

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO EVAN BALLEW FOR USE OF 14640 LIBERTY STREET, MONTGOMERY, TEXAS 77356 FOR A PROFESSIONAL REAL ESTATE OFFICE; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Evan Ballew for a special use permit pursuant to Section 98-27 of the Code of Ordinances of the City of Montgomery, Texas, to use the herein referenced real property as a real estate office; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice, did consider and make a report on the request for the special use permit, as provided by Section 98-27(a) of the Code of Ordinances; and

WHEREAS, the City Secretary caused to be issued and published the notice of public hearing required by the City of Montgomery Zoning Ordinance and laws of the State of Texas applicable thereto; and

WHEREAS, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed special use permit, on the 11th day of July 2023; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearing have been met, is of the opinion and finds that the requested special use of the property described herein is authorized by Section 98-27 of the Code of Ordinances; and

WHEREAS, the City Council further finds that the granting of a special use permit to Evan Ballew to use the property as a real estate office will not have an adverse effect on the City's comprehensive zoning plan or on the character and development of the neighborhood in which the property is situated, so long as the City imposes appropriate conditions and safeguards;

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

SECTION 1. Grant of Permit. A special use permit is hereby granted to Evan Ballew to use 14640 Liberty Street, Montgomery, Texas 77356 (the "Premises"), for a professional real estate office. The special use permit is granted upon and subject to the terms, provisions and limitations specified in Section 2.

SECTION 2. Terms, Provisions and Limitations. The special use permit herein granted is expressly subject to the following terms, provisions and limitations, each of which is hereby deemed to be a condition precedent to the grant and continued effectiveness of the permit:

P&Z
Recommended
Conditions

- (a) This permit is issued only to Evan Ballew and is not assignable without City Council permission.
- (b) Require the same buffer, setbacks, and other regulations that pertain to commercial properties that abut residential areas in the city.
- (c) Allow the existing accessory shed within the rear setback to remain.

Standard
Conditions

- (d) No articles or materials used in connection with the real estate business shall be stored outside of the existing structures on the Premises.
- (e) The City shall have the authority to inspect the Property from time to time to confirm Evan Ballew's compliance with the terms and conditions of this special use permit.
- (f) This special use permit does not waive, amend, abrogate or affect any law, rule or regulation, including any ordinance of the City of Montgomery. Evan Ballew shall comply with all ordinances of the City of Montgomery.
- (g) This permit shall expire ONE (1) year from the date of its issuance, subject to the City Council's right to renew the permit upon request by Evan Ballew. In the event of a violation by Evan Ballew of the terms and provisions of this special use permit, and the continuation of such violation after ten (10) days written notice from the City to Evan Ballew, at the option of City Council, this permit shall be revoked and shall be of no further force or effect. Such revocation will be effective and final, immediately upon action by City Council.

SECTION 3. Any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in the Montgomery Code of Ordinances, as amended, by a fine not to exceed two thousand dollars (\$2,000.00); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

SECTION 4. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this 11th day of July 2023.

CITY OF MONTGOMERY, TEXAS

By: _____
Byron Sanford, Mayor

ATTEST:

By: _____
Nici Browe, TRMC, City Secretary

APPROVED AS TO FORM:

By: _____
Alan Petrov, City Attorney

DRAFT