



***Text Amendment #2017-0004***  
***Tattoo Parlors***

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<b>Issue:</b> Public hearing and consideration of a Text Amendment to Section 2-111 and Section 2-183 of the Zoning Ordinance to remove tattoo parlors from amusement enterprises and classify them as personal service establishments.	Planning Commission Hearing:	June 14, 2017
	City Council Hearing:	June 24, 2017
<b>Staff:</b> Alex Dambach, Division Chief <a href="mailto:alex.dambach@alexandriava.gov">alex.dambach@alexandriava.gov</a> Shaun Smith, Urban Planner <a href="mailto:shaun.smith@alexandriava.gov">shaun.smith@alexandriava.gov</a>		

**Staff recommendation:** Staff recommends that the Planning Commission recommends APPROVAL of the Text Amendment.

**PLANNING COMMISSION ACTION, JUNE 14, 2017:** On a motion by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Text Amendment #2017-0004. The motion carried on a vote of 7-0. Additionally, modifications to the text were provided in a staff memo and were included in this recommendation.

Reason: The Planning Commission agreed with staff analysis.

Vice Chairman Macek spoke in support of the proposal, stating that it represents an opportunity for enterprising businesses.

Speakers: There were no speakers.

**I. Issue**

The purpose of this proposed zoning text amendment is to remove tattoo parlors from the definition of an amusement enterprise, which is allowed within the majority of zoning districts only with a special use permit and add tattoo parlors to the definition of personal service establishments. This would allow them as a permitted use within the majority of commercial zoning districts within the city with similar requirements to those of other personal service establishments.

**II. Background**

Tattoo Parlors were incorporated into the Zoning Ordinance in 1992 within Section 2-111 and defined as an amusement enterprise. The use was defined as an entertainment establishment along with theaters, palm readers, bowling alleys, skating rinks, pool and billiard halls, miniature golf course, and dance halls.

Current regulations allows amusement enterprises as a permitted use in only one zone (Commercial Regional), and as a special use within fourteen other commercial, industrial, and mixed use zones. Over recent years, the perception of tattoo parlors has evolved. The size and operation of a tattoo parlor significantly differs from other uses listed as amusement enterprises. Tattoo parlors operate similarly to uses listed as personal services with patrons arriving by appointment and as a result have a limited potential offsite impact. Conversely, other uses listed as amusement enterprises often operate on an open assembly basis and therefore have a different and possibly greater potential for offsite impacts. Staff recommends reclassifying tattoo parlors as personal services establishments because that category is the most appropriate for regulating these types of businesses. City Council initiated this text amendment at its April 25, 2017 meeting.

**Tattoo Parlor requirements in other Jurisdictions**

Staff has researched how neighboring jurisdictions regulate tattoo parlors. All three jurisdictions researched classify tattoo parlors as a type of service use, which is generally a permitted use in most commercial zoning districts. In addition, within the Commonwealth of Virginia, tattoo parlors are regulated by local health department regulations and must receive a license through the Department of Professional and Occupational Regulations’ Board for Barbers and Cosmetology.

	<b>District of Columbia</b>	<b>Fairfax County</b>	<b>Arlington County</b>
<b>Tattoo Parlor regulations</b>	Service, General Section 200.2(dd)	Personal Service Establishments (Section 2-300)	Retail, Personal Service Section 12.2.5(g)(2)(b)

### **III. Proposed Text Changes**

The proposed text amendment to Sections 2-111 and 2-183 of the Zoning Ordinance, presented in Attachment #1, herein, removes the tattoo parlor use from the definition of amusement enterprise and adds it to the personal service establishment definition. This text change would allow tattoo parlors as a permitted use in the majority of the city's commercial and mixed use zoning districts.

In addition, reclassifying tattoo parlors as personal service establishments would lower the minimum parking requirement for these types of establishments. Current parking regulations contained within Section 8-200(A)(13) requires one parking space per 200 square feet of floor area on all floors for any indoor amusement enterprise. Reclassifying tattoo parlors to personal service establishments would require any future tattoo parlor to meet the parking standards of Section 8-200(A)(17), which requires one parking space for each 400 square feet of floor area. Staff supports this change as this type of business has similar parking needs to other personal service establishments (such as hair salons) and financial service offices, where the majority of patrons arrive by appointment for a session with a professional employed in the establishment.

### **IV. Recommendation**

The proposed text amendment would reclassify tattoo parlors as a personal service establishment, in addition to change the minimum parking requirements.

Staff **recommends approval** of the change to the Zoning Ordinance as proposed in Attachment #1.

