

ORDINANCE NO. 2017-17

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-80 (PLANNED DEVELOPMENT DISTRICT) IN REGARDS TO PATIO HOME DEVELOPMENTS, 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.

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WHEREAS, the City of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 50 (Zoning) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council deny amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Chapter 50 (Zoning) of the Code of Ordinances.

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. Section 50-80(d)(1) is hereby amended by removing the following:

~~(1) Minimum acreage. The minimum acreage for a planned development request for a patio homes/zero lot line single family residential dwelling unit complex shall be four acres.~~

Section 3. Section 50-80(d)(2)(a) of the Code of Ordinances is hereby amended by the following:

a. Maximum density is ten dwelling units per acre with each having a minimum of 900 square feet of living area.

Section 4. Section 50-80(d)(4) of the Code of Ordinances is hereby amended by the following:

(4) *Maximum height.* Maximum height is two stories, or 35 feet in total height, including gables.

**Section 5.** Section 50-80(d)(5) of the Code of Ordinances is hereby amended by the following:

(5) *Green space/recreational areas.* A minimum of 20 percent of the gross platted area shall be open green space. The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained. The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

**Section 6.** Section 50-80(d)(6) of the Code of Ordinances is hereby amended by removing the following:

~~(6) *Screening requirements.* A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.~~

**Section 7.** Section 50-80(d)(7) of the Code of Ordinances is hereby amended by removing the following:

~~(7) *Sidewalks.* Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.~~

**Section 8.** Section 50-80(d)(8) of the Code of Ordinances is hereby amended by removing the following:

~~(8) *Visitor parking.* In addition to the parking required in section 50-112, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.~~

**Section 9.** Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

**Section 10.** This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

**Section 11.** 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 12.** 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 THE 19<sup>TH</sup> DAY OF JUNE 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<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 5<sup>TH</sup> DAY OF JULY 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary