

CITY PLANNING COMMISSION

TO: HONORABLE CITY COUNCIL
FROM: CITY PLANNING COMMISSION
DATE: DECEMBER 22, 2020
SUBJECT: REPORT AND RECOMMENDATION OF THE CITY PLANNING COMMISSION

Ladies and Gentlemen:

Attached hereto are: 1) Report and recommendation of the City Planning Commission from its meeting of Tuesday, December 8, 2020 and 2) Documents filed in relation to the zoning petition. The recommendation of the Commission is described briefly below:

Zoning Docket # 093/20

Applicant: City Council Motion M-20-360

Request: Text amendment to amend the definition of “tattoo parlor” and consider modifying the definition of “personal service establishment”, removing “tattoo parlor” as a separate use if necessary. Or, should staff find that tattoo parlor should remain a separate use from the personal service establishments category, consider adding the use to permitted and conditional use tables in appropriate districts. Staff should also review other references to tattoo parlor in the CZO, specifically in Article 18: Overlay Zoning Districts, and make recommendations based on consistency.

Location: Citywide

CPC Deadline: February 6, 2021

CC Deadline: 60 days from receipt by Council

Councilmember: All

Recommendation: **MODIFIED APPROVAL**

REASONS FOR RECOMMENDATION

1. The proposed text amendment would group the tattoo parlor use within the personal service establishment uses, which have similar levels of intensity and use type.
2. There have been two recent text amendment requests resulting in the allowance of tattoo parlors in two additional zoning districts, reflecting a change in policy regarding tattoo parlors. ZD093-20

comprehensively addresses the appropriateness of the tattoo parlor use and applies the policy change in appropriate areas citywide.

- 3.** The text amendment reflects a change in policy upheld in other approved text amendments that restrictive regulations on tattoo parlors are no longer justifiable.

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ROBERT D. RIVERS
EXECUTIVE DIRECTOR

LARRY MASSEY
DEPUTY DIRECTOR

**City Planning Commission Staff Report
Executive Summary**

Zoning Docket: 093-20

Applicant: City Council Motion M-20-360

Request: Text amendment to amend the definition of “tattoo parlor” and consider modifying the definition of “personal service establishment”, removing “tattoo parlor” as a separate use if necessary. Or, should staff find that tattoo parlor should remain a separate use from the personal service establishments category, consider adding the use to permitted and conditional use tables in appropriate districts. Staff should also review other references to tattoo parlor in the CZO, specifically in Article 18: Overlay Zoning Districts, and make recommendations based on consistency.

Location: Citywide

Master Plan:
The proposal supports the goals of Chapter 13 of the Master Plan.

Recommendation:

Staff recommends **MODIFIED APPROVAL** of Zoning Docket 093/20.

Reasons for Recommendation:

1. The proposed text amendment would group the tattoo parlor use within the personal service establishment uses, which have similar levels of intensity and use type.
2. There have been two recent text amendment requests resulting in the allowance of tattoo parlors in two additional zoning districts, reflecting a change in policy regarding tattoo parlors. ZD093-20 comprehensively addresses the appropriateness of the tattoo parlor use, and applies the policy change in appropriate areas citywide.
3. The text amendment reflects a change in policy upheld in other approved text amendments that restrictive regulations on tattoo parlors are no longer justifiable.

City Planning Commission Meeting
Tuesday, December 8, 2020

CPC Deadline: February 6, 2020
CC Deadline: 60 days from receipt
City Council District: Citywide

STAFF REPORT

Zoning Docket: 093-20

To: City Planning Commission
From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Joanna Farley

Date: December 9, 2020

II. GENERAL INFORMATION

Applicant: City Council Motion M-20-360

Request: Text amendment to amend the definition of “tattoo parlor” and consider modifying the definition of “personal service establishment” to include tattoo parlor, removing “tattoo parlor” as a separate use if necessary. Or, should staff find that tattoo parlor should remain a separate use from the personal service establishments category, consider adding the use to permitted and conditional use tables in appropriate districts. Staff should also review other references to tattoo parlor in the CZO, specifically in Article 18: Overlay Zoning Districts, and make recommendations based on consistency.

Location: This text amendment will impact all zoning districts that allow “personal service establishment” as a permitted or conditional use.

Why is City Planning action required?

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3.**, and *Action by City Planning Commission* of the Comprehensive Zoning Ordinance.

III. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

The Comprehensive Zoning Ordinance defines “tattoo parlor” as “[a]n establishment where tattooing, body piercing, and non-medical body modification services are offered. This definition does not include establishments that offer only ear piercing as an ancillary use.”

Background & Reason for text amendment

This text amendment follows two recent text amendments that expanded the permitted allowance of tattoo parlors. Zoning Docket 067-20, which was heard by the City Planning Commission at the August 11, 2020 meeting, recommended approving the allowance of tattoo parlors in HU-B1A Historic Urban Neighborhood Business Districts. Zoning Docket 047-19, which was heard by the City Planning Commission at its June 11th, 2019 meeting, recommended approval to allow tattoo parlors as a permitted use in the HMC-2 Historic Marigny/Tremé/Bywater Commercial District. In both cases, the City Planning Commission accepted staff’s recommendation for approval of these text amendments, and City Council upheld City Planning Commission’s recommendation in both cases. The staff report in both ZD047-19 and ZD067-20 noted that the piecemeal approach of allowing tattoo parlors to be permitted in zoning districts as business owners request the change fails to address the larger policy question that is currently embedded in the CZO. The staff reports described the preferred approach of considering the regulation of the tattoo parlor use comprehensively, and adjusting the CZO in total as needed. This text amendment requests that City Planning Commission staff fulfill that need for a more comprehensive analysis.

