

## Zoning and Development Code Amendment Location Requirements for Tattoo Parlors

**DATE OF REVIEW:** September 6<sup>th</sup>, 2023

**CODE REFERENCES:** 2-91(ee) Supplementary Standards: Retail Sales & Services

### STAFF REVIEW AND ANALYSIS:

Background: The City's Zoning and Development Code restricts the location of tattoo shops in certain zoning districts. Currently, tattoo shops are permitted by right in the City's most intensive commercial district, General Commercial (C-1), as well as in the Mixed-Use Historic Commercial Core, Mixed-Use Downtown Medium Density, and Mixed-Use Redevelopment and Small Lot districts (MU-1, MU-2, and MU-R). The Mixed-Use zones contain supplementary use standards requiring a minimum of 500' separation from all other established tattoo shops. The Planning & Development Services Department regularly receives requests for tattoo shops to be located outside of these districts.

Proposed Revision: The proposed code amendment permits tattoo shops with restrictions within the City's less intense commercial zones: General Commercial Limited (C-1a), Local Commercial (C-2), and Mid-Rise Office (OF-2). The amendment proposes a 500' separation requirement from other tattoo businesses except for (C-1a) to encourage a mix of uses within smaller commercial developments that offer limited tenant spaces.

Justification: Historically, tattoo shops have been heavily regulated by cities due to late night hours, perceived loitering, and amplified music. Today's tattoo shops function more like any other cosmetic service such as nail salons, hair salons, and other similar uses. Tattoo shops are boutique in nature, typically by appointment only, and do not operate during late night hours.

The real estate market pushes small businesses away from occupying general commercial tenant spaces due to high rent. Properties zoned C-1 are primarily occupied by anchor retail tenants and large chains. Consequently, this leaves tattoo shops with few options to locate within Round Rock city limits.

### Comparison Cities:

Zoning District	Round Rock	Georgetown	Cedar Park	Pflugerville	Hutto	Leander
General Commercial	P	P	-	S	P	-
General Commercial- Limited	-					
Local Commercial	-	S	-		P/S	-
Historic Downtown					P	
Heavy Commercial			S			P
Mixed-Use Historic Commercial Core	P/S					
Mixed-Use Downtown (Medium Density)	P/S	S				
Mixed-Use Limited	-					
Light Industrial	-	-	-	P	-	
Industrial	-	-	-	-	-	
Heavy Industrial			-			P

Key	
	N/A, zoning category not present
P	Permitted by right
P/S	Permitted with supplementary use standards
S	Special use permit required
-	Prohibited

Surrounding cities has similar regulations to Round Rock's existing regulations.

**Zoning and Development Code Amendment  
Location Requirements for Tattoo Parlors**

**RECOMMENDED MOTION:**

It is staff's opinion that tattoo shops are appropriate within local commercial and office zoning districts, provided there is a 500' separation requirement from other tattoo uses. Staff recommends approval of the code amendment.

ORDINANCE NO. O-2023-\_\_

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VIII, SECTION 2-91, REGARDING TATTOO PARLORS AND TATTOO/PIERCING SHOPS IN THE C-1A, C-2, AND OF-2 DISTRICTS, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 2, Article VIII, Section 2-91(ee)(2), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS

Sec. 2-91. – Supplementary use standards.

(ee) *Retail sales and services.*

(2) *C-1a district.* Retail sales and service uses in the C-1a district are subject to the following standards:

a. Amusement parks or carnivals; boat sales (except on IH-35); camper sales (except on IH-35); campgrounds; flea markets; heavy equipment sales, rental and leasing; kennels; landscaping services; manufactured home sales; pawn shops; portable building sales; recreational vehicle parks; self-service storage; sexually oriented businesses; shooting ranges; ~~tattoo parlors~~; truck service or repair; and truck stops are prohibited in the C-1a district.

b. Resale stores in the C-1a district are prohibited on lots with frontage on IH-35.

II.

That Zoning and Development Code, Chapter 2, Article VIII, Section 2-91(ee)(3), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

**CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS**

Sec. 2-91. – Supplementary use standards.

