

April 30, 2018

To: His Worship the Mayor  
And Members of City Council

Re: Regina Planning Commission: Zoning Bylaw Amendment and Discretionary Use  
Application (17-Z-04/ 17-DU-09) Changes to Tattoo Parlour Regulations and Proposed  
Personal Service Establishment (tattoo studio) in MX- Mixed Residential Business Zone  
1817 Halifax Street

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RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION – APRIL 4, 2018**

1. That the application to amend *Regina Zoning Bylaw No. 9250*, be approved as follows:
  - a. Repeal the definition of Tattoo Parlour from Chapter 2.
  - b. Amend the definition of Personal Service Establishment in Chapter 2 by adding ‘tattoo studio’ as (f).
  - c. Repeal the land use of Tattoo Parlour from Table 5.2 and 5.3.
  - d. Repeal the land use of Tattoo Parlour from DCD-9 and DCD-13 in Chapter 9.
  - e. Amend 6D.3.14 (1) (a) in Chapter 6 as follows:

Personal services including barbershops, estheticians, hair stylists,  
physiotherapy, complementary and alternative health care, electrolysis,  
massage therapy, and tattoo application.
  - f. Repeal 6D.3.14 (2) (j)
  - g. Remove Tattoo Parlour from Appendix E: Uses Specifically Mentioned or Defined.
2. That the discretionary use application for a proposed Personal Service Establishment (tattoo studio) be approved, and that a Development Permit be issued subject to the following conditions:
  - a. The development shall generally be consistent with the plans attached to this report as Appendix A-3.1 to A-3.3 inclusive, prepared by Brad Dayton Drafting & Design, dated March 3, 2017, April 10, 2017.
  - b. The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective amendment to *Regina Zoning Bylaw No. 9250*.

*REGINA PLANNING COMMISSION – APRIL 4, 2018*

Jesse Exner, representing Blacksmith Art Studio, addressed the Commission.

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #4 does not require City Council approval.

Councillor Mike O'Donnell (Chairperson); Commissioners: David Bale, Frank Bojkovsky, Simon Kostic, Andre Kroeger, Robert Porter and Steve Tunison were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on April 4, 2018, considered the following report from the Administration:

### RECOMMENDATION

1. That the application to amend *Regina Zoning Bylaw No. 9250*, be approved as follows:
  - a. Repeal the definition of Tattoo Parlour from Chapter 2.
  - b. Amend the definition of Personal Service Establishment in Chapter 2 by adding 'tattoo studio' as (f).
  - c. Repeal the land use of Tattoo Parlour from Table 5.2 and 5.3.
  - d. Repeal the land use of Tattoo Parlour from DCD-9 and DCD-13 in Chapter 9.
  - e. Amend 6D.3.14 (1) (a) in Chapter 6 as follows:

Personal services including barbershops, estheticians, hair stylists, physiotherapy, complementary and alternative health care, electrolysis, massage therapy, and tattoo application.
  - f. Repeal 6D.3.14 (2) (j)
  - g. Remove Tattoo Parlour from Appendix E: Uses Specifically Mentioned or Defined.
2. That the discretionary use application for a proposed Personal Service Establishment (tattoo studio) be approved, and that a Development Permit be issued subject to the following conditions:
  - a. The development shall generally be consistent with the plans attached to this report as Appendix A-3.1 to A-3.3 inclusive, prepared by Brad Dayton Drafting & Design, dated March 3, 2017, April 10, 2017.
  - b. The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective amendment to *Regina Zoning Bylaw No. 9250*.
4. That this report be forwarded to the April 30, 2018 meeting of City Council for approval, which will allow sufficient time for advertising the required public notices for the

respective bylaws.

## CONCLUSION

An application for a *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) amendment has been submitted to remove reference to a Tattoo Parlor as a defined land use and to consider a tattoo studio within the Personal Service Establishment land use category. A Discretionary Use application has also been submitted for the consideration of a Personal Service Establishment (tattoo studio) at 1817 Halifax Street. Both the Zoning Bylaw amendment and Discretionary Use applications are a result of a site inspection that confirmed that a Tattoo Parlour had been operating in an unauthorized location.