Staff: Alex Dambach, Division Chief,  
Shaun Smith, Urban Planner,

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[shaun.smith@alexandriava.gov](mailto:shaun.smith@alexandriava.gov)

**Attachments:** 1. Proposed Zoning Text Changes

**Attachment #1**

**PROPOSED ZONING TEXT CHANGES**

Note: New text is underlined;

~~Deleted text is shown with a strikethrough~~

**2-111 - Amusement enterprise.**

A use devoted to entertainment, such as theaters, bowling alleys, skating rinks, pool and billiard halls, miniature golf courses, dance halls, palm reading ~~or tattoo~~ parlors, amusement arcades, bingo halls and similar uses.

**2-183 - Personal service establishment.**

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

Arts and crafts studios or stores;

Appliance repair and rental;

Banks, savings and loans, and credit unions;

Bicycle repair;

Barbershops and beauty shops;

Contractors' offices, without accessory storage;

Dressmakers and tailors;

Dry-cleaning and laundry pickup stations;

Laundromat;

Locksmiths;

Musical instrument repair;

Optical center;

Pawnshops;

Private school, academic, with a maximum of 20 students on the premises at any one time;

Professional photographer's studios;

Shoe repair;

Furniture upholstering shops;

Watch repair;

Printing and photocopy service;

Tattoo parlors;

Personal service establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

## City of Alexandria, Virginia

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### MEMORANDUM

DATE: JUNE 13, 2017

TO: CHAIRWOMAN MARY LYMAN AND MEMBERS OF THE  
PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, DEPARTMENT OF PLANNING AND  
ZONING

SUBJECT: MODIFICATIONS TO THE DRAFT LANGUAGE OF THE TEXT  
AMENDMENT FOR TATTOO PARLORS

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**ISSUE:** Language within the drafted text amendment on tattoo parlors to be considered by the Planning Commission at their June 14<sup>th</sup>, 2017 requires additional clarification and modification.

**RECOMMENDATION:** The recommendation is to remove language referencing the types of businesses that require state licensing from the introductory paragraph of the definition of personal services establishments, and to strike the removal of the term “parlors” in order to retain the term “palm reading parlors”.

**BACKGROUND:** City Council requested the initiation of a text amendment to remove tattoo parlors from the definition of amusement enterprise and reclassify it within the definition of personal services establishments. Recommended text language was drafted by staff that included references to state licensing requirements for this use and other uses defined as personal service establishments in addition to removing the term “parlor” after the description of palm readers. This language was finalized, published, and forwarded to Planning Commission for their review at the public hearing.

**DISCUSSION:** Upon additional consideration, staff recommends to remove references to state licensing requirements in order to avoid the possibility of exceeding the scope of the initiated text amendment in order to avoid the possibility of confusion in the application of this regulation because many types of personal services do not require state licensing. In addition staff recommends retaining the term “parlors” for “palm reading,” as that term was unintentionally stricken in the proposed text.

Attachment 1 provides the revised proposed text. Staff continues to recommend approval of this amendment.

**ATTACHMENTS:**  
1. Attachment 1

**Attachment #1**  
**PROPOSED ZONING TEXT CHANGES**

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**2-111 - Amusement enterprise.**

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**2-183 - Personal service establishment.**

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers that may require certification or licensure by one or more agencies of the Commonwealth of Virginia, including but not limited to:

- Arts and crafts studios or stores;
- Appliance repair and rental;
- Banks, savings and loans, and credit unions;
- Bicycle repair;
- Barbershops and beauty shops;
- Contractors' offices, without accessory storage;
- Dressmakers and tailors;
- Dry-cleaning and laundry pickup stations;
- Laundromat;
- Locksmiths;
- Musical instrument repair;
- Optical center;
- Pawnshops;
- Private school, academic, with a maximum of 20 students on the premises at any one time;
- Professional photographer's studios;
- Shoe repair;
- Furniture upholstering shops;
- Watch repair;

Printing and photocopy service;

Tattoo parlors;

Personal service establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

Hello Madame/Mr. Chair, my name is James Marlowe and I reside in Arlington, VA. I am here today to speak in favor of the text amendment and give my full support for the proposed change. I was a former business owner in the City. I sat in this room nearly two years ago, awaiting the outcome of introducing the first tattoo studio to Old Town Alexandria. The City's approval gave me an opportunity to engage with residents, business owners, and welcomed an inclusive circle of patrons to the community and expand my reach beyond our established clientele of Marlowe Ink in Old Town Fairfax. King Street Studios Tattoo introduced my love and passion for tattooing to a visually diverse community with a discerning eye for art and culture. The unfortunate circumstances which lead to my departure has not deterred me from wanting to pursue another location and renew my commitment to setting roots in Alexandria. The outpouring of support and words of encouragement we received from Alexandria locals and business owners in the past few months, has softened the blow since closing our doors two weeks ago. On behalf of my tattoo artists, novice and seasoned collectors of body art, and the future growth and refinement of professional tattooing, thank you for time and consideration. I would also like to extend a personal appreciation to Vice Mayor Justin Wilson and Councilman Paul Smedberg for proposing the text amendment that will allow me to share the economic and cultural benefits of a growing artform.