



**Ordinance Amendment
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 9, 2023
City Council Public Hearing Date: October 16, 2023

Case: OAM23-02
Applicant(s): Chris & Tiona Campbell
Section(s): Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*)
Subject: Allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in Single Family Residential – 20 Estate (SF-20-E)

BACKGROUND

The applicants wish to establish a commercial pest control business at their property located at 1120 Rudolph Road. This use is defined as “Exterminator Service/Company (no outdoor sales or storage)” in the Tomball Code of Ordinance, said use is not permitted within the Single Family Residential – 20 zoning districts that the property presently falls within. In May of 2023, the applicants sought a rezoning of their property located at 1120 Rudolph Road to General Retail (GR) zoning to allow the establishment of the desired commercial business. This request to rezone to General Retail (GR) was denied by the City Council. In response to this denial, the applicants are requesting an amendment to the City of Tomball Code of Ordinance. Said amendment is to modify the “Exterminator Service/Company (no outdoor sales or storage)” land use to be allowed with the approval of a Conditional Use Permit (CUP) within the Single-Family Residential Estate (SF-20-E) zoning district. The applicants request that only properties which are 3-acres in size or larger be eligible for said CUP.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourii on September 27, 2023.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*)

REVISE:

| Types of Land Uses | Residential Zoning Districts | | | | | | | Nonresidential Zoning Districts | | | | | | | OT&MU | Parking ratio (Also see section 50-112) | |
|---|------------------------------|----------------|------|------|--|---|----|---------------------------------|---|--|----|--|---|----|-------|--|-----------------------------|
| | AG | SF-20-E | SF-9 | SF-6 | | D | MF | MHP | O | | GR | | C | LI | | | |
| Commercial and Wholesale Trade | | | | | | | | | | | | | | | | | |
| Exterminator service/company (no outdoor sales or storage) | | C ¹ | | | | | | | | | | | P | | P P | P | 1 space per 300 square feet |

ADD:

| Footnote(s) | |
|-------------|---------------------------------|
| C' | Site must be 3 acres or greater |

RECOMMENDATION

City staff recommends denial of OAM23-02

When zoning was initially adopted in the United States with the “New York City Zoning Ordinance of 1916”, one of the fundamental goals was to restrict incompatible uses from residential districts. Chapter 211 (Section.211.004) of the Texas Local Government Code stipulates that zoning regulations must be adopted in accordance with a Comprehensive Plan. Section 50-34 (*Amendments to zoning chapter & districts*) in the Tomball Code of Ordinance states that Chapter 50 (*Zoning*) is created to govern the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Further, this section reflects Section 211.004 of the Texas Local Government Code, stating no changes shall be made to this chapter (Chapter 50) *except* to change property uses in accordance with the city’s adopted Comprehensive Plan. According to *Section 50-69 (Single Family Estate Residential District (SF-20-E)*, the purpose of this zoning district is intended to provide for development of low density detached, single-family residences on lots of not less than 20,000 square feet in size. It is intended for large lot subdivisions and for more rural type of residential areas that do not meet the Agricultural (AG) district requirements but may want to have additional accessory buildings and animals. This zoning district is identified within the City of Tomball Comprehensive Plan in TWO future land use categories, “Neighborhood Residential” and “Ranch Rural & Estates”. The “Neighborhood Residential” land use category is intended to create areas predominantly comprised of single-family detached housing, promoting safe and desirable neighborhoods, with single-family detached residential being the primary use. The “Ranch Rural & Estate” land use category is intended to promote land uses which include large lot residential, conservation subdivisions, and agricultural enterprises. The request to amend Chapter Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball code of ordinance to allow an “Exterminator Service/Company (no outdoor sales or storage)” within the Single-Family Residential Estate – 20 (SF-20-E) zoning is in direct conflict with the goals and objectives of the Comprehensive Plan Future Land categories which promote the SF-20-E zoning district. As previously mentioned, Section 50-34 in the Tomball code of ordinances states that zoning regulations should only be changed in accordance with the adopted Comprehensive Plan. Additionally, the promotion of commercial uses within Single Family Residential Estate (SF-20-E) is contrary to the intent of the SF-20-E zoning district, which is identified in Section 50-69 as being intended for large lot detached single family residential purposes.



ZONING TEXT AMENDMENT

Planning Division

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballedd
PASSWORD: Tomball!

Applicant

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

Property Owner

Name: Chris and Tiona Campbell Title: Owner
Mailing Address: 19611 Glenfinch lane City: Spring State: Texas
Zip: 77379 Contact: Chris Campbell
Phone: (832) 928-6044 Email: Chris@bellodomani.com

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

Properties with 3 acres or more in a Single Family Residential Estate – 20 (SF-20-E)
zoning district with a Conditional Use Permit (CUP) for an Exterminator Service/company

General Description of Property Affected by Amendment (attach additional sheets as necessary):

1120 Rudolph Rd Tomball Tx 77375 is a 4.8 Acre trac with no other home around us but
has other businesses with homes on their property like what we are wanting to do too in
the same Single Family Residential Estate – 20 (SF-20-E)

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

There are other properties in the same Single Family Residential Estate – 20 (SF-20-E)
that have done the same as we are asking for.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

x C Campbell Jana Campbell 8-17-23
Signature of Applicant Date

x C Campbell Jana Campbell 8-17-23
Signature of Owner Date