The proposed Zoning Bylaw amendment would effectively allow a tattoo studio to operate wherever a Personal Service Establishment may operate, such as a hair stylist, massage therapist, or dry cleaner. This includes provision for a tattooist to operate a Residential Business. The Administration's recommendation is supported by *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) policy, positive feedback from the public and experiences with the current regulation.

The related Discretionary Use application for a Personal Service Establishment (tattoo studio) at 1817 Halifax Street conforms to all applicable regulations and is compatible with surroundings. No concerns were raised by the community in response to the public notice of this application.

Accordingly, the Administration supports the recommendations contained within this report.

## BACKGROUND

In November 2016, a City building inspector attended the property at 1817 Halifax Street and noticed that there was a Tattoo Parlour operating at this address. It was subsequently confirmed that a Tattoo Parlour was a prohibited use at this location. The Administration notified the property owner, who opted to propose to amend the Zoning Bylaw to allow for the use to continue at this location. An application was received for a Zoning Bylaw amendment and a Discretionary Use to accommodate a Tattoo Parlour at this location in April 2017.

The Administration circulated a Zoning Bylaw amendment application, which proposed to add "Tattoo Parlour" as a permitted land use in the MX – Mixed Residential Business Zone. After analysis of the feedback collected from the review, the Administration opted to assess a different approach for the accommodation of Tattoo Parlours in the Zoning Bylaw, which is reflected in this report.

This application is being considered pursuant to the Zoning Bylaw, OCP, and *The Planning and Development Act, 2007* (Act).

Pursuant to subsection 56(3) of the Act, Council may establish conditions for discretionary uses based on; nature of the proposal (e.g. site, size, shape and arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking and loading), but not including the colour,

texture or type of materials and architectural details.

## DISCUSSION

### Zoning Bylaw Amendment Proposal

The Zoning Bylaw defines Tattoo Parlour as an establishment that provides tattoo application services. The land use is a Permitted Use in the following zones:

- MAC and MAC3- Major Arterial Commercial Zone;
- DSC - Designated Shopping Centre Zone;
- D - Downtown Zone;
- DCD-9 and DCD-13 – Direct Control Districts;
- IA and IA1 - Light Industrial Zone;
- IB and IB1 - Medium Industrial Zone; and
- WH - Warehouse Districts.

There are no zones in which a Tattoo Parlour is a Discretionary Use. Tattoo Parlours are prohibited in all other zones in the city and are currently prohibited as Residential Businesses.

An application has been received for an amendment to the Zoning Bylaw that would allow a Tattoo Parlour as a discretionary use in MX - Mixed Residential Business Zone. After review of the proposal the Administration is recommending two key changes in the proposed amendment:

1. The proposed change to the Zoning Bylaw would remove Tattoo Parlour as a defined land use. Tattoo Parlours would then be considered as tattoo studios under the Personal Service Establishment land use category, which includes other establishments such as barbershops, beauty shops, tailor shops, laundry or dry cleaning shops and shoe repair shops. Personal Service Establishments are allowed in a variety of commercial area such as smaller local or neighbourhood commercial areas. The change in terminology from Tattoo Parlor to tattoo studio is preferred as this provides consistency with other establishments operated by various artists.
2. The proposed Zoning Bylaw amendment would allow a tattooist to operate under the Residential Business regulations. Currently other Personal Service Establishments including barbers, estheticians, hair stylists, physiotherapy, complementary and alternative health care, electrolysis and massage therapy are permitted as a Residential Business in residential zones, while tattooists are listed in the Zoning Bylaw as prohibited. A Residential Business is permitted in any residential premises, subject to regulations established by the Zoning Bylaw.

