



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING

March 13, 2018

**7:00 p.m., Community Center, 3048 S. Atlantic Ave.
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CEREMONIAL MATTERS:

PRAYER

PLEDGE OF ALLEGIANCE

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

BUSINESS OF THE CITY COUNCIL:

ORDER OF BUSINESS

- 2. APPROVAL OF THE MINUTES:** February 27, 2018 City Council Meeting
- 3. CONSENT AGENDA:**
 - Board Appointment – Beautification Board: Alternate Marty Stradley
- 4. REPORTS OF THE CITY ATTORNEY:**
- 5. REPORTS OF THE CITY MANAGER:** Community Center Workshop

OLD BUSINESS:

6. ORDINANCE 2018-01 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA REPEALING CHAPTER 16¼ OF THE *CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR REGULATION OF THE CITY'S PARKS AND RELATED FACILITIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, DIRECTIONS TO THE CODE CODIFIER AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. **Second Reading & Public Hearing.**

7. ORDINANCE 2018-02 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. **Second Reading & Public Hearing.**

NEW BUSINESS:

8. COUNCIL COMMENTS:

9. AUDIENCE REMARKS/PUBLIC COMMENTS:

10. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

11. ADJOURNMENT:

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the City Council, 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. Please be advised that all City Council Meetings are recorded. Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at 2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118, or telephone 386-763-5364 at least seven working days prior to the meeting.

PRESENTATIONS AND PUBLIC NOTICES:

MINUTES
CITY COUNCIL MEETING
February 27, 2018
3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118

Present: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice, and Council Member Lorraine Geiger. *Staff: City Manager Michael Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, City Planner Stewart Cruz, Finance Director Kurt Swartzlander and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES: None.

2. APPROVAL OF THE MINUTES: February 13, 2018 City Council Meeting

CMBR LINDAUER moved, seconded by CMBR RICE to approve the February 13, 2018 minutes.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

3. CONSENT AGENDA:

- Monthly Departmental Reports
- Monthly Financial Report
- Board Appointment – Beautification Board: Elizabeth London

CMBR GEIGER moved, seconded by CMBR RICE to approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

4. REPORTS OF THE CITY ATTORNEY: None.

5. REPORTS OF THE CITY MANAGER: None.

OLD BUSINESS: None.

NEW BUSINESS:

6. ORDINANCE 2018-01 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA REPEALING CHAPTER 16¼ OF THE *CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR REGULATION OF THE

CITY'S PARKS AND RELATED FACILITIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, DIRECTIONS TO THE CODE CODIFIER AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. **First Reading.**

CMBR LINDAUER felt only the deletion of the Recreation Board should be removed from Chapter 16 ¼. It was explained that since there will be many changes with the addition of the new community center, it was easier to repeal the entire chapter. A workshop will be held in the future for council to discuss the new policies. CMBR BRYAN asked for an explanation regarding the savings provision. The City Attorney explained it is a part of almost every ordinance and is protection to the city for prior good faith actions.

CMBR LINDAUER moved, seconded by CMBR RICE to approve Ordinance 2018-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

7. **ORDINANCE 2018-02** 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. **First Reading.**

CMBR RICE moved, seconded by CMBR GEIGER to approve Ordinance 2018-02 on first reading.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

8. **RESOLUTION 2018-02** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO INFRASTRUCTURE FUNDING AND REQUESTING AND SUPPORTING THE COUNTY COUNCIL OF VOLUSIA COUNTY PLACING A BALLOT QUESTION ON THE 2018 ELECTION BALLOT FOR A ONE-HALF CENT INFRASTRUCTURE SALES TAX TO BE LEVIED FOR TWENTY YEARS; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. **First Reading and Public Hearing.**

CMBR RICE moved, seconded by CMBR GEIGER to adopt Resolution 2018-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

9. APPROVAL FOR NONCONFORMING SIGN GRANT TO SEA OATS

CMBR GEIGER moved, seconded by CMBR LINDAUER to approve the sign grant for Sea Oats.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

10. COUNCIL COMMENTS: CMBR Rice explained that she had visited the new salon in town that would be doing the microblading. She encouraged the citizens to stop by. CMBR Geiger provided a reminder for upcoming events; February 28th is the book signing at Red Lobster; St. Patrick's dinner has sold out, and the next concert is March 4th at Westminster Church. CMBR Lindauer inquired what happened at Denny's. The City Manager responded that the business had closed with no advance notice.

11. AUDIENCE REMARKS/PUBLIC COMMENTS: John Ersland spoke regarding the bill before the legislature that would remove daylight savings time. He was in full support and hoped the council would also support the bill.

Jim Cameron also spoke on legislative matters. He explained that the final two weeks would be very busy. The main areas of focus are: budget, school safety, firearms and mental health. There will be a ballot question for another \$25,000 homestead exemption.

12. ITEMS RECOMMENDED FOR THE NEXT AGENDA: None.

13. ADJOURNMENT: The meeting ended at 7:23 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



**CITY OF DAYTONA BEACH SHORES
APPOINTMENT INFORMATION FORM**

Please type, if possible. (Or print clearly)

DATE: 2/23/2018

BOARD(S) DESIRED: Beautification Board - Alternate

NAME: Marty Stradley

ADDRESS(ES): H: 3114 S. A1A ZIP: 32118

W: 3114 S. A1A ZIP: 32118

PHONE: H: 386-767-3473 W: 386-767-3473

EMPLOYER: Peris International

POSITION: Owner HOW LONG _____

EDUCATION: SCHOOL NO. YEARS DEGREES

HIGH SCHOOL Wheat Ridge H.S - 3 - HS Degree

COLLEGE York University - 2 - AA

Abilene Christian Univ - 3 - BA

1. Are you a resident of City of Daytona Beach Shores? Y X N _____

2. Are you a registered voter? Y X N _____

3. Do you own property in Daytona Beach Shores? Y _____ N X _____

4. Are you currently serving on a City board? Y X N _____

5. Have you ever served on a City board? Y X N _____

If yes, when, where and which board? _____

Beautification Board

DBS, FL

6. How long have you lived in Daytona Beach Shores? 9 yrs. +

REFERENCES: (Please do not use current council members)

