

**ORDINANCE NO. O-2022-007**

**AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING ZONING CLASSIFICATIONS CHANGE REQUESTS WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED ZONING CLASSIFICATION CHANGES; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, certain property owners have requested that certain tracts listed and identified in the attached Exhibit "A" in the City of Magnolia, Montgomery County, Texas, (the "Properties"), be rezoned; and

**Whereas**, the property owners have presented applications to the City for the rezoning of the Properties; and

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

**Whereas**, the Planning & Zoning Commission recommended in its final reports that City Council approve each of the requested re-zonings; 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 each of the requested re-zonings, the City Council held the public hearings for each of the requested re-zonings and the City Council considered each of the final reports of the Planning & Zoning Commission; and

**Whereas**, the City Council previously approved each of the requested re-zonings as shown in Exhibit "A".

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

**Section 1.** The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

**Section 2.** The zoning classification of each of the Properties are hereby changed as shown in the attached Exhibit "A".

**Section 3.** The Official Zoning Map of the City of Magnolia shall be revised and amended to show the approved requested re-zonings.

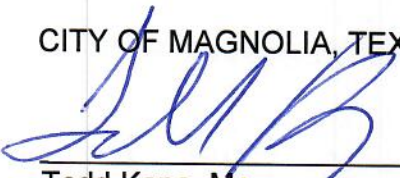
**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Magnolia, save and except the change in zoning classifications of the Properties as identified and listed in the attached Exhibit "A".

**Section 5.** 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 than the part declared to be invalid or unconstitutional; and the City Council of Magnolia, 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.


**Section 6.** City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex. Gov't. Code Ch. 551.



CITY OF MAGNOLIA, TEXAS

  
Todd Kana, Mayor

ATTEST:

  
Kandice Garrett, City Secretary



## EXHIBIT A

- Tax Parcel Account ID: 7001-00-00100. Change in zoning district from Neighborhood Conservation 2 (NC.2) to Suburban Village (SV). Montgomery County CAD Map ID – R380973.

The SM DADA Enterprises tract at 31525 Nichols Sawmill Road. Described as:

Being a 0.9183 acres (40,000 square feet) tract of land being Reserve "A" and the east 55.25 feet of Reserve "D" of MAGNOLIA BUSINESS CENTER, a subdivision in MONTGOMERY County, Texas according to the map or plat thereof recorded in Cabinet "Z" Sheet 656 of the Map Records of MONTGOMERY County, Texas. Situated in the Gamble Dawson Survey, Abstract Number 177, of MONTGOMERY County, Texas, and being out of and part of a called 5.640-acre tract of land, described in deed recorded in Film Code No. 33 8-10-2312, of the Real Property Records of Montgomery County, Texas.