

ORDINANCE NO 2024-06

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO PROVIDE THAT TATTOO ESTABLISHMENTS MAY BE PERMITTED ON A CASE-BY-CASE BASIS AS A SPECIAL EXCEPTION USE WITHIN THE C-1, C-2, C-3, AND EDGEWOOD CENTRAL DISTRICT ZONING DISTRICTS; ESTABLISHING CRITERIA SPECIFIC TO TATTOO ESTABLISHMENTS FOR CONSIDERATION DURING ANY REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City currently prohibits tattoo establishments with the C-1, C-2, C-3, and Edgewood Central District Zoning Districts; and

WHEREAS, the City has previously distinguished between tattoo establishments and salons that apply permanent makeup; and

WHEREAS, the City also recognizes that tattoo establishments and public perception of them have evolved over the last twenty years; and

WHEREAS, the City recognizes that the Supreme Court of the United States has found that there are First Amendment rights involved in issues dealing with tattooing and tattoo establishments; and

WHEREAS, in order to balance the competing interests and considerations on this topic, the City Council has determined moving tattoo establishments into the category of Special Exception Use within the C-1, C-2, C-3, and Edgewood Central District Zoning Districts to be reasonable and appropriate.

WHEREAS, the City Council finds that adding criteria for consideration specific to this subject for use during a Special Exception review of a tattoo establishment to be in the best interest of the City, its residents, businesses, and visitors; and

WHEREAS, in this Ordinance additions to the Code of Ordinances are indicated by underline, deletions are indicated by ~~striketrough~~, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (**).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Council pertaining to this Ordinance.

SECTION TWO. Chapter 134, “Zoning” is hereby amended as follows:

* * *

Sec. 134-1. – Definitions.

Tattoo establishment means any permanent location, place, area, structure, or business where tattooing is performed; provided, however, that beauty salons at which permanent makeup only is applied shall not be considered tattoo establishments. For purposes of professional suites where studio suites or chairs are rented, if tattooing is performed at such location, the entire location shall be considered a single tattoo establishment regardless of the number of chairs rented to different professionals.

Sec. 134-346. - Special exceptions.

(a)The following uses may be permitted as a special exception in the C-1 district, provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities.

(b)In addition, for any application for a special exception, the planning and zoning board and the city council shall consider the following criteria:

(1)Compatibility of the proposed facility with the surrounding uses.

(2)The size of the lot on which the proposed facility will be located.

(3)The number of persons to be residing in the proposed facility.

(4)The amount of traffic generated by the proposed facility.

(5)The availability of adequate water and sewer facilities.

(6)Whether the location of the proposed facility will maintain the stability of residential areas.

(7)The general health, safety and welfare of the community.

(c)Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. As part of the application, the site plan shall include a simple plan drawn to an appropriate scale, including legal description, lot area, site dimensions, right-of-way location and width, parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of signs, location of existing easements and a general plan of proposed landscaping. Said site plan shall be submitted to

and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances.

- (1) Hotel and motels.
- (2) Churches and schools.
- (3) Day nurseries, kindergartens, and other child care centers.
- (4) Hospitals, including veterinary hospitals.
- (5) Clinics.
- (6) Laundromats.
- (7) One single-family dwelling which is accessory and attached to a permitted principal building.
- (8) Open air fruit, vegetable and farmers markets.
- (9) Pet grooming establishments.
- (10) Bowling alley.
- (11) Civic clubs and fraternal lodges.
- (12) Thrift stores or other similar uses.
- (13) Christmas tree lots.
- (14) Theaters, except drive-in theaters which shall be prohibited.
- (15) Any retail commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.
- (16) Tattoo establishments.

Sec. 134-347. - Uses prohibited.

The following uses shall be prohibited in any C-1 retail commercial district:

- (1) Title loan stores.
- (2) Check cashing, payday advance stores, or other similar businesses.
- (3) Labor pool offices.
- (4) Bail bond offices.
- (5) ~~Tattoo, b~~Body piercing, massage parlors and fortunetelling shops.

