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Lakewood City Council

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CINDY MARX, WARD 4

Issued 01/10/24

PUBLIC NOTICE – HOUSING, PLANNING & DEVELOPMENT

Housing, Planning & Development Committee will meet Tuesday January 16, 2024 at 6:00 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL (Updated 6/21)

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the November 13, 2023 meeting of the Housing, Planning & Development Committee.

ORDINANCE 39-2023 - AN ORDINANCE amending Subsection 1161.03(Z) and 1161.03(AA) of the Lakewood Codified Ordinances to include body piercing as a conditional use in commercial zones. (1st read and referred to PC and HPD 12/18/23; 2nd reading 1/2/24)

Tom Bullock, Chair
Jason Shachner, Kyle Baker; Members
HOUSING, PLANNING & DEVELOPMENT COMMITTEE

ORDINANCE NO. 39-2023

BY: MARX

AN ORDINANCE amending Subsection 1161.03(Z) and 1161.03(AA) of the Lakewood Codified Ordinances to include body piercing as a conditional use in commercial zones.

WHEREAS, Lakewood's Code distinguishes between traditional body art establishments, medical tattooing and cosmetic tattooing but not body piercing; and

WHEREAS, body piercing, like medical and cosmetic tattooing do not have the same impact on surrounding properties as traditional body art establishments in that they are located in traditional retail, medical or salon settings and provide these services as a secondary use; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Subsection 1161.03(AA), Cosmetic and Medical Tattoo Establishments, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

(AA) COSMETIC AND MEDICAL TATTOO ESTABLISHMENTS.

- (1) Cosmetic Tattoo Establishment is defined as a commercial business that uses tattooing techniques to provide semi-permanent cosmetics, microblading, micropigmentation, and similar personal care services and includes but is not limited to the practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for re-pigmentation. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-time/long-lasting makeup.
- (2) Medical Tattoo Establishment is defined as a commercial business that uses tattooing techniques to restore existing medically diagnosed skin conditions or a condition resulting in surgery including but not limited to restoring the original skin color by tattooing an area to correct skin pigmentation, to conceal scarring, to correct a tissue alteration such as a lip damaged by a cleft lip, or to reconstruct a mammary areola amputated as a result of a mastectomy.
- (3) Cosmetic Tattooing and Medical Tattooing do not include other forms of body art such as body piercing or the adornment of the body with letters, images, drawings, or other illustrations and or other illustrations.
- (4) In a C1 Office, C2 Retail or C3 General Business District a cosmetic tattoo establishment or medical tattoo establishment, as defined by this section, may be a conditionally permitted use provided that:
 - (a) The cosmetic tattoo or medical tattoo establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;
 - (b) In addition to the requirements of the Ohio Administrative Code, the cosmetic tattoo or medical tattoo establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;
 - (c) Body artists providing cosmetic or medical tattooing must be qualified under the Ohio Administrative Code with not less than three (3) years documentable experience within the last ten (10) years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to

- employment records, references, and any other documentation deemed necessary to determine compliance with this Section;
- (d) The owner of the establishment shall submit proof of general liability insurance in the amount determined necessary by the Law Director along with its application for conditional use permit;
 - (e) No electronic signage shall be permitted at a cosmetic tattoo or medical tattoo establishment;
 - (f) Cosmetic tattoo or medical tattoo establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment;
- (5) Time-limited or special-event cosmetic tattoo or medical tattoo establishments shall not be permitted. Cosmetic tattoo or medical tattoo establishments shall only be permitted to operate between the hours of 6:00 a.m. and 9:00 p.m.;

Is hereby repealed.

Section 2. That new section 1161.03(AA) Body Piercing, Cosmetic and Medical Tattoo Establishments, is hereby enacted to read as follows:

(AA) BODY PIERCING, COSMETIC AND MEDICAL TATTOO ESTABLISHMENTS.

(1) Body Piercing Establishment is defined as a commercial business that uses instruments to pierce a hole including, but not limited to, a lip, navel or ear and inserting a ring, stud or other ornamentation in a person's body.

~~(2)~~ Cosmetic Tattoo Establishment is defined as a commercial business that uses tattooing techniques to provide semi-permanent cosmetics, microblading, micropigmentation, and similar personal care services and includes but is not limited to the practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for repigmentation. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-time/long-lasting makeup.

