

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 10.00 ACRES OF LAND BEING LOTS 372 & 373 OF TOMBALL OUTLOTS FROM SINGLE-FAMILY 20 ESTATE (SF-20-E) TO LIGHT INDUSTRIAL (LI) ZONING. THE PROPERTY IS GENERALLY LOCATED WITHIN THE 1500 BLOCK (EAST SIDE) OF S. PERSIMMON STREET; 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, Wendy Dixon, represented by ISIDROWS LLC, has requested approximately 10.00 acres of land being Lots 372 & 373 of Tomball Outlots, be rezoned from Single Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

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 rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property as described above.

Section 5. 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 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.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 21 DAY OF AUGUST 2023.

COUNCILMAN FORD	<u>Yay</u>
COUNCILMAN STOLL	<u>Yay</u>
COUNCILMAN DUNAGIN	<u>Nay</u>
COUNCILMAN TOWNSEND	<u>Nay</u>
COUNCILMAN PARR	<u>Yay</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 5th DAY OF SEPTEMBER 2023.

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

Lori Klein Quinn
LORI KLEIN QUINN, Mayor

ATTEST:

Tracylynn Garcia
TRACYLYNN GARCIA, City Secretary

Exhibit "A"

BEING 10 acres of land, more or less, consisting of all of Tract 372 and 373, of the Tomball Townsite Five-Acre Outlots, according to the map or plat thereof, recorded in Vol. 2, Page 65, Map Records, Harris County, Texas, reference to same being more particularly made for all purposes, said 10 acres, more or less, being more particularly described by metes and bounds as follows:

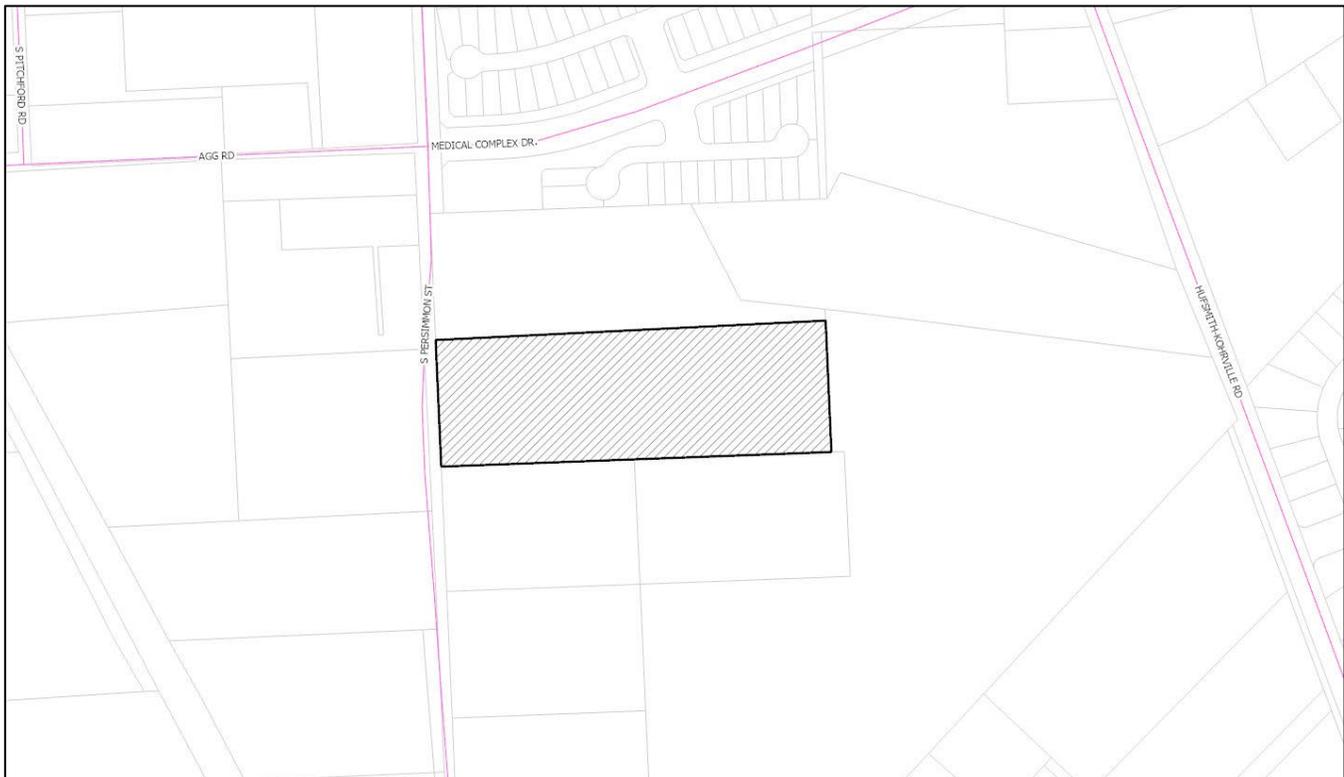
BEGINNING at an iron pipe found marking the Southeast corner of said Outlot 373, in the West right-of-way line of 30 foot wide dedicated roadway, as per map recorded in Vol. 2, Page 65, Harris County Map Records;

THENCE S 89° 43' W, along the south line of Outlot 373 and then the South line of Outlot 372, a distance of 1172.10 feet to an iron rod found marking the Southwest corner of said Outlot 372, on the center line of 60 foot-wide public roadway;

THENCE N 0° 02' E, along said center line, a distance of 377.60 feet to an iron rod found marking the Northwest corner of said Outlot 372;

THENCE N 89° 43' E, along North line of Outlot 372 and then the North line of Outlot 373, a distance of 1172.10 feet, to an iron rod found marking the Northeast corner of said Outlot 373, on the West line of said 30 foot public roadway;

THENCE S 0° 02' W, along said line, a distance of 377.60 feet to the **PLACE OF BEGINNING**, containing 10 acres of land, more or less.



Location: 1500 block (east side) of S. Persimmon Street. Lots 372 & 373 of Tomball Outlots, City of Tomball, Harris County, Texas