

## Zoning Case 2022-004

**An Ordinance of the City of Plano, Texas, amending Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-Specific Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to Tattooing and Permanent (or Intradermal) Cosmetics and related land uses in the Downtown Business/Government (BG) zoning district; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 23rd day of May 2022, for the purpose of considering a change in the Zoning Ordinance; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 23rd day of May 2022; and

**WHEREAS**, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, 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	

**Section II.** Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such note to read as follows:

Number	End Note
37	See Sec. 15.1500.

**Section III.** Section 15.1500 (Tattooing, Permanent Cosmetics, and Body Piercing) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, 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. 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.

**Section IV.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section V.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 23RD DAY OF MAY 2022.**

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY