

ORDINANCE NO. 3136

AN ORDINANCE AMENDING THE CITY OF KATY ZONING ORDINANCE NO. 621; BY GRANTING A SPECIAL USE PERMIT THAT ALLOWS, A SPECIAL USE, TO-WIT: A RELIGIOUS INSTITUTION IN A "C-1" COMMERCIAL DISTRICT LOCATED AT 5038 EAST FIFTH STREET, FOR THE BENEFIT OF THE APOSTOLIC CHURCH LAWNA KATY TEXAS; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY OF UP TO \$2,000 DOLLARS PER DAY FOR A VIOLATION OF ANY PROVISION OF THE ORDINANCE.

WHEREAS, the Zoning Ordinance of the City of Katy provides for the granting of Special Use Permits; and

WHEREAS, The Apostolic Church LAWNA Katy Texas has filed an application for a Special Use Permit for the property located at 5038 East Fifth Street to be used as a religious institution; and

WHEREAS, A public hearing on such request for the Special Use Permit was conducted by the City Planning and Zoning Commission on April 16, 2024 and such Commission recommended that such permit be denied; and

WHEREAS, A public hearing on such request for the Special Use Permit was conducted by the City Council on April 22, 2024;

WHEREAS, A Special Use Permit may only be granted if the City Council makes the following findings:

- a. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity.
- b. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- c. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

- d. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- e. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- f. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
- g. That there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
- h. That the proposed use is in accordance with the Comprehensive Plan.

WHEREAS, the City Planning and Zoning Commission and City Council have considered such request in accordance with the ordinances of the City of Katy, Texas, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS:**

I.

The City Council of the City of Katy Texas finds the matters contained in the foregoing recitals are true and correct and are incorporated in this ordinance.

II.

The City Council finds that all requirements for the granting of a Special Use Permit have been met and that the Special Use Permit should be and the same is hereby amended to allow 5038 East Fifth Street (The Apostolic Church LAWNA Katy Texas) to be used as a religious institution.

III.

The Special Use Permit hereby granted by adoption of this ordinance shall be effective after adoption of this ordinance and is valid from the date of City Council approval. The Special Use Permit hereby granted shall be terminated on the occurrence of the property owners and/or persons in control of said use shall not sell, transfer, attempt to sell or transfer of the Special Use Permit.

IV.

The Special Use Permit hereby granted by adoption of this ordinance is conditioned on the owners and/or persons in control of said use shall not protest alcohol related businesses within 1,000 feet of the property.

V.

The Special Use Permit hereby granted by adoption of this ordinance is conditioned on the owners and/or persons in control of said use shall receive a Certificate of Occupancy within 90 days of City Council approval.

VI.

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 Katy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

VII.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

VIII.

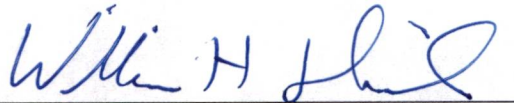
Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with the applicable penalty provided for in Section 1.01.009 of the City of Katy Code of Ordinances. Each day of violation shall constitute a separate offense.

IX.


The City Secretary is authorized to publish a summary or the Caption of this Ordinance as required by law.

PASSED AND APPROVED this the 22<sup>nd</sup> day of April, 2024.

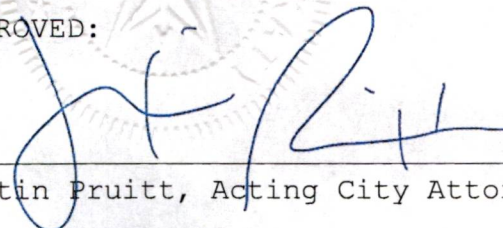
CITY OF KATY, TEXAS

BY:   
William H. Thiele, Mayor

ATTEST:

  
Becky L. McGrew, City Secretary

APPROVED:

  
Justin Pruitt, Acting City Attorney