoning Commission to recommend changes to the City's zoning ordinance in regards to privacy/security enclosures.

On February 24, 2015, the Planning and Zoning Commission held a workshop to discuss possible changes to the City's zoning provisions in regard to fences and recommended the scope of the workshop be expanded to recommend standards for residential subdivision enclosures.

On February 26, 2015, the City Council provided consented to expanding the scope of the workshop to include residential subdivision enclosures, and City Council asked that special attention be given in regard to:

- Continuity in residential privacy fence heights;
- Drainage (for a minimum mow strip providing 2" clearance); and
- Types of fences allowed for residential privacy.

On March 10th, March 24th, and April 14th, 2015, the Planning and Zoning Commission conducted workshops to draft recommended changes to the City's zoning provisions in regard to fences. The resulting ordinance amendment is attached.

The significant provisions in the proposed ordinance amendment include: 1) setting a maximum height for residential privacy/security enclosures; 2) providing provision for a mow strip; 3) defining allowed and prohibited fence material/types; 4) defining fence height; 5) redefining when a fence permit is required; 6) prohibiting privacy/security enclosures in front of residences; 7) defining responsibility for maintenance; and 8) defining fence maintenance standards.

FISCAL IMPACT

None.

RECOMMENDATION

On April 28, 2015, the P&Z recommended approval of Ordinance No. O-2015-007-15 by a vote of 6-0-0 with the following stipulations:

- 1) Section 33.C.2 be omitted; and
- 2) Section 33.G.3 be added to state R-panel/metal sheet panel fences are only allowed in "M-1" and "M-2" zoning districts.

On April 28th, the Director of Planning and Community Development could not recall the reason to include Section 33.C.2 in the ordinance. Since the April 28th meeting, the Director recalled the reason to include Section 33.C.2 in the ordinance is to not require a permit to repair or replace entire fence lines that are no more than ten feet, as is typical with fence lines between side property lines and a residential structure. Contrary to P&Z's motion, the Director of Planning and Community Development recommends that Section 33.C.2 remain in the ordinance.

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. 0-2015-007-15

ORDINANCE NO. O-2015-007-15

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY AMENDING SECTION 33, "FENCE REGULATIONS", TO PROVIDE MORE SPECIFIC REGULATIONS REGARDING FENCES AND WALLS; 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, the City Council has determined that it is in the best interest of the City of Haltom City to amend Ordinance No. O-2002-032-15, the Zoning Ordinance, to provide more specific regulations concerning fences and walls in the City of Haltom City to better address the general health, safety, and welfare of the residents of Haltom City; and

WHEREAS, The Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on April 28, 2015 and the City Council of the City of Haltom City, Texas held a public hearing on May 11, 2015 with respect to the amendments to the zoning ordinance 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 an amendment to Ordinance No. O-2002-032-15.

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

SECTION 1.

Section 33, Fence Regulations of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 33. - Fence regulations.

- A. *Generally.* The purpose of this section is to prevent sight restrictions, promote safety for vehicles and pedestrians, and provide an open atmosphere in developments. No fence, wall or outdoor area enclosure may be erected, placed or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this section.
- B. *Definitions.* For the purposes of this section the following definitions shall apply:
 - 1. *Alternate orientation.* Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.
 - 2. *Corner lot.* A lot, tract or parcel which abuts two streets at their intersection, with the longer street frontage being the side of the lot.
 - 3. *Corner orientation.* Created when a structure located on a corner lot is constructed to face the intersection, diagonally across a lot, rather than a traditional orientation toward one of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated equally as front yards.
 - 4. *Decorative fence.* A fence or outdoor area enclosure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.
 - 5. *Electrical fence.* An outdoor area enclosure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.
 - 6. *Fence.* For the purpose of this section, a fence shall be any construction or hedge greater than 30 inches in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Dikes and retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.
 - 7. *Fence height.* Fence height shall be the distance equal to the measurement from the top of the fence straight down to a point level with the highest grade within 10 feet.

