

ORDINANCE NO. 2005-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SECTION 14-464 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 14-464 TO CLARIFY THE DEFINITION OF “GREEN SPACE”; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting all of Section 14-464 thereof, and substituting therefore a new Section 14-464 to read as follows:

“Sec. 14-464. Green space/recreational areas.

A minimum of 30 percent of the gross platted area shall be open green space. ‘Open green space’ is defined as, and limited to common areas of open space or landscaping and community recreational areas. Open green space does not include areas specifically designated or used as building sites for patio home units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.”

Section 2. 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 \$500. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 the City of Tomball, 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 be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF FEBRUARY 2005.

COUNCILMAN MARTIN	<u> AYE </u>
COUNCILMAN FORD	<u> AYE </u>
COUNCILMAN FAGAN	<u> AYE </u>
COUNCILMAN GATLIN	<u> AYE </u>
COUNCILMAN DRIVER	<u> AYE </u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MARCH 2005.

COUNCILMAN MARTIN	<u> AYE </u>
COUNCILMAN FORD	<u> AYE </u>
COUNCILMAN FAGAN	<u> AYE </u>
COUNCILMAN GATLIN	<u> AYE </u>
COUNCILMAN DRIVER	<u> AYE </u>

(signed) H. G. Harrington
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer
Doris Speer, City Secretary
City of Tomball