

ORDINANCE NO. 2019-022

AN ORDINANCE OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO PERMIT THE SPECIFIC USE OF BRAZOS COAST INVESTMENT COMPANY SUBDIVISION DIVISION 14, BLOCK 1, LOTS 2-3, 0.30 ACRES OF THE A. CALVIT SURVEY, ABSTRACT 49, BRAZORIA COUNTY, TEXAS ACCORDING TO MAP OF PLAT RECORDS OF BRAZORIA COUNTY, TEXAS. WITHIN THE CORPORATE CITY LIMITS OF SAID CITY, KNOWN LOCALLY AS 309 E. PLANTATION STREET, CLUTE, TEXAS, AS A CHURCH, CASA DE DIOS, TO BE OPERATED BY EMILIA GARZA; CONTAINING A SEVERENCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

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, makes the following findings of fact and conclusions of law, viz:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Local Government Code and the present Comprehensive Zoning Ordinance of the City of Clute, Texas read, passed and approved as Ordinance No. 75-45 on the 6th day of December, A.D. 1975, were conducted in the manner and at the time required by said Code and said Ordinance.

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

Third, that not less than ten (10) days before the date of such public hearings, written notice of the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and conditions of all adjacent uses and structures, the City Council of the City of Clute, Texas is of the opinion that such proposed use conforms to the requirements and intent of such Comprehensive Zoning Ordinance and the Comprehensive Plan of the City; that conditions herein below attached to the granting of such permit as hereby amended, are necessary to the public interest; and that such use under such conditions will not under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals, and general welfare of the City of Clute, Brazoria County, Texas will best be served by the adoption of this ordinance and granting of the Specific Use Permit hereinafter mentioned.

**SECTION TWO – COMPREHENSIVE ZONING ORDINANCE AMENDED AND
SPECIFIC USE PERMIT GRANTED**

Said Ordinance No. 75-45 is hereby amended and a Specific Use Permit is hereby GRANTED with respect to:

**BRAZOS COAST INVESTMENT COMPANY SUBDIVISION
OF THE A. CALVIT SURVEY, DIVISION FOURTEEN (14),
LOTS 2 -3, 0.30 ACRES, BRAZORIA COUNTY, TEXAS
ACCORDING TO PLAT RECORDS OF BRAZORIA
COUNTY, TEXAS, and**

known locally as 309. E. Plantation Street, Clute, Texas hereinafter called “the premises”, be and the same are hereby amended to authorize the use of the premises as a church, CASA DE DIOS, to be operated by EMILIA GARZA, hereinafter called the “Permittee”, under the following terms and conditions, viz:

First, as used in this ordinance, the term “activities of a church” means those activities which can be reasonably related to the religious worship of the members of the Permittee. Any activities on the premises other than those of a church must be approved by a concurrent vote of

a majority of the members of the City Council and the Planning and Zoning Commission taken at any regular or special meeting thereof, at which a quorum of each body is present.

Second, the Permit herein granted shall automatically terminate if the Permittee ceases to use the premises for the activities of a church, as defined above, for thirty (30) consecutive days.

Third, this permit may also be terminated by the City Council if the Permittee's lease of the premises or any portion of the premises is terminated or assigned to a third party or parties or if the Permittee fails to complete renovations and obtain a certificate of occupancy within 6 months of the date of this permit. Such termination by the City Council shall be upon the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof held after at least ten (10) days prior written notice sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations. Any decision of the City Council thereon shall be entered upon the minutes of such meeting. Any decision of the City Council thereon shall be final and non-appealable.

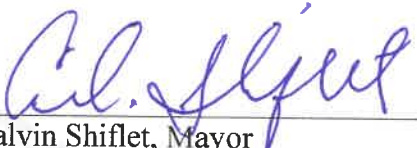
SECTION THREE – SEVERANCE CLAUSE

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 FOUR – EFFECTIVE DATE

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

READ, PASSED AND ADOPTED this 26th day of September 2019.




Calvin Shiflet, Mayor
City of Clute, Texas

ATTEST:



Rosie Poitevint, City Clerk
City of Clute, Texas

APPROVED AS TO FORM ONLY:



Christopher Duncan, City Attorney
City of Clute, Texas