



STAFF REPORT

Board of Aldermen

AN ORDINANCE AMENDING CHAPTER 94-60 OF THE BRANSON MUNICIPAL CODE PERTAINING TO THE TABLE OF PERMITTED USES AND TATTOO PARLORS.

FIRST READING: FEBRUARY 27, 2024

FINAL READING: MARCH 12, 2024

Initiated By: Planning and Development

Approved By:

Financial Impact: No Impact/Not Applicable

Community Plan 2030: LU-5:Development Codes & Regulations

UPDATE:

During the December 5, 2023 Planning Commission meeting staff presented one staff report containing two code amendment proposals pertaining to the Table of Uses. The two proposed amendments addressed both tattoo parlors within the NC (neighborhood commercial) zoning district and special use permit requirements for manufactured/modular housing. The Commission recommended approval for the amendment pertaining to tattoo parlors as recommended by staff, thus allowing tattoo parlors within the NC zoning district. The Commission amended staff's recommendation for manufactured/modular housing to require a special use permit for both manufactured and modular housing within the AG, LDR, MDR, and HDR zoning districts.

During the January 9, 2024 Board of Alderman meeting staff presented, as recommended by Planning Commission, the proposed code amendments as it pertained to the Table of Uses for tattoo parlors and manufactured/modular housing. After discussion, the Board recommended the item be postponed indefinitely advising staff to separate the code amendment requests, provide additional clarity and research on the subject matter, and go back through the Planning Commission and Board of Aldermen for consideration.

During the February 6, 2024 Planning Commission meeting staff presented two staff reports addressing the aforementioned amendments. The Planning Commission recommended approval for the amendment pertaining to tattoo parlors as recommended by staff, thus allowing tattoo parlors within the NC zoning district.

FACTS:

A Municipal Code Amendment has been initiated by the Planning and Development Department for modifications to Chapter 94 – Zoning, Article IV, Section 94-60.1. Specifically, the proposed amendment includes a proposal to incorporate a permitted use within a zoning district which was previously omitted.

Summary of the Proposed Amendment:

- Article IV, Section 94-60.1 – Table of Uses - Amend the Table of Uses to allow a Tattoo Parlor within the NC (neighborhood commercial) zoning district.

TATTOO PARLORS

It has come to City staff's attention that tattoo parlors are not permitted in the NC (neighborhood commercial) zoning district. It is noted that two such businesses are in current operation within the NC zoning district. Staff is proposing to amend the Table of Uses to allow tattoo parlors as a permitted use within the NC (Neighborhood Commercial) zoning district.

The NC zoning district, as described in Section 94-41 of the Branson Municipal Code, is intended to provide needed services and amenities characterized by small scale retail and services. Supporting uses should match the scale and intensity of the neighborhood setting, and may include small offices, restaurants or other convenience-oriented retail and services.

Table 94-60.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use/Nonresidential							Supplemental Use Standards
Subcategory	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	Note: This reference is to use-specific standards only, other code requirements may apply
Specific Use Type													
Personal Services													
Barber [shop], Beauty Shop, Spa						P	P	P	P	P	P		
Dry Cleaner/Laundromat/Laundry Service Station						P	P	P	P		P	P	
With Drive-Thru						S	P	P	S		P	P	94-87(j)
Massage Establishment						P	P	P	P	P			
Studio - Art, Fitness, Music, Dance						P	P	P	P	P	P		
Tattoo Parlor						P	P	P	P	P			

Section 94-5 of the Branson Municipal Code defines tattoo parlors as an establishment whose business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that results in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin.

DETAILED ANALYSIS:

Tattoo Parlors are establishments in which personal services such as body tattoos, permanent make-up, medical tattooing, and piercings are carried out professionally. These offerings are closely related, and sometimes overlap the same services provided by a barber [shop], beauty shop, and spa, all of which are a permitted uses in the NC (Neighborhood Commercial) district of the municipal code.

Table 94-60.1 Permitted Uses

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Specific Use Type													
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Barber [shop], Beauty Shop, Spa						P	P	P	P	P	P		

The licensing requirements for a tattoo artist in the State of Missouri is tightly regulated and can be a rigorous process. Below are the general requirements for licensing in the State of Missouri:

- Completed notarized application
- Proof of 1st aid and CPR Training
- Completion of OSHA Blood Born Pathogens
- Tattoo artist training
- Tattoo course- 300 hours
- Official Transcript for proof of course
- Proof of practical experience
- Business Licensing
- Inspections

It should be noted that in order to tattoo minors in Missouri, you must receive written consent from the parent or legal guardian present. Without, consent businesses may face disciplinary action for the illegal tattooing of minors. Additionally, tattooing may not be performed on any person under the influence of drugs or alcohol. Staff Recommendation for Tattoo Parlors: Staff recommends approval of the proposed code amendment. As previously noted, these services are similar to those offered by barber, beauty shops, and spas who are already allowed to operate in the Neighborhood Commercial District. Planning Commission Recommendation for Tattoo Parlors: The code amendment for tattoo parlors was recommended for approval, by the Planning Commission, on February 6, 2024 by Resolution No. MC24-01 (Exhibit 5), with a unanimous vote.

BACKUP DOCUMENTATION:

Staff Report Exhibit 1- Table of Uses- Current Version

Staff Report Exhibit 2- Table of Uses- Redline Version

Staff Report Exhibit 3- Zoning Map

Staff Report Exhibit 4- Legal Notification- Newspaper

Staff Report Exhibit 5 – Resolution No. MC24-01