### Tattoo Studios as Personal Service Establishments

The proposed amendment to consider a tattoo studio as Personal Service Establishment will allow opportunities for tattoo artists to establish their practice in more locations than currently allowed. Currently tattooists operating in the city are limited to major commercial areas, such as properties within the MAC – Major Arterial Commercial Zone or the DSC - Designated

Shopping Centre Zone, as well as light and medium industrial zones. If successful, this Zoning Bylaw amendment would accommodate tattoo studios as Personal Service Establishments, which are allowed in a wider variety of commercial zones, such as in smaller local and neighbourhood commercial zones. Maps illustrating before and after the proposed change in the Zoning Bylaw are attached as Appendix A-1 and A-2.

Tattoo Parlour was added to the Zoning Bylaw in 2001 to clarify the locations where these establishments could be located. Since this time, tattoos have become largely accepted as mainstream and establishments providing the service have become ubiquitous. More than 80 per cent of the public comments were in support of this proposed change. A detailed discussion on public comments is presented under communication section and Appendix B of the report. Furthermore, the City has received only three service requests within the past five years related to Tattoo Parlours. The City required one Tattoo Parlour to move from a non-permitted location as a result.

Tattoo studios as Personal Service Establishments are compatible for a variety of reasons:

- Tattoo studios are similar to other Personal Service Establishments in terms of operation. It is a one on one service provider, similar to a barber, esthetician, or massage therapist.
- Traffic and parking impact should be of less concern than other Personal Service Establishments as it normally takes a longer time to deliver the service than other personal services such as hair dressing, shoe repair, tailoring, laundry and dry cleaning. A tattoo studio would produce less come and go traffic.
- Tattoo artists are not different than any other artists in terms of skill and occupation.

#### Tattooist as Residential Businesses

As a Residential Business, a tattooist would be allowed to practice within their homes, subject to existing regulations in the Zoning Bylaw and *The Licensing Bylaw 2006-86*. Regulations generally stipulate that the Residential Business cannot publish the address of the business within any media, is limited to 25 per cent of the gross floor area of the dwelling, signs are prohibited at the residence, no merchandise shall be displayed or sold on the premise and only the inhabitant of the dwelling could practice within the space. The purpose of the regulations is to ensure the primacy of the residence as the land use on the property and to ensure that all patrons are by appointment only.

#### Discretionary Use Application for Personal Service Establishment at 1817 Halifax Street

The property on 1817 Halifax Street is currently used as a residential property and an unauthorized Tattoo Parlour. Subject to City Council's approval of the related Zoning Bylaw amendment, the tattoo studio is proposed to be accommodated as a Personal Service Establishment, which is a Discretionary Use in the MX-Mixed Residential Business Zone.

The proposed tattoo studio would not fall under Residential Business category. A Residential Business is allowed within the MX – Mixed Residential Business Zone however the maximum allowed area for a Residential Business is 25 per cent of the gross floor area of the building. The

proposed tattoo studio exceeds the 25 per cent. Therefore, Discretionary Use approval is required for operation of a tattoo studio as a Personal Service Establishment on the subject property.

The land use and zoning related details are summarized in the following table:

<b>Land Use Details</b>	<b>Existing</b>	<b>Proposed</b>
Zoning	MX- Mixed Business Residential	MX- Mixed Business Residential
Land Use	Dwelling Unit/ Tattoo Parlour (unauthorized)	Personal Service Establishment and Dwelling Unit
Building Area	105.34 m <sup>2</sup>	105.34 m <sup>2</sup>

  

<b>Zoning Analysis</b>	<b>Required</b>	<b>Proposed</b>
Number of Parking Stalls Required	2 (1 for dwelling and 1 for Personal Service Establishment)	2
Minimum Lot Area (m <sup>2</sup> )	250	290.31
Minimum Lot Frontage (m)	6	7.62
Maximum Building Height (m)	15	5.39
Maximum Floor Area Ratio	3.0	0.67
Maximum Coverage (%)	65%	36.29%

The Personal Service Establishment would be 64.1 m<sup>2</sup> in area which equates to approximately 61 per cent of the total building area. Attached plans as appendices (A-3.1-3.3) are presented for approval of the Discretionary Use application to operate the Personal Service Establishment (tattoo studio) from 1817 Halifax Street location.

