

**ORDINANCE NO. 2024-26**

**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 10.89 ACRES OF LAND LEGALLY DESCRIBED AS BEING A TRACT OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT 629, FROM THE SINGLE-FAMILY-20 DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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.**

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**Whereas**, the Estate of James D. Wilmoth, represented by Texas T 22, LLC, has requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.89 acres of land legally described as being a tract of land situated in the Jesse Pruitt Survey, Abstract 629, within the City of Tomball, Harris County, Texas (the “Property”), from the Single-Family-20 District to the Light Industrial District; 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 and City Council held a public hearing on the requested rezoning; and

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

**Whereas**, the City Council deems it appropriate to grant a rezoning to the Light Industrial District.

**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 16<sup>TH</sup> DAY OF SEPTEMBER 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN GARCIA	<u>NAY</u>
COUNCILMAN DUNAGIN	<u>ABSENT</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 7<sup>TH</sup> DAY OF OCTOBER 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN GARCIA	<u>YEA</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"

**Location:** 21803 Hufsmith-Kohrville Road, City of Tomball, Harris County, Texas.

