



# CTY COUNCIL AGENDA ITEM SUMMARY/REPORT

**MEETING DATE:** December 13, 2022

**PREPARED BY:** Otis T. Spriggs, AICP, Director of Development Services

**AGENDA CONTENT:** Conduct a public hearing, discussion and receive public comments on a Zoning Text Amendment request to amend the Code of Ordinances, Section 28-81(b)- Use Regulations (Charts), and Section 28-112, Definitions (adding Microblading Studio), and adding “Microblading Studio” as a S.U.P., Specific Use Permit allowance within the Central Business District (CBD), Light Industrial (LI), C-MU, Commercial- Mixed Use(C-MU), Commercial- General (C-G), and Commercial- Office/Retail (C-OR) Zoning Districts.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:** This is a request to discuss and take possible action on a Text Amendment request by the City Manager to amend the Code of Ordinances, Section 28-81(b)- Use Regulations (Charts), and Section 28-112, Definitions (adding Microblading Studio), Adding “Microblading Studio” as a S.U.P., Specific Use Permit allowance within the Central Business District (CBD), Light Industrial (LI), C-MU, Commercial- Mixed Use(C-MU), Commercial- General (C-G), and Commercial- Office/Retail (C-OR) Zoning Districts.

**STAFF ANALYSIS:**

Section 28-81 Use Regulation (Charts); (a) (4) Classification of new/unlisted uses sets forth the requirements for the classification of an unlisted use. The Code requires that when new types of land arise, a determination regarding a change or addition to the use chart may be made by the city manager and the city manager shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification of any new or unlisted form of land use and into which such use should be placed.

Microblading is a beauty technique to deposit pigment into the superficial layers of skin. The process uses a super-fine pen which contains a bundle of needles to apply the pigment. The process has a typical lifespan between one to three years after initial touch-ups are completed.

Microblading is regulated by the Texas Department State Health Services under tattooists which is why this process is categorized under "studio – tattoo or body piercing".

In the cosmetic industry, microblading has been referred to as permanent cosmetics utilizing muted pigmentations, which are unlike traditional tattoo inks known for vibrant colors, and deposits pigments under the skin's dermis, often using a digital rotary device. Any time pigmentation is placed into the skin with any device, the medical community, including TEFA, defines it as a "form of tattooing", however, it is different than traditional body art tattooing due to its intent and desired purpose. Permanent cosmetics helps those who desire to blend in with societal norms. In contrast, traditional body art tattooing seeks to stand out and express one's speech.

Intradermal cosmetic studios (sometimes referred to as permanent makeup studios) are becoming more and more common in Texas. The permanent makeup is generally applied to the eyebrows, eyelids, and lips. Some studios use traditional tattoo equipment, while others use devices that work on the same principle but are smaller and look like pens. Generally, the components of the pen-type machine come pre-sterilized from the manufacturer and are disposable (one-time use) items.

Tattoos are applied using a small electric device that operates similar to a sewing machine. One to fourteen needles are grouped together and attached to the end of a rod called a needle bar. The other end of the needle bar is attached to the tattoo machine. The needle bar moves up and down through a tube or barrel, which serves two purposes – to keep the needle bar from moving side to side and as a handle for the tattooist to grip. The needles stick out only a few millimeters from the end of the tube, so they don't go deep into the skin.

After preparing the skin with a germicidal soap, the artist dips the needles into a small amount of pigment or ink. As the machine is guided over the skin, the needle bar moves up and down allowing the needles to puncture the skin, depositing the ink. A tattoo machine can puncture the skin 50-3,000 times per minute. Once the tattoo is completed, the tattooist usually applies an antibiotic cream or ointment and covers the area with a sterile bandage. The artist is required to provide the customer with oral and written instructions on how to care for a newly applied tattoo.

### **Zoning Code: Current Related Regulations**

The current adopted Zoning Code under Sec. 28-112. – Definitions, defines **Studio, tattoo or body piercing** as a building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

Staff recommends that the new definition be added separately to provide clarity for applications that are considered "temporary" in nature. Therefore, Section 28-112 should be amended to reflect the following:

- 1. Studio, tattoo or body piercing:** A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of "permanent" ornamentation of the human body.

2. **(Add Definition) Studio, Microblading:** *A building or portion of a building used for applying a beauty technique to deposit pigment into the superficial layers of skin. The process uses a super-fine pen which contains a bundle of needles to apply the pigment. The process has a typical lifespan between one to three years after initial touch-ups are completed.*

Under Microblading the allowable use table, Section 28-81(b) is recommended to be amended to add **“Microblading Studio” as an S.U.P., Specific Use Permit allowance within the Central Business District (CBD), Light Industrial (LI), C-MU, Commercial- Mixed Use(C-MU), Commercial- General (C-G), and Commercial- Office/Retail (C-OR) Zoning Districts (see Attachment 1, Use Table markup).**

**P&Z Commission Recommendation:**

The Planning and Zoning Commission adopted this as its Final Report on the use determination and forwards the text amendment to City Council with a positive recommendation of approval as recommended by Staff as follows:

1. (Amend Definition) Studio, tattoo or body piercing: A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of “permanent” ornamentation of the human body.
2. (Add Definition) Studio, Microblading: A building or portion of a building used for applying a beauty technique to deposit pigment into the superficial layers of skin. The process uses a super-fine pen which contains a bundle of needles to apply the pigment. The process has a typical lifespan between one to three years after initial touch-ups are completed.
3. Chapter 28, Zoning, Sec. 28-81(b), Use Charts, is amended to add “Microblading Studio” as a S.U.P., Specific Use Permit allowance within the Central Business District (CBD), Light Industrial (LI), C-MU, Commercial- Mixed Use(C-MU), Commercial- General (C-G), and Commercial- Office/Retail (C-OR) Zoning Districts.