



Memorandum

DATE: May 3, 2022
TO: Honorable Mayor & City Council
FROM: David Downs, Chair, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of May 2, 2022

AGENDA ITEM NO. 3 – ZONING CASE 2022-004
APPLICANT: CITY OF PLANO

Request to amend Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-Specific Regulations) and related sections of the Zoning Ordinance pertaining to the Tattooing and Permanent (or Intradermal) Cosmetics and related land uses in the Downtown Business/Government (BG) zoning district. Project #ZC2022-004.

APPROVED: 7-0

Speaker Card(s) Received	Support: <u>3</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Letters Received Within 200' Notice Area:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>1</u>	Neutral: <u>0</u>

RESULTS:

The Commission recommended approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Body Piercing	Service	37	37	37	37	37		37	37	37	37	37	37	37	37	
Tattooing and Permanent Cosmetics	Service		37	37	37	37	37	37	37	37	37	37	37	37	37	

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such portion of section to read as follows:

Number	End Note
37	Permitted as an accessory use to a personal service shop and allowed in districts where that use is permitted; allowed by specific use permit as a primary use in the R, CC, LC, LI-1, and LI-2 districts. See Sec. 15.1500.

Amend Section 15.1500 (Tattooing, Permanent Cosmetics, and Body Piercing) of Article 15 (Use-specific Regulations), such section to read as follows:

- .1 Facilities that offer tattooing, permanent, or intradermal cosmetic services and body piercing must be licensed by the State of Texas and must meet all environmental health requirements of the City of Plano.
- .2 Tattooing, permanent cosmetics, and body piercing may be practiced as an accessory use to a personal service shop.
- .3 ~~Tattooing, permanent cosmetics, and body piercing may be allowed, if and where granted a specific use permit, as a primary use in the Retail (R), Corridor Commercial (CC), Light Commercial (LC), Light Industrial-1 (LI-1), and Light Industrial-2 (LI-2) districts, if the following requirement is met:~~
 - A. ~~As a primary use requiring a specific use permit, a~~ A facility offering these services shall be prohibited within 1,000 feet of any religious facility, residentially-zoned district, or public or parochial school.
 - i. The distance shall be measured in a straight line from the front door of the facility to the nearest property line of the religious facility, public or parochial school, or to the closest residential district boundary line.

- ii. The 1,000-foot distance requirement may be reduced to 300 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

.4 Tattooing, permanent cosmetics, and body piercing are allowed as a primary use in the Downtown Business/Government (BG) district if the following requirements are met:

A. The location is within the boundaries of the Downtown Heritage District (HD-26), as amended, subject to:

- i. A maximum of two (2) establishments with one or both of the following uses: tattooing and permanent cosmetics, or body piercing, are permitted by right within HD-26.
- ii. Additional establishments with one or both of the following uses: tattooing and permanent cosmetics, or body piercing, in excess of those permitted by right, may be allowed by specific use permit, if and where granted a specific use permit.

B. Tattooing and permanent cosmetics, and body piercing uses may be allowed as primary uses, if and where granted a specific use permit, in all other areas of the BG district.

To view the hearing, please click on the provided link: <https://planotx.swagit.com/play/05032022-530/6/>

GG/kob

cc: Eric Hill, Senior Planning Manager
Christina Sebastian, Lands Records Planning Manager
Melissa Spriegel, Lead Planner
Glenn Greer, Planner
Cassidy Exum, GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Property Standards

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 2, 2022

Agenda Item No. 3

Public Hearing: Zoning Case 2022-004

Applicant: City of Plano

DESCRIPTION:

Request to amend Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-Specific Regulations), and related sections of the Zoning Ordinance pertaining to Tattooing and Permanent (or Intradermal) Cosmetics and related land uses in the Downtown Business/Government (BG) zoning district. Project #ZC2022-004.

SUMMARY:

The purpose of this request is to amend sections of the Zoning Ordinance pertaining to Tattooing and Permanent Cosmetics and related uses in the Downtown Business/Government zoning district. This amendment is in conformance with the Comprehensive Plan and responds to a request by a business owner. It allows greater flexibility for land uses, while providing means to consider the appropriateness of individual locations within BG. For these reasons, staff recommends approval.

