

**ORDINANCE NO. 2023-31**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW “PLAYFIELD OR STADIUM (PRIVATE)” WITHIN THE AGRICULTURAL (AG) ZONING DISTRICT; SAID PROPERTY BEING APPROXIMATELY 7.51 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOT 69 OF TOMBALL TOWNSITE OUTLOTS. LOCATED AT THE NORTHEAST CORNER OF RUDOLPH ROAD AND E. HUFSMITH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR 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**

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**Whereas**, Equalizer USA, Inc. represented by Morales Engineering Associated LLC. has requested that approximately 7.51 acres of land legally described as being Lot 69 of Tomball Townsite Outlots, located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas (the “Property”), receive a CUP; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested CUP; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested CUP; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested CUP, the City Council held the public hearing for the requested CUP and the City Council considered the final report of the Planning & Zoning Commission; and

**Whereas**, the City Council deems it appropriate to grant the requested CUP.

**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.** A CUP to allow a “Playfield or Stadium (Private)” at the property and subject to the terms and conditions set forth below is hereby granted.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Tomball, save and except the granting of the CUP as herein provided.

**Section 5.** The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereon unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

**Section 6.** The CUP is subject to the following additional limitations, restrictions and conditions:

1. All future improvements associated with “*Playfield or stadium (private)*” land use must be in general conformance with the conceptual site exhibit provided by the applicant detailing the location of all planned structural improvements.
2. Parking for the site shall meet the requirements specified in the City of Tomball Code of Ordinances for both the existing and proposed improvements.

**Section 7.** 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.

**Section 8.** 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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 18th DAY OF September 2023.

COUNCILMAN FORD	<u>Yay</u>
COUNCILMAN STOLL	<u>Yay</u>
COUNCILMAN DUNAGIN	<u>Yay</u>
COUNCILMAN TOWNSEND	<u>Yay</u>
COUNCILMAN PARR	<u>Yay</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 2nd DAY OF October 2023.

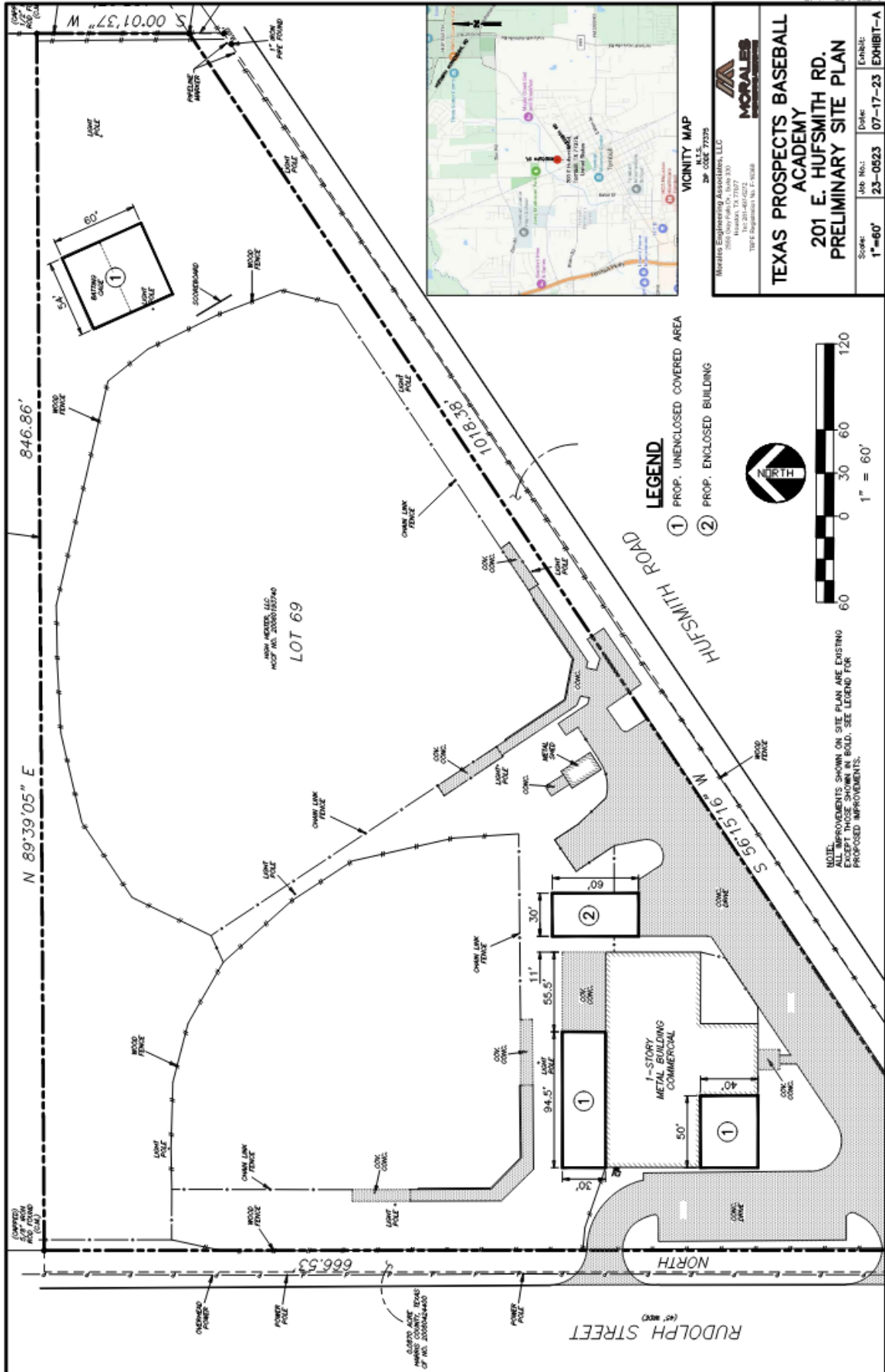
COUNCILMAN FORD \_\_\_\_\_  
COUNCILMAN STOLL \_\_\_\_\_  
COUNCILMAN DUNAGIN \_\_\_\_\_  
COUNCILMAN TOWNSEND \_\_\_\_\_  
COUNCILMAN PARR \_\_\_\_\_

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LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
Tracylynn Garcia, City Secretary

Exhibit "A"





Location: Northeast corner of Rudolph Road and E. Hufsmith Road. Being Lot 69 of Tomball Townsite Outlots, City of Tomball, Harris County, Texas