

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 50 – ARTICLE III (DISTRICT REGULATIONS) BY ADDING SECTION 50-70.1 (SINGLE-FAMILY RESIDENTIAL – 7.5 DISTRICT (SF-7.5)), AMENDING SECTION 50-82 (USE REGULATIONS (CHARTS)), AND AMENDING SECTION 50-112 (OFF STREET PARKING AND LOADING REQUIREMENTS); 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 City of Tomball has requested an amendment to the Code of Ordinances, amending Chapter 50 – Article III (District Regulations) by adding Section 50-70.1 (Single-Family Residential – 7.5 District (SF-7.5)), amending Section 50-82 (Use regulations (charts)), and amending Section 50-112 (Off street parking and loading requirements); 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, the Planning & Zoning Commission held a public hearing on the proposed text amendment; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed text amendment; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety, and welfare of the citizens to approve the text amendment as contained in this ordinance;

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. Article III, District Regulations and Article IV, Development Standards, of Chapter 50, Zoning of the Code of Ordinances of the City of Tomball, Texas is hereby amended as set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

Section 3. 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 4. 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 17TH DAY OF JUNE 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN GARCIA	<u>NAY</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN COVINGTON	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</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 1ST DAY OF JULY 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN GARCIA	<u>NAY</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN COVINGTON	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</u>

Lori Klein Quinn
LORI KLEIN QUINN, Mayor

ATTEST:

Tracylynn Garcia
TRACYLYNN GARCIA, City Secretary

Exhibit "A"

AMEND: Chapter 50 – Article III (*District Regulations*)

ADD: Sec 50-70.1 – Single-Family Residential District (SF-7.5)

- (a) General purpose and description – The SF-7.5 Single-Family Residential District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools, and public parks in logical neighborhood units.
- (b) Permitted uses. Those uses listed for the SF-7.5 Single-Family Residential District in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- (c) Height regulations. The maximum height in the SF-7.5 district shall be:
 - 1) Two stories, not to exceed 35 feet, for the main building/house.
 - 2) One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) Area regulations.
 - 1) Size of lots.
 - a. Minimum lot area: 7,500 square feet.
 - b. Minimum lot width: 60 feet. Radial lots shall have a minimum width of 70 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard less than 30 feet of frontage on the front street.
 - c. Minimum lot depth: 100 feet.
 - d. Nonconforming lots: where a lawfully existing lot having less area, depth, or width than required in this section existed in separate ownership on the effective date of this ordinance from with this chapter is derived, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.
 - 2) Size of yards.
 - a. Minimum front yard: 20 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.
 - b. Minimum side yard: five feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.
 - c. Minimum rear yard: 15 feet. The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5 foot minimum rear yard and abutting a 15-foot alley shall have a 7.5 foot minimum rear yard.
 - d. Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.
 - 3) Maximum lot coverage. Maximum lot coverage is 45 percent including main buildings and accessory buildings.
 - 4) Minimum floor area. Minimum floor area per dwelling unit is 1000 square feet of heated and/or air-conditioned floor area.

AMEND: Chapter 50 – Article IV (*Development Standards*), Section 50-112 (*Off Street Parking & Loading Requirements*)

ADD: “SF-7.5”

(b) Residential districts; off-street parking provisions.

- 1) Parking regulations for the AG, SF-20-E, SF-9, SF-7.5, SF-6, and D districts and for planned developments for zero lot line, patio home, townhome and single-family attached dwelling units. For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. Off-street parking spaces shall be directly adjacent to a dwelling or garage. If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another. For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with table 50-112-1; provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly. All required driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement. All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.

AMEND: Chapter 50 – Article III (*District Regulations*), Section 50-82 (*Use Regulations (Charts)*), (b) (*Use charts*)