REMARKS:

Following a request by a business owner made at the February 7, 2022, Planning & Zoning Commission meeting, the Commission called a public hearing on [March 21, 2022](#), to consider amending the Zoning Ordinance to allow tattooing and permanent cosmetics and related land uses as a primary use in the Downtown Business/Government (BG) zoning district. Draft standards were later discussed by the Commission at the [April 18, 2022, meeting](#).

Downtown Business/Government (BG) Zoning District

The Downtown Business/Government (BG) district is intended to serve as a pedestrian-oriented center for retail, office, governmental, cultural, entertainment, and residential uses. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Plano's original business district

and the surrounding area. [The standards of this district](#) apply to specific characteristics of Plano's downtown area and are not appropriate for other locations and districts.

The district is currently approximately 133 acres and encompasses an area as far north as 18th Place, west to Central Expressway, and east to N Avenue (see Exhibit 1). While the district's geography generally aligns with 13th or 14th Street on the south, there is an exception, where a development adjacent to the DART Silver Line Station at 12th Street and K Avenue is zoned BG.

Current Regulations for Tattooing and Permanent Cosmetics

The definition of Tattooing and Permanent (or Intradermal) Cosmetics is found in Section 8.200 of Article 8 (Definitions):

Tattooing and Permanent (or Intradermal) Cosmetics

The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

Plano's regulations specific to tattooing and permanent cosmetics date back to 2001 and have not been modified since that time. The current requirements allow tattooing and permanent cosmetics as an accessory use to a personal service shop (e.g. salons, barbers) in BG and in most nonresidential districts. As a primary use, however, the use is only permitted by Specific Use Permit (SUP) in the Retail (R), Corridor Commercial (CC), Light Commercial (LC), Light Industrial-1 (LI-1), and Light Industrial-2 (LI-2) zoning districts. As a primary use, it is also prohibited within 1,000 feet of any religious facility, residentially-zoned district, or public or parochial school, though this distance requirement can be reduced to 300 feet by City Council at the time of SUP approval.

Current Regulations for Body Piercing

The above regulations also apply to Body Piercing, which is also defined in Section 8.200:

Body Piercing

The creation of an opening in an individual's body, other than in an individual's ear lobe, to insert jewelry or other decoration.

Although distinct uses in the Zoning Ordinance, requirements for tattooing and permanent cosmetics are generally the same as for body piercing. This was because both uses are regulated by the same state agency (presently the Texas Department of State Health Services), with the same general restrictions, health requirements, and inspection services applying to both types of facilities. As businesses offering tattooing customarily offer body piercing services, staff recommends amending the body piercing use as well, as changing one use without adjusting the other may result in unintentional nonconformities.

Surrounding Communities

Staff surveyed tattooing and body piercing uses in six area cities and found that three allow them as a primary use in all or part of their downtown areas with an SUP. Garland and Grand Prairie require additional distancing requirements from certain uses and other tattooing establishments. Grand Prairie limits the total number of tattooing studios in their downtown to two. Richardson does not have additional requirements besides the SUP. The other cities surveyed generally only allow tattooing in their manufacturing and industrial zoning districts.

City	Use	Permitted in Downtown District?	Summary of Additional Regulations
Arlington	Tattoo Parlor or Piercing Studio	No	n/a
Frisco	Body Art Studio	No	n/a
Garland	Tattooing/ Body Piercing Establishment	Permitted with SUP in some downtown subdistricts	Separation required from residential, religious, park, hospital, day care, senior living, and other tattooing uses
Grand Prairie	Tattoo and Body Piercing Studio	Permitted with SUP No more than two at any given time	Separation required from religious, school, and other tattooing uses, and residential zoning districts
McKinney	Body Art Studio	No	n/a
Richardson	Tattoo and Permanent Cosmetics	Permitted with SUP in some downtown subdistricts	None

ISSUES:

Appropriate Locations of Tattooing and Body Piercing

While Plano's current standards for other districts and many other communities require distance separations from other land uses, requiring these separations can be administratively complicated for a number of reasons. Tracking land use is particularly challenging due to the historic nature of the downtown district. There is much opportunity for development and land use rights to either predate zoning regulations altogether or relate to outdated ordinances. Additionally, the city's existing land permitting software cannot be accurately filtered by land use, so each facility must be verified by inspection, and certificates of occupancy are not required for residential uses.

