



City of Annapolis
DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

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December 16, 2019

MEMORANDUM

To: Planning Commission
From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning
Re: Ordinance O-28-19: Tattoo Parlor
Encl: O-28-19

Purpose

This ordinance explicitly identifies “tattoo parlors” as a permitted use in two zoning districts—the Business Enhancement District (BCE) and the Mixed Use District (MX).

Analysis

The BCE District is located primarily on Upper West Street and MX is located along inner West Street and includes the Arts District. The purpose of the BCE District is “to increase commercial and certain residential opportunities and to promote and encourage mixed use while protecting the aesthetic and visual character of lands adjacent to the major business corridors by encouraging and better articulating positive commercial and certain residential design guidelines along commercial corridors, protecting adjacent uses from the impacts of commercial development, and providing for the safe and efficient use of adjacent roadway corridors” (City Code Section 21.42.060).

The purpose of the MX District is “to encourage a mixture of residential, office and retail uses within the inner West Street corridor compatible with each other and with surrounding areas (City Code Section 21.44.030).

Currently, tattoo parlors are allowed as “personal care establishments.” This use is defined as: an establishment providing services for the customary comfort, convenience or care of individuals. The term “personal care establishment” includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios. This use is permitted in all commercial districts (see Section 21.48.020) and most of the City’s four office and mixed use districts (see Section 21.48.030). The effect of this ordinance would be to limit the locations where tattoo parlors are permitted.

Report Prepared by

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Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning

1 ..Title

2 **Tattoo Parlor**-- For the purpose of including the use Tattoo Parlor to the Tables of Permitted Uses
3 for certain zoning districts.

4 ..Body

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CITY COUNCIL OF THE

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City of Annapolis

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Ordinance 28-19

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Introduced by: Alderwoman Tierney

11

12 **Referred to**

13 **Planning Commission**

14 **Rules and City Government Committee**

15

16 **AN ORDINANCE** concerning

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18

Tattoo Parlor

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20 **FOR** the purpose of including the use Tattoo Parlor to the Tables of Permitted Uses for certain
21 zoning districts.

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23 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
24 of Annapolis, 2019 Edition

25 21.48.020

26 21.48.030

27 21.66.130

28 21.72.010

29

30 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
31 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

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33 **Title 21 – PLANNING AND ZONING**

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35 **Chapter 21.48 - USE TABLES**

36

37 **Section 21.48.020 Table of Uses—Commercial and Industrial Zoning Districts.**

38

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
TATTOO PARLOR					P					

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REVISOR’S NOTE: In this section, the use “Tattoo Parlor” is added to the 21.48.020

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Table of Uses.

No other changes are made.

Section 21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.

Uses	District P	District MX	District PM	District C2P
TATTOO PARLOR		P		

REVISOR’S NOTE: In this section, the use “Tattoo Parlor” is added to the 21.48.030 Table of Uses.

No other changes are made.

Chapter 21.66 - PARKING AND LOADING REGULATIONS

Section 21.66.130 - Table of off-street parking requirements.

Use	Standard	Additional Provisions
Retail Uses		
Department stores	One space per two hundred square feet.	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Food stores	One space per two hundred square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Retail goods stores	One space per two hundred square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Personal fitness studios	One space per two employees, plus one space per five students.	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.

Specialty convenience retail goods stores	One space per two hundred feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Supermarkets	One space per two hundred square feet	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Theaters, indoor	MX district: 30 percent of the maximum seating capacity. Other districts: one space per six seats up to 400 seats, plus one space for each four seats above 400.	
TATTOO PARLOR	ONE SPACE PER TWO HUNDRED SQUARE FEET	
Undertaking establishments and funeral parlors	Eight spaces per chapel or parlor, plus one space per funeral vehicle.	
Veterinarian offices	Two spaces per employee.	
Warehousing, storage and distribution facilities, including moving and storage establishments	One space per three employees.	
Barns, stables and kennels for the sheltering, breeding, hiring, or selling of an animal and for storage of crops raised on the premises	Number of spaces to be determined through the use and site development plan approval process.	
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities	Number of spaces to be determined through the use and site development plan approval process.	

Farming or nurseries, including truck gardening, grazing of livestock, and other similar activities if the use does not change the stability of the land	Number of spaces to be determined through the use and site development plan approval process.	
Golf courses	Number of spaces to be determined through the use and site development plan approval process.	
Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed twenty percent of the site and the structures are not located in the natural drainage system	Number of spaces to be determined through the use and site development plan approval process.	
Number of spaces to be determined through the use and site development plan approval process.	Number of spaces to be determined through the use and site development plan approval process.	
Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises	Number of spaces to be determined through the use and site development plan approval process.	

REVISOR'S NOTE: In this section, the standard for the use "Tattoo Parlor" is added to the 21.66.130 - Table of off-street parking requirements under "Retail uses".

No other changes are made.

Chapter 21.72 - TERMS AND DEFINITIONS

Section 21.72.010 - Terms.

