

**ORDINANCE NO. 2022-\_\_\_\_\_**

**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 0.5-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS 504 CAROLINE STREET, MONTGOMERY COUNTY, 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, Racehorse Investments LLC – 504 Caroline Street Series, have 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 two public hearings on the proposed zoning reclassification of the Property on June 7, 2022; 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 June 28, 2022 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 \_\_\_\_\_, 2022

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Byron Sanford, Mayor

ATTEST:

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Nicola Browe, City Secretary

APPROVED AS TO FORM:

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Alan P. Petrov, City Attorney