The CZO currently regulates tattoo parlors as a distinct, more restricted use from other similar uses such as beauty salons, spas and tanning salons, a result of long-held biases and cultural taboos that are shifting. Prior to ZD047-19 and ZD067-20, tattoo parlors were allowed in five zoning districts (Commercial Center & Institutional Campus Districts) and one overlay district (AC-3 Arts and Culture Diversity Overlay District). Tattoo parlors are expressly prohibited in the St. Charles Avenue overlay district. As a result of ZD047-19 and ZD067-20, tattoo parlors were approved as permitted uses in the HMC-2 Historic Marigny/Tremé/Bywater Commercial District and the HU-B1A Historic Urban Neighborhood Business District, due to specific requests by property owners. Table 1 shows the districts which currently allow tattoo parlors as a permitted use. The Council Motion M-20-320 requests that staff consider amending the CZO to remove tattoo parlor as a distinct use, instead including the tattoo parlor use within the personal service establishment use.

Table 1: Districts Allowing Tattoo Parlors as a Permitted Use

Zoning Districts	
HMC-2	Historic Marigny/Tremé/Bywater Commercial District
HU-B1A	Historic Urban Neighborhood Business District

C-1	General Commercial District
C-2	Auto-Oriented Commercial District
C-3	Heavy Commercial District
MU-1	Medium Intensity Mixed-Use District
MU-2	High Intensity Mixed-Use District
Overlay Districts	
AC-3	Arts and Culture Diversity Overlay District

Personal service establishments are defined in the CZO as, “an establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners and tailors. Personal service establishments do not include any adult uses.” Within Article 26, the definitions for Massage Establishment and Printing Establishment specify that these uses fall within the personal service establishment category. Personal service establishments are also included as one of the uses considered a “Neighborhood Commercial Establishment.” As described in Article 20, Section 20.3.NN, the Neighborhood Commercial Establishment use is meant for structures that are non-residential in construction and original use, and includes low-intensity commercial uses, such as art gallery, arts studio, day care center, office, personal services establishment, specialty restaurant and retail goods establishment. As a neighborhood commercial establishment, these uses are limited to the first floor, the existing building footprint and may not have hours of operation that exceed 6am to 10pm.

The personal service establishment use is widely allowed, permitted in thirty-six (36) of the zoning districts, and allowed as a conditional use in eight (8) zoning districts as part of the neighborhood commercial establishment use. The RDO-1 and RDO-2 Residential Diversity Overlays also permits the personal service establishment use where otherwise not allowed. That the tattoo parlor use is currently very limited in comparison - allowed only in seven zoning districts - is an indication of how tightly controlled this use currently is.

Table 2. Districts Allowing Personal Service Establishment as a Permitted Use

Zoning Districts	
M-MU	Maritime Mixed-Use District
VCC-1, VCC-2, VCE, VCS, VCS-1, HMC-1, HMC-2, HM-MU	Historic Core Neighborhoods Non-Residential Districts
HU-B1A, HU-B1, HU-MU	Historic Urban Neighborhoods Non-Residential Districts
S-B1, S-B2, S-LB1, S-LB2, S-LC, S-MU, S-LM	Suburban Neighborhoods Non-Residential Districts

C-1, C-2, C-3, MU-1, MU-2, EC, MC, MS, LS	Commercial Center and Institutional Campus Districts
BIP	Business-Industrial Park District
CBD-1, CBD-2, CBD-3, CBD-4, CBD-5, CBD-6, CBD-7	Central Business Districts
Overlay Districts	
RDO-1 and RDO-2	Residential Diversity Overlay

Affected Area

The proposed text amendment would authorize tattoo parlors in all zoning and overlay districts that permit personal service establishments, as well as those that allow the “neighborhood commercial establishment” use as a conditional use. Figure 1 shows the areas of the city where personal service establishments are currently allowed as permitted uses, and Figure 2 shows those areas of the city where personal service establishments are authorized as conditional uses (through the personal service establishment use).

Figure 1. Map of areas allowing Personal Service Establishments as permitted uses