At the same time, providing separation from tattooing and body piercing uses may be valuable. To consider appropriate locations, a 300-foot buffer analysis was completed from known religious facilities, public or parochial schools, and residential zoning districts. The resulting area is generally bounded by 15th Place, Municipal Avenue, 14th Street, and the Dallas Area Rapid Transit (DART) Red Line. This area includes the Downtown Heritage District, HD-26 (see Exhibits 2 and 3), which is approximately 5.4 acres.

Due to the administrative difficulty in tracking land uses, and because HD-26 is a defined boundary, staff proposes using HD-26 to allow for a limited number of tattooing, permanent cosmetics, and body piercing as primary land uses in that part of the BG district while still providing separation from and protection for residentially-zoned land, religious facilities, and public or parochial schools. The Downtown Heritage District (HD-26) is part of the central activity center of downtown and includes a variety of entertainment and arts uses around which a limited number of tattooing, permanent cosmetics, and body piercing uses would be compatible (see Exhibit 4) by right. Due to the limited size of the district at 5.4 acres, two are recommended. Outside of HD-26, the BG district includes many presumed and known residential properties, where closer proximity to tattooing, permanent cosmetics, and body piercing uses may or may not be inappropriate, so allowing for individual consideration by specific use permit can allow for the use where it may be appropriate and restrict where it may not be appropriate.

Conformance to the Comprehensive Plan

Guiding Principles – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone, but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all of the other principles to be full and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Land Use Policy – *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*

The proposed amendments provide additional employment and business opportunities and enhance the downtown area, while still providing protections for neighborhoods and institutions in the area. This request is in conformance with this policy.

Land Use Action 1 (LU1) – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

This proposed amendments are intended to provide additional flexibility for land uses in the downtown area and is based on guidance of the Comprehensive Plan as noted herein. This request is in conformance with this action statement.

Land Use Action 4 (LU4) – *Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.*

Allowing this additional use by right can incentivize investment in new business in the downtown area. This request is in conformance with this action statement.

SUMMARY:

The purpose of this request is to amend sections of the Zoning Ordinance pertaining to Tattooing and Permanent Cosmetics and related uses in the Downtown Business/Government zoning district. This amendment is in conformance with the Comprehensive Plan and responds to a request by a business owner. It allows greater flexibility for land uses, while providing means to consider the appropriateness of individual locations within BG. For these reasons, staff recommends approval.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:

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 - B. Tattooing and permanent cosmetics, and body piercing uses may be allowed as primary uses, if and where granted a specific use permit, in all other areas of the BG district.

