

**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**

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2-2. General Definitions

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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.

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**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**

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**HARRY JENNINGS, MAYOR**

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**MICHAEL T. BOOKER, CITY MANAGER**  
Approved as to form and legality:

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**CHERI SCHWAB, CITY CLERK**

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**LONNIE GROOT, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.