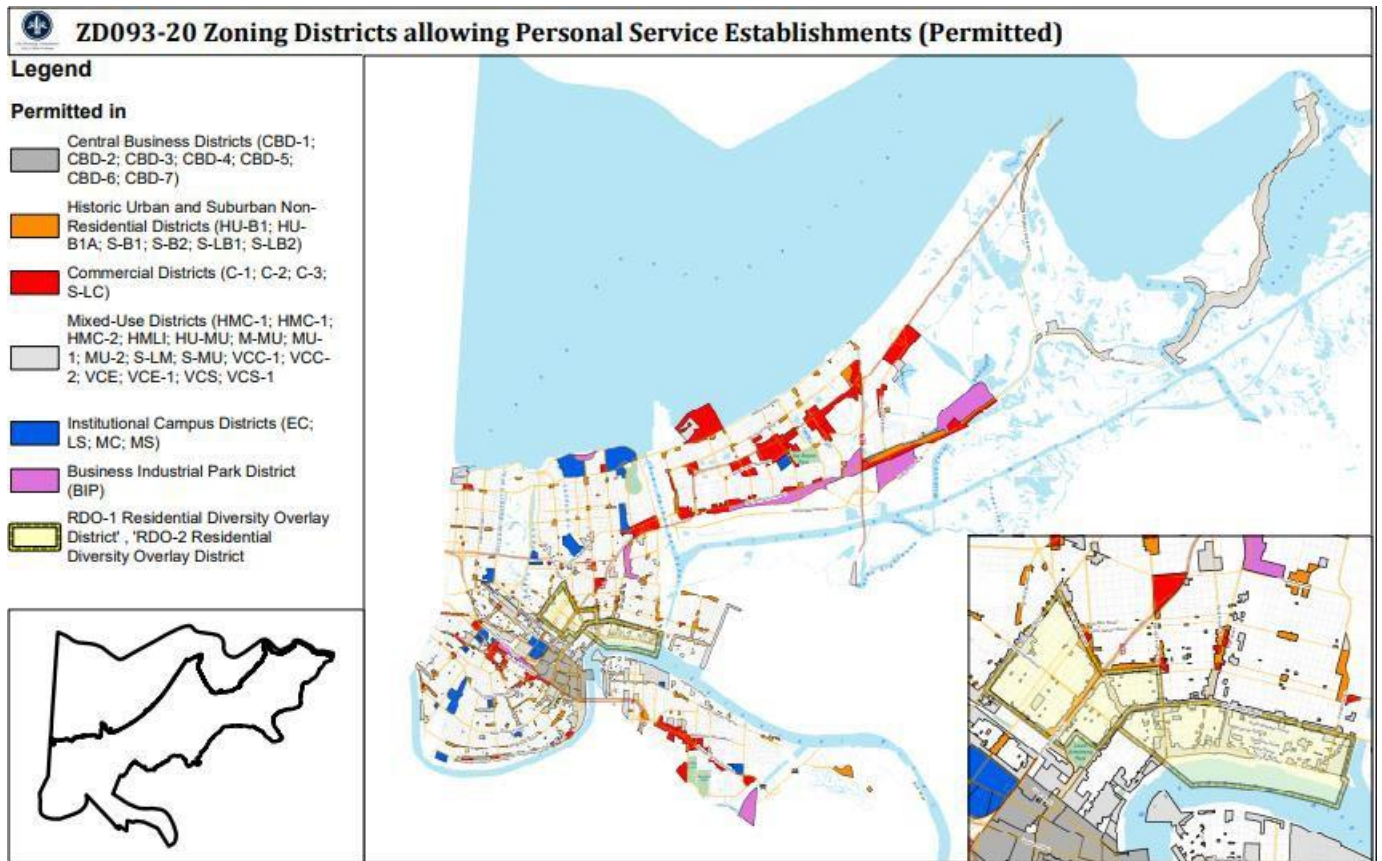
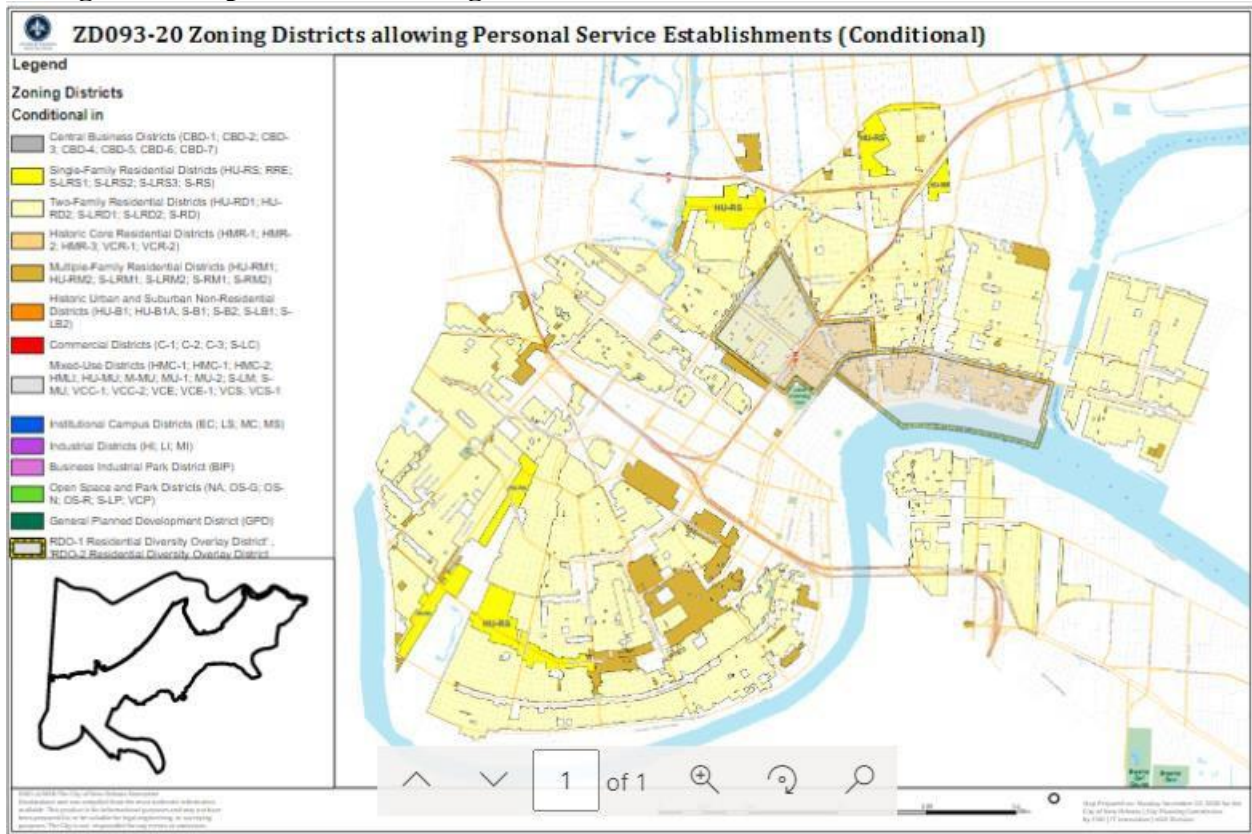


Figure 2. Map of areas allowing Personal Service Establishments as Conditional Uses



B. What is the existing language in the Comprehensive Zoning Ordinance?

The existing language in the Comprehensive Zoning Ordinance regulating the tattoo parlor use includes the definition of tattoo parlor in Article 26, the use tables in the zoning districts which currently allow tattoo parlors, and the description of the overlay districts which permit tattoo parlors, and which prohibit tattoo parlors. Each of these elements are provided below.

Definition

Article 26 includes the following description for Tattoo Parlor: An establishment where tattooing, body piercing, and non-medical body modification services are offered. This definition does not include establishments that offer only ear piercing as an ancillary use.