ADD: “SF-7.5” District and Subsequent Use Standards

Types of Land Uses	Residential Zoning Districts							Nonresidential Zoning Districts							OT&MU	Parking ratio <small>(Also see section 50-112)</small>
	AG	SF-20-E	SF-9	SF-7.5	SF-6	D	MF	MHP	O	NR	GR	C	LI			
Agriculture																
Bulk grain and/or feed storage	P											C	C		1 space per 1,000 square feet	
Farm (ranch, garden, crops, livestock, or orchard) ‡	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
Feed and grain store/farm supply store ‡	C										C	P	P	C	1 space per 500 square feet	
Flour and other grain mills													P		1 space per 1,000 square feet	
Livestock, wholesale/auction	C														None	
Livestock sales/auction	C														None	
Stable, commercial	C											C			1 space per 1,000 square feet	
Stables (private, principal or accessory use) ‡	P				C										None	
Residential																
Accessory building/structure (business or industry) ‡									P		P	P		P	None	
Accessory building/structure (residential) ‡	P	P	P	P	P	P	P							P	None	
Accessory dwelling	P	P	P	P	C	C	C							P	None	
Garage/accessory dwelling ‡	P	P	P	P	C	C	C							P	None	
Caretaker's, guard's residence ‡	P	C						P		P	P	P	P	P	1 space per caretaker/guard	
Dwelling, four-family (quadplex) (defined under Multiple-family dwelling) ‡														P	2 spaces per dwelling	
Dwelling, HUD code-manufactured home ‡								P						C	2 spaces per dwelling	
Dwelling, industrialized home ‡	P	P	P	P	P	P	P	P						C	2 spaces per dwelling	
Dwelling, multiple-family ‡								P						P	2 spaces per dwelling	

Institution of religious, educational or philanthropic nature	C	C	C	C	C					C	C			C	P			P	P		P	1 space per 200 square feet
Municipal facility or use ‡	P	P	P	P	P					P	P			P	P			P	P		P	1 space per 300 square feet
Museum	C	C	C	C	C					C	C			C	P			P	P		P	See section 50-112
Park and/or playground (private) ‡	P	P	P	P	P					P	P			P	P			P	P		P	
Park and/or playground (public, municipal) ‡	P	P	P	P	P					P	P			P	P			P	P		P	
Penal or correctional institutions	C																	P	P		C	1 space per 500 square feet
Post office (governmental)	P	P	P	P	P					P	P			P	P			P	P		P	10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)															P			P	P		C	1 space per 4 seats
Radio, television and communications towers	See section 50-116																					
Rectory/parsonage	P	P	P	P	P					P	P			P	P			P	P		P	5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See Assisted living facility																					
Riding academy	P	C	C	C	C					C	C			C	C			C	P		C	1 space per five stalls
Sanitary landfill (private)																			C			1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)															C	P			P	P		1 space per three students, based on design
School, college or university	C	C	C	C	C					C	C			C	P			P	P		P	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡															C	P			P	P		1 space per student
School, public or denominational ‡	P	P	P	P	P					P	P			P	P			P	P		P	See section 50-112
School, other than public or denominational ‡															C	P			P	P		
Sheltered care facility ‡																		C	C		C	1 space per three beds or 1.5 per dwelling
Sign, all types (defined within the referenced section) ‡	See ch. 34 of this Code																					
Skilled nursing facility ‡															P						C	See section 50-112
Studio for radio and/or television (no towers) ‡															P	P			P	P		1 space per 200 square feet
Commercial and Wholesale Trade																						
Animal kennel (outdoor pens)	P																		C	P		1 space per 500 square feet
Appliance repair																P			P	P		1 space per 500 square feet
Book binding																			P	P		1 space per 500 square feet
Carpet and rug cleaning plant																C			P	P		1 space per 1,000 square feet
Cattle, swine, or poultry feedlot (CAFO)	C																			C		1 space per 5,000 square feet of land
Cleaning plant (commercial laundry) ‡																C			P	P		1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)															P	P			P	P		1 space per 1,000 square feet
Construction contractor with storage yard	C																		P	P		1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles																			P	P		1 space per 1,000 square feet of land
Contractor's temporary on-site construction office (only with permit from building official.)	P	P	P	P	P					P	P			P	P			P	P		P	None
Distribution center ‡																			P	P		1 space per 1,000 square feet
Electric repair, (domestic equipment and autos)															C	C	P		P	P		1 space per 1,000 square feet
Electronic assembly																			P	P		1 space per 1,000 square feet
Electro-plating/electro-typing																			P	P		1 space per 1,000 square feet
Exterminator service/company (no outdoor sales or storage)																			P	P		1 space per 300 square feet
Fix-it shops, small engine, saw filing, mower sharpening																C			P	P		1 space per 500 square feet
Fur/hide tanning and finishing																				C		1 space per 1,000 square feet
Heating and air conditioning sales/services																C			P	P		1 space per 1,000 square feet
Iron works (ornamental)																			C	P		1 space per 1,000 square feet
Lawnmower repair and/or sales																			C			1 space per 500 square feet
Loading or storage tracks																			P	P		None
Locksmith																P	P		P	P		1 space per 500 square feet
Machine shop																			P	P		1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial																			C			1 space per 500 square feet
Manufactured home display or sales (new or used) ‡																			C	P		1 space per 1,000 square feet
Mattress, making and renovating																			P	P		1 space per 1,000 square feet
Milk depot, wholesale																			P	P		1 space per 1,000 square feet
Mini-warehouse/self storage ‡																			C			See section 50-112
Mortuary																			C			See section 50-112

