



Staff Report to the St. Petersburg Development Review Commission

Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing on Wednesday, April 7, 2021
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: LDR 2021-02
Paramedical Tattooing

This is a private-initiated application requesting that the Development Review Commission (DRC), in its capacity as the Land Development Regulations Commission (LDRC), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendment to the City Code, Chapter 16, Land Development Regulations (LDRs) pertaining to the use and definition of “paramedical tattooing” thereby differentiating traditional tattooing services from paramedical tattooing services and allowing such services in all districts where medical office uses are allowed.

APPLICANT INFORMATION

APPLICANT: Emily Hedrick
4444 1st Ave N
St. Petersburg, Florida 33713
727-563-4289
emilyhedrick75@gmail.com

STAFF CONTACT: Britton Wilson, AICP, Planner II
Urban Planning and Historic Preservation Division
Planning and Development Services Department
One – 4th Street North
St. Petersburg, Florida 33711
Britton.Wilson@stpete.org
(727) 551-3542

INTRODUCTION

Current LDR language does not make a distinction between traditional body art tattooing and paramedical tattooing. Body art tattooing is categorized as a “service establishment” in the zoning use matrix along with laundromats, dry cleaning and various repair services and are limited to certain zoning districts (see the below tables for a detailed list of zoning districts that allow service establishment uses and medical office uses). As indicated by the applicant, paramedical tattooing is a distinct service more closely related to treatments received in medical offices such as dermatologists and spas. Some common examples of such procedures that are intended to cosmetically enhance a patient’s appearance are post trauma scar and pigment correction, areola reconstruction post mastectomy, lip blushing, simulating the appearance of fingernails and cleft lip revisions. Unlike traditional tattoos, paramedical ink is meant to blend in and avoid drawing attention to the treated location.

State regulations also do not make a distinction between traditional body art tattooing and paramedical tattooing. To practice any type of tattooing, the State requires a tattoo artist license, a tattoo establishment license, and a biomedical waste producer license; all of which are regulated through the State Health Department.

16.10.020.1 Matrix: Use Permissions and Parking Requirements Matrix: Medical Office and Service Establishment Uses

Use	CRT-1: Corridor Residential Traditional	CRT-2: Corridor Residential Traditional	CRS-1: Corridor Residential Suburban	CRS-2: Corridor Residential Suburban	CCT-1: Corridor Commercial Traditional	CCT-2: Corridor Commercial Traditional	CCS-1: Corridor Commercial Suburban	CCS-2: Corridor Commercial Suburban	CCS-3: Corridor Commercial Suburban	DC-C: Downtown Core	DC-1: Downtown Center	DC-2: Downtown Center	DC-3: Downtown Center (Waterfront)	DC-P: Downtown Center Park	RC-1: Retail Center	RC-2 and RC-3: Retail Center	EC-1: Employment Center	EC-2: Employment Center	IC: Institutional Center (CRD)	IC: Institutional Center (I)	IC: Institutional Center (R/OG)	IC: Institutional Center (TLU)	IT: Industrial Traditional	IS: Industrial Suburban	Definition
Office, Medical	P	P	P	P	P	P	P	P	P	P	P	P	P	NC	P	P	P	P	SE	P	P	NC	G	G	Establishments where persons perform routine medical or dental examinations, treatments and procedures as outpatient services.
Service Establishment	G	G	G	G	P	P	P	P	P	P	P	P	P	NC	P	P	A	A	A	NC	NC	A	A	P	Establishments for servicing, repairing, or installing tangible personal property or providing personal services including, but not limited to, the following: self service laundromat, dry cleaning, catering, tattoo parlors, and body piercing studios; services and repair of radios, televisions, computers and related equipment, and sound reproduction systems; locksmith shops; and small appliance service or repair shops. The term also includes office services and personal services, which are defined in this section.

By adding paramedical tattooing to the “Office, Medical” use definition, it expands the allowable locations to the Corridor Residential Traditional and Corridor Residential Suburban districts, the Employment Center districts, and the Institutional Center districts.

REQUEST

The proposed amendment in Section 16.10.020.1 Matrix: Use Permissions and Parking Requirements Matrix expands the definition of “Office, Medical” that is defined as “establishments where persons perform routine medical or dental examinations, treatments and procedures as outpatient services” to include paramedical tattooing. The proposed definition of paramedical tattooing to be added to Definitions Section 16.90.020.3 is “cosmetic tattoos or micropigmentation which help to camouflage scars, burns, birthmarks and other skin imperfections resulting from surgeries, injuries, or a medical condition including tattoo removal and does not include tattooing for the sole purpose of body decoration or art.”

PROPOSED LDR TEXT AMENDMENT

16.10.020.1 - Matrix: Use permissions and parking requirements matrix and zoning matrix.

LDR Section 16.10.020.1 MATRIX: USE PERMISSIONS and PARKING REQUIREMENTS	
Use	Definition
COMMERCIAL AND OFFICE USES	
Office, Medical	Establishments where persons perform routine medical or dental examinations, treatments and procedures <u>including but not limited to paramedical tattooing</u> as outpatient services.

Definitions Section 16.90.020.3 –

Paramedical Tattooing means cosmetic tattoos or micropigmentation which help to camouflage scars, burns, birthmarks and other skin imperfections resulting from surgeries, injuries, or a medical condition, including tattoo removal and does not include tattooing for the sole purpose of body decoration or art.