Permitted & Conditional Uses

The CZO permits tattoo parlors through the following use districts and use tables:

Table 10-1 Permitted and Conditional Uses	
USE	HMC-2
[...] COMMERICAL USE [...] Retail Sales of Packaged Alcoholic Beverages	P
Tattoo Parlor INDUSTRIAL USE [...]	P

Table 12-1 Permitted and Conditional Uses	
USE	HU-B1A
[...] COMMERICAL USE [...] Small Box Variety Store	P
Tattoo Parlor INDUSTRIAL USE [...]	P

Table 15-1 Permitted and Conditional Uses					
USE	C-1	C-2	C-3	MU-1	MU-2
[...] COMMERICAL USE [...] Stadium					
Tattoo Parlor INDUSTRIAL USE [...]	P	P	P	P	P

Overlays which permit and prohibit tattoo parlors

Article 18, Section 18.11. AC-3 Arts and Culture Diversity Overlay District

Article 18, Section 18.11.B.1. Permitted Uses

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Galleries and Arts Studios, without limitations as to size

- b. Community Center
- c. Cultural Facility
- d. Public Market
- e. Indoor Amusement Facilities, limited to movie theaters, up to a maximum of five-thousand (5,000) square feet of gross floor area
- f. Live Entertainment – Secondary Use
- g. Live Performance Venue up to a maximum of five-thousand (5,000) square feet of gross floor area
- h. Standard Restaurant with a maximum of 5,000 square feet of gross floor area, which may sell alcoholic beverages for consumption on premises in conjunction with meals
- i. Tattoo Parlor
- j. Artist studios

Article 18, Section 18.6. St. Charles Avenue Use Restriction Overlay District

Article 18, Section 18.6.B Use Restrictions

The following uses are prohibited:

- 1. Car Wash
- 2. New Drive-Through Facility
- 3. New Restaurant, Fast Food
- 4. Gas Station
- 5. Motor Vehicle Service & Repair, Minor or Major
- 6. Tattoo Parlor

C. What is the proposed language for the amendment?

Council Motion No. M-20-360 requests that staff consider amending the definition of tattoo parlor and consider modifying the personal service establishment definition to include tattoo parlor, removing tattoo parlor as a separate use if necessary. Or, if staff finds that the separate use should remain, the motion requests that staff consider adding the use to permitted and conditional use tables in appropriate districts, looking to the overlay districts that include tattoo parlors to ensure consistency. There is no specific language suggested in the council motion to carry out these considerations.

D. Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

Problem Identified

As described in ZD049-19 and ZD067-20, carving out a specific use with distinct regulations is typically unnecessary unless doing so would mitigate undesired adverse impacts as they relate to the health, safety and general welfare of a population. Tattoos, while long considered taboo among some groups, are increasingly common. Tattoos are also classified as a type of “commercial body art” and are regulated by the Louisiana Department of Health Food and Drug Unit.¹ If unsanitary equipment is used, tattooing may present a risk of spreading blood borne diseases or other infections, but the increasingly popular practice has been met with increasing oversight, including from the state’s department. Based on this, there is no legitimate reason to regulate a tattoo parlor use more tightly than a use such as a tanning salon – the use of which carries the risk of skin cancer – or dry cleaners – many of which release contaminants with perchloroethylene, which the Environmental Protection Agency considers a toxic air pollutant suspected to cause cancer and other health risks. Any negative impact from the tattoo parlor use would stem not from the use itself, but from poor management of the establishment, which is true for all similar personal service establishments.

ZD049-19 and ZD067-20 were submitted for consideration by the City Planning Commission by individual tattoo shop owners, who sought changes to the zoning code to allow them to open tattoo shops in a pre-identified location. These previous text amendments constituted a piecemeal approach which privileged some business owners over others and did not result in a comprehensive change in policy regarding the regulation of tattoo parlors. This text amendment resolves this reliance on individual owners and a piecemeal relaxing of regulations and asks for the full consideration of the tattoo parlor zoning regulations.

Modifications

As the Council motion does not provide specific language to complete the amendment, staff recommend the following changes to the CZO, with additions shown in **underlined** text.

Article 26

Personal Service Establishment. An establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, **tattoo parlors**, commercial copy shops, animal grooming,

¹“Commercial body art” is defined in Part XXVIII of Title 51 of the Louisiana Administrative Code as “the practice of physical body adornment by registered establishments and operators utilizing, but not limited to, the following techniques: tattooing, cosmetic tattooing, body piercing, branding, and scarification.”

shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishments do not include any adult uses.

~~**Tattoo Parlor.** An establishment where tattooing, body piercing, and non-medical body modification services are offered. This definition does not include establishments that offer only ear piercing as an ancillary use.~~

Permitted and Conditional Uses.

As the change in definition would result in the tattoo parlor use being included in the personal service establishment use, determination of whether a tattoo parlor be considered a permitted or conditional use would be based on the use table for personal service establishment. This means that the use tables would no longer require the tattoo parlor use to be listed, and this use would be removed from the use tables where it current appears, as shown below.

Table 10-1 Permitted and Conditional Uses	
USE	HMC-2
[...] COMMERICAL USE	
[...] Retail Sales of Packaged Alcoholic Beverages	P
Tattoo Parlor INDUSTRIAL USE [...]	P

Table 12-1 Permitted and Conditional Uses	
USE	HU-B1A
[...] COMMERICAL USE	
[...] Small Box Variety Store	P
Tattoo Parlor INDUSTRIAL USE [...]	P

Table 15-1 Permitted and Conditional Uses					
USE	C-1	C-2	C-3	MU-1	MU-2
[...] COMMERICAL USE					
[...] Stadium					

Tattoo Parlor INDUSTRIAL USE [...]	P	P	P	P	P
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Overlay Districts

Similarly, references to tattoo parlors would be removed from the overlays where they currently appear. In the AC-3 Arts and Culture Diversity Overlay District, personal service establishments are allowed through the base zoning along St. Claude Avenue (primarily HMC-2 Historic Marigny/Tremé/Bywater Commercial District), so removing the tattoo parlor use would not change its allowance along this corridor. In the St. Charles Avenue Use Restriction Overlay District, tattoo parlors are specifically prohibited.