8. *Non-residentially zoned areas.* Any land within the city zoned for non-residential uses: "O", "C-1", "C-2", "C-3", "C-4", "C-5", "M-1", "M-2", "BP" or non-residential "PD" district.
 9. *Office, business or industrial park/complex enclosure (including entry features).* A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose or protect an office, business or industrial park/complex.
 10. *Outdoor area enclosure.* Any fence, wall or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.
 11. *Privacy/security enclosure.* Fences, walls or structures located on individual lots, tracts or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.
 12. *Residential subdivision enclosure (including subdivision entry features).* A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose, divide or protect a residential subdivision.
 13. *Residentially zoned areas.* Any land within the city zoned for residential uses: "SF-1", "SF-2", "D", "TH", "MF-1", "MF-2", "MH" and residential "PD" districts.
 14. *Wall.* An outdoor area enclosure of masonry, wood, plaster or other approved building material that exceeds three inches in thickness, serving to enclose, divide or protect an area.
 15. *Visibility triangle.* An area as defined by the City Engineer, located at the intersection of two streets, access easements or alleys or any combination thereof where no structure, growth or object shall exceed two feet in height.
- C. *Permits.* It shall be unlawful for any person to erect or have erected a fence or wall without first obtaining a permit from the building official if the fence or wall is over thirty inches (30"). Exceptions – Where repairs and replacements are of the same fence material, fence height, and fence location, the follow exceptions to Section 33.C are allowed:
1. A permit shall not be required to repair or replace less than 50% of any given fence line segment. Multiple fence line segments may be repaired or replaced without a permit as long as the aggregate distance of fencing repaired or replaced is less than 50% within any two year time period.
 2. A permit shall not be required to repair or replace a number of fence sections as long as the total aggregate distance of fencing repaired or replaced is less than ten (10) horizontal feet within any two year time period.
- D. *Extension over property line.* No fence, guy wire, brace, light standard sign, vee arm, barbed wire base and arm, or any structure on a fence shall extend over any property lines.
- E. *Residential uses.* In residentially zoned districts, fences, walls and outdoor area enclosure structures may be erected if in accordance with the following regulations:
1. Privacy/security enclosures:
 - a. Privacy/security enclosures may be fences or walls.
 - b. Maximum height shall not exceed six feet. Exception – The top of the fence may extend level with the top of the fence at the highest grade without regard to fence height restrictions; however, no fence picket or vertical length of fence material shall be greater than ten (10) feet as determined by the building official and with due review of wind load calculations.
 - c. May be erected upon the rear lot line of any lot.
 - d. May be erected upon the side lot lines of any interior lot but may not extend past the front façade of the primary structure on the same lot as determined by the zoning administrator.

- e. May be erected no closer than ten (10) feet to a "street side" property line of corner lots, provided the corner lot does not back up to an interior lot.
- f. May be erected no closer than 15 feet from a side property line adjacent to a street on corner lots backing up to interior lots.
- g. Shall not be located in front of the primary structure on the same lot unless a special exception is approved by the Zoning Board of Adjustment to allow such enclosure. Wing walls and other walls constructed with the original construction and design of a single family residence shall not require a special exception from the Zoning Board of Adjustment.

2. Decorative fences:

- a. Decorative fences shall not be walls.
- b. Maximum height shall not exceed four feet.
- c. Solid surface area of any decorative fence shall not exceed 50 percent of the total surface area.
- d. Decorative fences may be erected upon any residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easement, or floodway.
- e. Decorative fences may not be allowed within the visibility triangle,
- f. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements; and
- g. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.

3. Residential subdivision enclosures (including subdivision entry features):

- a. All residential subdivision enclosures shall be walls or combination of decorative fences as approved by the zoning administrator.
- b. All residential subdivision enclosures shall be constructed with minimum ten-inch by 20-inch brick columns set on piers with a maximum spacing of eight-foot on center. Infill material between brick columns shall be brick, stone, pressure-treated lumber, plaster, iron or other approved material. Unless the infill material is pressure-treated lumber or iron, the first twelve inches from grade shall be cast concrete to provide sufficient support of the infill material above, while accommodating necessary drainage passages at the satisfaction of the City Engineer.
- c. Maximum height of subdivision enclosures shall not exceed eight feet.
- d. Walls enclosing residential subdivisions may be erected along rear property lines and along the side property lines exceeding the required front yard setback; provided that such encroaching structure does not extend into the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements or floodway.
- e. Plans for all residential subdivision enclosures shall be reviewed and approved by the zoning administrator.

