

**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO SHEA SYKORA FOR USE THE PROPERTY LOCATED AT 14375 LIBERTY STREET, SUITE 105, MONTGOMERY, TEXAS 77356, FOR A MICROPIGMENTATION, PARAMEDICAL, AND FINE-LINE 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 Shea Sykora 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 July 2, 2024 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 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 November 12, 2024; 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 Shea Sykora 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 Shea Sykora to use the property located at 14375 Liberty Street, Suite 105, Montgomery, Texas 77356 (the "Premises"), for a micropigmentation, fine-line, and paramedical tattoo 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 the services shall be conducted on the Premises exclusive of paramedical tattoo services provided in a licensed medical facility.
- (b) The Premises shall be kept clean and attractive and shall not create a nuisance in any regard.
- (c) Shea Sykora has submitted and shall continuously maintain a license in good standing with the Department of State Health Services while offering services under this special use permit.
- (d) No articles or materials used in connection with the micropigmentation business shall be stored outside of the Premises.
- (e) This special use permit does not waive, amend, abrogate or affect any law, rule or regulation, including any ordinance of the City of Montgomery. Shea Sykora shall comply with all ordinances of the City of Montgomery.
- (f) In the event of a violation 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 Shea Sykora, 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.
- (g) This permit is issued only to Shea Sykora 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 12<sup>th</sup> day of November, 2024.**

**CITY OF MONTGOMERY, TEXAS**

By: \_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

By: \_\_\_\_\_  
Dave McCorquodale  
Assistant City Administrator

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Alan Petrov, City Attorney