Exhibit 1
Downtown Business/Government
(BG) Zoning District

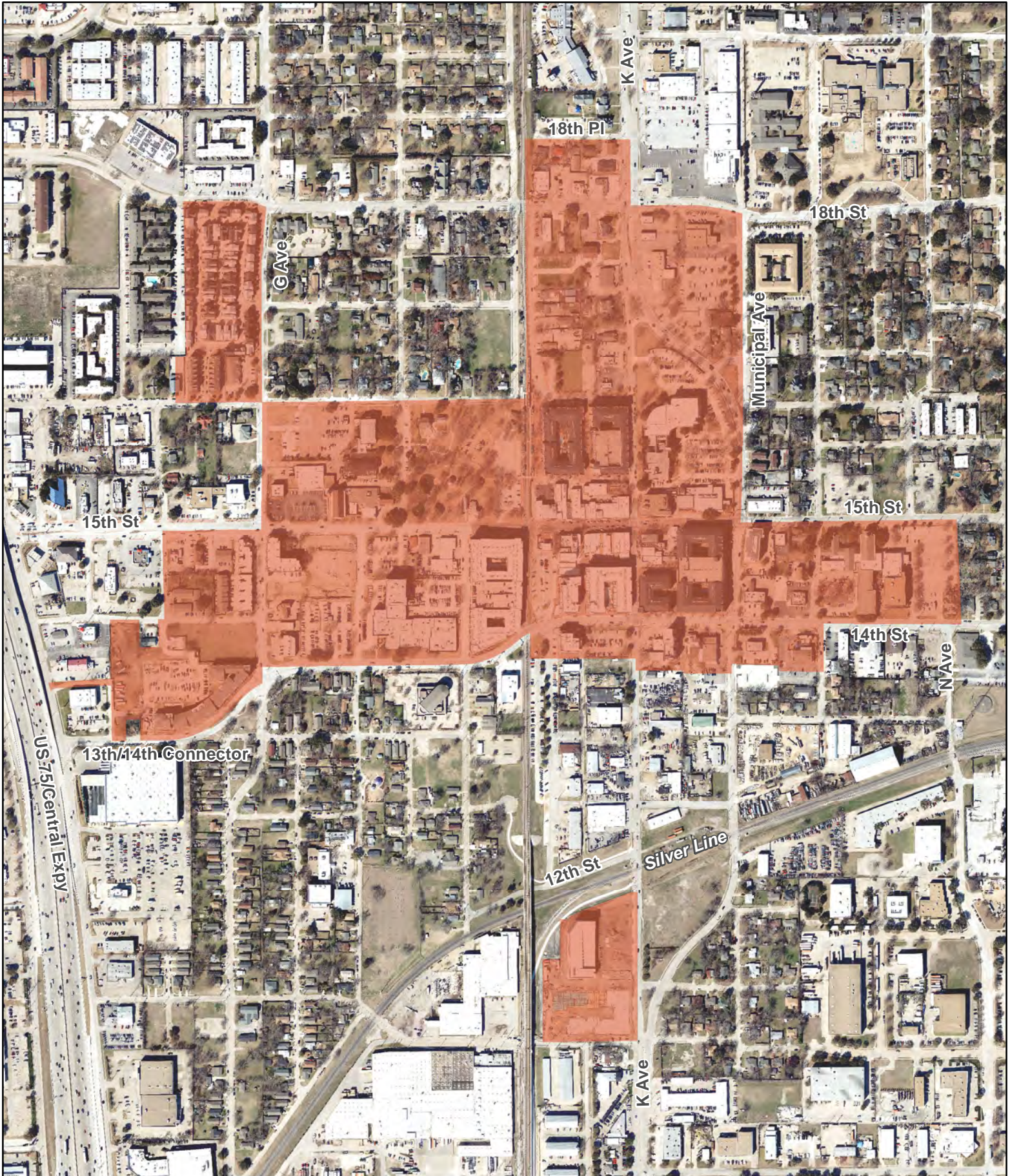
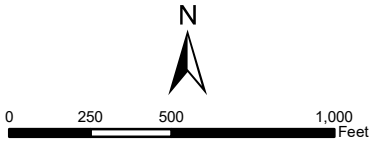


Exhibit 2
Downtown Business/Government
(BG) Zoning District
With 300' Buffers



- Downtown Business/Government
- 300' from Religious Facilities
- HD-26
- 300' from Schools
- 300' from Residential Zoning Districts