F. *Non-residential uses.* In non-residential zoning districts, fences, walls and outdoor area enclosures may be erected if in accordance with the following regulations:

1. Privacy/security enclosures:

- a. Privacy/security enclosures may be fences or walls.
- b. Maximum height shall not exceed eight feet.
- c. May be erected on the rear lot line of any lot, tract or parcel,
- d. May be erected upon the side lot line of any lot, tract or parcel provided that no fence may be erected to extend into the required front building setback area.

- e. No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway,

2. Decorative fences:

- a. Decorative fence shall not be walls;
- b. Maximum height shall not exceed four feet;
- c. Solid surface area of any decorative fence shall not exceed 50 percent of the total surface area;
- d. Decorative fences may be erected upon any non-residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easements or floodway;
- e. Decorative fences may not be allowed within the visibility triangle;
- f. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements; and
- g. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.

3. Office business or industrial park or complex enclosure (including entry features):

- a. All enclosures shall be walls. Fences, as defined herein, shall not be allowed.
- b. All enclosures shall be constructed with minimum ten-inch by 20-inch brick columns set on piers with a maximum spacing of ten feet on center. Infill material between brick columns shall be brick, stone, pressure-treated lumber, plaster, iron or other approved material.
- c. Maximum height of all enclosures shall be eight feet.
- d. Walls enclosing nonresidential developments may be erected along rear property lines.
- e. Walls enclosing non-residential developments may be erected upon rear property lines and along the front and side property lines to extend into the required front yard setback; provided that such encroaching structure does not exceed the required two-foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easement or floodway.
- f. Allowed only for subdivisions containing four or more lots.
- g. Plans for park or complex enclosures shall be reviewed and approved by the zoning administrator.

G. *Approved fence materials.*

1. Residential fences and commercial fences abutting residentially zoned property shall be constructed of stone, brick, wood, wood composite, vinyl panel, plaster, open ornamental/tubular metal, landscape hedge, or other building material as approved by the zoning administrator. Residential fences may also be chain link if not located in front of any portion of the primary structure's front façade.

2. Commercial fences (except where abutting residential uses) shall be constructed of stone, brick, CMU block, pre-cast concrete panel, wood, wood composite, vinyl panel, chain link with or without mesh, chain link with or without vinyl coating, plaster, open ornamental/tubular metal, landscape hedge, metal pipe barrier, chained/cabled bollards.

3. Commercial fences (except where abutting residential uses) may be constructed of R-panel/metal sheet panel if the property is zoned "M-1" Industrial or "M-2" Heavy Industrial.

H. *Prohibited fence materials.*

1. Electrical fences or electrical attachments of any type designed to administer a shock, shall not be constructed within the legal limits of the city.

2. Permanent barbed wire and razor wire fences of any type or dimension shall not be constructed within the legal limits of the city. Vee arms or base and arms with barbed wire

not to exceed three strands will be permitted in all districts except "SF-1", "SF-2", "D", "TH", "MF-1", "MF-2", "MH" or any residential planned development and said attachments shall be considered as part of the fence in determination of the height of said fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet above ground level.

3. CMU block walls, R-panel/metal sheet panel, metal pipe barrier, and chained/cabled bollards shall be prohibited in residentially zoned areas and where nonresidential uses abut residentially zoned areas.

