

100-O-97

AN ORDINANCE

**Amending Section 6-18-3 of the Zoning Ordinance
to Exclude Tattoo Facilities
From the Definition of "Retail Service Establishments"**

WHEREAS, the Plan Commission held a public hearing on September 10, 1997 pursuant to proper notice in Case No. ZPC 97-3-T(R) upon a reference from the City Council to evaluate the appropriateness of locating tattoo facilities within certain zoning districts; and

WHEREAS, the Plan Commission recognizes that uses designed to facilitate tattooing, i.e., tattoo facilities, are currently permitted uses as a "retail service establishment" in all business, commercial, downtown, and research park zoning districts; and

WHEREAS, the Plan Commission found that, while tattoo facilities may have negative secondary impacts upon proximate uses, said impacts may be reduced by permitting tattoo facilities above the ground floor in the D2, D3, D4, and RP Districts; and

WHEREAS, the Plan Commission, after finding that the aforesaid proposed amendment met the standards set forth in Section 6-3-4-5 of the Zoning Ordinance for text amendments, recommended that the Zoning Ordinance be amended accordingly; and

WHEREAS, on October 13, 1997 and November 10, 1997, the Planning & Development Committee considered the Plan Commission recommendation, received public comment, and found that the negative secondary impacts of tattoo facilities on the use, enjoyment, and value of neighboring properties are of such a considerable nature as to merit prohibiting tattoo facilities in all zoning districts; and

WHEREAS, the City neither desires nor intends to prohibit the display of tattoos; and

WHEREAS, on November 10, 1997, the Planning & Development Committee voted to recommend to the City Council that Section 6-18-3 be amended to make "tattoo facility" a prohibited use in all zoning districts,

NOW, THEREFORE, Be It Ordained by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That the City Council hereby finds as fact the above recitations and incorporates them herein.

SECTION 2: That Section 6-18-3 of the Zoning Ordinance is hereby amended by revising the definition of "retail services establishment" and by adding in appropriate alphabetical order a definition of "tattoo facility", to read as follows:

6-18-3: **DEFINITIONS:** For the purposes of this Ordinance, the following items shall have the following meanings:

**RETAIL SERVICES
ESTABLISHMENT:**

A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barber shops, beauty facilities, laundry and dry cleaning establishments (plant off-premises), tailoring shops, shoe repair shops, and the like. "Retail services establishment" shall not include tattoo facilities or any use that is otherwise listed specifically in a zoning district as a permitted or special use.

TATTOO FACILITY: Any place, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to form a permanent design is performed, regardless of whether a fee is involved.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 27, 1997

Adopted: November 24, 1997

Approved: November 25, 1997

Lorraine H. Morton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