- (6) Soup kitchens.
- (7) Runaway and related emergency shelters; homeless shelters.
- (8) Convalescent facilities.
- (9) Residential social service facilities; welfare, food stamp, and other social service offices and institutional facilities.
- (10) Treatment and recovery facilities.
- (11) New and used automobile and boat sales.
- (12) Medical marijuana dispensaries.
- (13) Non-medical marijuana sales.
- (14) Cannabis farm.
- (15) Other similar uses consistent with this section.
- (16) Any use or activity which is not in full compliance with all the requirements and standards set forth in this division.
- (17) Uses listed in section 134-403, except uses listed at subsection 134-403(1), or section 134-404 of the C-3, wholesale commercial district (article IV, division 9 of this chapter).
- (18) Pain management clinics.

Sec. 134-374. - Prohibited uses.

The following uses shall be prohibited in any C-2 general commercial district:

- (1) Any use prohibited in the C-1 district.
- (2) Title loan stores.
- (3) Check cashing, payday advance stores, or other similar businesses.
- (4) Labor pool offices.
- (5) Bail bond offices.
- (6) ~~Tattoo, b~~Body piercing, massage parlors and fortunetelling shops.
- (7) Soup kitchens.
- (8) Runaway and related emergency shelters; homeless shelters.
- (9) Convalescent facilities.
- (10) Residential social service facilities; welfare, food stamp, and other social service offices and institutional facilities.

- (11) Treatment and recovery facilities.
- (12) Other similar uses consistent with this section.
- (13) New and used automobile and boat sales.
- (14) Pain management clinics.

Sec. 134-375. - Special exceptions.

(a)The following uses may be permitted as a special exception, provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities.

(b)Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. As a part of the application, the site plan shall include a simple plan drawn to an appropriate scale, including legal description, lot area, site dimensions, right-of-way location and width, parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of signs, location of existing easements, and a general plan of proposed landscaping. Said site plan shall be submitted to and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances.

- (1) Miniwarehouses for dry storage only.
- (2) Open-air flea markets.
- (3) Auctions.
- (4) Living quarters in conjunction with a commercial use to be occupied by the owner of the business or an employee.
- (5) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities.
- (6) Zero lot line commercial developments.
- (7) Radio broadcasting and telecasting stations, studios and offices.
- (8) Car washes. (No fuel services provided.)
- (9) Christmas tree lots.

- (10) New car and boat sales and services.
- (11) Adult congregate living facilities.
- (12) Any general commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.
- (13) Tattoo establishments.

Sec. 134-404. - Prohibited uses.

The following uses shall be prohibited in the C-3 wholesale commercial district:

- (1) Any use or activity which is not in full compliance with all the requirements and standards set forth in this article.
- (2) Animal slaughtering, or the confinement of animals for feeding, finishing and preparation for slaughter, including stockyards and feeding pens.
- (3) Asphalt manufacturing or refining, or any similar petroleum or petrochemical refining or manufacturing process.
- (4) Asphalt or concrete paving, mixing or batching plant.
- (5) Corrosive acid manufacture or bulk storage including, but not limited to, hydrochloric, nitric, sulphuric or similar acids.
- (6) Bone distillation or the reduction, rendering, incineration or storage of garbage, offal, animals or animal waste, fats, fish or similar materials or products.
- (7) Blast furnace, or similar heat or glare generating operations or incinerator or crematorium.
- (8) Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open storage of raw materials or finished products related to such manufacture.
- (9) Glue, size or gelatin manufacture where the processes involve the refining or recovery of such products from fish, animal or refuse materials.
- (10) Tallow, grease, lard or vegetable oil refining.
- (11) Junkyard, salvage yard, recycling or wrecking yard or structure wherein motor vehicles, appliances or similar used equipment or material is stored, dismantled, or sorted for display, sale or packing.
- (12) New and used automobile and boat sales.
- (13) Mobile and modular homes.

(14) Other uses which are similar to those listed above which are not specifically permitted in section 134-403, the prohibition of which would promote the intent and purposes of this district. Determination shall be made by authority and directive of the city council which shall be after public notice and public hearing.

(15) Title loan stores; check cashing, payday advance stores, or other similar businesses; labor pool offices; bail bond offices; ~~tattoo~~; body piercing, massage parlors; fortunetelling shops; soup kitchens; runaway and related emergency shelters; homeless shelters; convalescent facilities; residential social service facilities; addiction treatment and recovery facilities; welfare, food stamp, and other social service offices and institutional facilities; other similar uses consistent with this subsection.

