

ORDINANCE NO. 20240227-002

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO ALLOW FOR A CHILD DAYCARE USE AT 2700 E. MULBERRY ST./E. SH 35 AT RAB RD., ALSO DESCRIBED AS A0318 T S LEE TRACT 38C1 ACRES 2.7 (ANGLETON), BRAZORIA COUNTY, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.

WHEREAS, On February 1, 2024, the City of Angleton Planning & Zoning Commission held a public hearing to consider a Specific Use Permit (SUP), pursuant to Sec. 28-63 of the Code of Ordinances, for a Daycare within the Commercial General Zoning District (C-G), for Lil Einstein Learning Academy, located at 2700 E. Mulberry St., Angleton, TX.; and

WHEREAS, on February 1, 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 daycare use; and

WHEREAS, on February 27, 2024, the City of Angleton City Council conducted a public hearing, discussed, and considered the written recommendation of staff and the final report of the Planning and Zoning Commission, responses to questions of the applicant regarding the proposed Daycare/Learning Academy at 2700 E. Mulberry St., Angleton, Texas; 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 Daycare/Learning Center at 2700 E. Mulberry St., Angleton, TX; and

WHEREAS, the City Council desires to grant the Specific Use Permit (SUP) submitted by Owner's Agent, David King, Preschool Business Owner, at 2700 E. Mulberry St., Angleton, TX, to allow the proposed Daycare use.

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), subject to the following conditions:

- 1. The applicant shall obtain and maintain Childcare licensing as regulated by the state of Texas Health and Human Services Commission.
- 2. The applicant shall obtain any permits and City Final Occupancy approvals prior to opening the facility.
- 3. The applicant shall maintain any required Health Permit for food services to the children.

SECTION 3. 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 4. 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 4. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

SECTION 5. 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 THIS 27th DAY OF FEBRUARY, 2024.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary