

**ORDINANCE NO. 2019-07**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-79 (OLD TOWN AND MIXED USE DISTRICT) BY REDUCING THE REQUIRED BUILDING SETBACKS FOR NONRESIDENTIAL USES IN A PORTION OF THE OLD TOWN AREA; 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 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 approve amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

**Whereas**, the City Council deems it appropriate to grant the amendment 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 50-79 (Old Town and Mixed Use District) of the Code of Ordinances is hereby amended by the following:

Section 50-79(e)(2)b.

Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

**Section 3.** Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

**Section 4.** 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 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 THE 18<sup>TH</sup> DAY OF MARCH 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN 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 1<sup>ST</sup> DAY OF APRIL 2019.

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

*Gretchen Fagan*  
Gretchen Fagan, Mayor

ATTEST:

*Doris Speer*  
Doris Speer, City Secretary