

Montgomery City Council
AGENDA REPORT

Meeting Date: November 12, 2024	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on 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.

Recommendation

Staff has no objections to the request and recommends approval of Ordinance as presented.

Discussion

Issue:

Ms. Shea Sykora is the owner of Little House of Brows located in the historic downtown. As part of a relocation to another suite in the same building, Ms. Sykora contacted the city. She has a letter from the City dated 2021 confirming she had an SUP for microblading/cosmetic tattooing, though staff does not find record of an SUP being approved. It appears the letter was provided to her in error, and she needs to obtain an SUP to comply with zoning regulations.

Ms. Sykora is requesting an SUP for paramedical tattooing (covering scars and post-surgery marks, etc.) and fine-line artistic tattooing (done with a single needle and includes wording/script, small shapes, etc., but not filling in with color). The P&Z Commission's role in the process is to study the request and provide a study and recommendation to City Council, who after a public hearing, will consider the request.

Rules:

Sec. 98-88(a) - Table of Permitted Uses and Special Uses.

[The Table of Permitted Uses – omitted here for brevity – provides various land uses that are allowed by right in each zoning district. The State of Texas includes microblading and fine-line tattooing in the same category as traditional tattooing for license purposes. Tattoo parlor is found within the Table of Permitted Uses, and also requires City Council approval through an SUP].

Sec. 98-88(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit (see section 98-27, special use permits).

Sec. 98-27. - Special Use Permits.

- (a) **The city council, by an affirmative four-fifths vote, may by ordinance grant a special permit** for special uses in any district, for those uses listed under "CC" in the table of permitted uses in section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to

Montgomery City Council
AGENDA REPORT

protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted. Before authorization of any of such special uses, the request therefor shall be referred to the Planning and Zoning Commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.

A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

- (b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

Conclusion:

Staff agrees with the Planning & Zoning Commission’s recommendation to approve the Special Use Permit request that limits operations to paramedical and fine-line tattooing. City Council recently approved the renewal of a similar SUP for microblading and omitted several staff-recommended provisions from the SUP:

- No limitation to number of employees
- No requirement to be bonded or insured
- No special inspections of the property
- No 5-year expiration date of SUP

As such, staff recommends approval of the Ordinance as presented.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 10/18/2024