4. Chain-link with plastic, wood, or other slat inserts.

- I. *Temporary fences.* Temporary fencing for the purpose of protecting or securing of construction sites shall be allowed and must be removed at the completion of the project.
- J. *Inspection.* When a fence is completed it must be inspected. The office of the building official shall be notified upon completion of the fence. The building official will issue a card of acceptance if the fence complies with the provisions of this ordinance or it will be rejected. All fences constructed under the provisions of the ordinance shall be maintained so as to comply with the requirements of this ordinance at all times.
- K. *Existing fences.* Any fence constructed prior to enactment or amendment of this ordinance will not be restricted by this ordinance. Any fence constructed at any time on property not within the legal limits of the city, but annexed by the city at a later date will not be restricted by this ordinance, excepting in both cases that any fence reconstruction, modifications, enlargements, extensions, alterations or any construction other than maintenance of said fence as it existed at the time of enactment or amendment of this ordinance or annexation of property containing said fence shall be regulated by this ordinance.
- L. *Emergency ingress and egress required.* In order to allow ingress/egress of emergency and maintenance personnel and equipment, at least one self-closing and self-latching gate or opening not less than three feet in width shall be required with each fence or wall that is adjacent to or running parallel with a public right-of-way, alley, drainage, utility or access easement. One such opening is required for each lot or in cases when the lot frontage is greater than 200 feet, an opening or gate shall be located not more than 200 feet from another opening on the same property.
- M. *Double frontage lots.* Double frontage lots shall be required to have an opening only on the street used as the frontage for the property.
- N. *Property owners' responsibility.* The construction of a fence or wall on the property line shall not preclude the owners' responsibility to maintain and keep the following specified areas free and clear of debris and high weeds:
 - 1. The area between the fence and the extension of the property line to the back of curb or edge of pavement.
 - 2. The area between the fence and the property line or between parallel fences.
 - a. Commercial abutting commercial - The owner of the commercial fence that creates the void between parallel fences shall make accommodations in their fence design to maintain the void between parallel fences.
 - b. Commercial abutting residential – The owner of the commercial property shall make accommodations in their fence design to maintain the void between parallel fences.
 - c. Residential abutting residential – The owner of the residential fence that creates the void between parallel fences shall make accommodations in their fence design to maintain the void between parallel fences.
- O. *Maintenance of fences.*
 - 1. The owner or any person who has a fence shall be responsible for maintaining the fence in a neat and functional condition.

2. All portions of fences in a dilapidated state must be repaired or replaced by the owner(s) of the fence. A dilapidated fence is defined as any 8-foot horizontal section of a fence that is more than 15 degrees out of vertical alignment or that has 10 percent of its pickets or structural components damaged, missing, rotted, or destroyed.

- P. *Mow Strip.* Excluding support posts, a minimum clearance of 2” shall be provided between fences and the finished grade to allow natural drainage flow. The City Engineer may require a higher clearance when necessary to allow drainage flow under the fence. Fences (walls) with continuous support footers shall provide openings to convey drainage flow as determined to be adequate by the City Engineer.

Section 19, “C-1” commercial district, subsection D.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 19. - "C-1" commercial district.

- D. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 20, “C-2” commercial district, subsection D.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 20. - "C-2" commercial district.

- D. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 21, “C-3” commercial district, subsection G.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 21. - "C-3" commercial district.

- G. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum

of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 22, "C-4" commercial district, subsection G.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 22. - "C-4" commercial district.

- G. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 24, "M-1" industrial district, subsection C.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 24. - "M-1" industrial district.

- C. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 25, "M-2" heavy industrial district, subsection B.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 25. - "M-2" heavy industrial district.

- D. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yard.

Section 26, "BP" business park district, subsection E, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 26. - "BP" business park district.

E. *Screening devices.* In the event that this district abuts or adjoins a lot zoned "SF-1", "SF-2", "D", "TH", "MF-1", or "MF-2", a screening device meeting the requirements of section 32, landscaping and screening requirements shall be placed along the abutting or common property line.

Every use, or any part thereof, adjacent to a residential or commercial zoning district that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted on site. No exterior storage area shall encroach into any of the required yards.

Section 28, Definitions of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 28. - Definitions.

[A.] *Purpose.* For the purpose of this ordinance certain terms and words are herewith defined as follows:

[B.] *Generally.* Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," the word "shall" is mandatory, and not directory. The words "used" or "occupied" include the words "intended", "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel".

Rental yard for commercial and heavy equipment (with outside storage) (see section 29). An establishment that provides heavy equipment for rent by contractors or the general public to be used off site.

Screening device. A fence, wall, or other conventional device or combination of conventional devices constructed of new wood, masonry, or stone material which are solid and provide a durable opaque screen without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. Screening device may include shrubs or other live material achieving an opaque effect, subject to the approval of the zoning administrator.

Section 29, Supplementary district regulations, subsection T.3.b, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 29. - Supplementary district regulations.

- T. *Outdoor display.* The outside display or sale of goods, products, or inventory is not permitted within the non-residential zoning districts except as set forth herein or as specifically authorized in each district.
3. In districts "C-3", "C-4", "M-1" and "M-2", if adjacent to a residential district, the following shall apply:
- b. Any property line of the non-residential district adjacent to a residential district shall be screened from view with a screening device a minimum six feet and a maximum of eight feet in height as defined in this ordinance.

