

DATE: March 15, 2022

CASE: TA-04-22 Text Amendment – Tattoo Parlor & Body Piercing Distance Separations

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BACKGROUND

Though tattoo and body piercing acceptance has evolved drastically over the past twenty (20) years, prior generations have tended to carry with them their original preconceptions. Previously, these body alterations were not viewed favorably and associated with the image of an outcast and a form of rebellion. Modern society has transformed and brought tattoo and body piercing culture into the mainstream. Today, these body alterations can be seen on a variety of ages, sexes, cultures, races, and professions.

Staff recently had an inquiry from a citizen desiring to open her second tattoo parlor in a C-2 (General Commercial) zoning district. This district does allow tattoo parlors by right, but includes the supplemental regulation that tattoo parlors shall be separated by at least three hundred (300) feet from any existing residential use, religious institutional use, day care use, public park, or school elementary, middle, or senior high. The existing building for the proposed tattoo parlor is approximately 140’ from an existing apartment building thereby preventing the tattoo parlor from meeting the required distance separation.

Staff reviewed existing zoning regulations within the Charlotte, Kannapolis, High Point, Greenville, Asheville, and Wilmington ordinances. These cities were chosen based on either proximity to Concord or similar population size. All treat tattoo parlors and body piercing establishments as by right uses within commercial districts with the exception of Kannapolis which requires a Special Use Permit (SUP). Charlotte requires a distance separation between tattoo parlors and body piercing establishments of four hundred (400) feet. None of the ordinances investigated require a tattoo parlor or body piercing business to be separated a minimum distance from any other specific uses.

Therefore, in the effort to modernize the Concord Development Ordinance (CDO) and bring it into conformity with other similar jurisdictions as it relates to the zoning treatment of tattoo parlors and body piercing establishments, Staff is seeking to amend Article 8 Use Regulations, Sections 8.1.8 (Use Table), 8.3.5(K) and 8.3.5(M) under Commercial Uses in the following manner:

1. Add the section letter “M” to the Use Table standards column to specifically reference the supplemental conditions for Body Piercing establishments under Section 8.3.5(M).
2. Remove the distance separation provision requiring a tattoo parlor establishment to be located a minimum of three hundred (300) feet from any existing residential use,

- religious institutional use, day care use, public park, or school elementary, middle, or senior high.
3. Remove the distance separation provision requiring a body piercing establishment to be located a minimum of three hundred (300) feet from any existing residential use, religious institutional use, day care use, public park, or school elementary, middle, or senior high.
 4. Remove signage supplemental condition for body piercing parlors as it is already regulated under Article 12 Sign Regulations.
 5. Add a distance separation provision requiring a minimum of three hundred (300) feet between tattoo parlors.
 6. Add a distance separation provision requiring a minimum of three hundred (300) feet between body piercing establishments.

In addition, Staff is seeking to amend Article 14 (Definitions) in the following manner:

1. Add the definition “Tattoo parlor means any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof”.

A redlined version of Articles 8 and 14 are provided in addition to the details included in the staff report.

Article 8

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Grocery/Food Store									P	P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											PS	PS		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P			
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage										P	P	P	P		
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing												PS			8.3.5.K And 8.3.5.M
	Taxidermist												P			
	Weight Loss Centers								P	P	P	P	P			
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H

Article 8

K. TATTOO PARLOR

1. SEPARATION

Tattoo parlors shall be separated by at least three hundred (300) feet from any existing ~~residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high)~~ tattoo parlor. Distance ~~between~~ to residences, religious uses, day cares or schools tattoo parlors shall be measured radially from the building wall of the establishment to the building wall of the referenced use at their closest points.

L. INTERNET/ELECTRONIC GAMING

1. PERMITTED ZONING DISTRICT

Internet/electronic gaming shall be permitted only in the B-1 (Neighborhood Commercial/Office) District and the C-1 (Light Commercial and Office) Districts as accessory uses and the C-2 (General Commercial District) as either a principal or accessory use, subject to the following requirements.

2. ACCESSORY USE

Internet/electronic gaming is allowed as an accessory use to the extent that the use functions are a use accessory, incidental, and subordinate in area, extent, and purpose to the principal use of the premises. Such accessory uses are allowed in convenience stores and restaurants. Accessory uses shall be limited to no more than four (4) individual machines or terminals. Within the B-1 and C-1 zoning districts, internet/electronic gaming is permitted as an accessory use only, and only provided that the associated principal use is permitted within the zoning district.

3. SEPARATION FROM CERTAIN USES

Internet/electronic gaming shall not be located within 200 feet in any direction from other internet/electronic gaming, or from any cemetery, congregate care facility, religious institution, municipal government facilities, including but not limited to municipal public parks, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

4. MAJOR GATEWAY SETBACKS

Internet/electronic gaming shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile from the city limit line. For the purposes of this section, a major gateway is identified as an entry way into the City limits along any of the following transportation corridors: NC-3, NC-73, NC-49, Concord Parkway, US 601, Poplar Tent Road, George W. Liles Parkway, and Christenbury Parkway.

5. MEASUREMENT

Article 8

M. BODY PIERCING

1. SEPARATION

Body piercing establishments shall be separated by at least three hundred (300) feet from any existing ~~residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high)~~ body piercing establishment. Distances ~~to residences, religious uses, day cares or schools~~ between body piercing establishments shall be measured radially from the building wall of the ~~tattoo parlor~~ establishment to the building wall of the referenced use at the closest point.

~~2. SIGNAGE~~

~~All signage to comply with Article 12, Signs Regulations.~~

N. BANQUET HOME

1. LOCATION

Banquet Homes shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. On a parcel with frontage on a major or minor thoroughfare;
- B. On a parcel or combination of parcels in common ownership totaling no less than two (2) acres.

2. STRUCTURE

A residential structure which shall be used for a banquet home shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.
- B. Other than event guests, no meals shall be served to the general public.
- C. A Class “C” buffer shall be required adjacent to all residentially zoned or developed properties. For additional landscaping and buffering requirements, see Article 11.
- D. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility’s premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded and focused away from any adjoining residential property. A lighting plan illustrating compliance with these requirements shall be submitted as part of the special use permit application.
- E. Signage. Signs for banquet homes shall meet the requirements of the Sign Regulations, Article 12, and the supplemental requirements set forth below.

Article 14

or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

4.

SUPERSTORE - A retail structure or group of structures have a total of in excess of twenty-five thousand (25,000) square feet of Gross Floor Area.

SURFACE, IMPERVIOUS - See Impervious Surface.

SURVEYOR - A land surveyor registered by the State of North Carolina.

SWALE - An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE - A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM - A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

SWINE HOUSE - A building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

TATTOO PARLOR - Any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET - A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide