

ORDINANCE NO. 650-2023

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, it has been determined that the Zoning Ordinance should be amended in order to add regulations related tattoo facilities; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on October 30, 2023, and the City Council of the City of Spanish Fort held a meeting on November 20, 2023, for the purpose of receiving public comments on proposed amendments to Ordinance No. 51-96, as amended, the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96, as amended, is hereby amended by adding Section 7.10 TATTOO FACILITIES which reads as follows:

7.10 TATTOO FACILITIES:

7.101 Tattoo Facility. A use as permitted in the Table of Permitted Uses and the Special Provisions Section of this Ordinance. The geographic location at which an individual does one or more of the following for compensation: (1) places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin; (2) places an indelible design upon the body of another individual by production of scars; and/or (3) the perforation of human tissue other than the ear for a nonmedical purpose.

7.102 A tattoo facility shall comply with all applicable state and local laws, rules, guidelines and regulations, as the same may be amended.

7.103 Location Restrictions for Tattoo Facilities.

a. Tattoo facilities are prohibited within five hundred (500) feet of the following:

- (1). a public or private elementary or secondary school;
- (2). a family day care, day care center for children, nursery, or preschool;
- (3). a church or other facility or institution used primarily for religious purposes not located in a commercial building or facility;
- (4). a public park or trail system; or
- (5). another tattoo facility.

b. Tattoo facilities are prohibited within two hundred and fifty (250) feet of a residential zone or any single family or multiple-family residential use.

c. Tattoo facilities shall only be permitted in business zones as set forth in the Table of Permitted Uses.

d. No more than two tattoo facilities shall be permitted within one unified development or shopping center.

e. For purposes of this Section 7.103 only, distances shall be measured by following a straight line, without regard to intervening buildings or uses, from the building walls, or proposed walls, of the tattoo facility to the nearest point of the property parcel or land use district or zone from which the land use is to be separated.

7.104 Operation Restrictions for Tattoo Facilities.

a. Hours of Operation. No tattoo facilities shall be open to do business

before eight o'clock a.m. (8:00 a.m.), and no tattoo facilities shall be open to do business after ten o'clock (10:00 p.m.).

b. Alcoholic Beverages. A tattoo facility shall not deal in, sell or allow the use or consumption of alcoholic beverages on the premises.

c. Tobacco and Vaping Products. A tattoo facility shall not deal in or sell tobacco or vaping products on the premises.

d. Each procedure area work station must have a least thirty-five (35) square feet of open space and must be separated from other work stations. Provisions for client privacy, screened from public view, must be available.

e. Only one tattoo facility employee, one customer or client and one guest of the customer or client will be allowed in a work station at a time for a total of three persons. If the customer or client will be nude, either partially or fully, screening from public view is required, and no additional parties, except as set forth herein, shall be allowed in the screened area.

f. Nothing in Section 7.10 is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any state or local laws, rules, guidelines or regulations.

SECTION 2. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51-96, as amended, is hereby amended by adding the provisions contained in the attached Exhibit A which is incorporated herein by reference.

SECTION 3. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 4. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

Adopted and approved this _____ day of _____, 2023.

Michael M. McMillan
Mayor

Rebecca A. Gaines
City Clerk

EXHIBIT 'A'
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

| | R-1 | R-2 | R-3A | R-3B | R-3C | R-3D | R-4 | B-1 | B-2 | B-3 | B-4 | B-5 | M-1 | T-1 | C-1 |
|---|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Tattoo facility, shall be in compliance with special provisions Section 7.10 | | | | | | | | | | R | R | | | | |

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL