

(Motion was made by Kirk Jones, seconded by Thomas Knight, and passed by a vote of 3 to 0, that the following ordinance be passed.)

ORDINANCE NO. 2012-25

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR THE INITIAL ZONING OF NEWLY ANNEXED PROPERTY AS PROVIDED IN CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR THE CLASSIFICATION AND INCLUSION OF A CERTAIN TRACT OF LAND WITHIN A ZONING DISTRICT AS DESCRIBED AND DEPICTED ON THE MAP OR PLAT OF SAME ATTACHED TO THIS ORDINANCE AS EXHIBIT "A"; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP OF THE CITY TO REFLECT THE ZONING CLASSIFICATION OF THE TRACT AS HEREIN PROVIDED; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$200 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Ordinance No. 2009-12, passed on October 27, 2009 the City annexed into its corporate limits a tract of land, containing approximately 75.68, owned by Christian C. Cheatham, Mary E. Cheatham, Montgomery Energy Resources, Ltd. and William T. Barnier; and

WHEREAS, the City of Montgomery is located in rapidly growing Montgomery County, an area with increasing economic diversity, burgeoning population growth, and significant residential and commercial development, and the City is proactively addressing the challenge of maintaining a proper balance and integration of residential and commercial uses, and their concomitant needs for public services; and

WHEREAS, the Planning and Zoning Commission and City Council of the City (the "City") have reviewed that portion of the newly annexed area, a portion of which is to be platted as the Hills of Town Creek, Section 1 and the needs of the community, the character of each zoning district and its particular suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the City, and has given reasonable consideration to permanently zoning the newly annexed area in order to protect and enhance the value of property, lessen congestion in the streets, secure safety from fire, panic, and other dangers, promote health and the general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water sewers, parks, and other public requirements; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning

Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice and public hearing, did consider and make a recommendation on the initial zoning classification; and

WHEREAS, the City Secretary caused to be issued and published the notices of public hearing required by the City of Montgomery Zoning Ordinance (the "Zoning Ordinance") and laws of the State of Texas applicable thereto; and

WHEREAS, the City has conducted public hearings, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, on such classification; and

WHEREAS, the City Council now deems it appropriate to establish a permanent zoning classification for that referenced tract in the Annexed Area.

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

SECTION 1. Recitations. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. Zoning Classification. The zoning classification of that certain tract of land, described below, situated within the corporate limits of the City of Montgomery, Montgomery County, Texas, is hereby classified, as stated below and as shown upon the map attached hereto as Exhibit "A."

- (1) The tract of land described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes, is hereby designated the zoning classification of District R-2, Multifamily Residential.

SECTION 3. The official zoning district map of the City of Montgomery shall be revised and amended as set forth above to show the zoning district designation for the tract described in Exhibit "A" hereto.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. Penalty. As provided in the City's Code of Ordinances, any person or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00). Each day of violation of any provision hereof shall constitute a separate offense.

SECTION 6. Severability. 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

of provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there by one or more parts.

PASSED, APPROVED and ADOPTED by the City Council of the City of Montgomery Texas, on this the 10th day of July, 2012.

CITY OF MONTGOMERY, TEXAS

By: _____

John Fox, Mayor

ATTEST:

By: _____

Carol Langley, City Secretary



APPROVED AS TO FORM:

By: _____

Bryan P. Fowler, City Attorney

