

DATE: January 31, 2018
TO: Mayor & City Council
FROM: Planning Director KA
SUBJECT: Body Art Establishments



SUGGESTED ACTION



Zoning Ordinance Amendment

1. Revise table 4.1 of the zoning ordinance to allow body art establishments under the general business (BG) zoning classification with a special use permit.
2. Update associated definitions and use restrictions to incorporate additional requirements for body art.

Municipal Code

Revise municipal code to incorporate local licensing procedures.

Planning Commission Recommendation

The Planning Commission held a scheduled public hearing on 12-18-17. There were no other public comments.

Planning Commission recommends leaving tattoo and body piercing establishments a permitted use in the HM-2 district with a special use permit; changing special use restrictions #2 to 500 feet required from tract or land licensed to sell alcoholic beverages and asked staff to work with the city attorney to update the language for restriction #8 (12/17/2017) dealing with signs. (3-1) Chairman Jeremy White opposed.

DISCUSSION

- A public hearing for the proposed zoning ordinance amendments was originally scheduled for the January 8th, 2018 city council meeting. This public hearing was tabled and instructions were given to planning staff to consider more comprehensive updates to the zoning ordinance and city code.
- The current zoning ordinance requires a special use permit and heavy industrial (HM2) zoning classification.
- Most other nearby municipalities categorize body art establishments under their neighborhood commercial or general business zoning classification.
- Planning staff recommends allowing body art establishments under BG zoning as a special use permit with restrictions.
- The current City of Sugar Hill license requirements follow the body art ordinance adopted and enforced by Gwinnett County Health Department (GCHD).
- Sugar Hill does not provide for local licensing of body art establishments deferring all administration and enforcement to GCHD.
- Planning staff has worked with the leadership team to provide a comprehensive policy update for body art.
- Proposed policy includes a framework for the city to issue body art licenses to operators and artists upon satisfying minimum qualifications and application requirements such as health department permits/approvals and background checks.

ARTICLE 3.

DEFINITIONS

Body Art: The practice of physical body adornment by body piercing, tattooing and cosmetic tattooing. This definition does not include piercing of the outer perimeter or lobe of the ear with pre-sterilized single use stud and clasp ear piercing systems.

Body Artist or Body Art Practitioner. Means any person who performs the work of body art, body piercing or tattooing.

Body Art Establishment. See body art studio and tattoo and body piercing establishment.

Body Art Operator. Any person, firm, or entity which controls, operates, conducts or manages any body art establishment, whether performing body art and associated procedures or not.

Body Art Parlor. A single room within a body art studio where a body artist performs body art and associated procedures.

Body Art Studio. Any permanent building, structure or suite located in a planned commercial center on a permanent foundation which contains at least one body art parlor, holding a valid body art studio permit from the county health department and all other required city permits, licenses, certificates and approvals. Includes the term body art establishment.

Body Piercing: -The puncturing or penetrating the skin or mucosa of a person with any sharp instrument and/or the insertion of jewelry or other adornment into the opening. This definition does not include piercing of the outer perimeter or lobe of the ear with pre-sterilized single use stud and clasp ear piercing systems. The perforation of human tissue, other than ear, for a nonmedical purpose and other than perforation of human tissue by a licensed medical practitioner.

Cosmetic Tattoo. To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic tattooing shall include permanent cosmetics, micropigmentation, permanent color technology, and micropigment implantation. Includes tattoo.

Tattoo: -An indelible mark, figure, or decorative design introduced by pricking in, piercing or implanting indelible pigments, dyes or coloring matter ~~insertions of dyes or pigments~~ into or under the subcutaneous portion of the skin or mucosa or by the production of scars upon the body of a live human. Includes the definition of tattoo as defined in O.C.G.A § 31-40-1(1) as may hereafter be amended. Includes all forms of cosmetic tattoos.

Tattooing: -The practice of applying a tattoo(s) upon the body of a live human. Includes all forms of cosmetic tattooing.

Tattoo and Body Piercing Establishment: -A facility where tattooing and body piercing is practiced or where the business of tattooing is conducted or any part thereof. Includes body art establishment.

~~Tattoo and body piercing~~Body art
establishment.

1.— A ~~tattoo and body piercing~~body art establishment shall not be located closer than ~~1500~~500 feet to any tract or parcel of land which has a residential use or zoning. In addition, no ~~tattoo and body piercing~~body art establishment shall be located within ~~1,000 feet from the center line of the right-of-way along West Broad Street~~the Town Center or Central Business District overlay zoning districts.

2. No ~~tattoo and body piercing~~body art establishment shall be licensed to sell alcoholic beverages within the City of Sugar Hill. A ~~tattoo and body piercing~~body art establishment shall not be located closer than ~~100~~500 feet to any tract or parcel of land upon which is located an establishment which is licensed and authorized to sell alcoholic beverages within the City of Sugar Hill.

3. No ~~tattoo and body piercing~~body art establishment shall be located within ~~1500~~500 feet of any other ~~tattoo and body piercing~~body art establishment.

4. ~~No minors shall be allowed on the premises of a tattoo and body piercing establishment at any times. All body art procedures shall be performed only within a body art parlor which is fully enclosed from all other areas within a body art studio by a minimum eight feet height opaque wall and an opaque door. No person under the age of 18 shall be allowed within a body art parlor except by written permission of a parent or legal guardian with proper identification and accompanied by said parent or legal guardian.~~

5. Required parking and all public entrances shall be limited to the front yard and front of the entrance.

6. Product advertisement, display, or other promotional material shall not be shown or exhibited so as to be visible to the public from the exterior of the structure, including the interior of windows.

7. A ~~tattoo and body piercing~~body art establishment shall be subject to the rules and requirements of all other current and future pertinent Federal, State, and Local Ordinances.

8. Hours of operation shall be limited to the hours between 10:00 AM and 10:00 PM.