



Legislation Details (With Text)

File #:	20-3777	Version:	3	Name:	Ordinance - Third and Final Reading of an Ordinance Amending Sections 2200B, 4400.B Table G and 7800.B.38 of the Zoning Ordinance to Create a Body Art & Piercing Studio Use; to Permit Such Use in the I-1 and I-2 Zoning Districts; to Require a Specific Use
Type:	Ordinance	Status:			Passed
File created:	9/17/2020	In control:			City Council
On agenda:	10/26/2020	Final action:			10/26/2020
Title:	Ordinance - Third and Final Reading of an Ordinance Amending Sections 2200B, 4400.B Table G and 7800.B.38 of the Zoning Ordinance to Create a Body Art & Piercing Studio Use; to Permit Such Use in the I-1 and I-2 Zoning Districts; to Require a Specific Use Permit in C-2 and C-3 Zoning Districts; and to Establish Separation Criteria from Such Use from Certain Other Land Uses (OA#20-001)				
Sponsors:	Joe Smolinski, Matt Jones, Lisa Sudbury				
Indexes:					
Code sections:					
Attachments:	1. Revised Ordinance, 2. Revised Exhibit A				

Date	Ver.	Action By	Action	Result
10/26/2020	2	City Council	Approved on Third And Final Reading	Pass
10/12/2020	2	City Council	Approved on Second Reading	Pass
9/28/2020	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading of an Ordinance Amending Sections 2200B, 4400.B Table G and 7800.B.38 of the Zoning Ordinance to Create a Body Art & Piercing Studio Use; to Permit Such Use in the I-1 and I-2 Zoning Districts; to Require a Specific Use Permit in C-2 and C-3 Zoning Districts; and to Establish Separation Criteria from Such Use from Certain Other Land Uses (OA#20-001)

To consider the proposed amendments to the Zoning Ordinance.

The Planning and Zoning Commission held a public hearing on September 21, 2020 and voted by 6-0 to recommend approval subject to removing paragraph C in its entirety and to require the SUP in the industrial districts as well as C-2 and C-3.

On August 10, 2020, the City Council placed a moratorium on “tattoo parlors” in Tax Increment Reinvestment Zone (TIRZ) No. 2 District covering a portion of Historic Downtown Mansfield due to the proliferation of those uses in the area. Council extended the moratorium on tattoo parlors to include the entire City on September 14, 2020.

At Council’s direction, Staff has prepared amendments to the Zoning Ordinance to regulate Body Art and Piercing Studios (tattoo parlors) in Mansfield. These amendments include:

- An amendment to Section 2200.B to create a new definition for Body Art and Piercing Studio:

“5. Body Art and Piercing Studio - A place where body modification is performed, including: tattooing where a design is made by inserting ink, dyes and pigments, either indelible or temporary, into the dermis layer of the skin to change the pigment; or piercing, the practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant may be inserted. This definition does not include permanent makeup or micro-blading as applied in a Beauty Shop.”

- An amendment to Section 4400.B, Table G of the Permitted Use Table, to create Body Art and Piercing Studio as a permitted use in the I-1 and I-2 Districts, and allowed with a Specific Use Permit in the C-2 and C-3 Districts. The draft Table G is attached.
- An amendment to Section 7800.B to create new special conditions to require a 1000-foot separation from a Body Art and Piercing Studio and properties with a single-family residential zoning classification or single-family residential use, a church, a licensed day-care center, a public or private elementary or secondary school, or another Body Art and Piercing Studio and establishes the method of measuring the 1000-foot distance. The amendment also provides for the termination of non-conforming status for existing Body Art and Piercing Studios after adoption of the amendments:

“38. Body Art and Piercing Studio: Body Art and Piercing Studios shall conform to the following provisions:

- a. A Body Art and Piercing Studio may not be located within one thousand (1000) feet of a single-family residential zoning classification or single-family residential use; a church; a licensed day-care center; a public or private elementary or secondary school; or another Body Art and Piercing Studio.
- b. For the purposes of this Paragraph 38, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or tenant space occupied by a Body Art and Piercing Studio to:
 1. the nearest property line of the premises of a church, licensed day care center, public or private elementary or secondary school, or single-family residential zoning classification or single-family residential use; and
 2. the nearest portion of a building or tenant space occupied by another Body Art and Piercing Studio.
- c. A Body Art and Piercing Studio operating lawfully in a C-2 or C-3 District prior to October 26, 2020, may continue as a lawful non-conforming use without a Specific Use Permit; provided, however, that said non-conforming use shall automatically terminate upon 1) closure of a Body Art and Piercing Studio; 2) a change in name or ownership of a Body Art and Piercing Studio; or 3) a change in use of the building or tenant space previously occupied by a Body Art and Piercing Studio.”

2nd Reading

The Council held a public hearing on September 28, 2020, and voted 7 - 0 to allow Body Art and

Piercing Studio use by Planned Development District only. The following changes have been made to the amendment to reflect the Council's requirements:

- Section 4400.B, Table G of the Permitted Use Table, have been revised to allow Body Art and Piercing Studios in the PD District only.
- Section 7800.B has been revised to remove the references to the C-2, C-3, I-1 and I-2 Districts, and to revise the non-conforming status provision:

“38. Body Art and Piercing Studio: Body Art and Piercing Studios shall conform to the following provisions:

- a. A Body Art and Piercing Studio may not be located within one thousand (1000) feet of a single-family residential zoning classification or single-family residential use; a church; a licensed day-care center; a public or private elementary or secondary school; or another Body Art and Piercing Studio.
- b. For the purposes of this Paragraph 38, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or tenant space occupied by a Body Art and Piercing Studio to:
 1. the nearest property line of the premises of a church, licensed day care center, public or private elementary or secondary school, or single-family residential zoning classification or single-family residential use; and
 2. the nearest portion of a building or tenant space occupied by another Body Art and Piercing Studio.
- c. A Body Art and Piercing Studio operating lawfully prior to October 26, 2020, may continue as a lawful non-conforming use without a Planned Development District Zoning; provided, however, that said non-conforming use shall automatically terminate upon 1) closure of a Body Art and Piercing Studio; 2) a change in name or ownership of a Body Art and Piercing Studio; or 3) a change in use of the building or tenant space previously occupied by a Body Art and Piercing Studio.”

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