



**CITY OF COCONUT CREEK
PLANNING AND ZONING BOARD MINUTES**

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: February 13, 2019
Time: 7:00 p.m.**

1. CALL TO ORDER

The meeting was called to order by Vice Chair Debra Voorhees at 7:02 p.m.

2. PRESENT UPON ROLL CALL:

Vice Chair Debra Voorhees
Morris Chase
Steve Hall
Jerry Poole
Jeffrey Barker, Alternate

Also present: Sustainable Development Deputy Director Scott Stoudenmire, Assistant City Attorney Eve Lewis, and Deputy City Clerk Marianne Bowers.

Absent: Chair Doug Young

Deputy City Clerk Bowers informed the Board that Chair Young had contacted the City Clerk Department to send notice that he would be unable to attend the meeting.

3. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2019-0109)

MOTION: Chase/Barker - To approve the Minutes of the January 9, 2019, meeting.

Upon roll call, the Motion passed by a 5-0 vote.

AGENDA ITEMS

4. LAND DEVELOPMENT CODE: AN AMENDMENT TO 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. (PUBLIC HEARING)

Assistant City Attorney Lewis explained the proposed amendment to the Land Development Code (LDC), noting that it would provide for regulations permitting tattooing

establishments within the B-3, B-4, and Medical Services Overlay Area (MSOA) zoning districts subject to distance requirements to other tattooing establishments of 1,000 feet and to schools and houses of worship of 500 feet. She mentioned that Mayor Rydell received consensus at the December 13, 2018, City Commission meeting for staff to draft the amendment and discussed the proposed definition, licensing requirements, and the distance separation requirements for tattooing establishments. She noted that the use would not be permitted in the Regional Activity Center (RAC) land use category. Discussion ensued regarding the use not currently being provided for in the Master Business List.

Discussion ensued with regard to the definition of personal services in the LDC. Mr. Stoudenmire explained that, with the addition of tattooing establishments in the Master Business List, the use could be permitted in the Planned Commerce District (PCD) zoning category that include personal services in their permitted use list. He stated that if a PCD did not currently include personal services, it would require a rezoning to amend the PCD. Assistant City Attorney Lewis explained the method for measuring the required distance separation.

Vice Chair Voorhees opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Discussion ensued regarding the proposed distance separation requirements and potential locations where the use would be permitted. In response to questions from the Board, Ms. Lewis discussed several reports that staff reviewed related to criminal activities associated with tattooing establishments and spoke about recent case law regarding legal arguments related to protected speech under the First Amendment. She clarified that the definition for tattooing establishments did not include permanent cosmetic makeup. Discussion ensued regarding separation requirements to residential uses, and Mr. Stoudenmire noted that the City's land use plan and zoning map take into account buffering between residential and commercial uses. He further explained that the B-2 zoning district is typically in closer proximity to residential districts as a neighborhood commercial use and, as proposed, tattooing establishments would not be permitted in B-2 zoning districts.

The Board discussed the possibility of requiring special land use approval for tattooing establishments, and Ms. Lewis shared case law related to conditional uses. Discussion ensued regarding having additional input from the Police Department before taking action on the item, the possibility of imposing limited hours of operation, and the definition of personal services.

MOTION TO AMEND: Barker/Poole – To include language that puts hours of operation in place with a 9 p.m. closing time and that the definition of tattooing establishments be modified to state that tattooing is not to be considered a personal service.

Upon roll call, the Motion to Amend passed by a 4-1 vote, with Mr. Chase voting nay.

MOTION: Barker/Poole – To approve Agenda Item 4, as amended.

Upon roll call, the Motion passed by a 3-2 vote, with Vice Chair Voorhees and Mr. Chase voting nay.

5. COMMUNICATIONS AND REPORTS

Mr. Stoudenmire reminded the Board that the Annual Butterfly Festival was being held on February 23, 2019.

6. ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Marianne E. Bowers

Marianne E. Bowers, CMC
Deputy City Clerk

4/10/19

Date