The surrounding land uses are parking lots to east, south and west of the property. A Recreational Service Facility (Kung Fu Centre) is on the north side.

### RECOMMENDATION IMPLICATIONS

#### Financial Implications

Allowing Tattoo studios to be included as a Personal Service Establishment, and thus the ability to operate as a residential business will generate revenue from business licence fees. The fee is \$225.00 annually. Approximately twenty inquiries for residential business licences from tattoo artists are received each year. Any revenue generated would be offset by the cost of administering and regulating the activity.

#### Environmental Implications

None with respect to this report.

## Policy/Strategic Implications

The proposal relates to the policies contained within Part A of the OCP with respect to:

### Section D5: Land Use and Built Environment

Goal 1 – Complete Neighborhoods: Enable the development of complete neighborhoods

- 7.1 Require that new neighborhood, new mixed-use neighbourhoods, intensification areas and built or approved neighbourhoods are planned and developed to include the following:

- 7.1.10 Convenient access to areas of employment.

Goal 4 – Employment Areas: Provide appropriate locations and development opportunities for a full range of industrial, commercial and institutional activities.

- 7.16 Encourage local commercials within residential areas.

### Section D9: Health and Safety

Goal 1 – Safety and Urban Planning: Improve overall health of public through urban planning.

- 11.2 Collaborate with stakeholders to ensure long-term health and safety of Regina's residents by:

- 11.2.4. Evaluating the potential health effects of a planned development or project in partnership with the health region, where appropriate.

### Section D10: Economic Development

Goal 3 – Economic Generators: Cultivate entrepreneurship and support economic generators.

- 12.7 Encourage innovative options to support and incubate new entrepreneurs and commercial ventures:

- 12.7.3 Consider the inclusion of live/work spaces, studios spaces and cultural facilities in new and renovated developments.

- 12.7.4. Collaborate with stakeholders to create opportunities for all residents to participate in the labour force.

## Other Implications (Public Health)

Personal service facilities, including tattoo studios, are regulated by Saskatchewan Health Authority (SHA) under the *Public Health Act, 1994* and the Health Hazard Regulations. SHA ensures personal service facilities are operated in a hygienic manner and in a manner that prevents or minimizes the risk of transmission of disease to clients and/or individuals providing

personal services. Annual inspections are conducted due to the invasive nature of the art. The City would not be responsible for overseeing these matters. SHA has confirmed that tattoo applications would be of no public safety risk if operated from a residence.

At the time of report preparation, the SHA indicated they are working with the applicant to ensure the Personal Service Establishment (tattoo studio) at 1817 Halifax is in compliance with applicable health regulations. The Administration will send a copy of the decision to SHA.

### Accessibility Implications

Any new tattoo studio as a Personal Service Establishment would be required to conform to any accessibility standards, including but not limited building standards and accessible parking standards.

### COMMUNICATIONS

Communication with the public is summarized as follows:

As the proposed Zoning Bylaw amendment pertains to the entire city and not a local area, the Administration used social media to advise the general community about the amendment and to seek feedback through its website. Comments received were in response to the recirculated application. The City received 120 responses before the deadline. A detailed account of the comments and Administration's response is provided in Appendix B of this report.

Public notice published in City social media outlets	Nov 14, 2017 – Dec 6, 2017
Will be published in the <i>Leader-Post</i>	April 14, 2018 April 21, 2018

Communication with the public regarding the Discretionary Use followed the standard process for circulation (75 m radius from the subject property) and is summarized as follows:

Public notification signage posted on	November 6, 2017
Letter sent to immediate property owners ( for discretionary use application portion)	November 9, 2017
Public Open House Held	N/A
Number of Public Comments Sheets Received	0

There were no public comments received on the Discretionary Use application.

This Discretionary Use application was circulated to the Heritage Community Association, who responded with the support on the proposal.



The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION

*Elaine Gohlke*

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Elaine Gohlke, Secretary