A. Construction. In the construction of this Zoning Code, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

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1 B. Definitions. Except as provided for elsewhere in this Zoning Code, terms used in this Zoning
2 Code shall have the definition provided in any standard dictionary, unless specifically defined
3 below or in any other provision of this Zoning Code.
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5 C. Generic Definitions.
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- 7 1. Purpose of Generic Definitions. Certain terms in this chapter are defined to be inclusive
8 of many uses in order to eliminate overly detailed listings of uses in the zoning districts
9 established by this title. These terms are referred to in this title as "generic" definitions.
10 Examples of generic definitions used in this title are "retail goods establishment,"
11 "amusement establishment" and "light manufacturing."
12 2. Components of Generic Definitions. A generic definition has three components: (1) a
13 brief listing of examples of uses intended to be included within the scope of the definition;
14 (2) an identification (where appropriate) of certain uses which are not meant to be
15 included by the term; and (3) a statement that for the purposes of each zoning district, any
16 other uses specifically listed within the particular zoning district shall not be construed as
17 falling within the generic definition.
18 3. Uses Not Listed or Not Within Scope of Generic Definition. A use which is not
19 specifically listed in a zoning district, or which does not fall within a generic definition
20 as defined in this chapter, or as interpreted by the Director of Planning and Zoning
21 pursuant to Chapter 21.16 is prohibited.
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23 D. Terms.
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25 "TATTOO PARLOR" MEANS A PLACE IN WHICH IS OFFERED OR PRACTICED THE
26 PLACING OF DESIGNS, LETTERS, SCROLLS, FIGURES, SYMBOLS OR ANY OTHER
27 MARKS UPON OR UNDER THE SKIN OF A PERSON WITH INK OR ANY OTHER
28 SUBSTANCE, RESULTING IN THE PERMANENT COLORATION OF THE SKIN, BY THE
29 AID OF NEEDLES OR ANY OTHER INSTRUMENT DESIGNED TO TOUCH OR
30 PUNCTURE THE SKIN.
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32 REVISOR'S NOTE: In this section, "Tattoo Parlor" is added to provide an express
33 definition of that term.
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35 No other changes are made.
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38 **SECTION II: AND BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
39 **COUNCIL** that the Revisor's Notes contained in this Ordinance are not law and may not be
40 considered to have been enacted as a part of this Ordinance.
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43 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
44 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.
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Explanation:

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.



FISCAL IMPACT NOTE

Resolution: O-28-19

Title: Tattoo Parlor

Date: November 13, 2019

This ordinance adds Tattoo Parlors as a permitted use in BCE and MX zoned districts. It could result in additional permit fees for the City; however, we cannot estimate the impact at this time.

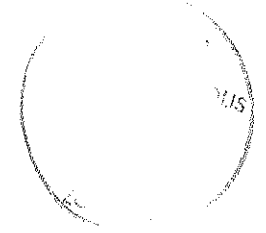
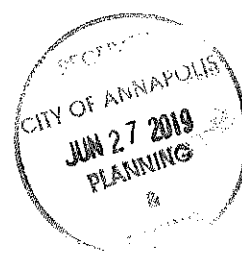
Prepared by Jodee Dickinson, Finance Director



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June 21, 2019

Dr. Sally Nash
Acting Director, Planning and Zoning Department
City of Annapolis
145 Gorman Street, 3rd Floor
Annapolis, MD 21401

Dear Dr. Nash:

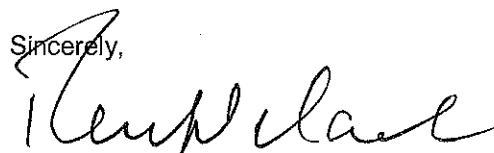
It is our understanding that for over 30 years, the City of Annapolis Planning and Zoning Department has prohibited adult entertainment, gun shops and tattoo shops as they are not a recognized use in any zoning district. However, it has come to our attention that the past Planning and Zoning Director revised this policy and made a determination (prior to his departure from the City) that a tattoo shop fits within the category of "personal care establishment." We have also been informed that the public, including the Ward One Residence Association, and immediate, adjacent neighbors have not had an opportunity to comment on this revised policy decision.

While the Historic Preservation Commission does not consider 'use' in their deliberations, we call to your attention the purpose of the Commission, which is to protect the historic character of the Annapolis Historic District.

The Annapolis Historic District was designated a National Historic Landmark in 1965 because of its "exceptional value or quality in illustrating or interpreting the heritage of the United States." This is the highest recognition that an historic district can be granted. Historic Annapolis works hand in hand with the City to protect the character and investment of historic properties in the District. The Department of Interior's Guidelines for Historic Properties speak to the desire to provide that protection by promoting traditional uses of properties. Altering the use of a property to this degree risks the historic integrity of the property itself, as well as the surrounding Ward One neighborhood.

While we support a diverse and vibrant district, we advocate for new uses that complement one another. A tattoo shop is not compatible with the Landmark District, nor does it contribute to the cultural heritage of Annapolis. Furthermore, a tattoo parlor in the Historic District could set an inappropriate precedent for other new uses that were historically prohibited, including gun shops and adult entertainment. The integrity of the Annapolis historic district depends on maintaining a standard of authenticity and faithfulness to the already vibrant history of the city.

We appreciate the opportunity to comment. If you would like to discuss this further, please feel free to contact me.

Sincerely,


Robert C. Clark
President and CEO

cc: Ward One Alderwoman Elly Tierney
Gary Elson, Assistant City Attorney
Kerry Berger, Acting City Attorney
Tom Smith, Chief of Current Planning
Jackie Wells, Ward One Residence Association