CONSISTENCY with the COMPREHENSIVE PLAN

The following objectives and policies from the City’s Comprehensive Plan are applicable to the proposed Land Development Regulations amendment:

- LU8.1 Pursuant to the requirements of Section 163.3202 F.S. the land development regulations (Chapter 16, City Code of Ordinances) will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.
- LU23 The City shall support sustainable land development patterns through the LDRs and the Comprehensive Plan.
- LU23.4 The City’s LDRs shall continue to support land development patterns that make possible a mixture of land use types resulting in employment, schools, services, shopping and other amenities located near residential development and neighborhoods.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and two (2) City Council public hearings. When proposing to amend the actual list of permitted, conditional, or prohibited uses within a zoning category a zoning districts permitted uses, Florida Statutes requires two City Council public hearings instead of the standard one public hearing.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16 LDR text amendment described herein.

ATTACHMENTS

1. Application Letter
2. Public Comment

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. Initiating Department: Planning & Development Services Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached amendment to Chapter 16, City Code of Ordinances (City File LDR 2021-02).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No (No further explanation required.)
Yes Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: \$_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No further explanation required)
Yes Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material and provide a copy to Housing and Community Development department.)

/s/ Elizabeth Abernethy
Director, Planning & Development Services (signature)

03-16-2021
Date

Copies to: City Clerk; Joshua A. Johnson, Director, Housing and Community Development

January 20, 2021

To Whom it May Concern,

I am writing to request adding paramedical tattooing to the 'Office, Medical" category in the St. Petersburg codes index. Unfortunately, the current code does not distinguish paramedical tattooing from traditional body art tattooing and subjects it the same strict guidelines.

Paramedical tattooing is a medical procedure, which cosmetically enhances a patient's natural appearance and beauty. These procedures include but are not limited to scar corrections, areola reconstruction for women post mastectomy, microblading, lip blushing, lash enhancements, cleft lip revision etc. We use a special blend of pigments to match client's skin tones to camouflage scars from trauma and surgeries, rebuild nipples lost due to cancer, and bring a youthful appearance back to clients and patients that has been lost over time.

The current tattooing codes in St. Petersburg are preventing many plastic surgery offices and medical spas from offering these services to their clients and patients. These services are taken very seriously and are treated like other medical procedures in this community. They are by appointment only, follow traditional business hours, and are quite costly. Therefore, distinguishing them from traditional tattoo parlors that are walk-in welcome, often open very late and can be relatively inexpensive, drawing a larger crowd.

Please consider this code revision to allow these important services to be more readily available to plastic surgery offices and medical spas. This will allow patients to receive these services in a safe, comfortable and sterile environment where they are likely receiving other treatment.

Thank you for your consideration,



Emily Hedrick



June 26, 2020

To Whom It May Concern:

RE: Emily Hedrick

My name is Dr. Robert Rehnke. I am a native of St. Petersburg, Florida as well as a practicing plastic surgeon in our community for 25 years. During this time I have actively taken care of women who have undergone mastectomies for breast cancer. I have been involved in both immediate breast reconstruction as well as delayed breast reconstructions. I have frequently encountered patients who have lost the nipple areola to cancer, and as part of our reconstruction would benefit from efforts to reconstruct the nipple areola. It has been my experience that some of the best results being performed today involve tattooing. In some medical practices across the country this service is done under the doctor's supervision in their practice, however we do not perform that in my office.

The reason for my letter is to point out to you the importance of paramedical tattooing in cooperation with the plastic surgery community as an important adjunct to surgical breast reconstruction. Recent technical and artistic innovations in the realm of paramedical tattooing has led to incredibly lifelike resemblance to a normal nipple areola. Paramedical tattooists also perform service to patients for scar camouflage and cleft lip reconstruction, as well as some patients who have permanent cosmetics to the face as part of reconstructive or aesthetic facial plastic surgery. Our practice has referred breast reconstructive patients to Emily Hedrick for nipple areola tattooing to complete breast reconstruction, and feel her services are very important to these patients of ours. I believe it is an appropriate designation to see these services as personal services for these breast reconstruction patients and hope that the City of St. Petersburg can allow Ms. Hedrick to continue to provide care for our patients.

Thank you for your consideration and don't hesitate to reach out and contact me by phone as-needed.

Sincerely,

Robert D. Rehnke, M.D.

RDR/blb

Diplomate American Board of Plastic Surgery & American Board of Surgery

6606 10th Avenue North • St. Petersburg, FL 33710 • Phone: 727.341.0337 • Fax: 727-341-0637 • www.rehnkemd.com • Email: md@rehnkemd.com

Add Paramedical and Cosmetic Tattooing to the Medical Office Zone

[Emily Hedrick](#) started this petition to City Counsel of St. Petersburg

I am petitioning to add paramedical and cosmetic tattooing to the Medical Office zoning category in St Petersburg so plastic surgery offices and medical spas can offer these services to their patients.

The way the codes are written now, all paramedical and cosmetic tattooing must be done in a tattoo parlor and it is not permitted for medical professionals to offer these services in their establishments. For example, a plastic surgery office cannot offer areola/nipple, or scar reconstruction to their patients unless specifically zoned as a tattoo parlor.

Changing this code would give many patients and clients better access to these services and would save 12 small businesses in St Petersburg from shutting their doors and having to relocate.

1,213 have signed. Let's get to 1,500!



Petition Link: <http://chng.it/YV5nLxjx>