

Copy of ordinance granting SUP

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO CANDACE WELSH FOR USE OF A PORTION OF THE PROPERTY LOCATED AT 401 COLLEGE STREET, SUITE 110-B, MONTGOMERY, TEXAS 77356, FOR A MICROPIGMENTATION TATTOO BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Candace Welsh for a special use permit pursuant to Section 98-33 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the use of a portion of the herein below referenced real property as a micropigmentation tattoo 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 conduct a Public Hearing held on May 13, 2019 and make a final report on the request for the special use permit, as provided by Section 98-33 (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 14th day of May, 2019; 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 98-33 of the Code of Ordinances; and

WHEREAS, the City Council further finds that the granting of a special use permit to Candace Welsh 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 Candace Welsh to use that portion of the property located at 401 College Street, Suite 110-B, Montgomery, Texas 77356 (the "Premises"), for micropigmentation tattoo business for eyebrows and eye shade, which includes the eyelid up to and including the eyebrow, as an

accessory use of an otherwise approved and permitted use. 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 the services shall be conducted on the Premises.
- (b) Micropigmentation tattoo business on the Premises shall only be conducted during the term of the permit.
- (c) The Premises shall be kept clean and attractive, and shall not create a nuisance in any regard.
- (d) Candace Welsh has previously submitted, and shall continuously maintain a detailed letter at the City detailing the safety standards that will be adhered to regarding her micropigmentation tattoo business on the Premises. A copy of the safety standards letter is attached hereto and incorporated herein by reference as Exhibit "A." Candace Welsh shall adhere to and comply with all the standards set forth in this letter.

(e) No more than one additional person, other than residents residing on the Premises, shall be employed or engaged in the micropigmentation tattoo business of eyebrows and eyeshades. Location is a commercial building. Recommend deleting.

(f) The permit is limited to only eyebrows and eye shade micropigmentation, which includes the eyelid up to and including the eyebrow, tattoo business.

(g) No equipment or process shall be used in connection with the micropigmentation business which creates noise, vibrations, glare, fumes, odors or electrical interference detectable to the normal senses outside of the Premises. No equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the Premises.

(h) No articles or materials used in connection with the micropigmentation business shall be stored outside of the Premises.

(i) Candace Welsh shall be bonded and insured, and shall maintain general liability insurance in an amount of \$1,000,000 as required by the City during the entire term of the permit. A certificate of such insurance shall be provided to the City. Not required by state for tattooing and not required for other businesses in the city. Recommend deleting.

(j) The City shall have the authority to inspect the Property from time to time to confirm Candace Welsh's compliance with the terms and conditions of this special use permit. Redundant and unnecessary. Recommend deleting.

(k) This special use permit does not waive, amend, abrogate or affect any law,

rule or regulation, including any ordinance of the City of Montgomery. Candace Welsh shall comply with all ordinances of the City of Montgomery.

Expiration & renewal adds undue burden to applicant.
Recommend deleting.

- (l) This permit shall expire five (5) years from the date of its issuance, subject to the City Council's right to renew the permit upon request by Candace Welsh. In the event of a violation by Candace Welsh 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 Candace Welsh, 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.
- (m) This permit is issued only to Candace Welsh and is not assignable without City Council permission.

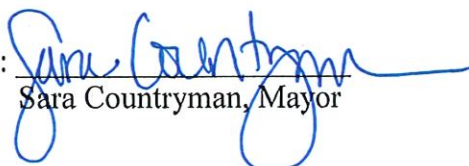
SECTION 3. Any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in the Montgomery Code of Ordinances, as amended, by a fine not to exceed two thousand dollars (\$2,000.00); and each day or portion thereof during which 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 14th day of May, 2019.

CITY OF MONTGOMERY, TEXAS

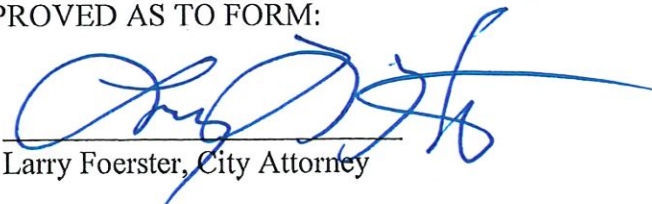
By: 
Sara Countryman, Mayor

ATTEST:

By: 
Susan Hensley, City Secretary



APPROVED AS TO FORM:

By: 
Larry Foerster, City Attorney



May 20, 2019

Ms. Candace Welsh
Studio C Brows

Ms. Welsh;

The business of Studio C Brows is an allowable use at 401 College Street Suite 110-B according to the zoning laws of the City of Montgomery.

If you need further information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jack Yates".

Jack Yates
City Administrator

PLANNING & ZONING COMMISSION FINAL REPORT OF FINDINGS AND RECOMMENDATION

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: MONTGOMERY PLANNING & ZONING COMMISSION

CC: JACK YATES, CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A SPECIAL USE PERMIT APPLICATION FOR CANDACE WELSH FOR A MICROBLADING BUSINESS LOCATED AT 401 COLLEGE STREET, SUITE 110-B, MONTGOMERY, TEXAS.

Mayor and Members of City Council,

Pursuant to Sections 98-27 and 98-88 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on May 13, 2019 to consider an application from Candace Welsh for a Special Use Permit for a microblading business to be located at 401 College Street, Suite 110-B in Montgomery, Texas.

After a duly-noticed public hearing with an opportunity for public comments concerning the requested Special Use Permit, the Commission thereby found:

- ^{harmful} No deleterious effects to the character and development of the neighborhood are posed by the proposed business.
- By a vote of 4-0 the members present (Bill Simpson, Nelson Cox, Jeffrey Waddell, and Carol Langley; Arnette Easley was not in attendance), pursuant to Section 98-27 of the Code, the Planning and Zoning Commission hereby presents this Final Report, recommending approval of the Special Use Permit subject to all the terms, provisions, and limitations of the Ordinance granting the Special Use Permit.

I, Nelson Cox, Chairman of the Montgomery Planning and Zoning Commission, on this 14th day of May 2019, certify the above Final Report to be true and correct to the best of my knowledge.

Signed: _____

NELSON COX, Chair

Attested: _____

SUSAN HENSLEY, City Secretary