Section 31, Supplementary parking regulations, subsection L, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 31. - Supplementary parking regulations.

- L. *Parking and storage of certain vehicles in residential districts.* In all residential zoning districts, automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property unless such automotive vehicles or trailers are completely screened up to eight feet in height with an approved screening device. Neither a paved surface nor an all-weather hard surface is required when such automotive vehicles or trailers are completely screened with an approved screening device and located behind the residential structure or in the side yard setback. Parking or storage of all licensed trailers shall conform to the requirements of major recreational equipment. Notwithstanding anything contained in this ordinance to the contrary, all automotive vehicles or trailers of any kind shall be parked on a paved surface.
- V. *Fencing and screening.* A parking facility in any non-residential district which adjoins or abuts property in an "SF-1" single family district, "SF-2" single family district, "D" duplex district, or a "PD" planned development district for residential uses, shall have a wall or privacy fence that is not less than six feet and no more than eight feet in height located for the length of the common property line. However, such a fence shall not be required within the front or exterior setback area of the nonresidential use.

Section 32, Landscape and screening requirements, subsection B, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 32. – Landscaping and screening requirements.

- B. *Location of required landscaping and screening.*
1. When a non-residential use is established on a lot of premises located adjacent to any residential zoning district, or when any townhome or multiple family dwellings are established on a lot or premises adjacent to any property located in a "SF-1", "SF-2", or "D" district, a ten-foot in width landscaped open space buffer strip shall be installed and maintained by the owner, developer or operator of the non-residential or multiple family use property between such use and the adjacent residentially zoned property. Not less than one tree shall be planted and maintained for each 25 linear feet or portion thereof of

said open space buffer strip. Each tree used in landscaped open space buffer strip shall be of not less than six feet in height upon planting and shall have a caliper of not less than two inches measured 18 inches from the ground. The provisions of this paragraph shall not apply where districts are separated by a public street, railroad right-of-way, drainage ditch, or canal with a minimum easement of 30 feet.

2. In addition, an opaque fence or wall a minimum of six feet and a maximum of eight feet shall be erected by the owner, builder, or developer along the property line between the abutting districts to provide visual screening, and/or where an “MF-1” or “MF-2” district abuts any non-residential district that has previously been developed. The owner of the property will be responsible for maintenance of the fence or wall. The provisions of this paragraph shall not apply where districts are separated by a public street, railroad right-of-way, drainage ditch, or canal with a minimum easement of 30 feet.
3. Off-street parking landscaping. The owner, tenant, and/or agent of an off-street parking area for any use which accommodates more than 20 automobiles or vehicles shall be required to install and maintain a minimum total landscaped open space area equal to not less than five percent of the total area of all parking spaces, aisles and drives in the parking area. A minimum of one tree shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area. A minimum of one tree shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.
4. Except for one- and two-family dwellings, garbage storage areas shall be visually screened by a six-foot high solid fence on all sides except when one side is adjacent to an alley or easement used for garbage pickup services, no screening fence shall be required on that side.
5. All wrecking yards (junk and salvage) and salvage yards with open storage or wrecked or salvaged automobiles, machinery, appliances or other used commodities and equipment shall surround such open storage with a wall or solid fence not less than eight feet in height.

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 7.

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 11TH DAY OF MAY, 2015.

PASSED AND APPROVED ON SECOND READING THIS 18TH DAY OF MAY, 2015.

Mayor

ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015
Department: City Secretary
Subject: Boards and Commissions
Resignation of Members

BACKGROUND

The City Council will consider action regarding the resignations from Boards and Commissions.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENT

None.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 11, 2015
Department: City Secretary
Subject: Boards and Commissions
Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board and commission members.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Appointment applications: Diana Williams, Willis O'Dell, Anthony Bennett, and David Wood.

Vacancies:

Library (Place 2)
Park and Recreation Board (Place 8)
Planning and Zoning Commission (Places 5)
Zoning Board of Adjustment (Place 4)

Reappointments:

Beautification (Place 3)
CCPD/Redlight Camera (Places 3 and 5)