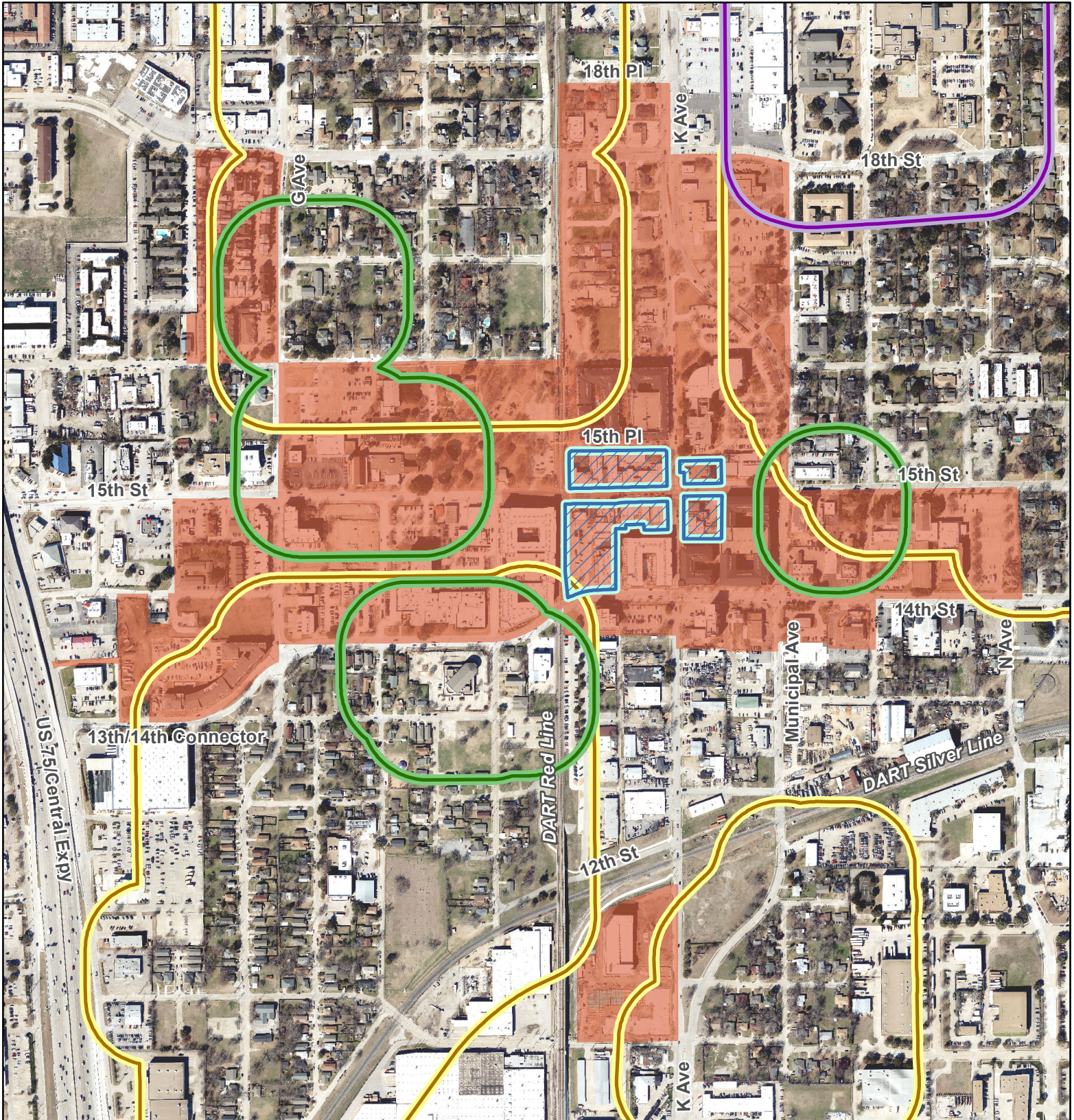
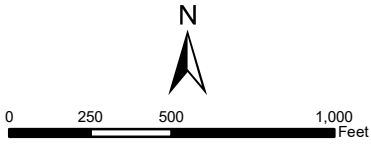


Exhibit 3
Downtown Business/Government
(BG) Zoning District
With 300' Buffers



- Downtown Business/Government
- HD-26
- Religious Facilities
- Schools
- 300' from Religious Facilities, Schools, and Residential Zoning Districts
- Residential Zoning Districts

