

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.225-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER A-8, COMMONLY REFERRED TO AS 203 PRAIRIE STREET, MONTGOMERY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.**

**WHEREAS**, the City Council has passed the City of Montgomery Zoning Ordinance providing certain rules and regulations concerning zoning within the City of Montgomery, as found in the Code of Ordinances ("CODE") at Chapter 98; and

**WHEREAS**, the Property described in attached Exhibit "A," (the "Property") is currently zoned "R-1" (Single-Family Residential) on the City's Official Zoning Map; and

**WHEREAS**, the Owner, the City of Montgomery, has requested that the City Council rezone the Property as "B" Commercial as authorized by Section 98-30 of the CODE; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on the proposed zoning reclassification of the Property on November 7, 2023; and

**WHEREAS**, pursuant to Section 98-30(c) of the CODE, the City Planning and Zoning Commission has submitted a Final Report to the City Council in which it has voted to approve and recommend that the Property be reclassified as "B" Commercial consistent with its proposed use; and

**WHEREAS**, a public hearing was also conducted on November 14, 2023 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; and

**WHEREAS**, the City Council finds that all notifications and other procedures required by Section 98-30 of the CODE have been followed; and

**WHEREAS**, the City Council has determined that it is not contrary to the interests of the citizens of the City that the Property should be reclassified as "B" Commercial Zoning.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS THAT:**

**Section 1. Adoption of Recitals.** The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

**Section 2. Amendment to the City Zoning Map.** Pursuant to Section 98-30 of the Code of Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the Property as described in the attached Exhibit “A”, is reclassified as B–Commercial.

**Section 3. Codification of this Ordinance.** Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

**Section 4. Repeals all Ordinance in Conflict with this Ordinance.**

Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

**Section 5. Savings Clause.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

**Section 6. Effective Date.**

The effective date of this Ordinance shall be upon its passage and publication.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Byron Sanford, Mayor

ATTEST:

\_\_\_\_\_  
Nici Browe, TRMC, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan P. Petrov, City Attorney