The St. Charles Avenue Use Restriction Overlay District specifically prohibits tattoo parlors. This overlay includes areas zoned HU-RS Historic Urban Single-Family Residential District, HU-RM1 Multi-Family Residential District, HU-RM2 Multi-Family Residential District, HU-B1 Historic Urban Neighborhood Business District, HU-MU Neighborhood Mixed-Use District and MU-1 Medium Intensity Mixed-Use District. The residential zoning districts, (HU-RS, HU-RM1, and HU-RM2) make up the majority of the area included in the overlay district. In these districts, tattoo parlors would be allowed as a conditional use as a “neighborhood commercial establishment”. There would therefore still be significant controls on the tattoo parlor use in this area. Tattoo parlors would be allowed as a permitted use in the non-residential and higher intensity districts in this overlay (HU-B1, HU-MU- and MU-1), which is in keeping with the policy changes represented by this text amendment.

Article 18, Section 18.11. AC-3 Arts and Culture Diversity Overlay District

Article 18, Section 18.11.B.1. Permitted Uses

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Galleries and Arts Studios, without limitations as to size
- b. Community Center
- c. Cultural Facility
- d. Public Market
- e. Indoor Amusement Facilities, limited to movie theaters, up to a maximum of five-thousand (5,000) square feet of gross floor area
- f. Live Entertainment – Secondary Use
- g. Live Performance Venue up to a maximum of five-thousand (5,000) square feet of gross floor area
- h. Standard Restaurant with a maximum of 5,000 square feet of gross floor area, which may sell alcoholic beverages for consumption on premises in conjunction with meals
- i. ~~Tattoo Parlor~~

j. Artist studios

Article 18, Section 18.6. St. Charles Avenue Use Restriction Overlay District
Article 18, Section 18.6.B Use Restrictions

The following uses are prohibited:

1. Car Wash
2. New Drive-Through Facility
3. New Restaurant, Fast Food
4. Gas Station
5. Motor Vehicle Service & Repair, Minor or Major
- ~~6. Tattoo Parlor~~

E. Compliance with Approval Standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in Table 4-1: Standards for Zoning Amendments of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

A land use action is consistent with the Plan for the 21st Century (commonly referred to as the Master Plan) if it furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, in the Land Use Element of the Master Plan and is compatible with the proposed future land use. The Master Plan uses a Future Land Use Map to identify which land uses should fall in each area of the City. Those areas allow certain zones that conform to the future land use designation of the area.

In the case of this text amendment, staff is recommending that the tattoo parlor use, as a separate and distinct use, be dissolved and folded into the personal service establishment use. Those zoning districts and future land use designations where the personal service establishment use has been determined to be appropriate would be considered appropriate for the tattoo parlor use, as well. The current CZO heavily restricts tattoo parlors, limiting the use to only handful of zoning districts, carrying out an outdated policy that considers tattoo parlors as unsafe or more intense than other commercial uses. In keeping with the recommendations of ZD049-19 and ZD067-20, staff recommends that tattoo parlors instead be treated as the same type of intensity as the other personal service establishment uses. Any current zoning district that allowed personal service establishment as a permitted or conditional use would be inclusive of the tattoo parlor use, as a result. There is no change to the zoning districts or future land use designations where the personal service establishment use would be allowed. Staff believes this action is consistent with the Plan for the 21st Century and does not interfere with the goals, policies and guidelines in the land use element of the Master Plan and is compatible with the proposed future land use.

The proposed amendment is compatible with the place designation of this ordinance.

This condition is met. This amendment folds the tattoo parlor use into the personal service establishment use and does not impact the place designations where the personal service establishment use is found. This amendment recommends that the CZO consider tattoo parlors as equal in intensity and regulation as all other personal service establishments.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed amendment is not expected to negatively impact the public health, safety and welfare of the City. Tattoo parlors are already allowed in five Commercial Center & Institutional Campus Districts as well as one overlay district. Further, tattoo parlors are regulated by the Louisiana Department of Health Food and Drug Unit. Any negative impacts on the public health, safety, and welfare would likely arise due to poor management, which is not intrinsically linked to the use.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed amendment is compatible with the intent of the Comprehensive Zoning Ordinance because considering the tattoo parlor use as a personal service establishment would provide efficiency and economy in the process of development, provide for the appropriate use of land, and preserve and enhance the value of structures, communities, and neighborhoods, among others.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

This amendment reflects a change in policy. Currently, tattoo parlors appear in the CZO as a highly limited use, reflecting long-held biases against the practice of tattooing. However, cultural sensitivities and preferences are shifting around tattoos, and tattoos are now common in all parts of society. There is very little health risk associated with tattooing, and tattoo parlors are regulated by the Louisiana Department of Health, ensuring they meet certain health and safety standards. The text amendment reflects a change in policy that acknowledges the extra limitations on the tattoo parlor use are not justifiable regulations, as this use is no more intense or impactful than hair salons, laundromats, and other uses considered as personal service establishments.

The proposed amendment benefits the citizens of New Orleans as a whole.

This standard is met. The proposed text amendment would benefit the citizens of the City as a whole; in permitting a greater diversity of non-residential uses in areas where personal service establishments are allowed. As demonstrated in ZD049-19 and ZD067-20, there is a demand by tattooing businesses to enter the New Orleans market in many areas of the city. Allowing

more areas of the city for these businesses to open can support greater opportunities for a creative arts business in New Orleans.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. The proposed amendment would not disallow tattoo parlors in any zoning district where they are currently allowed, so there would be no non-conformities that result. This amendment instead gets ahead of piecemeal amendments that could create uneven treatment and regulation of tattoo parlors throughout the city.

IV. SUMMARY

ZD093-20 is a request for a text amendment to amend the definition of “tattoo parlor” and consider modifying the definition of “personal service establishment” to include tattoo parlor, removing “tattoo parlor” as a separate use if necessary. Or, should staff find that tattoo parlor should remain a separate use from the personal service establishments category, consider adding the use to permitted and conditional use tables in appropriate districts. Staff should also review other references to tattoo parlor in the CZO, specifically in Article 18: Overlay Zoning Districts, and make recommendations based on consistency.

