



**PLANNING AND ZONING BOARD
Council Chambers
3048 S. Atlantic Avenue
Daytona Beach Shores, Florida
Monday, February 12, 2018
8:30 a.m.
AGENDA**

CALL TO ORDER

AUDIENCE REMARKS:

Time for citizens and members of the audience to be heard with regard to items not on the agenda. The audience will be given the opportunity to speak regarding agenda topics prior to each vote before the Planning and Zoning Board.

APPROVAL OF MINUTES: Minutes of Planning and Zoning Board Meeting of
December 11, 2017

PUBLIC HEARING:

Ordinance 2018-MB

ACTION/DISCUSSION:

REMARKS OF STAFF

REMARKS OF BOARD MEMBERS

ADJOURNMENT

NOTICES: Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.



**PLANNING AND ZONING BOARD
MINUTES
3048 S. Atlantic Avenue Daytona Beach Shores, Florida
December 11, 2017**

Members Present: Marianne Bachstein, Chuck Pula, and Rose Ann Tornatore. **Excused:** Harold Needham and John Schmitz. **Staff:** Board Attorney Lonnie Groot and City Planner Stewart Cruz.

CALL TO ORDER : The meeting was called to order at 8:30 am.

AUDIENCE REMARKS: None.

APPROVAL OF MINUTES: Minutes of Planning and Zoning Board Meeting of November 13, 2017

Mr. Pula moved, seconded by Ms. Bachstein to approve the minutes of November 13, 2017. The motion passed unanimously by a voice vote.

PUBLIC HEARING:

1) RSP 12017028 Max Daytona Site Plan 1901-1903 S. Atlantic Avenue

City Planner Stewart Cruz gave his staff report. All Due Public Notice was submitted to the City Clerk. In May 2017, the applicant submitted both a zoning variance application and the site plan application. The site is comprised of two parcels that are currently vacant. On August 7, 2017, the Board of Adjustments approved a variance for a total height of 136 ft. The proposed condominium will have 12 stories and 72 units. Ten of the floors will be residential. The top floor will hold a club and community room and the first floor will have the lobby, office, storage and other items. There will be no public beach access. The landscaping meets and exceeds the requirements by the city. Staff have reviewed the plans and all comments are still being addressed. Staff recommended approval to the City Council.

Ted Hunter spoke for the developer. He showed a short presentation to the board of different views of the condominium. The sales will start in January and they hope to break ground mid-year 2018. The price will range from \$450,000 to \$1 million per unit. Mr. Pula was excited to see development on the north end of town. The City Attorney confirmed that the Development Order from the Board of Adjustments included the pictures submitted at that time.

Mr. Pula moved, seconded by Ms. Bachstein to recommend approval of RSP 12018028 to the City Council subject to approval by all city staff and that the depictions submitted be made part of the development order.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Chuck Pula, Marianne Bachstein, Rose Ann Tornatore.

2) SPEX 12017027 Max Daytona Special Exception Sales Office/Model Unit

City Planner Stewart Cruz read from his staff report. The Applicant was requesting a special exception for a sales office/model unit in conjunction with the proposed Max Daytona Multifamily Condominium. In order for the special exception to be approved, the site plan had to be approved first. All criteria have been met and staff recommends approval. Mr. Pula inquired if the sales office would stay onsite once the construction began. He was informed that the sales office would be relocated.

Ms. Bachstein moved, seconded by Mr. Pula to recommend approval of SPEX 12017027 for a Sales Office/Model Unit to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Chuck Pula, Marianne Bachstein, Rose Ann Tornatore.

ACTION/DISCUSSION: None.

REMARKS OF STAFF None.

REMARKS OF BOARD MEMBERS: None.

ADJOURNMENT : The meeting ended at 8:51 am.

ATTEST:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

Rose Ann Tornatore, Chairman



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

TO: Planning and Zoning Board
FROM: Stewart Cruz – City Planner
CC: Fred Hiatt – Director
SUBJECT: Ordinance 2018-MB
DATE: February 12, 2018

Proposed Ordinance 2018-MB (**Exhibit A**), if approved, would amend Section 2-2 of the Daytona Beach Shores Land Development Code (LDC) to create a definition for “microblading” as follows:

Microblading: A form of cosmetic facial eyebrow makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigment. Microblading is performed with a grouping or configuration of needles affixed to a handle to manually create lines that resemble eyebrow hairs. Microblading shall only be permitted in bona fide body art establishments and as an accessory use to a bona fide beauty salon as determined by the Community Services Director.

