

ORDINANCE NO. 20240723-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, APPROVING A SPECIFIC USE PERMIT ALLOWING FOR A TATTOO STUDIO AT 740 E. HENDERSON RD., WITHIN LEGALLY DESCRIBED AS A0380 J DE J VALDERAS TRACT 110A& (1ACRE) (ANGLETON), BRAZORIA COUNTY, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.

WHEREAS, the City of Angleton, Texas is granted implied powers under the Texas Local Government Code, Section 51.001 and may adopt, publish, amend or repeal an ordinance and adopt ordinances that are for the good government, peace, or order of the municipality and necessary for carrying out a power granted by law to the City of Angleton, Texas; and

WHEREAS, the City of Angleton, Texas may adopt or maintain an ordinance only if the ordinance is consistent with the laws of Texas as set out in Section 51.002 Texas Local Government Code; and

WHEREAS, On July 2, 2024, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP) submitted by Jose Munoz, applicant/agent for the owner- Jonel Wilcox of Joray One, LLC, for a tattoo studio to be located at the 740 E. Henderson Road with the “C-G”, General Commercial Zoning District, and

WHEREAS, on July 2, 2024, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo studio; and

WHEREAS, on July 23, 2024, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo studio; and

WHEREAS, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposed tattoo studio to be located at 740 E. Henderson Rd., Angleton, TX., as depicted on Exhibit A; and

WHEREAS, the City Council desires to grant the Specific Use Permit (SUP) submitted by Jose Munoz, as agent for the owner, at 740 E. Henderson Rd., Angleton, TX., to allow a tattoo studio, with the conditions set forth in Section 2 below.

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

SECTION 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63, Specific Use Permits (SUP), and adopts the recommendation with conditions made by the Planning and Zoning Commission as follows:

- A. Hours of Operation for the Tattoo Studio shall be from 7:00 AM to 9:00 PM, seven days a week.
- B. Revocation of the Specific Use Permit may occur at any time if one or more of the conditions set forth in this Ordinance have not been met or are violated.
- C. Specific Use Permit is conditioned upon a valid and approved lease-hold interest evidenced by a written and executed commercial lease held by the tattoo business granted the Specific Use Permit; and
- D. The term of the granting of this SUP shall be temporary, expiring one year from date of the approval of this SUP being granted, to allow the applicant, Tattoos by Munoz, to demonstrate compliance with the above cited terms and conditions of the SUP and all City Codes of Ordinances. Upon its one- year review, the Council may extend the approval of the SUP for an additional temporary term or may revoke the approval of the SUP immediately.
- E. Commencement of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.

SECTION 3. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

SECTION 4. Repeal. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. Severability. 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 Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 6. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

SECTION 7. Proper Notice & Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED, AND ADOPTED ON THIS THE 23RD DAY OF JULY 2024.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary