

**ORDINANCE NO. 2022-011**

**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 LOT RESERVE A, IN THE WOODSHORE MAREKETPLACE SUBDIVISION, J.E. GROCE SURVEY, ABSTRACT 66 IN BRAZORIA COUNTY, TEXAS AND WITHIN THE CORPORATE LIMITS OF SAID CITY, LOCATED AT THE CORNER OF DIXIE DRIVE AND OYSTER CREEK BOULEVARD, CLUTE, TEXAS AS SET FORTH SPECIFICALLY IN THE ATTACHED EXHIBIT "A" AS A LOCATION FOR OPERATION OF A CAR WASH IN ADDITION TO OTHER PERMITTED USES UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; PROVIDING THAT SAID SPECIFIC USE PERMIT SHALL NOT BE TRANSFERABLE; CONTAINING A REPEALER CLAUSE IN THE EVENT OF PARTIAL INVALIDITY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE TEN (10) DAYS 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 6<sup>th</sup> 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 Comprehensive Zoning Ordinance is hereby amended and a Specific Use Permit is hereby GRANTED with respect to the following described real property located within the City of Clute, Brazoria County, Texas:

**LOT RESERVE A, IN THE WOODSHORE MAREKETPLACE  
SUBDIVISION, J.E. GROCE SURVEY, ABSTRACT 66, IN BRAZORIA  
COUNTY, TEXAS AND WITHIN THE CORPORATE LIMITS OF SAID  
CITY, AS SET FORTH SPECIFICALLY IN THE ATTACHED EXHIBIT A  
ATTACHED and**

known locally as the intersection of Dixie Drive and Oyster Creek Boulevard, Clute, Texas hereinafter called “the premises”, and the Comprehensive Zoning Ordinance is hereby amended to authorize the use of the premises as a location for the operation of a car wash in addition to its other permitted uses, by OFI CHITO LLC, hereinafter referred to as “Permittee”. Further, this specific use permit is granted exclusively to Permittee, is not transferrable, and shall immediately expire upon if Permittee ceases operate a car wash business on this premises for more than thirty (30) consecutive days. Further, this specific use permit is granted and continues subject to compliance with the following conditions:

**First**, the Permit herein granted shall automatically terminate upon the first to occur of the following events:

- (1) The Permittee ceases to use the premises as a location for the operation of an car wash, as limited above for thirty (30) consecutive days;
- (2) The Permittee rents or leases the premises to any third party or parties;
- (3) The Permittee ceases to be legally recognized entity authorized to do business as in the State of Texas;

**Second**, this permit may also be terminated by the City Council for any violation of any condition set forth herein, or any amendment hereto. Such termination by the City Council shall be effected by the adoption of an ordinance terminating this ordinance, or any amendment hereto, adopted by the affirmative vote of the majority of the members of the City Council present and voting at any regular or special meeting thereof on the agenda of which such termination appears as an action item, such meeting to be held after at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the City Council thereon shall be final and non-appealable.

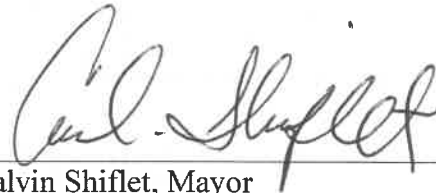
### **SECTION THREE – AUTOMATIC REPEALER CLAUSE**

All of the sections or provisions of this ordinance were adopted and are intended by the City Council of the City of Clute, Texas, to be an integrated whole. Therefore, if any section or provision 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 not to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force or effect.

**SECTION FOUR – EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the tenth (10<sup>th</sup>) day following its passage and adoption indicated below if, within such ten (10) day period, it is agreed to and accepted by the Permittee as evidenced by Permittee’s signature below; otherwise, this ordinance shall not take effect and shall be of no force or effect.

READ, PASSED AND ADOPTED this 23<sup>rd</sup> day of June 2022.



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