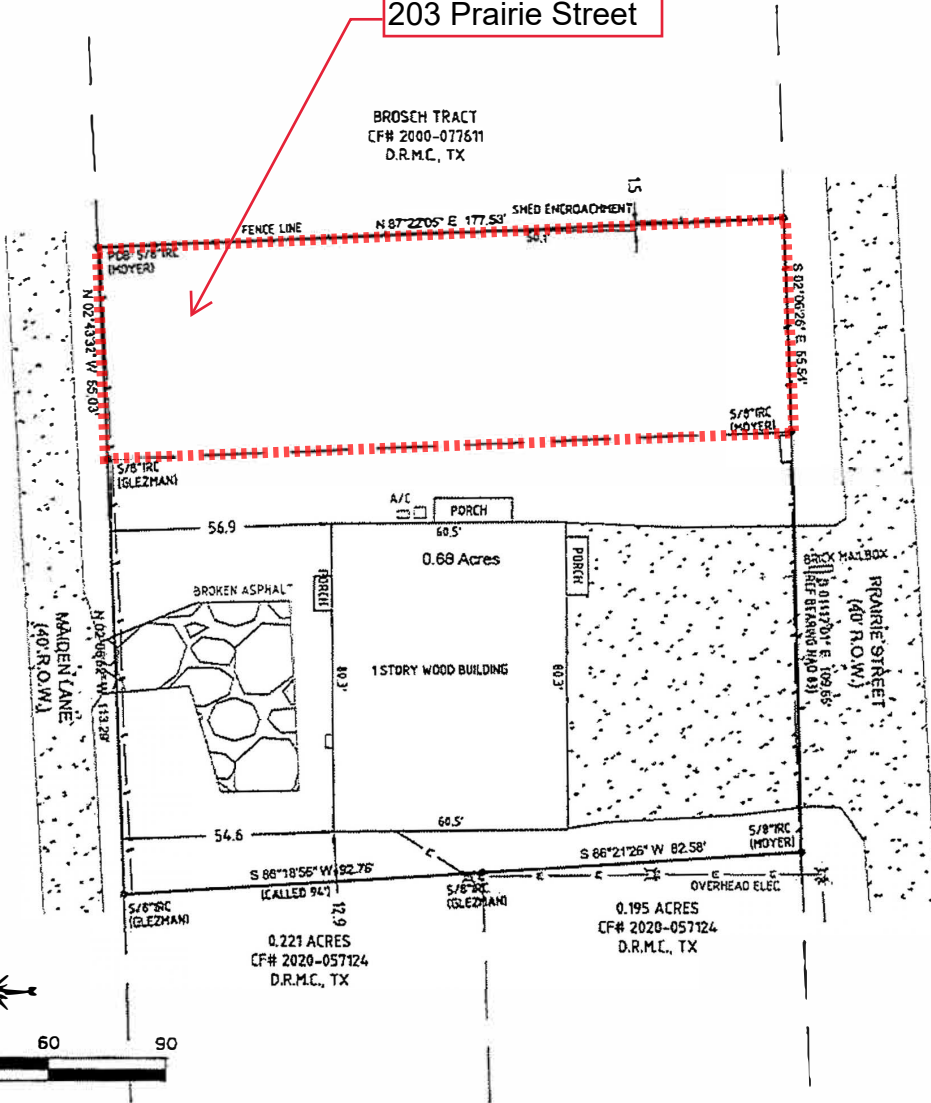
DRAFT

# EXHIBIT "A"

- ⊙ ROAD SIGN
- ◇ IRRIGATION CONTROL
- ▣ GRATE INLET
- ⊕ GAS VALVE
- ⊗ WATER VALVE
- ⊙ LIGHT POLE
- ⌘ POWER POLE
- ⊡ ELECTRIC TRANS. BOX
- ⊗ FIRE HYDRANT
- ⊙ SANITARY SEWER
- ⊙ STORM SEWER
- ⊙ TELEPHONE PED
- ⊙ CABLE BOX/PED
- ⊙ FLAG POLE
- ⊙ FIBER OPTIC MARKER
- ⊙ TRAFFIC SIGNAL
- ⊙ PIPELINE MARKER
- ⊡ WATER METER
- ⊙ MANHOLE
- ⊙ METER POLE
- ⊙ SEPTIC

203 Prairie Street

BROSCH TRACT  
CF# 2000-077611  
D.R.M.C., TX



## CATEGORY 1A SURVEY OF

0.68 ACRES  
ALL OF 0.225 & 0.451 ACRE TRACTS

LOCATED IN THE M. CORNER SURVEY, ABSTRACT NO. A-3  
 BASED ON THE DEED THEREOF RECORDED IN  
 COUNTY CLERK'S FILE 2012-109786  
 THE DEED RECORDS MONTGOMERY COUNTY, TEXAS  
 REF: MONTGOMERY G. F. 2200834 DATE: MAR. 30, 2022

TO THE CITY OF MONTGOMERY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,  
 I HEREBY CERTIFY THAT THIS CATEGORY 1A SURVEY WAS MADE ON THE GROUND, AND TO THE BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS THE FACTS AT THE TIME OF THE SURVEY AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, OVERLAPS, DISCREPANCIES, OR CONFLICTS EXCEPT AS SHOWN HEREBON

*[Signature]*  
 MICHAEL WARREN R.P.L.S. # 4935

- 1) THE BEARINGS SHOWN HEREBON ARE BASED ON NAD 83, TEXAS CENTRAL ZONE.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.
- 3) THIS SURVEY RELIES ON THE TITLE COMMITMENT FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY (G.F. No. 2200834) DATED MARCH 22, 2022, FOR ALL THINGS OF RECORDS.
- 4) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 5) ALL BUILDING FTES ARE PERPENDICULAR TO THE BOUNDARY LINE.
- 6) ALL ADJOURNER DEED INFORMATION MAY NOT REPRESENT CURRENT OWNER OR OWNERS.
- 7) THE FENCE LINES SHOWN ARE SHOWN AT THE POINTS WHERE MEASUREMENTS WERE MADE AND MAY MEANDER ALONG THE LINE.
- 8) OTHER MINOR IMPROVEMENTS (SUCH AS LANDSCAPING, LIGHTS, ETC) MAY BE PRESENT, BUT NOT SHOWN.
- 9) PROPERTY SUBJECT TO UNLOCATABLE GULF STATE UTILITIES AS RECORDED UNDER COUNTY CLERK'S FILE No. 8024187.