Moving and storage company																P	P		C	1 space per 1,000 square feet
News printing																P	P		C	1 space per 1,000 square feet
Outdoor sales as a primary use †																	P	P		1 space per 5,000 square feet or land area
Pawn shop †																P	P		C	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) †																C	P		P	1 space per 200 square feet
Plumbing shop																		C	P	1 space per 200 square feet
Printing equipment, supplies and repairs																		C	P	1 space per 500 square feet
Propane sales filling (retail)																		C	P	1 space per 200 square feet
Publishing and printing company																		C	P	1 space per 500 square feet
Quick lube/oil change/minor inspection																		P	P	1 space per 200 square feet
Salvage storage yard †																			C	5 per acre
Scientific and industrial research laboratories (hazardous) †																		C	P	1 space per 300 square feet
Scientific and industrial research laboratories (nonhazardous) †																P		C	P	1 space per 300 square feet
Scrap metal storage yard																			C	5 space per acre
Security systems installation company																		C	C	1 space per 300 square feet
Sheet metal shop																			P	1 space per 1,000 square feet
Storage of cement, sands and gravel																		C	P	1 space per 5,000 square feet of storage area
Storage of used lumber and building materials																		C	P	1 space per 5,000 square feet of storage area
Taxicab storage and repair																			P	1 space per 500 square feet
Taxidermist																C			P	1 space per 500 square feet
Tool and machinery rental (indoor storage only) †																		P	P	1 space per 200 square feet
Tool and machinery rental (with outdoor storage) †																		C	P	1 space per 200 square feet
Vacuum cleaner sales and repair †																		P	P	1 space per 200 square feet
Veterinarian clinic (indoor kennels) †																		C	P	1 space per 500 square feet
Veterinarian clinic (outdoor kennels or pens) †																		C	P	1 space per 500 square feet
Warehouse (defined under storage or wholesale warehouse) †																		C	P	1 space per 1,000 square feet
Welding shop																			C	1 space per 1,000 square feet
Wholesale trade, nondurable goods																		C	P	1 space per 1,000 square feet
Woodworking shops																		C	P	1 space per 1,000 square feet
Wrecking materials yard †																			C	1 space per 1,000 square feet
Light and Heavy Manufacturing/Industrial																				
Acid manufacture																			C	1 space per 1,000 square feet
Adhesives and sealants manufacture																			C	1 space per 1,000 square feet
Aircraft parts manufacture																			P	1 space per 1,000 square feet
Airplane repair and manufacturing																			P	1 space per 1,000 square feet
Animal processing and slaughter																			C	1 space per 1,000 square feet
Any manufacture or industrial process not listed and not prohibited by law																			C	1 space per 1,000 square feet
Artificial flower manufacture																			C	1 space per 1,000 square feet
Asphalt paving and roofing material manufacture																			C	1 space per 1,000 square feet
Awning manufacture, cloth, metal and wood																			P	1 space per 1,000 square feet
Bag manufacture																			P	1 space per 1,000 square feet
Battery manufacture																			C	1 space per 1,000 square feet
Bleaching/chorine powder manufacture																			C	2 space per 1,000 square feet
Boiler manufacture and repair																			P	1 space per 1,000 square feet
Bottling works																			P	1 space per 1,000 square feet
Broom manufacture																			P	1 space per 1,000 square feet
Candy and other confectionary products manufacture																			C	1 space per 1,000 square feet
Canning and preserving factory																			C	1 space per 1,000 square feet
Canvas and related products manufacture																			P	1 space per 1,000 square feet
Casein manufacture																			C	1 space per 1,000 square feet
Celluloid and similar cellulose manufacture																			C	1 space per 1,000 square feet
Cement manufacture																			C	1 space per 1,000 square feet
Ceramic products manufacture																			C	1 space per 500 square feet