Staff’s analysis found that the proposed text amendment appropriately applies a needed policy change regarding the regulation of tattoo parlors. This policy change is reflected in the approvals of ZD049-19 and ZD067-20, in which staff recommended that a comprehensive change, rather than piecemeal amendments to individual zoning districts, be applied. This text amendment matches the tattoo parlor use with those other uses of similar intensity and purpose defined as personal service establishments. Through this amendment, a greater diversity of low-intensity small businesses can be supported in appropriate areas throughout the city.

V. PRELIMINARY STAFF RECOMMENDATION

Staff recommends MODIFIED APPROVAL of Zoning Docket

093/20 Article 26

Personal Service Establishment. An establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, **tattoo parlors**, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishments do not include any adult uses.

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Permitted and Conditional Uses.

Table 10-1 Permitted and Conditional Uses	
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Table 15-1 Permitted and Conditional Uses					
USE	C-1	C-2	C-3	MU-1	MU-2
[...] COMMERICAL USE [...] Stadium					
Tattoo Parlor INDUSTRIAL USE [...]	P	P	P	P	P

Overlay Districts

Article 18, Section 18.11. AC-3 Arts and Culture Diversity Overlay District

Article 18, Section 18.11.B.1. Permitted Uses

In addition to all uses authorized in the base district, the following uses are allowed as permitted uses subject to the use standards of Article 20 and Paragraphs C below.

- a. Art Galleries and Arts Studios, without limitations as to size
- b. Community Center

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- d. Public Market
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Article 18, Section 18.6. St. Charles Avenue Use Restriction Overlay District
Article 18, Section 18.6.B Use Restrictions

The following uses are prohibited:

- 1. Car Wash
- 2. New Drive-Through Facility
- 3. New Restaurant, Fast Food
- 4. Gas Station
- 5. Motor Vehicle Service & Repair, Minor or Major
- 6. ~~Tattoo Parlor~~

VI. REASON FOR RECOMMENDATION

- 1. The proposed text amendment would group the tattoo parlor use within the personal service establishment uses, which have similar levels of intensity and use type.
- 2. There have been two recent text amendment requests resulting in the allowance of tattoo parlors in two additional zoning districts, reflecting a change in policy regarding tattoo parlors. ZD093-20 comprehensively addresses the appropriateness of the tattoo parlor use and applies the policy change in appropriate areas citywide.
- 3. The text amendment reflects a change in policy upheld in other approved text amendments that restrictive regulations on tattoo parlors are no longer justifiable.

VII. CITY PLANNING COMMISSION MEETING (December 8, 2020)

The City Planning Commission hosted a virtual meeting through Zoom. Staff explained the reasons for the recommendation of modified approval as a way to fully address the policy change needed regarding the regulation of tattoo parlors. There were no speakers for the text amendment and there were no questions from the commissioners. Commissioner Witry made the motion to accept staff's recommendation for modified approval. The motion was seconded by Commissioner Brown and unanimously approved.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 093/20 IS HEREBY RECOMMENDED FOR **MODIFIED APPROVAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Flick, Lunn, Marshall, Mobley, Steeg, Stewart, Wedberg, Witry

