

DATE: April 17, 2018  
TO: Mayor and City Council  
FROM: Planning Director *KA*  
SUBJECT: Zoning Ordinance Amendment Article 4



#### SUGGESTED ACTION

**Approval of zoning ordinance amendment specifying the method of measurement for separation distances be measured by path of travel instead of a straight line.**

#### PLANNING COMMISSION RECOMMENDATION

*The Planning Commission held a scheduled public hearing on April 16, 2018. No one spoke in opposition or support of the proposal.*

***Planning Commission recommends APPROVAL of the amendment to Article 4 as presented by Staff on April 16, 2018. (4-0)***

#### DISCUSSION

- Earlier this year, the City Council adopted an update to the regulations for body art establishments which included increased separation distances from alcohol sales, residential uses as well as other body art establishments.
- As currently written, the separation distances are to be measured in a straight line. However, the requirements do not clearly define how to locate the beginning and end points for each measurement.
- Using geographic information system (GIS) tools or other computer-based mapping equipment could be problematic particularly when those distances are close to the threshold.
- Other municipalities provide for a method of measurement that traces the most direct travel path a person might use to access the facility along the nearest street or sidewalk.
- The following proposed revisions are adapted from similar regulations and provide a definitive method of measurement which can be documented in the field without specialized mapping or surveying equipment.

#### ORDINANCE MARKUP

Additions have been shown in double underline text

~~Deletions have been shown in stricken text~~

Zoning Ordinance Article 4  
Section 406. Restrictions on principal uses.

Body art establishment.

1. A body art establishment shall not be located closer than 1500 feet to any tract or parcel of land which has a residential use or zoning as measured by the most direct route of travel on ground starting at the nearest public entrance of the body art establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest property line of any parcel which has a residential use or zoning. In addition, no body art establishment shall be located within the Town Center or Central Business District overlay zoning districts.
2. No body art establishment shall be licensed to sell alcoholic beverages within the City of Sugar Hill. A body art establishment shall not be located closer than 500 feet to any establishment which is licensed and authorized to sell alcoholic beverages within the City of Sugar Hill as measured in a straight line from the front door to front door by the most direct route of travel on ground starting at the public entrance of the body art establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest public entrance of any establishment which is licensed and authorized to sell alcoholic beverages.
3. No body art establishment shall be located within 1500 feet of any other body art establishment as measured by the most direct route of travel on ground starting at the public entrance of the body art establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest public entrance of any other body art establishment.
4. 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 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 8:00 AM and 10:00 PM.