

RESOLUTION NO. 2025-__

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION TO AMEND THE LAND DEVELOPMENT REGULATIONS CHAPTER 122, ENTITLED “ZONING”, ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 13, ENTITLED “TATTOO ESTABLISHMENTS,” SECTION 122-1543, ENTITLED “SEPARATION REQUIREMENTS,”; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Key West Land Development Regulations Chapter 122, entitled “Zoning”, Article V, entitled “Supplementary District Regulations”, Division 13, entitled “Tattoo Establishments” reflects an ordinance regulating tattoo establishments; and

WHEREAS, the City recently passed Ord 2025-08 to address the desire by the public for additional zoning districts to permit tattoo shops to within the City; and

WHEREAS, the City has identified that the current ordinance still constrains the location of tattoo shops prohibiting them near Mallory Square, Clinton Square, and 1400 Duval, all busy commercial sectors that would be suitable for such uses; and

WHEREAS, it is in the best interest of the City to update the code to allow a reasonable place and restriction for Tattoo parlors; and

WHEREAS, the proposed Ordinance was drafted in coordination with the Interim City Attorney, and sponsored by the City Manager pursuant to Sec. 90-518 of the Code of Ordinances; and

WHEREAS, the Planning Board held a noticed public hearing on September 18, 2025, and reviewed the proposed amendment to the Land Development Regulations in accordance with

Section 90-522; and

WHEREAS, the Planning Board determined, in accordance with the criteria of Code Section 90-520(6), that the proposed amendment is consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; is stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2: Chapter 122, entitled “zoning”, Article V, entitled “supplementary district regulations”, Division 13, entitled “Tattoo Establishments,” Section 122-1543, entitled “Separation Requirements,” are hereby amended as follows:

(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

_____ Chairman
_____ Planning Director

Sec. 122-1543. Separation requirements.

~~(a) The proposed site shall be at least 500 feet from any other such use.~~

~~(b)~~ (a) The proposed site shall be at least 500 feet from the nearest house of worship, school (public or private), child care center, library, or public park. The beach area adjacent to the Atlantic Ocean, the Pocket Park at 1400 Duval Street, Mallory Square, and Clinton Square, shall not be considered a public park for the spacing criteria.

~~(c)~~ (b) The separation requirements set forth above shall be measured by following the shortest route of ordinary fare from the nearest point of the parcel of the proposed tattoo establishment to the other parcel (as listed above) in subsections (a) and (b).

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Planning Board.

Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Commerce (DOC). Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference to this approval; that within the forty-five (45) day review period the DOC can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement order.

_____ Chairman
_____ Planning Director

Read and passed on first reading at a duly noticed public meeting held this 18th day of September, 2025.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Peter Batty, Planning Board Chair

Date

Attest:

Jim Singelyn, Acting Planning Director

Date

Filed with the Clerk:

Donna Phillips, Deputy City Clerk

Date

_____ Chairman

_____ Planning Director