

**Planning & Zoning:** 11/01/10      **Staff Contact:** Erin Sellers, Planner II  
**City Council:** 11/09/10      **E-mail:** erins@cityofpflugerville.com  
**City Council:** 11/23/10      **Phone:** 512-990-6300

**SUBJECT:** Hold a public hearing and consider a text amendment to Chapter 157: Unified Development Code; Amending Subchapter 5 Establishment of Overlays and Special Districts; (A)(3) to allow for a Body Art Studio in the Central Business District and Subchapter 4; (B)(3) -12 to amend a land use condition of a Body Art Studio.

**DISCUSSION**

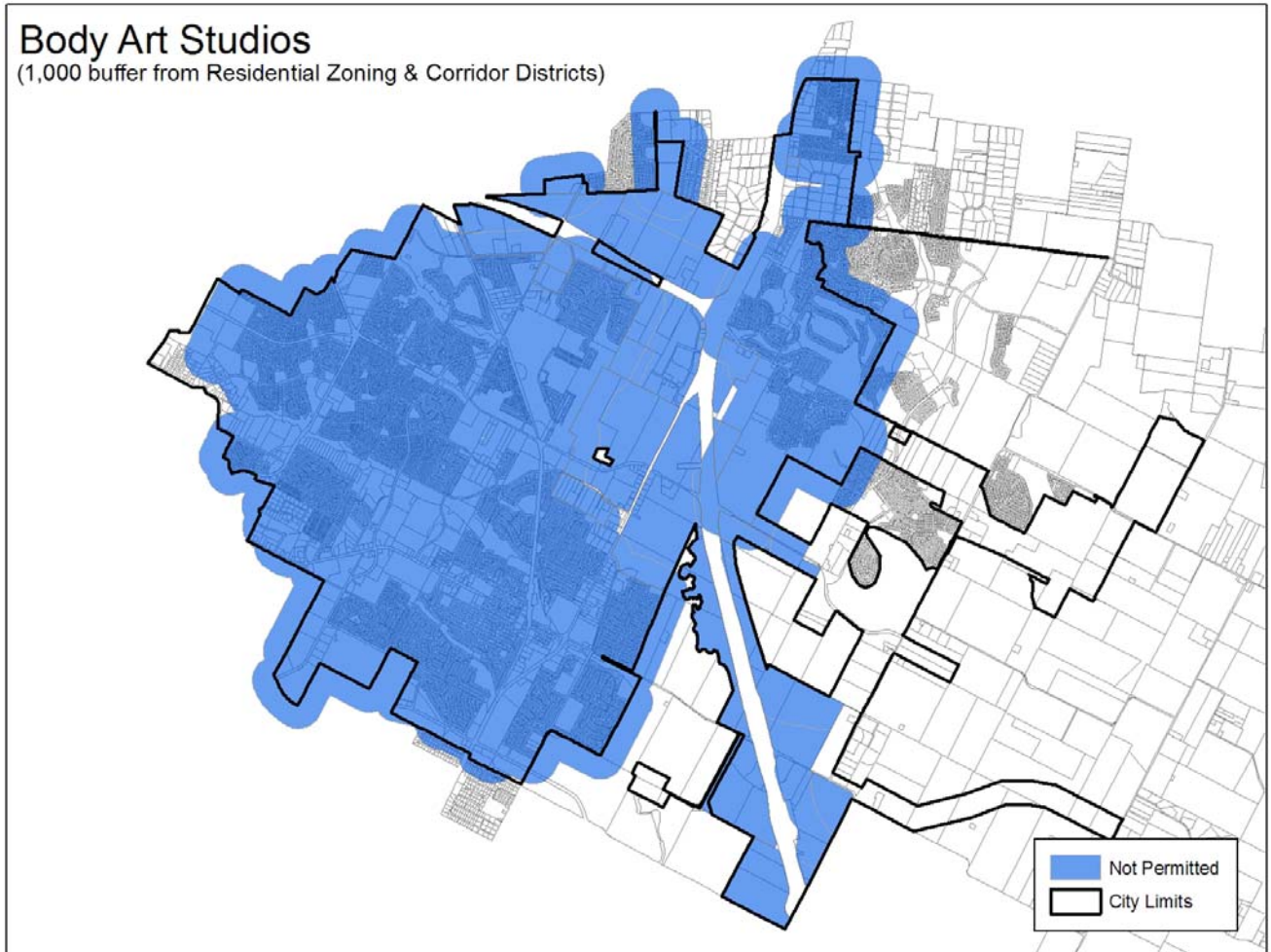
The Applicant, Ryan Dodson (owner of Freedom Machine Tattoo Co.) has requested a text amendment to allow for a body art studio land use in the Central Business District (CBD) which is currently not permitted in the CBD overlay district. A body art studio is defined as *“an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin or any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition does not include, for the purposes of this Chapter, ear piercing.”*

