

ORDINANCE NO. 2022-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE TOMBALL COMPREHENSIVE PLAN BY CHANGING THE MAJOR THOROUGHFARE PLAN MAP BY REMOVING THE PROPOSED MINOR ARTERIAL EXTENSION OF MEDICAL COMPLEX DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the 28121 Calvert LLC desires to amend the Major Thoroughfare Plan Map of the Tomball Comprehensive Plan (Plan); and

Whereas, the Planning and Zoning Commission and the City Council of the City of Tomball, Texas have published notices and conducted public hearings regarding the amendments to the Plan and all persons were given the opportunity to present verbal and written testimony; and

Whereas, the Planning and Zoning Commission has evaluated such amendments and has recommended approval to the City Council; and

Whereas, the City Council deems it appropriate to approve the amendments to the Major Thoroughfare Plan Map in the Plan.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Plan is intended to provide long-range guidance relative to thoroughfare construction.

Section 3. The Major Thoroughfare Plan Map is hereby amended by the City Council as indicated on Exhibit “A”, being attached hereto and made a part hereof for all purposes.

Section 4. The City Council reserves the right to amend the Plan by adding or removing components or by amending in part or in whole any components of the Plan.

Section 5. Pursuant to the authority provided in the charter and ordinances of the City, the Planning and Zoning Commission shall periodically review the projection assumptions, changing growth patterns, and planning guidelines that provide the foundation for the policies contained in the Plan and shall recommend such amendments as it deems appropriate for the purpose of keeping the Plan relevant and useful as a guide for growth, revitalization and renewal of the City.

Section 6. The amendment to the Major Thoroughfare Plan Map is depicted in Exhibit “A”, is attached hereto and made a part of hereof for all purposes.

Section 7. All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

Section 8. All references to the Tomball Comprehensive Plan Major Thoroughfare Plan Map shall henceforth refer to such as are here adopted.

Section 9. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF OCTOBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>ABSENT</u>
COUNCILMAN DUNAGIN	<u>NAY</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7th DAY OF NOVEMBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<u>AYE</u>

Lori Klein Quinn
Lori Klein Quinn, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

Exhibit "A"

