

ORDINANCE NO. 2009-O-5D

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS AMENDING THE “ZONING MAP OF THE CITY OF ANGLETON” BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE OF 135 LOCUST FROM CENTRAL BUSINESS DISTRICT (CBD) TO COMMERCIAL GENERAL (CG), PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, That Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the boundaries of zoning districts in the City of Angleton; and

WHEREAS, Owner of the property at 135 Locust, Angleton, Brazoria County, Texas, Kenneth Bowman, has requested that said property be rezoned from Central Business District (CBD) to Commercial General (CG); and

WHEREAS, The Planning and Zoning Commission recommended approval of the requested zoning after conducting a public hearing on May 5, 2009, by a 6-0 vote with 1 absent; and

WHEREAS, Notice of the City Council public hearing was published in the newspaper on April 26, 2009; and

WHEREAS, The City Council conducted a public hearing on this rezoning request on May 12, 2009; and

WHEREAS, The City Council finds the change in zoning is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That 135 Locust, in Block 6, Lot 1 to 4-9, in the City of Angleton, Brazoria County, Texas, as more particularly described in the attached Exhibit “A”, which is made a part of this Ordinance for all purposes, is hereby rezoned from Central Business District (CBD) to Commercial General (CG) zoning district and use designation.

SECTION 3: That the zoning map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 4: Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 5: It is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 6: This ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 7: Any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

PASSED AND ADOPTED THIS 12TH DAY OF MAY, 2009.

J. PATRICK HENRY, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

HERBERT L. PROUTY, Interim City Attorney