

ORDINANCE NO. 2019-005

AN ORDINANCE OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS, CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE ZONING ORDINANCE OF SAID CITY TO CHANGE THE ZONING CLASSIFICATION OF BLOCK 4, LOT 5, OF JOHN DAVIDSON'S SUBDIVISION IN J.E. GROCE FIVE (5) LEAGUE GRANT, ABSTRACT 66, ACCORDING TO THE PLAT RECORDED IN VOL. 3, PAGE 209 OF THE REAL PROPERTY RECORDS OF BRAZORIA COUNTY, TEXAS IN THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1 ONE FAMILY DISTRICT, TO A NEW ZONING CLASSIFICATION OF C-2 BUSINESS DISTRICT; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING AND ZONING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City of Clute, Brazoria County, Texas, ("the City") makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, read, passed and approved as Ordinance No. 75-45 on the 6th day of December, 1975, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that not less than ten (10) days before the date of such hearings, written notice of the proposed change in classification was proposed and to all owners of property located within two hundred (200') feet of such property.

Fourth, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the conditions which warranted the classification of the hereinafter described property as -- at the time of the adoption of such classification for such property have substantially changed; that conditions now exist which indicate that the classification of such property as R-1 One Family District is no longer appropriate and, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed from R-1 One Family District to C-2 Business District.

Fifth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance and the change in zoning classification hereinafter mentioned.

SECTION TWO--Comprehensive Zoning Ordinance Amended and Zoning Changed.

Said Ordinances No. 75-45 is hereby amended and supplemented to provide that the following described parcel of land within the corporate limits of the City, to-wit:

BLOCK 4, LOT 5, OF JOHN DAVIDSON'S SUBDIVISION IN J.E. GROCE FIVE (5) LEAGUE GRAND, ABSTRACT 66, ACCORDING TO THE PLAT RECORDED IN VOL. 3, PAGE 209 OF THE REAL PROPERTY RECORDS OF BRAZORIA COUNTY, TEXAS IN THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS.

be and the same is hereby reclassified for purposes of zoning as C-2, Business District as defined in Section II of the Appendix to said Ordinance No. 75-45 and that the zoning of said land should be and the same is hereby changed from R-1 Residential District to C-2 Business District.

SECTION THREE--Ratification and Confirmation.

The City Council of the City hereby ratifies and confirms any and all action taken by the Planning and Zoning Commission thereof or the City Council, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and said Ordinance No. 75-45, the giving of public notice of such hearings, the giving of written notice to the owners of property which is

the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and said Ordinance.

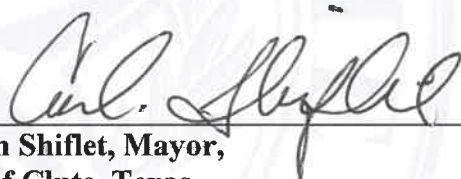
SECTION FOUR--Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION FIVE--Effective Date.

This ordinance shall take effect and be in force from and after its passage and approval.

READ, PASSED AND ADOPTED this 14th day of February 2019.



**Calvin Shiflet, Mayor,
City of Clute, Texas**

ATTEST:

APPROVED AS TO FORM ONLY:



**Rosie Poitevint, City Clerk
City of Clute, Texas**



**Christopher Duncan, City Attorney
City of Clute, Texas**