NAME	ADDRESS	PHONE
Tanet Marks	10907 Legacy Ridge, Westminster, CO	303-910-4642
Leena Howard	1630 Makiki St. #A-101, Honolulu, HI	808-354-1401
Jolyn Ruybal	938 S. Johnson Wy, Lakewood, CO	303-980-6147

WORK EXPERIENCE:

Boise, Denver, Miami, Boulder

Legal Assistant - 20 yrs. various firms

Admin Assistant - 10 yrs. various law firms

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARD(S)?

Besides being interesting + working w/ great people;
It's part of my community outreach;
helpful to DBS citizens; helps overall look
of the City to be more cohesive
and compelling.

Marty Stradley
(Signature)

**Please Note: If you have any questions, please call the Office of the City Clerk, 763-5364.
Return this form in person or by mail to the City Clerk, City Hall, 2990 S. Atlantic Avenue,
Daytona Beach Shores, FL 32118. Faxes will not be accepted.**

Reports of the City Attorney

Reports of the City Manager

ORDINANCE 2018-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA REPEALING CHAPTER 16¼ OF THE CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR REGULATION OF THE CITY'S PARKS AND RELATED FACILITIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, DIRECTIONS TO THE CODE CODIFIER AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2.11 of the *City Charter of the City of Daytona Beach Shores* provides for the general powers and duties of the City Council and states as follows:

All powers of the City shall be vested in the City Council except as otherwise provided by law and this charter. The City Council shall be responsible for the reasonable exercise of those powers, and shall be required to provide for the performance of all duties and obligations imposed on the City by law.

; and

WHEREAS, Section 3.01 of the *City Charter of the City of Daytona Beach Shores* provides for the establishment of the office of City Manager and states as follows:

There shall be a City Manager who shall be the chief administrative officer of the City. The Manager shall be responsible to the City Council for the administration of all affairs of the City.

; and

WHEREAS, Section 3.09 of the *City Charter of the City of Daytona Beach Shores* provides for a City Administrative Code and states as follows:

The City Manager shall propose and the City Council shall amend and adopt, by a vote of four-fifths of the full Council an administrative code which shall set forth the departmental organization for the City government, including charts showing the chain of command and the allocation of responsibilities and duties, definitions of the nature and scope of each department, and all required rules and procedures

for operating said departments.

; and

WHEREAS, sound public management practices and principles are best applied by ensuring that administrative rules and processes are flexible and able to be adjusted and modified as needs arise or circumstances change in order to best serve the public interest; and

WHEREAS, sound public management practices and principles and fiscal prudence are best implemented by providing for changes in administrative matters by means of the adoption of resolutions by the City Council and the promulgation of rules by the City Manager in accordance with the provisions of the *City Charter* and controlling State law as opposed to the costly process of enacting ordinances; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law to include, but not be limited to, the *City Charter*.

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

SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Council.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

SECTION TWO. REPEAL OF CHAPTER 16¼ OF THE CITY CODE.

Chapter 16¼ of the *Code of Ordinances of the City of Daytona Beach Shores* is hereby repealed.

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to the regulation of parks and recreation matters, such as, but not limited to the implementation of Chapter 16¼ of the *Code of Ordinances of the City of Daytona Beach Shores*, as well as any and all actions of the City pertaining thereto, to include any and all related matters and processes and procedures of the City of an associated nature with regard to the City's parks and related facilities, are hereby ratified and affirmed.

SECTION FOUR: PARKS AND RELATED FACILITIES RULES AND REGULATIONS.

A new Section of the *Code of Ordinances of the City of Daytona Beach Shores* is added to read as follows:

(a). The City Manager shall prepare and present to the City Council administrative rules, processes and procedures such as are determined to be necessary and appropriate in order to adequately regulate the City's parks and related facilities. The City Council may adopt administrative rules, processes and procedures by means of the approval of resolutions from time-to-time in order to address the needs of the City.

(b). The City Council may delegate to the City Manager the authority to adopt rules relating to the regulation of the City's parks and related facilities and the City Manager shall have the day-to-day administrative and regulatory authority over the City's parks and related facilities.

SECTION FIVE: CODIFICATION; SCRIVENER'S ERRORS.

(a). The provisions of this Ordinance Section Four of this Ordinance shall be codified in the *Code of Ordinances of the City of Daytona Beach Shores* and all other sections shall not be codified; provided, however, that the Code codifier shall take all actions necessary to implement the provisions of this Ordinance.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or relettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION SIX: CONFLICTS.

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

SECTION SEVEN: 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 EIGHT: 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.



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

TO: Mayor and City Council

FROM: Stewart Cruz – City Planner

CC: Michael T. Booker – City Manager
Fred Hiatt – Director

SUBJECT: Ordinance 2018-02

DATE: February 20, 2018

Proposed Ordinance 2018-02 (**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 (**Exhibit B**) 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 under City regulations. Therefore, to meet the growing demand for microblading in the cosmetic industry, staff is recommending approval of “Ordinance 2018-02,” 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 C**).

On February 12, 2018 the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of Ordinance 2018-02 (formerly Ord. 2018-MB).

EXHIBIT A

EXHIBIT B
Examples of Microblading





EXHIBIT C

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 2018-02

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.

Council comments

Audience remarks

Items for the next agenda