NAYS: None

ABSENT: None

VII. REASONS FOR RECOMMENDATION







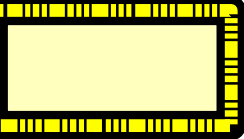
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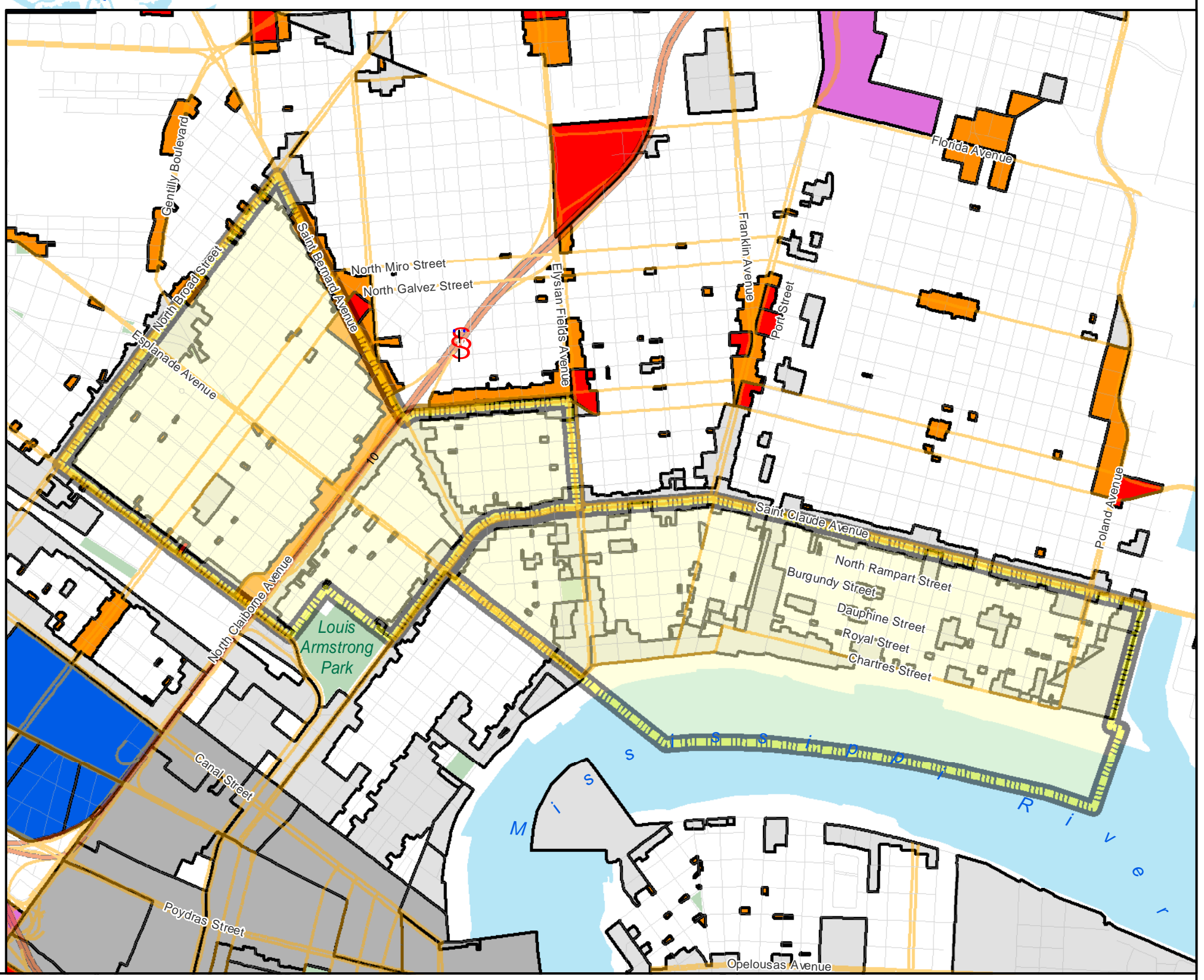
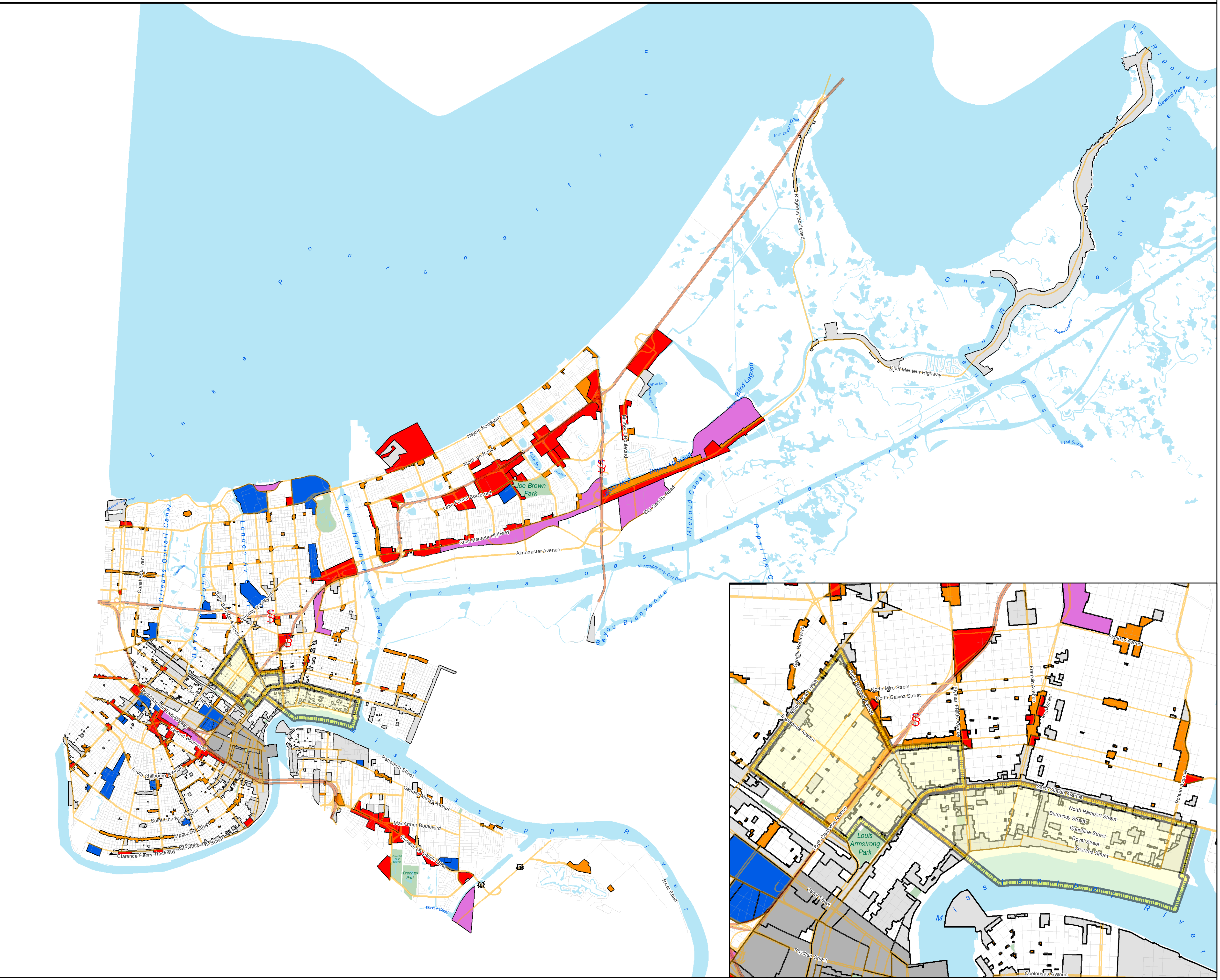
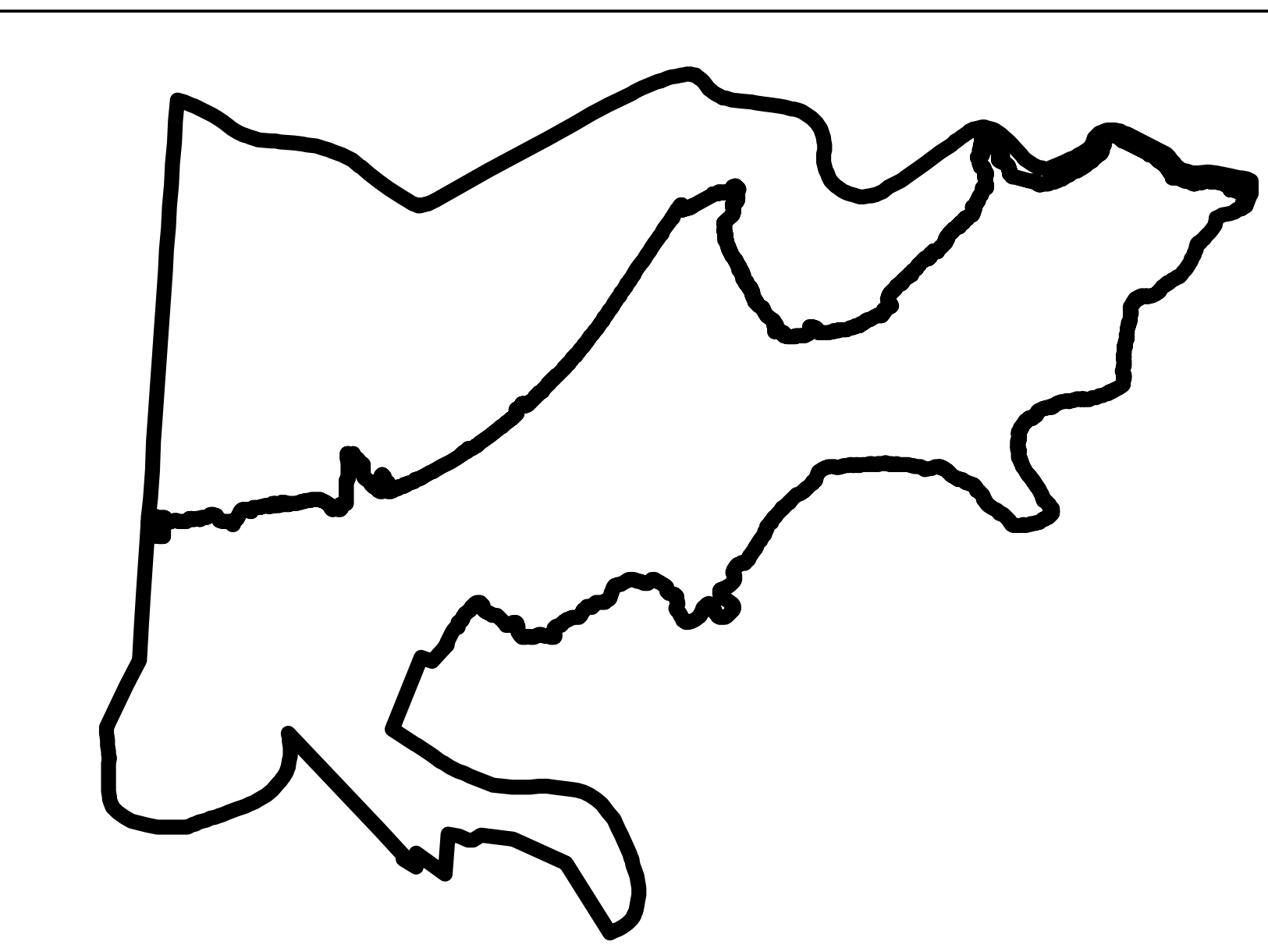


