



Legislation Text

File #: 18-0235, Version: 1

Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 3-2 Entitled "Uses Permitted" To Add Tattoo Parlors to the Table of Uses Permitted

Background Statement:

The Use Table is located in Chapter 3 of the Zoning ordinance; tattoo parlors are currently a listed use; however, the Zoning Ordinance does not permit tattoo parlors in the Phoebus Business District (PH-1). PH-1 was established as a special mixed-use district in the core of Phoebus intended to help implement the recommendations of the Phoebus Master Plan (2007, as amended). PH-1 was specifically adopted along Mellen and Mallory Streets, bounded by Mercury Boulevard to the east and Interstate 64 to the west.

Tattoo parlors are a permitted use in several other districts with an approved use permit. Those districts include: Limited Commercial (C-2) District, General Commercial (C-3) District, and Light Manufacturing (M-2) District. If approved, this amendment would add tattoo parlors to the Phoebus Business District (PH-1) in the use table as an allowable use with an approved use permit. The use permit process allows staff, Planning Commission, and City Council an opportunity to review individual applications and identify appropriate conditions to be attached to the application to mitigate potential adverse impacts to adjacent properties.

The initial conversations regarding tattoo parlors in the PH-1 District dates back to 2014-2015 when staff was creating a special zoning district for Phoebus, the PH-1 District. PH-1 was adopted by City Council on October 14, 2015 to implement the Phoebus Master Plan (2013, as amended). The Master Plan recommends Mellen and Mallory Streets develop into a mixed use regional attraction with a concentration of "specialty shops that focus on antiques, arts, and design". In conjunction with the PH-1 district, a new arts and cultural district for Phoebus was established in the city code for "businesses and non-profit organizations that offer theatre, dance, music, and creative arts/work for unique production." As part of the zoning ordinance and city code amendment process, staff engaged the Partnership for a New Phoebus and the Phoebus community regarding the types of uses they would support in the PH-1 District, one of them being tattoo parlors. The Partnership was not supportive of allowing tattoo parlors in the PH-1 District at that time, which was prior to much of the new investment on Mellen Street and trajectory of the district was not as strong. Therefore, tattoo parlors were not included in the newly created PH-1 District.

The discussion about allowing tattoo parlors in the PH-1 District was reignited in late 2017. A business owner of a tattoo parlor in Norfolk and VA Beach approached the City with a proposal to open a tattoo parlor in Phoebus on Mellen Street. The investor was informed that tattoo parlors were not permitted. City staff recommended that the owner contact the Partnership to see if there was support for having tattoo parlors in Phoebus. The Partnership met with the business owner and reached out to City staff to understand the situation. The Partnership decided it was open to the possibility of tattoo parlors in Phoebus but wanted to have a meeting that included more members of the Phoebus community to obtain their input.

City staff and the Partnership hosted a community meeting on Wednesday, May 2, 2018, to obtain feedback from the Phoebus community on the potential for permitting tattoo parlors with a use permit in the commercial core of Phoebus. At the meeting, attendees had the opportunity to vote whether or not they supported an amendment to the Zoning Ordinance to allow for tattoo parlors in PH-1, with an approved use permit. The voting outcome is as follows:

There were 30 people that attended the meeting; 25 people voted.
16 of 25 voted "YES" (1 letter of support was received, bringing the total to 17)
9 of 25 voted "NO" (1 letter of opposition was received, bringing the total to 10)

Included in this package is a letter of support from the Partnership for amending the Zoning Ordinance to allow tattoo parlors in the PH-1 Zoning District, subject to an approved use permit. Based on the community meeting results and support from the Partnership, staff is proposing a zoning ordinance amendment to the PH-1 Zoning District, which will list tattoo parlors as a permitted use with an approved use permit application. If City Council approves the zoning ordinance amendment, any applicant who wishes to open a tattoo parlor will be required to apply for a use permit. Approval of a use permit requires public hearings before the Planning Commission and City Council.

Approval of Zoning Ordinance Amendment 18-00003 would be consistent with the Phoebus Master Plan, (2013, as amended) because tattoo parlors would add to the existing specialty shops that focus on arts and design. This amendment also furthers the goals set forth in the Hampton Community Plan (2006, as amended) to update the Zoning Ordinance for consistency with the City's comprehensive and strategic area plans.

Recommendations:

Staff Recommendation:
Approve ZOA18-00003

Planning Commission Recommendation:
Approve ZOA18-00003

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED by the Council of the City of Hampton, Virginia that chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 3 - USES PERMITTED

...

Sec. 3-2. Table of uses permitted.

[See attached use table for changes.]

The attached Table, entitled, "TABLE OF USES PERMITTED - CITY OF HAMPTON ZONING ORDINANCE" is hereby declared to be a part of this ordinance as if fully set forth herein.