



Agenda
Roy City Planning Commission Meeting

6:00 p.m.
October 8, 2013

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of September 24, 2013 minutes
2. 6:00 p.m. Public hearing to consider a request to amend the table 17-2 of the Roy City Zoning Ordinance by adding a use category for Tattoo and Body Art.
3. Staff update
4. Adjourn

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at (801)-774-1040.

ROY CITY PLANNING COMMISSION

October 8, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 8, 2013, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Blake Hamilton, Vice Chairman
Gennie Kirch
Joe Paul
Tom Stonehocker
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Lee Holt

Others present were: Councilman Brad Hilton and Jason Savaiinaea.

Pledge of Allegiance: Gennie Kirch

1. APPROVAL OF SEPTEMBER 24, 2013, MINUTES

Commissioner Kirch moved to approve the September 24, 2013, minutes as corrected. Commissioner Yeoman seconded the motion. Commission members Hamilton, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND TABLE 17-2 OF THE ROY CITY ZONING ORDINANCE BY ADDING A USE CATEGORY FOR TATTOO AND BODY ART

Commissioner Kirch moved to open the public hearing at 6:03 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Paul arrived at 6:03 p.m.

Jared Hall stated that the City had received an application from Jason Savaiinaea requesting that the text of the Zoning Ordinance be amended to create a use category for tattoos and body art. The Zoning Ordinance could be amended by changing a zone or by a text amendment.

Mr. Hall explained that all non-residential uses were listed in Table 17-2 of the Zoning Ordinance. One of the categories was Personal Care Services. The language for Personal Care Services specifically excluded tattoo and body art. Excluding those uses effectively prohibited tattoo services in Roy City. Mr. Hall said the staff was not ready to make a recommendation but wanted to present some ideas for the Planning Commission to consider.

Commissioner Yeoman asked if the City had received an application for a tattoo business in the past. Mr. Hall said that since 2005, when the Zoning Ordinance was updated, the City had received business license applications for tattoo businesses. Those applications had been rejected because the use was prohibited by the Zoning Ordinance. This was the first time an amendment to the Zoning Ordinance had been requested.

Commissioner Yeoman asked what was different between applications that had been denied and Mr. Savaiinaea's request. Mr. Hall said that after talking to the staff, Mr. Savaiinaea approached the City Council and asked them to amend the Zoning Ordinance. The Council suggested that he speak with the staff about a text amendment. Mr. Savaiinaea then filed a formal application requesting that the Zoning Ordinance be amended. The other applications were for business licenses.

Jared Hall felt that body art should be included in the same use category as tattoo parlors. The first issue the Planning Commission needed to consider was a definition. There were definitions for tattoo businesses and body art in the State statute which the City could use. The Planning Commission could also look at definitions from other agencies that allowed this use. The State statute said tattoo parlors could not provide services to minors without the consent of a child's parents. There was a movement among tattoo artists to have the State require credentials for tattoo businesses. State credentials would go beyond health code regulations administered by counties. The application from the Weber Morgan Health Department was a simple application. An applicant listed who they were and their business address. The application required them to keep applicable rules, to only serve minors when accompanied by adult, keep things sterile, and agree to periodic inspections. Mr. Hall suggested that a requirement for a Roy City business license be acquisition of a permit from the health department and compliance with any State regulations. He also suggested that the City support the movement to implement State credential requirements. The Planning Commission should consider what zone tattoo parlors would be allowed in and whether they would be a permitted use or a conditional use.

Commissioner Yeoman asked how surrounding cities handled tattoo parlors. Mr. Hall said that many entities were grappling with this issue. It seemed tattoo parlors were either prohibited or allowed. Regulations seemed to be all over the map. Draper City was modifying their regulations. Mesa, Arizona was also modifying theirs because they

had been struck down by the Supreme Court. He also looked at regulations from cities in California.

Vice Chairman Hamilton asked why the Supreme Court struck down Mesa's regulations. Mr. Hall said the Supreme Court made a ruling on their content regulations. Vice Chairman Hamilton asked if there were any studies about the secondary effects of tattoo parlors. Mr. Hall said he had not been able to find any. Vice Chairman Hamilton asked about cities that had prohibited tattoo parlors completely. Mr. Hall said a lot of cities were like Roy. They simply didn't have a provision for tattoo parlors.

There was a discussion about spacing requirements. Mr. Hall felt tattoo parlors should not have food or alcohol on the premises. They should not be a mobile service, nor should they be a home occupation.

Jared Hall asked for the Planning Commission's input on the issues he had raised.

Commissioner Kirch asked about secondary effects. Mr. Hall said that in the 1980's and 1990's studies were conducted that quantified the secondary effects of Sexually Oriented Businesses. The studies measured the number of police calls and how many adjacent businesses closed or moved. Commissioner Kirch asked if the studies measured any health related effects.

