

ORDINANCE NO. 2019-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-295, "DEFINITIONS;" AND DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST—B-2, B-3, AND B-4," AND 13-625, "MASTER BUSINESS LIST—MSOA," TO PROVIDE A DEFINITION FOR TATTOOING ESTABLISHMENTS AND ALLOW THE USE IN ZONING DISTRICTS B-3, B-4, AND MSOA SUBJECT TO CERTAIN SEPARATION REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 13, 2018, the City Commission, through consensus, gave City staff direction to implement changes to the City's Land Development Code to provide for tattooing establishments as a new land use category within the City; and

WHEREAS, the City finds that it is in the public interest and the health, safety, and welfare of the community to protect the unique character and aesthetics of the City by providing for this land use in the following areas within the City: Community Shopping District (B-3), Regional Shopping District (B-4), and the Medical Services Overlay Area (MSOA); and

WHEREAS, the City finds that it is also in the public interest and the health, safety, and welfare of the community to protect the safety of particularly vulnerable and valued populations such as children and families through reasonable separation requirements from schools and houses of worship, as well as from other tattooing establishments; and

WHEREAS, the City wishes to regulate the location of tattooing establishments consistent with the public interest and the health, safety, and welfare of the community

and consistent with the constitutional protections provided to speech and expression, where same may apply; and

WHEREAS, the City submits that the requirements do not unreasonably restrict the establishment or operation of constitutionally protected tattooing establishments in the City, and that the ability of tattooing establishments to locate as permitted uses in the listed zoning districts allows reasonable alternative locations for these uses to locate; and

WHEREAS, the City has undertaken to investigate and study the secondary impacts of tattooing establishments and has learned that tattoos and tattooing establishments are associated with gangs, which are also related to criminal activities including illegal drugs and violence; and

WHEREAS, Broward County is among the Florida counties with the highest incidence of criminal gang activity in the state; and

WHEREAS, the state recognizes the dangers of tattooing of children by prohibiting tattooing of a minor child younger than 16 years of age unless the tattooing is performed for medical or dental purposes, and prohibiting tattooing of a minor child at least 16 years of age but younger than 18 years of age unless the parent or legal guardian consents and accompanies the child; and

WHEREAS, zoning and locational regulations for tattooing establishments are necessary to prevent deterioration of the community safety and vitality before a problem exists, rather than waiting for problems to be created; and

WHEREAS, the City does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the U.S. Constitution, but instead desires to enact reasonable time, place, and manner regulations that address the adverse effects

of tattooing establishments; and

WHEREAS, the Planning and Zoning Board reviewed the changes to the Land Development Code allowing the use of tattooing establishments in certain zoning districts within the City on February 13, 2019, and they voted to _____ same; and

WHEREAS, the City Commission finds and determines that this additional land use meets the intent of the City Commission and is in the best interest of the residents and business community of the City of Coconut Creek.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” Article III, “Zoning Regulations,” Division 1, “Generally,” Section 13-295, “Definitions,” to read as follows:

Sec. 13-295. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tattooing Establishment means any establishment or business engaged in tattooing as a means of marking or designing on or under the skin of a human being by a process of piercing and ingraining a pigment, dye, or ink in the skin, excluding micropigmentation or permanent cosmetic makeup, which is considered a personal service typically provided at a medical office, beauty salon, or day spa.

Section 3: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” Article III, “Zoning

Regulations,” Division 8, “Master Business List,” Sections 13-621, “Master business list—B-2, B-3, and B-4,” and 13-625, “Master business list—MSOA,” to read as follows:

Sec. 13-621. - Master business list—B-2, B-3, and B-4.

Master Business List	B-2	B-3	B-4
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<u>Tattooing Establishment</u>		<u>P⁽⁵⁾⁽⁸⁾</u>	<u>P⁽⁵⁾⁽⁸⁾</u>
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P - Indicates permitted use.

S - Indicates special land use (see section 13-35, "Special land use").

- (1) Facilities with drive-thrus are special land uses.
- (2) Permitted use when occupying an in-line bay. Free-standing units are special land uses.
- (3) Must conduct business wholly within a building, but limited outside dog walking is permitted except that any business which includes animal boarding services and/or outdoor exercise/play areas, shall be subject to the supplemental regulations listed in section 13-35(j), "Standards for animal boarding facilities," in addition to the standard requirements in section 13-35, "Special land use."
- (4) No motor vehicle or marine repair.
- (5) No outside storage or display of equipment or supplies.
- (6) Parking spaces for business vehicles must be provided in excess of the required number for the use.
- (7) Must be licensed by the department of professional regulation.
- (8) Must be licensed by the Florida Department of Health; cannot be located within five hundred (500) feet of the real property that comprises an elementary, middle, or secondary school, or house of worship, nor within one thousand (1,000) feet of another tattooing establishment. The separation requirements and such distances shall be measured by the pedestrian travel from any point of ingress or egress of the tattooing establishment to any point of ingress or egress of the uses identified herein. Not permitted in any area covered by a Regional Activity Center land use.

CODING: Words in ~~strike through~~ type are deletions from existing text.
 Words in underline type are additions to existing text.
 Asterisks (***) indicate existing text not shown.

Sec. 13-625. - Master business list—MSOA.

Master business list	MSOA
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<u>Tattooing Establishment</u>	<u>P⁽²⁾</u>
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(2) Must be licensed by the Florida Department of Health; cannot be located within five hundred (500) feet of the real property that comprises an elementary, middle, or secondary school, or house of worship, nor within one thousand (1,000) feet of another tattooing establishment. The separation requirements and such distances shall be measured by the pedestrian travel from any point of ingress or egress of the tattooing establishment to any point of ingress or egress of the uses identified herein. Not permitted in any area covered by a Regional Activity Center land use.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS _____ DAY OF _____, 2019.

PASSED SECOND READING THIS _____ DAY OF _____, 2019.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	_____	_____
Welch	_____	_____
Tooley	_____	_____
Sarbone	_____	_____
Belvedere	_____	_____

DRAFT

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