

DRAFT

**ORDINANCE NO. xxxx**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO REZONE FROM “C-OR”, COMMERCIAL-OFFICE/RETAIL TO BE REZONED TO “C-G”, COMMERCIAL-GENERAL DISTRICT, FOR A SHOPPING CENTER CURRENTLY LOCATED AT 728-744 E. HENDERSON RD., LEGALLY DESCRIBED AS A0380 J DE J VALDERAS TRACT 110A7 (1ACRE), ANGLETON, 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 rezoning submitted by Joray One, LLC for a change from “C-OR”, Commercial Office-Retail to “C-G”, General Commercial District.

**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 rezoning request; 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 rezoning request; and

**WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-24, Amendments to zoning ordinance and districts, and considered the proposed rezoning located 728-744 E. Henderson Rd., Angleton, TX., legally described as A0380 J DE J VALDERAS TRACT 110A7 (1Acre) (ANGLETON), Brazoria County, Texas;

**WHEREAS**, the City Council desires to grant the rezoning of the property located at 728-744 E. Henderson Rd., as submitted by Joray One, LLC;

**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 rezoning from “C-OR”, Commercial Office-Retail to “C-G”, General Commercial District, in accordance with City of Angleton Code of Ordinances, Sec. 28-24, Amendments to zoning ordinance and districts.

**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, APPROVED and ADOPTED** this 23<sup>rd</sup> day of July, 2024.

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John Wright, Mayor

**ATTEST:**

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Michelle Perez, TRMC