ZD093-20 Zoning Districts allowing Personal Service Establishments (Permitted)

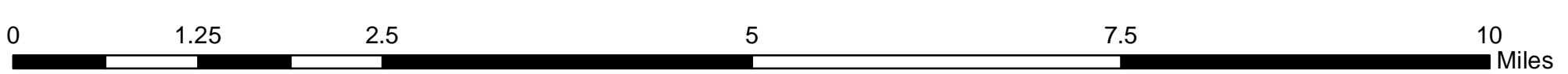
Legend

Permitted in

-  Central Business Districts (CBD-1; CBD-2; CBD-3; CBD-4; CBD-5; CBD-6; CBD-7)
-  Historic Urban and Suburban Non-Residential Districts (HU-B1; HU-B1A; S-B1; S-B2; S-LB1; S-LB2)
-  Commercial Districts (C-1; C-2; C-3; S-LC)
-  Mixed-Use Districts (HMC-1; HMC-1; HMC-2; HMLI; HU-MU; M-MU; MU-1; MU-2; S-LM; S-MU; VCC-1; VCC-2; VCE; VCE-1; VCS; VCS-1)
-  Institutional Campus Districts (EC; LS; MC; MS)
-  Business Industrial Park District (BIP)
-  RDO-1 Residential Diversity Overlay District', 'RDO-2 Residential Diversity Overlay District



DISCLAIMER: The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions.



Map Prepared on: Monday, November 23, 2020 for the City of New Orleans | City Planning Commission by CNO | IT Innovation | eGIS Division

MOTION

NO. M-20-360

CITY HALL: October 15, 2020

BY: COUNCILMEMBERS BANKS AND WILLIAMS

WHEREAS, The City of New Orleans has long been known for fostering a wide variety of creative industries and supporting the local artists who make up the rich tapestry of our cultural economy; and

WHEREAS, Application requests for tattoo parlors have steadily increased, while the zoning limitations on them have not significantly changed, making it clear that long-held biases and cultural taboos are shifting, and the CZO should be updated to reflect less discrimination and more equity; and

WHEREAS, Small neighborhood businesses are vital to the success of our communities, and tattoo parlors are comparable in intensity to other permitted commercial uses, including art gallery, financial institution, and personal service establishment, and less intense than permitted uses such as grocery store, standard restaurant, and retail goods establishment; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider amendments to Ordinance No. M.C.S. 4264, amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend the definition of "tattoo parlor" and consider modifying the definition of "personal service establishment" to include tattoo parlor, removing "tattoo parlor" as a separate use if necessary. Or, should staff find that tattoo parlor should remain a separate use from the personal service establishments category, consider

adding the use to permitted and conditional use tables in appropriate districts. Staff should also review other references to tattoo parlor in the CZO, specifically in Article 18: Overlay Zoning Districts, and make recommendations based on consistency.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of studying and reviewing the proposed request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes relative to this request to ensure consistency and continuity and to make needed and/or appropriate adjustments deemed necessary stemming from the study and review of this request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7

NAYS: 0

ABSENT: 0

IT IS THE FOREGOING IS CERTIFIED
BY THE CLERK OF COUNCIL
J. U. e
CLERK OF COUNCIL

AND THE MOTION WAS ADOPTED.

g:\docs\cecil\council\motions\2020\10-15\m-360.docx