(ee) *Retail sales and services.*

(3) *C-2 district.* Cosmetic services and retail sales and service uses in the C-2 district are subject to the following requirements:

a. On sites smaller than two acres, no single use shall exceed 2,500 square feet of gross floor area. No drive-through facilities are permitted.

b. On sites larger than two acres, no single use shall exceed 5,000 square feet of gross floor area. No drive-through facilities are permitted.

c. On sites with 50 percent or greater frontage on an arterial roadway, no single use shall exceed 7,500 square feet of gross floor area. Drive-through facilities are permitted for banks if there is an intervening building that effectively screens the drive-through area, including stacking spaces, from adjacent residences.

d. Auto sales, rental, and leasing facilities; boat sales; camper sales; check-cashing services; flea markets; gold sales; gun sales; heavy equipment sales, rental and leasing; manufactured home sales; pawn shops; portable building sales; recreational vehicle parks; self-service storage; sexually oriented businesses; shooting/archery ranges; ~~tattoo/piercing shops~~; title loan or payday loan services; truck service or repair; and truck stops are prohibited.

e. Fuel sales are permitted with the following conditions:

1. For establishments that share a common lot line with a single-family or two-family use, the number of fuel pump islands shall not exceed four (4) without special exception approval from the Zoning Board of Adjustment. There is no limit to the number of fuel pumps for establishments that do not share a common lot line with a single-family or two-family use;

2. The canopy shall have a pitched roof with a minimum 3:12 pitch;

3. Lighted bands around the exterior of the canopy are prohibited;

4. Columns supporting the canopy over the fuel pumps shall be clad in brick or natural stone that is complementary to the masonry used on the exterior of the convenience store;

5. No automated teller machines (ATMs) may be located outside the convenience store; and

6. The hours of operation for the convenience store may not exceed 6:00 a.m. to 10:00 p.m.

f. Tattoo and/or piercing shops shall be prohibited within a 500-foot radius of an existing tattoo and piercing shop, as measured from property line to property line.

1  
2 **III.**

3 That Zoning and Development Code, Chapter 2, Article VIII, Section 2-91(ee)(4),  
4 Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as  
5 follows:

6 **CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS**

7 Sec. 2-91. – Supplementary use standards.

8 *(ee) Retail sales and services.*

9 *(4) OF-2 district.*

10 a. Cosmetic services and retail sales and services, including tattoo/piercing shops, are permitted  
11 only when incorporated into the ground floor of a multi-story structure.

12 b. Animal boarding; art and craft studios with welding or heavy machinery; auto parts sales; auto  
13 sales, rental, and leasing facilities; boat sales; camper sales; donation centers; flea markets;  
14 fortune tellers/psychic readers; heavy equipment sales; machinery repair and services;  
15 manufactured home sales; mortuaries; pawn shops; portable building sales; self-service  
16 storage; sexually oriented businesses; shooting/archery ranges; ~~tattoo/piercing—shops~~;  
17 taxidermists; and title loan or payday loan services are prohibited.

18 c. Tattoo and/or piercing shops shall be prohibited within a 500-foot radius of an existing tattoo and  
19 piercing shop, as measured from property line to property line.

20 **IV.**

21 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are  
22 expressly repealed.

23 **B.** The invalidity of any section or provision of this ordinance shall not  
24 invalidate other sections or provisions thereof.

25 **C.** The City Council hereby finds and declares that written notice of the date,  
26 hour, place and subject of the meeting at which this Ordinance was adopted was posted  
27 and that such meeting was open to the public as required by law at all times during which  
28 this Ordinance and the subject matter hereof were discussed, considered and formally

1 acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government  
2 Code, as amended.

3  
4 Alternative one.

5 By motion duly made, seconded and passed with an affirmative vote of all the  
6 Council members present, the requirement for reading this ordinance on two separate  
7 days was dispensed with.

8 **READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of  
9 \_\_\_\_\_, 2023.

10 Alternative 2.

11 **READ and APPROVED** on first reading this the \_\_\_\_ day of  
12 \_\_\_\_\_, 2023.

13 **READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of  
14 \_\_\_\_\_, 2023.

15  
16 \_\_\_\_\_  
17 CRAIG MORGAN, Mayor  
18 City of Round Rock, Texas  
19

20 ATTEST:

21  
22 \_\_\_\_\_  
23 MEAGAN SPINKS, City Clerk