Commissioner Yeoman asked about regulations for smoke shops in Roy. Mr. Hall said Tobacco Oriented Retail businesses were allowed only in Regional Commercial Zones as a conditional use. They were required to be separated from each other by at least 600 feet. One TOR was allowed per 5,000 residents, which meant a total of 8 were allowed in the City. Roy City also enforced Weber County regulations which said TOR businesses had to be 1,000 feet from a school, church, or a gathering place. Weber County's regulations also classified any business that sold e-cigarettes a TOR.

Commissioner Yeoman asked about regulations for Sexually Oriented Businesses. Mr. Hall said SOB's were not a use category. They were covered in a separate section of the City code.

Vice Chairman Hamilton asked if there were any regulations that limited hours of operation for TOR's. Mr. Hall said there were none; just normal business hours. Many cities regulated business hours for tattoo parlors in order to limit problems. Vice Chairman Hamilton asked what limited hours of operation might be. Mr. Hall suggested that a tattoo parlor not be open after 10:00 p.m.

Commissioner Kirch asked about distance requirements between tattoo parlors. Jared Hall said 600 feet was the length of one block. The regulations could also say only one business per block and only one on the same side of the street.

Vice Chairman Hamilton opened the floor for public comments.

Jason Savaiinaea, 5265 South 2500 West, stated that most tattoo artists closed between 10:00 p.m. and 12:00 a.m. Although the shop might be closed, the artist might still be working, which was different from retail. It took a considerable amount of time to finish a piece of art.

Commissioner Yeoman asked what time Mr. Savaiinaea planned to open. Mr. Savaiinaea said he would open between 10:00 a.m. and 12:00 p.m.

Vice Chairman Hamilton asked about his experience. Jason Savaiinaea said he had been a tattoo artist for over 20 years. He had worked in other tattoo parlors. Vice Chairman Hamilton asked how he felt about the group pushing for State credentials. Mr. Savaiinaea said he totally supported it. A good artist put a lot of themselves into a piece. There were those who did hack jobs; they didn't take the time. He was interested in opening a business in the 1900 West area. He wanted to keep away from churches and schools. He wanted to be on the main street in a commercial area, not a community commercial area. Most tattoo artists wanted to be in a high traffic area.

Vice Chairman Hamilton asked if there was anything Mr. Savaiinaea wanted to see in the City's regulations. Mr. Savaiinaea felt it was important to meet the health codes.

Commissioner Kirch asked if Mr. Savaiinaea would have any sexually explicit displays. Mr. Savaiinaea said some tattoo parlors put artwork on their windows. He would not have anything explicit.

Commissioner Kirch pointed out that there were two day cares in the regional commercial area. One was located at approximately 5335 South 1950 West. The other was located just north of the 6000 South 1900 West intersection. The day cares would be considered schools. She asked Mr. Hall to take those into consideration when he mapped where tattoo parlors could be located.

Jason Savaiinaea stated that he would like to see more stringent regulations. He wanted to open a business in Roy. It was his city; he wanted to see quality work coming from Roy.

At 6:36 p.m., Commissioner Stonehocker moved to continue the public hearing until October 22nd. Commissioner Yeoman seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch asked the staff to prepare a map of the Regional Commercial area showing the dynamics if there was a distance requirement of 1,500 to 2,000 feet and a limit of one tattoo parlor be 20,000 residents.

Commissioner Yeoman felt a tattoo parlor should be a conditional use, limited to the Regional Commercial Zone, and restricted to one per 10,000 to 20,000 residents. She agreed there shouldn't be food or drinks allowed in a tattoo parlor. She didn't feel minors should be allowed in a tattoo parlor unless accompanied by an adult. She didn't feel the Planning Commission should go to a lot of work if the City Council wasn't interested in amending the Zoning Ordinance.

Vice Chairman Hamilton didn't feel the City could completely prohibit this type of business. There should be a way to regulate what could be displayed without regulating content. He asked to see the proposed State regulations and the regulations for the Weber Morgan Health Department. He also asked to see the City's regulations for Tobacco Oriented Retail and regulations for tattoo parlors from other cities. He felt appropriate business hours were 10:00 am. to 10:00 p.m.

3. STAFF UPDATE

Jared Hall stated that there might be a public hearing on October 22nd to review the site plan and conditional use for the apartments on 3500 West. Mr. Hall updated the Planning Commission on the status of West Park Crossing.

4. ADJOURN

Commissioner Stonehocker moved to adjourn at 6:46 p. Commissioner Hamilton seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Attest:

Blake Hamilton
Vice Chairman

Michelle Drago
Secretary

dc:coct813