(16) Any individual, specific use whether or not contained within a shopping center, which is not otherwise expressly permitted as an individual use pursuant to this section or sections 134-345, 134-373 and 134-403, as these sections may be amended or replaced from time to time, or which is not expressly listed as a special exception pursuant to sections 134-346, 134-375 or 134-405, as those sections may be amended or replaced from time to time.

(17) Any commercial establishment occupying more than 100,000 square feet.

(18) Any other use specifically prohibited in the C-1, C-2 or C-3 commercial districts.

(19) Professional auction houses.

(20) Dyeing, dry cleaning and laundering; this prohibition shall not include drop-off facilities where the dyeing, dry cleaning or laundering occurs at an off-site location.

(21) Pain management clinics.

Sec. 134-405. - Special exceptions.

(a) The following uses may be permitted as a special exception, provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities.

(b) Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. As a part of the application, the site plan shall include a simple plan drawn to an appropriate scale, including legal description, lot area, site dimensions, right-of-way location and width, parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of signs, location of existing easements and a general plan of proposed landscaping. Said site plan shall be submitted to and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only

by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances.

(1) Dwelling unit in conjunction with a commercial use to be occupied by the owner, operator or employee of the business.

(2) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities.

(3) Zero lot line commercial developments.

(4) Bus, cab, light truck repair.

(5) Meat storage, cutting and distribution.

(6) Wholesale products distribution.

(7) Christmas tree lots.

(8) Any wholesale commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.

(9) Machinery sales, rental and storage.

(10) Outdoor storage of merchandise, parts or other equipment.

(11) Building material storage and sales (new, no junk or used material).

(12) Contractors' storage and equipment yards, including well drilling equipment and land clearing equipment.

(13) Miniwarehouses.

(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

(15) Tattoo establishments.

Sec. 134-467. - Permitted uses within the Edgewood Central District.

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| Tattoo and/or body piercing | S |
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(c) The review and hearing of an application for a special exception shall consider consistency with the ECD Vision, the character and compatibility of the surrounding area in which the proposed use is to be located, its effect on the value of surrounding lands, availability of public

services and facilities, and the area of the site as it relates to the required open spaces and off-street parking facilities. Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to an appropriate scale, and include the property's legal description, lot area, site dimensions, adjacent right-of-way location and width, existing and/or proposed parking areas and number of parking spaces, existing and/or proposed building location and setbacks from lot lines, total floor area existing and/or proposed for any building, proposed points of access, location of signs, location of existing easements and a proposed landscaping plan. A special exception shall not be recommended by the Planning and Zoning Board (Board) nor approved by the City Council unless and until the Board and City Council make a finding that the granting of the special exception is consistent with the comprehensive plan and ECD Vision, the use is similar and compatible with the surrounding area, and will not act as a detrimental intrusion into the surrounding area nor negatively impact the level of service of public services and facilities. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances.

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134-527 Tattoo Establishments

In zoning districts where tattoo establishments are permitted as a special exception, the following additional criteria must be complied with:

- 1) All activities conducted at the establishment shall be in accordance with applicable state statutes and regulations;
- 2) Tattoo Establishments shall not have operating hours or be open to customers between the hours of 9:00 p.m. and 8:00 a.m.;
- 3) Tattoo establishments shall not be established within 1,500 feet of an existing tattoo establishment as measured in a straight line from the nearest point of each lot or parcel.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FOUR. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

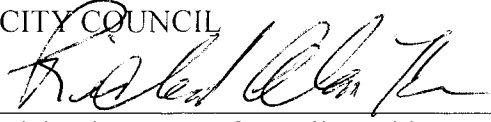
SECTION FIVE. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION SIX. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Edgewood.

PASSED ON FIRST READING THIS 21 DAY OF August 2024.

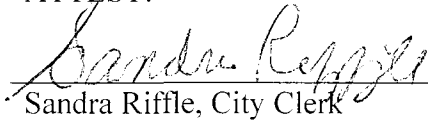
PASSED AND ADOPTED THIS 17 DAY OF September 2024.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



Richard A. Horn, Council President

ATTEST:



Sandra Riffle, City Clerk