

ORDINANCE NO. 3335
(ZOA-16-500018 – Tattoo and Body Alteration)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND TITLE 19 OF THE HENDERSON MUNICIPAL CODE TO REVISE STANDARDS FOR PERSONAL SERVICE – TATTOO AND BODY ALTERATION AND TO CREATE A DEFINITION FOR REGIONAL MALL, AND MATTERS PROPERLY RELATED THERETO.

- WHEREAS, it is the intent of the City of Henderson to maintain a zoning ordinance for the safe and orderly development of property; and
- WHEREAS, the City of Henderson adopted a new zoning ordinance on January 19, 2010; and
- WHEREAS, a zoning ordinance is considered a “living document” and will invariably need amending to make minor corrections, revisions, and updates as necessary; and
- WHEREAS, the City of Henderson proposes to revise the Henderson Development Code to allow Tattoo and Body Alteration services to be located in more commercial districts and create a definition for regional mall; and
- WHEREAS, the City of Henderson has researched other jurisdictions across the nation and found that other zoning ordinances have allowed tattoo and body alteration studios in a variety of commercial districts as tattoo and body alterations have become more common nationwide; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

- SECTION 1. Chapters 19.5 and 19.12 of the Henderson Development Code are hereby amended, as represented in Exhibit A, hereto attached consisting of three (3) pages.
- SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.
- SECTION 3. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

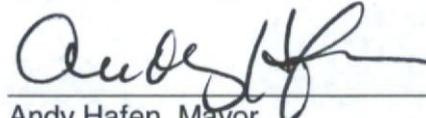
SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on March 4, 2016, in the Review Journal.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in blue italics and underlined.

PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF MARCH, 2016.





Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on February 16, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on March 1, 2016, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held March 1, 2016, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
 Councilmembers:
 Sam Bateman
 Debra March
 John F. Marz
 Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: None





Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

Exhibit A
Amended Chapters 19.5 and 19.12

EXHIBIT A

19.5.5.DD.5 – Personal Service & 19.12.4 – Defined Terms
Tattoo and Body Alteration

5. Tattoo and Body Alteration ~~[Parlor]~~ Studio

RESIDENTIAL											PUBLIC	
RS-1	RS-2	RS-4	RS-6	RS-8	RM-10	RM-16	RH-24	RH-36	RMH	DH	PS	DP
COMMERCIAL					INDUSTRIAL				MIXED-USE			
CN	CO	CC	CH	CT	CA	IL	IG	IP	MC	MN	MR	
		<u>C</u>	C	<u>C</u>		C			<u>C</u>		<u>C</u>	

(a) Definition

Establishments offering permanent body art or coloring, establishments where decorations ~~[or other devices]~~ are inserted in human ~~[or animal]~~ skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent facial make-up, and medical offices are not included in this use type.

(b) Standards

(1) All Districts

- i. A Tattoo and Body Alteration Studio shall not be located within 500 feet of another Tattoo and Body Alteration Studio. The distance shall be measured as the closest straight line from exterior wall of proposed use to exterior wall of existing use. This standard may be modified through the conditional use permit process.
- ii. A Tattoo and Body Alteration Studio hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
- iii. No alcohol may be sold, consumed or purchased in any Tattoo and Body Alteration Studio.
- iv. Storefront doors and windows shall not be tinted, covered or blocked in such a manner to impede a view inside the Tattoo and Body Alteration Studio from the exterior.

(2) CC District

- i. A conditional use permit shall be required for any Tattoo and Body Alteration Studio.
- ii. Tattoo and Body Alteration Studios located within a regional mall shall be limited to the hours of operation for the regional mall and shall only have a storefront that is located facing internally to the regional mall.

(3) MC, MR Districts

A Tattoo and Body Alteration Studio shall only be located on the first floor of a vertical mixed-use building.

EXHIBIT A

19.5.5.DD.5 – Personal Service & 19.12.4 – Defined Terms
Tattoo and Body Alteration

~~(b)~~(c) Off-Street Parking Requirement

1 space per 250 square feet.

~~(e)~~(d) Off-Street Loading Group

None.

EXHIBIT A

19.5.5.DD.5 – Personal Service & 19.12.4 – Defined Terms
Tattoo and Body Alteration

19.12.4 – Defined Terms

REDEVELOPMENT AREA REVIEW

REGIONAL MALL

A commercial development consisting of a minimum of 500,000 square feet connected by an enclosed common walkway, with a minimum of four major anchor stores and where the majority of the commercial tenant spaces have internal-facing commercial storefronts.