

**ORDINANCE NO. O-2022-009**

**AN ORDINANCE OF THE CITY COUNCIL OF MAGNOLIA, TEXAS,  
AMENDING ORDINANCE NO. O-2015-020 AND THE OFFICIAL  
ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE  
PERMIT TO ALLOW MIXED USE IN A SEMI-URBAN RESIDENTIAL  
DISTRICT (SU) FOR PROPERTY LEGALLY DESCRIBED AS  
GAMBLE DAWSON SURVEY ABSTRACT NO. 177 DAWSON GAMBLE,  
TRACT 8, 0.8857 ACRES; PROVIDING A REPEALER CLAUSE;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. O-2015-020, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property ("Property") described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements, including but not limited to those set forth in Texas Local Government Chapter 211; and Texas Government Code Chapter 551; and

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section 2. Property.** The Property that is the subject to this Zoning District Reclassification is legally described as Gamble Dawson Survey Abstract No. 177 Dawson Gamble, Tract 8, 0.8857 Acres as shown on Exhibit "A" hereto.

**Section 3. Zoning District Reclassification.** Conditional Use Permit to allow mixed use in a Semi-Urban Residential District (SU), Zoning District Classification is hereby assigned to the Property described in section two.

**Section 4. Zoning Map Revision.** The City Administrator is hereby authorized and directed to have city staff revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section 5. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 7. Effective Date.** This ordinance is effective upon final passage and approval.

**APPROVED BY PLANNING AND ZONING COMMISSION** on First Reading the 24<sup>th</sup> day of March, 2022.

**PASSED, APPROVED AND ADOPTED BY CITY COUNCIL** on this the 12<sup>th</sup> day of April, 2022.



CITY OF MAGNOLIA, TEXAS

A handwritten signature in blue ink, appearing to read "L. Kana", written over a horizontal line.

Todd Kana, Mayor

ATTEST:

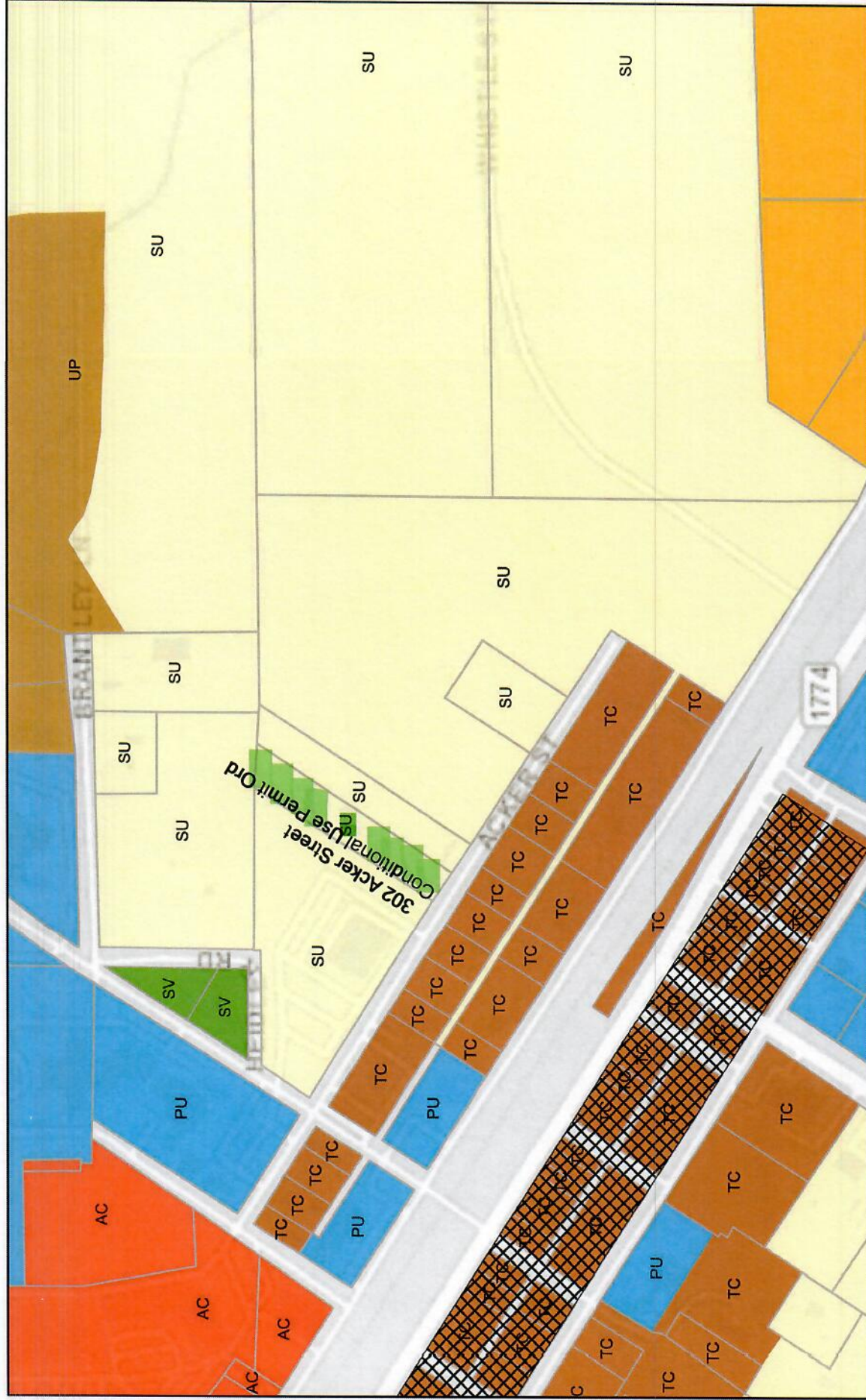
A handwritten signature in blue ink, appearing to read "Kandice Garrett", written over a horizontal line.

Kandice Garrett  
City Secretary

## Exhibit A

1. Property is located at 302 Acker St., Magnolia, Texas and legally describes as Gamble Dawson Survey Abstract No. 177, A0177 Dawson Gamble, Tract 8, 0.8857 Acres.

# Exhibit A - 302 Acker Street



March 21, 2022



1:4,961