Microblading is a method of tattooing used in the cosmetic industry and is currently classified as body art pursuant to Sec. 2-2 of the City’s LDC. Body art however is only permitted in the “GC-1 Tourist Oriented Commercial” District whereas a beauty salon establishment is a permitted principal use in all three (3) commercial districts within the City. Cosmetic practitioners at beauty salons do not engage in conventional tattooing and therefore their practice would not be categorized as a body art establishment, hence cosmetologists are not permitted to practice microblading. Therefore, to meet the growing demand for microblading in the cosmetic industry, staff is recommending approval of “Ordinance 2018-MB,” which would permit microblading as an accessory use to bona fide beauty salons in all commercial districts within the City in addition to body art establishments where tattooing is already permitted.

Currently there are nine (9) permitted beauty salons within the City limits. A zoning district distribution table is attached (**Exhibit B**).

EXHIBIT A

EXHIBIT B

PERMITTED BEAUTY SALONS-DBS-2-2-18				
	LOC NO	LOC STREET	BUS NAME	ZONING DISTRICT
1	136	BEACHCOMBER	A HAIR AFFAIR	GC-1
2	116	DUNLAWTON BLVD.	HAIR WAVES	GC-2
3	206	MOORE AVENUE	A BEAUTIFUL CREATION HAIR & NAIL DESIGNS	RMF-3
4	3060 S.	ATLANTIC AVENUE	ALLURING HAIR DESIGNS	GC-2
5	3114 S.	ATLANTIC AVENUE	ALYSES TROPICAL SALON	GC-1
6	3174 S.	ATLANTIC AVENUE	FRAN'S HAIR FASHION	GC-1
7	3280 S.	ATLANTIC AVENUE	ADVANCED HAIR DESIGNS	GC-1
8	3612 S.	ATLANTIC AVENUE	CHERISES HAIR & NAIL	GC-2
9	3616 S.	ATLANTIC AVENUE	PREMIER BEAUTY SALON	GC-2

SOURCE: DBS BTR Division, 2018

ORDINANCE 2018-MB

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO MICROBLADING AS AN ACCESSORY USE; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, CHAPTER 2 ENTITLED “DEFINITIONS;” PROVIDING FOR ENFORCEMENT, PENALTIES AND APPEALS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, microblading may contribute to the economic vitality of cosmetic businesses in the City of Daytona Beach Shores if permitted as an accessory use to a bona fide beauty salon principal use; and

WHEREAS, microblading is a form of tattooing pursuant to Section 381.00771, *Florida Statutes*, and is regulated by the Florida Department of Health; and

WHEREAS, microblading is defined as body art pursuant to Section 2-2, *Land Development Code*, Chapter 2, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*; and

WHEREAS, body art is solely permitted in the GC-1 Tourist Oriented Commercial District; and

WHEREAS, beauty salons, also known as “beauty shops,” are located throughout the various commercial zoning districts within the City of Daytona Beach Shores; and

WHEREAS, this Ordinance is not intended to permit other forms of cosmetic tattooing not defined specifically as microblading as an accessory use to bona fide beauty salons within the City of Daytona Beach Shores; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds it is in the best interests and welfare of the citizens and businesses of the City to enact this ordinance permitting microblading as an accessory use to a bona fide beauty salon principal use; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the recitals to this Ordinance (whereas clauses) are adopted as the legislative findings and intent of the City Council of the City of Daytona Beach Shores; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: Section 2-2, *Land Development Code*, Chapter 2, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “General Definitions,” is amended to read as follows:

Sec. 2-2. General Definitions

2-2. General Definitions

Microblading: A form of cosmetic facial eyebrow makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigment. Microblading is performed with a grouping or configuration of needles affixed to a handle to manually create lines that resemble eyebrow hairs. Microblading shall only be permitted in bona fide body art establishments and as an accessory use to a bona fide beauty salon as determined by the Community Services Director.

SECTION TWO: ENFORCEMENT, PENALTIES AND APPEALS.

(a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law including, but not limited to, suspension or revocation by the Building Official of the Certificate of Use subject, however, to appeal to the Code Enforcement Board. An appeal must be filed within ten (10) days of the action taken by the Building Official by filing a written appeal with the City Clerk detailing the basis of the appeal together with any filing fee that may be established by the City Council as adopted in a resolution.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2018.

Adopted on second reading this _____ day of _____, 2018.