

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-116 (SUPPLEMENTAL REGULATIONS) BY REMOVING SECTION 50-116(I)(8) “TEMPORARY BUILDINGS SHALL BE PERMITTED FOR DENOMINATIONAL SCHOOLS AND PUBLIC SCHOOL DISTRICTS WITH THE FOLLOWING CONDITIONS” AND ADDING A NEW SECTION 50-116(K) “TEMPORARY BUILDINGS FOR SCHOOLS”; 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 50-116 (Supplemental regulations) of the Code of Ordinances is hereby amended by the following:

- (i) *Model home (including sales office).* Model homes with or without a sales office shall be permitted in accordance with [section 50-82](#), use regulations when incidental to a residential development. Model homes shall be located and developed in compliance with the following standards:

(1) The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated.

(2) Parking shall be permitted on the lot in which the model home is located or on an adjacent lot.

(3) The model home shall be designed as a permanent structure and shall comply with the provisions of this chapter, all applicable building codes of the city, and state law.

(4) All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited.

(5) The model home shall cease operation within 30 days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.

(6) There shall be no permanent use of temporary buildings or temporary structures.

(7) Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.

~~(8) Temporary buildings shall be permitted for denominational schools and public school districts with the following conditions:~~

~~a. Denominational schools and public school districts may have temporary buildings for a time period not to exceed two years for each temporary building.~~

~~b. Denominational schools and the public school district shall not place a temporary building on any property before receiving approval by city council. Prior to city council review, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.~~

~~c. City council may approve by resolution two year extensions for each temporary building. Prior to issuance of any extension, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.~~

~~d. The use of the temporary buildings must be to further the core mission of the denominational school or public school district.~~

~~e. A temporary building may only be placed on an active school campus where students are in attendance.~~

~~f. Each temporary building must be located on property owned by the denominational school or public school district.~~

~~g. A temporary building shall be screened by landscaping, as approved by the city manager or his designee.~~

(k) *Temporary buildings for schools.*

(1) Temporary buildings shall be permitted for schools with the following conditions:

a. Schools may have temporary buildings for a time period not to exceed two years for each temporary building.

b. Schools shall not place a temporary building on any property before receiving approval by City Council. Prior to City Council review, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.

c. City Council may approve by resolution two year extensions for each temporary building. Prior to issuance of any extension, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.

d. The use of the temporary buildings must be to further the core mission of the school.

e. A temporary building may only be placed on an active school campus where students are in attendance.

f. Each temporary building must be located on property owned by the school.

g. A temporary building shall be screened by landscaping, as approved by the City Manager or his designee.

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 20th DAY OF APRIL 2020.

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 4TH DAY OF MAY 2020.

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

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary