

<b>REQUEST</b>	Text amendment to Sections 9.101, 9.802, 9.903, 9.1002, 9.1102, 9.1205, and 12.545 of the Zoning Ordinance
<b>SUMMARY OF PETITION</b>	<p>The petition proposes to:</p> <ol style="list-style-type: none"> <li>1) add tattoo establishments as a new permitted use with prescribed conditions in the uptown mixed use development (UMUD) zoning district;</li> <li>2) add tattoo establishments as a use permitted by right in the distributive business (B-D) and urban industrial (U-I) zoning districts;</li> <li>3) clarify that tattoo establishments are permitted by right in the urban residential - commercial (UR-C), neighborhood business (B-1), general business (B-2), business park (B-P), transit oriented development (TOD), and industrial (I-1 and I-2) zoning districts; and</li> <li>4) add prescribed conditions for tattoo establishments located in the uptown mixed use development (UMUD) district only.</li> </ol>
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Michael C. Drossos Michael C. Drossos
<b>COMMUNITY MEETING</b>	Meeting is not required.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 5 to 2 vote of the Zoning Committee (motion by Commissioner Zoutewelle seconded by Commissioner Phipps).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5 to 2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Change the name of the use from tattoo parlors to tattoo establishments.</li> <li>2. Add tattoo establishments as a permitted use with prescribed conditions in the uptown mixed use development (UMUD) zoning district, rather than allowing the use by right; and</li> <li>3. Add the following prescribed conditions only for tattoo establishments located in the uptown mixed use development (UMUD) district: <ol style="list-style-type: none"> <li>a. Clients and business related visitors shall be by appointment only, with appointments scheduled only between the hours of 8:00 a.m. to 8:00 p.m.</li> <li>b. There shall be a 400' separation distance between tattoo establishments. The distance shall be measured from the nearest point of the buildings.</li> <li>c. All federal, state, and local regulations for tattoo establishments shall be met.</li> </ol> </li> </ol>
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<b>VOTE</b>	Motion/Second:	Phipps/Zoutewelle
	Yeas:	Dodson, Griffith, Phipps, Rosenburgh, and Zoutewelle
	Nays:	Allen and Firestone
	Absent:	None
	Recused:	None

**ZONING COMMITTEE  
DISCUSSION**

Staff presented the changes the petitioner made to the text amendment after the public hearing in response to City Council concerns. First, the name of "tattoo parlors" was changed to "tattoo establishments". Next, the petitioner modified the use to be allowed with prescribed conditions in the UMUD zoning district to address Council concerns with hours of operation and separation distances between tattoo establishments in the UMUD zoning district.

A Commissioner asked if there were provisions related to whether this would be an accessory or principal use. Staff responded that this use would be allowed as a principal use.

A Commissioner stated he was not opposed to the use, but is not convinced of allowing tattoo establishments in the industrial zoning districts. What is the justification? Staff responded that currently, the Zoning Administrator's interpretation allows them by right as a "personal service" use in the I-1 and I-2 zoning districts as well as in the UR-C, B-1, B-2, B-P, and TOD zoning districts.

The Commissioner asked if tattoo establishments were excluded from the industrial districts, what would be the impact. Staff responded that tattoo parlors currently located in an industrial district would become a non-conforming use, but would be grandfathered.

The Commissioner stated that allowing tattoo establishments in the industrial districts does not make sense. The Zoning Administrator responded that there are other uses such as retail sales, beauty salons and barber shops that are similar type uses, which are currently allowed in the industrial districts. This use is no different. To exclude tattoo parlors would not be consistent.

Another Commissioner asked for clarification on what was being changed by this text amendment. Staff summarized the changes. First, the petitioner is asking that tattoo establishments be allowed, with prescribed conditions in the UMUD zoning district. In addition, to clarify where tattoo establishments are allowed, and not rely on the Zoning Administrator's interpretation, the petitioner, at staff's request, agreed to expand the text amendment to clarify that this use is allowed by right in the UR-C, B-1, B-2, B-P, TOD, I-1 and I-2 zoning districts. And last, the text amendment seeks to add tattoo establishments as a use by right in the B-D and U-I zoning districts for consistency since they are allowed by right in all the other business and industrial districts. Staff noted that the petitioner is open to removing them from the B-D and industrial districts.

A Commissioner asked staff to summarize the prescribed conditions for tattoo establishments that would only be for uses located in the UMUD district. The prescribed conditions in the UMUD district are:

- Clients and business related visitors shall be by appointment only, with appointments scheduled only between the hours of 8:00 a.m. to 8:00 p.m.
- There shall be a 400' separation distance between tattoo establishments. The distance shall be measured from the nearest point of the buildings.
- All federal, state, and local regulations for tattoo establishments shall be met.

A Commissioner noted that tattoo establishments located in the UMUD zoning district would have a 400' separation, while other uses in UMUD do not. Does this make sense? Staff responded that the petitioner, in making these modifications, was interested in responding to City Council concerns about such a use locating uptown in the

UMUD zoning district, since that is where he would like to open such a business. The addition of the 400' separation distance was in response to a Council concern, as was limiting the hours for an appointment based clientele. Staff noted that the petitioner would not be opposed to eliminating any or all of the prescribed conditions, but is trying to be responsive to Council concerns.

**MINORITY OPINION**

Concern was expressed about allowing tattoo establishments in too many zoning districts.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Background**

- In 2009, the Zoning Administrator made an interpretation that tattoo parlors are considered to be a "personal service" use allowed by right. Under this interpretation, tattoo parlors are permitted in the UR-C, B-1, B-2, B-P, TOD, I-1 and I-2 zoning districts.
- After the public hearing, the petitioner made modifications to the text amendment to address City Council concerns regarding adding prescribed conditions to tattoo establishments located in the UMUD zoning district, including hours of operation and separation distances.

**• Proposed Request Details**

- The text amendment contains the following provisions:
  - Adds tattoo establishments as a use allowed with prescribed conditions in the UMUD zoning district. The prescribed conditions would only be applicable in the UMUD district:
    - Clients and business related visitors shall be by appointment only, with appointments scheduled only between the hours of 8:00 a.m. to 8:00 p.m.
    - There shall be a 400' separation distance between tattoo establishments. The distance shall be measured from the nearest point of the buildings.
    - All federal, state, and local regulations for tattoo establishments shall be met.
  - Adds tattoo establishments as a use allowed by right in the BD and U-I zoning districts.
  - Clarifies that tattoo establishments are allowed as a use by right in the UR-C, B-1, B-2, B-P, TOD, I-1, and I-2 zoning districts by specifically listing the use in these districts.

**• Public Plans and Policies**

- The petition is consistent with adopted policy.

**• Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.

- **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:**
    - There is no site plan associated with this text amendment.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

**Planner:** Sandra Montgomery (704) 336-5722