Staff conducted a review of other communities’ ordinances regarding body art studios in their downtown areas. Negative perceptions and potential secondary impacts associated with seemingly contentious uses have led to a range of location regulatory responses. Body Art Studios may fall into this category. In Central Texas, the majority of cities in the area permit body art studios by right as summarized in the table below.

| City         | Body Art Studio (CBD)                              | Overlay/ Zoning District   |
|--------------|--|--|
| Pflugerville | Not permitted                                      | CBD  |
| Hutto        | Permitted by Right as “Retail / Sales and Service” | CBD  |
| Cedar Park   | Not permitted                                      | CBD  |
| Leander      | Permitted by Right (GC)                            | (No Downtown overlay) Permitted in General Commercial in the Downtown area |
| Georgetown   | Permitted by Right                                 | Mixed Use District in CBD  |
| Taylor       | Permitted by Right                                 | Downtown Neighborhood District   |
| Round Rock   | Permitted by Right                                 | CBD  |
| San Marcos   | Not Permitted                                      | CBD  |

In addition to the requested text amendment, in order for the Applicant to locate in the Downtown area, an amendment to the general condition of a Body Art Studio land use will also be required. Subchapter 4; (B)(3) -12 states that a Body Art Studio “must be set back 1,000 feet from any other Body Art Studio, residential Zoning District, Place of Worship, Public, Private or Parochial School, and Day Care Center.

A body art studio business would not be permitted within the highlighted area, which includes the CBD, the Corridor zoning districts, and any property within 1,000 feet of residential zoning, as shown on the map below.



Based on the research of these communities and the current context which severely limits these establishments, Staff cannot recommend amending the ordinance to permit body art studios “by right.” In the CBD, bars/taverns are permitted by specific use permit. This allows each request to be considered on a case-by-case basis and also requires a public hearing process similar to rezoning. It is in this context in which staff could support allowing Body Art Studios in the CBD. As a practical matter, the general land use condition would also require an amendment, to read, “Must be set back 1,000 feet from any other Body Art Studio, residential Zoning District, Place of Worship, Public, Private or Parochial School, and Day Care Center; except as otherwise approved by a Specific Use Permit.”

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

The Commission recommended approval of the code amendment with a 4-2 vote.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed code amendment as presented.

**NOTIFICATION:**

Newspaper Notification Published on October 21, 2010.

**ATTACHMENTS:**

Excerpt of UDC with proposed amendments

UDC, Subchapter 4; (B)(3) - 12

12. Body Art Studio.

- (a) Must be set back 1,000 feet from any other Body or Art Studio, Residential Zoning District, Place of Worship, Public, Private, or Parochial School, and Day Care Center; **except as otherwise approved by a Specific Use Permit.**

UDC, Subchapter 5; (A)(3) – Table

|  |                 |
|--|-----------------|
| <b>Residential Uses</b>                                    | <b>CBD</b>      |
| Manufactured Home Dwelling                                 | X               |
| <b>Educational, Institutional, Public and Special Uses</b> | <b>CBD</b>      |
| Overhead/Rollup Doors                                      | X               |
| <b>Commercial, Retail, and Service Uses</b>                | <b>CBD</b>      |
| Bar/Tavern   | S               |
| <b><u>Body Art Studio</u></b>                              | <b><u>S</u></b> |
| Day Care Facility  | S               |
| Equipment and Machinery Sales and Rental, Major            | X               |
| <b>Commercial, Retail, and Service Uses</b>                | <b>CBD</b>      |
| Retail Sales - Single Tenant over 50,000 SF                | X               |
| Sexually Oriented Business                                 | X               |
| <b>X = Prohibited; S = Specific Use Permit</b>             |                 |

| <b>Automobile and Related Uses</b>                  | <b>CBD</b> |
|---|------------|
| Auto Parts Sales, Inside                            | X          |
| Auto Parts Sales, Outside                           | X          |
| Automobile Parking Lot/Garage                       | X          |
| Car Wash  | X          |
| Truck Sales, Heavy Trucks                           | X          |
| Truck Terminal                                      | X          |
| Truck/Bus Repair                                    | X          |
| Vehicular Sales, Rental, Repair and Service         | S          |
| <b>Wholesale, Manufacturing and Industrial Uses</b> | <b>CBD</b> |
| Light Industrial Uses                               | X          |
| Heavy Industrial Uses                               | X          |
| Machine Shop  | X          |
| Mini-Warehouse/Public Storage                       | X          |
| Office/Showroom                                     | X          |
| Office/Warehouse/Distribution Center                | X          |
| Open Storage  | X          |
| Portable Building Sales                             | X          |
| Recycling Center                                    | X          |
| Recycling Plant                                     | X          |
| Storage or Wholesale Warehouse                      | X          |
| Trailer/Mobile Home Display and Sales               | X          |
| <b>X = Prohibited; S = Specific Use Permit</b>      |            |