~~(2)~~ Medical Tattoo Establishment is defined as a commercial business that uses tattooing techniques to restore existing medically diagnosed skin conditions or a condition resulting in surgery including but not limited to restoring the original skin color by tattooing an area to correct skin pigmentation, to conceal scarring, to correct a tissue alteration such as a lip damaged by a cleft lip, or to reconstruct a mammary areola amputated as a result of a mastectomy.

~~(3)~~ Cosmetic Tattooing and Medical Tattooing do not include other forms of body art such as ~~body piercing or~~ the adornment of the body with letters, images, drawings, or other illustrations and or other illustrations.

~~(4)~~ In a C1 Office, C2 Retail or C3 General Business District a body piercing establishment, cosmetic tattoo establishment or medical tattoo establishment, as defined by this section, may be a conditionally permitted use provided that:

(a) The body piercing establishment, cosmetic tattoo or medical tattoo establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;

(b) In addition to the requirements of the Ohio Administrative Code, the body piercing establishment, cosmetic tattoo or medical tattoo establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;

(c) Body artists providing body piercing, or cosmetic or medical tattooing must be qualified under the Ohio Administrative Code with not less than three (3) years documentable experience within the last ten (10) years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and any other documentation deemed necessary to determine compliance with this Section;

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(d) The owner of the establishment shall submit proof of general liability insurance in the amount determined necessary by the Law Director along with its application for conditional use permit;

establishment shall submit proof of general liability insurance in the amount determined necessary by the Law Director along with its application for conditional use permit;

(e) No electronic signage shall be permitted at a body piercing establishment, cosmetic tattoo or medical tattoo establishment;

(f) Body piercing, cosmetic tattoo or medical tattoo establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment;

~~(56)~~ Time-limited or special-event body piercing, cosmetic tattoo or medical tattoo establishments shall not be permitted. Body piercing, cosmetic tattoo or medical tattoo establishments shall only be permitted to operate between the hours of 6:00 a.m. and 9:00 p.m.;

Section 3. That section 1161.03(z) Body Art Establishment, of the Lakewood Codified Ordinances, currently reading as follows:

(z) Body Art Establishments. In a C1 Office, C2 Retail or C3 General Business District a body art establishment, as defined by the Ohio Administrative Code, may be a conditionally permitted use provided that:

(1) The body art establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;

(2) In addition to the requirements of the Ohio Administrative Code, the body art establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;

(3) The owner or manager of the establishment shall be a body artist as qualified under the Ohio Administrative Code with not less than three years' documentable experience within the last 10 years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and proof of ownership of another body art establishment;

(4) No body art establishment shall be located within 500 feet of a school, playground or park or within 2,500 feet of another body art establishment;

(5) The owner of the establishment shall submit proof of general liability insurance in the amount of \$1 million along with its application for conditional use permit;

(6) Time-limited or special-event body art establishments shall not be permitted;

(7) No electronic signage shall be permitted at a body art establishment and only the business name may be permitted on any signage;

(8) Body art establishments shall only be permitted to operate between the hours of 8:00 a.m. and 9:00 p.m.;

(9) Body art establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment.

is hereby repealed.

Section 4. That new Section 1161.03(z) Body Art Establishment, of the Lakewood Codified Ordinances is hereby enacted to read as follows:

(z) Body Art Establishments. In a C1 Office, C2 Retail or C3 General Business District a body art establishment, as defined by the Ohio Administrative Code, may be a conditionally permitted use provided that:

—(1) The body art establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;

(2) In addition to the requirements of the Ohio Administrative Code, the body art establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;

(3) The owner or manager of the establishment shall be a body artist as qualified under the Ohio Administrative Code with not less than three years' documentable experience within the last 10 years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and proof of ownership of another body art establishment;

(4) No body art establishment shall be located within 500 feet of a school, playground or park or within 2,500 feet of another body art establishment;

(5) The owner of the establishment shall submit proof of general liability insurance in the amount of \$1 million along with its application for conditional use permit;

(6) Time-limited or special-event body art establishments shall not be permitted;

(7) No electronic signage shall be permitted at a body art establishment and only the business name may be permitted on any signage;

(8) Body art establishments shall only be permitted to operate between the hours of 8:00 a.m and 9:00 p.m.;

(9) Body art establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment.

(10) Body art establishments shall not include body piercing.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved _____

Meghan F. George, Mayor