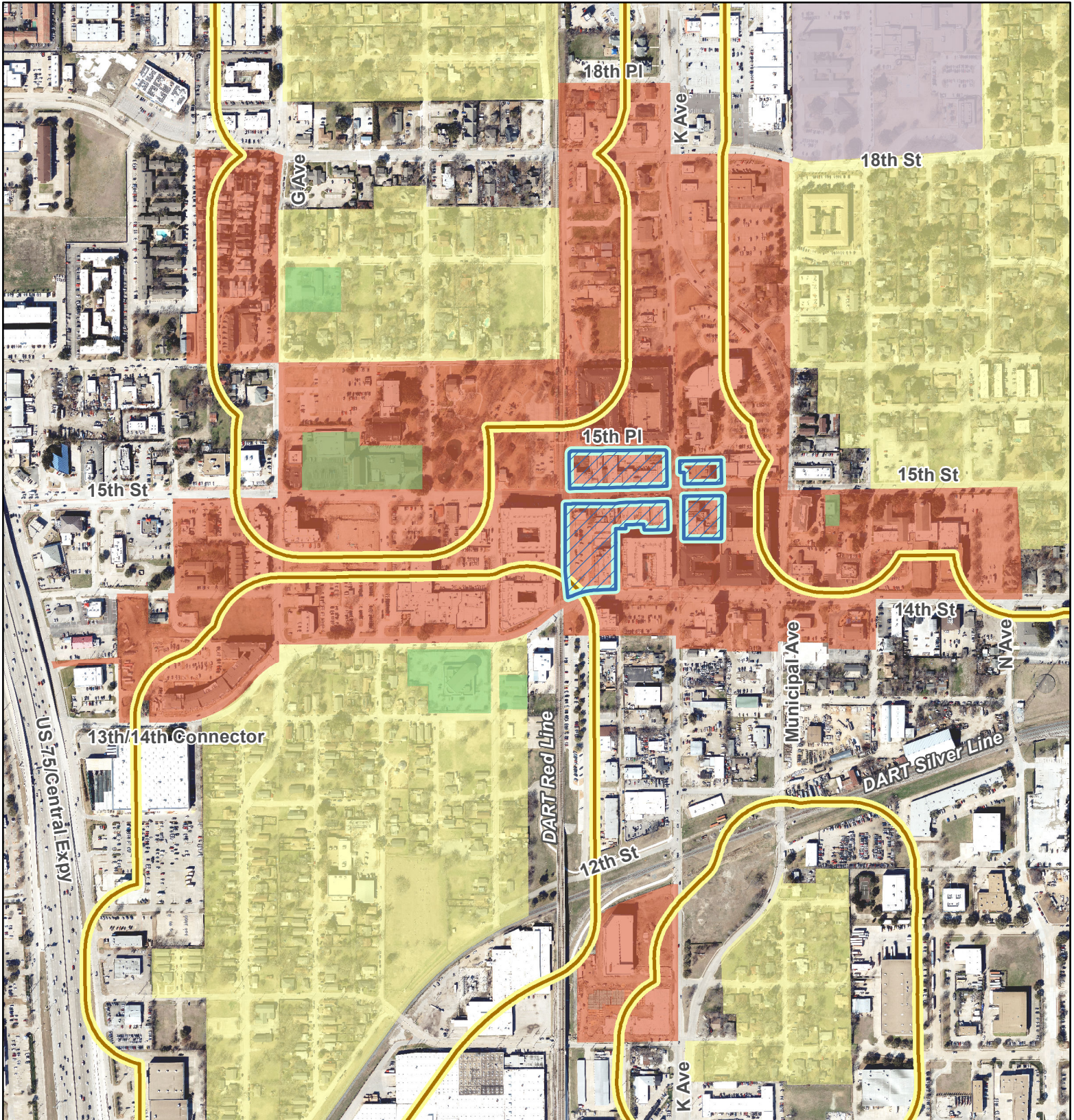
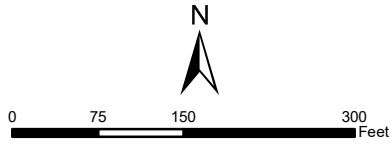




Exhibit 4
Downtown Heritage District (HD-26)



 Downtown Business/Government  HD-26