LINE & SYMBOL	LEGEND
1. 1/8" BROWN HATCH	1. 1/8" BROWN HATCH
2. 1/8" BLUE HATCH	2. 1/8" BLUE HATCH
3. 1/8" GREEN HATCH	3. 1/8" GREEN HATCH
4. 1/8" RED HATCH	4. 1/8" RED HATCH
5. 1/8" BLACK HATCH	5. 1/8" BLACK HATCH
6. 1/8" YELLOW HATCH	6. 1/8" YELLOW HATCH
7. 1/8" PINK HATCH	7. 1/8" PINK HATCH



P.O. BOX 1280 | CONROE, TEXAS 77385-1280  
 936.529.2222 | FAX 936.229-2442  
 email: SURVEY@SURVEYTECH.COM



SURVEYORS

PLANNERS

## "A LAND SURVEYING COMPANY"

March 30, 2022

A-8 0.68AC

Being 0.68 acres, situated in the M. Corner Survey, Abstract 8, Montgomery County, Texas, and being all of a called 0.225 & 0.451 acre tracts as recorded under County Clerk's File No. 2012-109786, Real Property Records Montgomery County (RPRMC, TX), and said 0.68 acre tract being more particularly described as follows:

**BEGINNING**, at a 5/8" iron rod found, capped "MOYER", for the southwesterly corner of Brosch Tract as recorded under County Clerk's File No. 2000-077611, also being along the easterly line of Maiden Lane (40' right-of-way), and being the northwesterly corner of the herein described tract;

THENCE N 87° 22' 05" E (Bearing of basis: NAD 83, Texas Central Zone), along the southerly line of said Brosch tract, a distance of 177.53 feet to a fence tee for the southeasterly corner of said Brosch tract, also being along the westerly line of Prairie Street (40' right-of-way), and being the northeasterly corner of the herein described tract;

THENCE S 02° 06' 26" E, along the westerly line of Prairie Street, a distance of 55.54 feet to a 5/8" iron rod found, capped "MOYER", along the westerly line of Prairie Street, and being an angle point of herein described tract;

THENCE S 01° 17' 01" E, along the westerly line of Prairie Street, a distance of 109.65 feet to a 5/8" iron rod found, capped "MOYER", along the westerly line of Prairie Street, also being the northeasterly corner of a called 0.195 acre tract as recorded under County Clerk's File No. 2020-057124, and being the southeasterly corner of herein described tract;

THENCE S 86° 21' 26" W, along the northerly line of said 0.195 acre tract, a distance of 82.58 feet to a 5/8" iron rod found, capped "GLEZMAN", also being the northeasterly corner of a called 0.221 acre tract as recorded under County Clerk's File No. 2020-057124, and being an angle point of herein described tract;

THENCE S 86° 18' 56" W, along the northerly line of said 0.221 acre tract, a distance of 92.76 feet (Deed: 94 feet) to a 5/8" iron rod found, capped "GLEZMAN", for the northwesterly corner of said 0.221 acre tract, also being along the easterly line of Maiden Lane, and being the southwesterly corner of herein described tract;

THENCE N 02° 08' 52" W, along the westerly line of Maiden Lane, a distance of 113.29 feet to a 5/8" iron rod found, capped "GLEZMAN", along the easterly line of Maiden Lane, and being an angle point of herein described tract;

THENCE N 02° 43' 32" W, along the easterly line of Maiden Lane, a distance of 55.03 feet back to the **POINT OF BEGINNING**, and containing 0.68 acres within this description.