

ORDINANCE NO. O-2022-015

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ITS OFFICIAL ZONING MAP, BY APPROVING A CONDITIONAL USE PERMIT WITHIN THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE APPROVED CONDITIONAL USE PERMIT; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, The Planning and Zoning Commission of the City of Magnolia, Texas, on May 10, 2022, did conduct a public hearing for the purpose of taking public comment regarding proposed Conditional Use Permit. The proposed Conditional Use Permit would annotate the Official Zoning Map of the City; and

WHEREAS, The Planning and Zoning Commission in open deliberation found that proposed Conditional Use to be consistent with the City's adopted comprehensive plan and consistent with the best public interest; and **WHEREAS**, The Planning and Zoning Commission did then, by a 7 - 0 vote of members present, recommended approval of the proposed Conditional Use Permit as shown in Exhibit A; and

WHEREAS, The City Council of the City of Magnolia, on May 10, 2022, did conduct its own public hearing for the purpose of taking public comment regarding the proposed Conditional Use Permit, as outlined in the Unified Development Code, Chapter 11 Permits and Procedures, Sec. 11-2-3.04; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, as well as its own deliberations, did determine that the proposed Conditional Use Permit to be consistent with the City's adopted comprehensive plan and consistent with the best public interest and approves the Conditional Use Permit for 823 Magnolia Blvd. in Magnolia, Texas for the use of preconstructed buildings in a non-residential, Public Use (PU) zoned district.

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 Property for a Conditional Use Permit is hereby 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 Conditional Use of two preconstructed, portable buildings.

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 or provision hereof 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 and proper notice of the joint public hearing of the City Council and Planning and Zoning Commission was given as required by the Texas Local Government Code.

PASSED, APPROVED and ADOPTED by the City Council of the City of Magnolia, Montgomery County, Texas on this the 10th day of May, 2022.

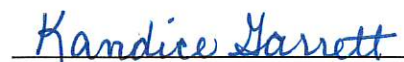


CITY OF MAGNOLIA, TEXAS



Todd Kana, Mayor

ATTEST:



Kandice Garrett, City Secretary

Exhibit "A"

Magnolia Church of Christ
823 Magnolia Blvd.
Magnolia, Texas 77355

Legal Description: A0542 – Sones Benson, Tract 7, Acres 4.9589
Conditional Use: Preconstructed, portable buildings

