



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: File

Date: August 9, 2017

Re: Tattoo Parlors

At the August 9, 2017, meeting, Mr. C.J. Hicks has requested to address the Commission to request that the Zoning Ordinance be amended to permit "Tattoo Parlors" in B-3, Community Business Districts.

The Zoning Ordinance adopted by Council in February 2016 permits this type of use in the B-4, Urban Commercial District, B-5, General Business District and the IN-2, Institutional 2 District.

Mr. Hicks was issued a Notice of Violation on July 12, 2017, by Kevin Henry, Zoning Administrator, for allowing the operation of a tattoo parlor at 3114 Memorial Avenue. The property is currently zoned B-3, Community Business District.

City staff discussed rezoning the property to B-5, General Business District, to bring the violation into conformity; however, staff is unlikely to support a rezoning due to the existing B-3, Community Business District and R-3, Medium Density Residential District zoning in the area. The area fronting Memorial Avenue is recommended for Community Commercial uses on the *Comprehensive Plan 2013-2030, Future Land Use Map*.

§15.2-912 of the Code of Virginia regulates tattoo parlors and body-piercing salons. The State Code provides a definition for both activities:

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Tattoo parlor" means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

The City's Zoning Ordinance allows "ear piercing" starting in the B-1, Limited Business District; however, the Zoning Ordinance is silent on other types of "body piercing". Typically, body piercing studios have been permitted along with tattoo parlors, in the B-4, Urban Commercial, B-5, General Business and IN-2, Institutional 2 Districts.

Memo to the Planning Commission

August 9, 2017

Page Two

A review of other “Virginia First” Cities indicates various Zoning regulations concerning tattoo parlors. These regulations range from requiring a conditional use permit, being permitted in only the more intensive commercial districts to being considered a “consumer service” business or “qualified arts entity” and being permitted in the majority of commercial districts.

If the Planning Commission would like to consider amendments to the Zoning Ordinance concerning tattoo parlors, city staff recommends that body piercing also be included.

A resolution initiating a Zoning Ordinance amendment is attached for consideration by the Planning Commission:

RESOLUTION OF THE LYNCHBURG PLANNING COMMISSION

WHEREAS: Lynchburg's Zoning Ordinance currently permits tattoo parlors in the B-4, Urban Commercial, B-5, General Business and IN-2, Institutional Districts and not the B-3, Community Business District;

WHEREAS, the City's *Comprehensive Plan 2013 – 2030* recommends retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region;

WHEREAS, The Planning Commission has determined that its consideration of allowing tattoo parlors and body piercing salons and action on the proposed zoning amendments will promote the public necessity, convenience, general welfare and good zoning practice within the City;

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg Planning Commission that in order to promote the public necessity, convenience, general welfare and good zoning practice the Planning Commission does hereby initiate, will consider and directs City Staff to prepare a proposed amendment of Section 35.2-46, Community Business Districts (B-3) of the City's Zoning Ordinance to permit tattoo parlors and body piercing salons within the B-3 District for consideration by the Planning Commission.

Adopted: _____

Certified: _____
Secretary, Planning Commission