MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-3-2024 Application from Jennifer Gunter requesting an amendment to Sections 153.030 Interpretation Of Terms And Words And § 153.113 C-B Central Business District, of the Unified Development Ordinance to allow Permanent Cosmetics as a permitted use.

DATE: May 2, 2024

Background

Currently, the UDO groups permanent cosmetics in with Tattooing and does not allow permanent cosmetics as an independent permitted use. We have received an application requesting that it be allowed as a permitted use in the Central Business District. There have been an influx of personal services such as beauty, spa and wellness uses in the Central Business District. This use is complementary to those services.

The purpose of the Central Business District is to permit the concentrated development of a wide variety of retail establishments, personal services, and professional and non-professional offices. Adding Permanent Cosmetics as a permitted use would not compromise this zoning district.

Proposed Amendment

The proposed request seeks to amend Section Sections 153.030 Interpretation Of Terms And Words And § 153.113 C-B Central Business District, of the Unified Development Ordinance to allow Permanent Cosmetics as a permitted use.

Planning Board Recommendation

Planning Board voted 6-0 in favor of approving the amendment.

Planning Board recommends approval of the amendment and the Statement of Consistency and Reasonableness for APPROVAL of Application.

AN ORDINANCE TO AMEND THE LINCOLNTON UDO Sections 153.030 Interpretation Of Terms And Words And § 153.113 C-B Central Business District, of the Unified Development Ordinance to allow Permanent Cosmetics as a permitted use.

Newly adopted language is underlined and highlighted in yellow the language to be deleted is struck through and ~~red~~.

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

PERMANENT COSMETICS: the application of pigments to or under the human skin for the purpose of permanently or semi-permanently changing the color or other appearance of the skin. Permanent cosmetics shall include but are not limited to cosmetic enhancement or restoration of the eyebrows, lips, and hairline on the top of the skull, or for areola re-pigmentation post-mastectomy. **Permanent cosmetics do not include body art, body piercing or the adornment of the body with letters, images, drawings, or other illustrations.**

TATTOO STUDIO (BODY ART). A facility licensed by the North Carolina Department of Public Health to administer body art, including body piercing, artistic and ~~cosmetic tattooing~~. See the following subsection definitions for clarity:

(1) ***BODY ART.*** Art that is made on the human body, including body piercing, artistic and cosmetic tattooing.

(2) ***BODY PIERCING.*** The act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar. Body piercing does not include practices that are considered medical procedures or the puncturing of the outer perimeter or the lobe of the ear using a pre-sterilized, single use stud and clasp ear piercing.

(3) ***TATTOOING.*** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon, under or in the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

§ 153.113 C-B CENTRAL BUSINESS DISTRICT.

(2) Services.

(s) Offices-business, professional, medical, and public;

(t) Opticians and optical services;

(u) Permanent Cosmetics

(~~u~~ v) Post office;

(~~v~~ w) Public safety station;

That this ordinance shall become effective upon its adoption.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness for APPROVAL of Application

Case No. ZTA-3-2024

Applicant: Jennifer Gunter

Request: Amendment to Sections 153.030 Interpretation Of Terms And Words And § 153.113 C-B Central Business District, of the Unified Development Ordinance to allow Permanent Cosmetics as a permitted use.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest** in that the change to the UDO gives property owners more flexibility for permitted uses.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness for DENIAL of Application

Case No. ZTA-3-2024

Applicant: Jennifer Gunter

Request: Amendment to Sections 153.030 Interpretation Of Terms And Words And § 153.113 C-B Central Business District, of the Unified Development Ordinance to allow Permanent Cosmetics as a permitted use.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincolnton Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest** in that it will maintain the current development restrictions intended to protect nearby properties.

MOTION

For **approval** of the request:

- Motion to approve as recommended by the Planning Board

For **denial** of the request:

- Motion to deny the request for amendment
- Motion to approve the statement of consistency for denial of request