

ORDINANCE NO. 2022-2

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MEAGHAN BIRD FOR USE OF THE PROPERTY LOCATED AT 20165 EVA STREET SUITE "C", MONTGOMERY, TEXAS 77356, FOR A MICROBLADING BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Meaghan Bird 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 microblading 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 11th day of January, 2021; 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 Meaghan Bird 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 Meaghan Bird to use that portion of the property located at 20165 Eva Street Suite "C", Montgomery, Texas 77356 (the "Premises"), for microblading business, 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) Microblading 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) The permit is limited to only eyebrows, eye shade, and lip blushing microblading tattoo business, commonly known as permanent cosmetics.
- (e) Meaghan Bird shall maintain general liability insurance in an amount of \$1,000,000 during the entire term of the permit. A certificate of such insurance shall be provided to the City.
- (f) The City shall have the authority to inspect the Property from time to time to confirm Meaghan Bird's compliance with the terms and conditions of this special use permit.
- (g) This special use permit does not waive, amend, abrogate or affect any law, rule or regulation, including any ordinance of the City of Montgomery. Meaghan Bird shall comply with all ordinances of the City of Montgomery.
- (h) 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 Meaghan Bird. In the event of a violation by Meaghan Bird 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 Meaghan Bird, 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.
- (i) This permit is issued only to Meaghan Bird 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.

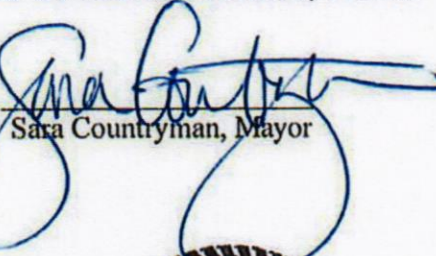
SECTION 4. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other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

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

PASSED AND APPROVED this 11th day of January, 2021.

CITY OF MONTGOMERY, TEXAS

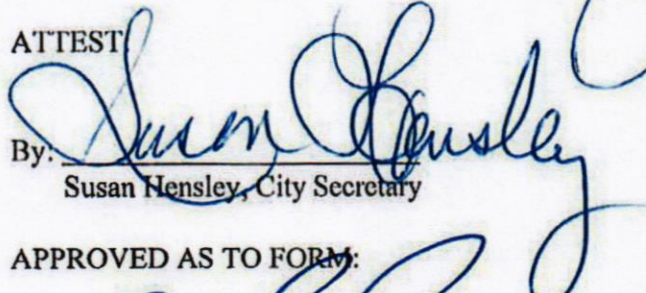
By:



Sara Countryman, Mayor

ATTEST

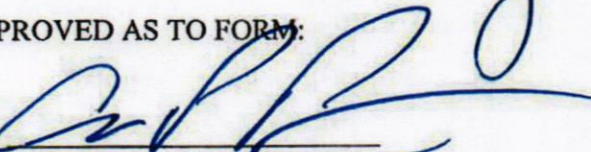
By:



Susan Hensley, City Secretary

APPROVED AS TO FORM:

By:



Alan P. Petrov, City Attorney

