

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO TONY JACKSON FOR USE OF THE PROPERTY LOCATED ADJACENT TO 22868 FM 1097 EAST, MONTGOMERY, TEXAS 77356 FOR A FIREWOOD BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Tony Jackson for a special use permit pursuant to Section 98-27 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the use of the herein below referenced real property as a firewood business; 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 12th day of April, 2022; 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 Tony Jackson 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 Tony Jackson to use the property located adjacent to at 22868 FM 1097 East, Montgomery, Texas 77356 (the "Premises"), for a firewood business. 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:

- (a) All firewood sales shall be conducted on the Premises.
- (b) The firewood being sold shall be located completely off the right-of-way for FM 1097, and shall be stored and sold at a safe distance from the FM 1097 pavement.
- (c) The entryway to the Premises and the firewood sales area should be an all-weather surface sufficient to allow for vehicles to remain completely clear of the right-of-way and all parking relative to the firewood sales should occur on the Premises, and completely removed from the FM 1097 right-of-way.
- (d) The Premises shall be kept clean and attractive and shall not create a nuisance in any regard.
- (e) All equipment used must be located behind the 35-foot front Building Line applicable to commercial properties along a major street in the City.
- (f) The Premises should have adequate lighting during nightly business hours to clearly illuminate the sales area, but said lighting shall not be intrusive, offensive or annoying to neighboring property owners.
- (g) No more than one additional person, other than residents residing on the Premises, shall be employed, or engaged in the sale of firewood on the Premises.
- (I) There shall be no alteration or change to the outside appearance, character, or use of the Premises.
- (j) No articles or materials used in connection with the firewood sales, other than the stacked firewood, shall be stored outside on the Premises.
- (k) Tony Jackson shall be bonded and shall maintain general liability insurance in an amount required by City during the entire term of the permit.
- (l) The City shall have the authority to inspect the Property from time to time to confirm Tony Jackson's compliance with the terms and conditions of this special use permit.
- (m) This permit shall expire three years from the date of its issuance, subject to City's right to renew the permit upon request by Tony Jackson. In the event of a violation by Tony Jackson 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 Tony Jackson, 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 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 ____ day of April, 2022.

CITY OF MONTGOMERY, TEXAS

By: _____
Sara Countryman, Mayor

ATTEST:

By: _____
Nici Browe, City Secretary

APPROVED AS TO FORM:

By: _____
Alan P. Petrov, City Attorney