

ORDINANCE NO. 2021-2225

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 2.01.00 OF THE LAND DEVELOPMENT CODE PERTAINING TO DEFINITIONS OF TERMS TO AMEND THE DEFINITION OF “PERSONAL SERVICE” AND TO ADD THE DEFINITIONS OF “BEAUTY SHOP” AND “COSMETIC TATTOOING”; PROVIDING FOR AMENDMENT OF SECTION 7.06.02 2.f. OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO SERVICE-TYPE SPECIAL EXCEPTIONS IN THE MF-30 HIGH DENSITY RESIDENTIAL ZONING DISTRICT CONSISTENT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, cosmetic tattooing has grown in popularity and is not addressed in the Land Development Code;

WHEREAS, the practice of cosmetic tattooing requires a state tattoo artist license, but is a beauty treatment distinct from typical tattooing;

WHEREAS, cosmetic tattooing is a practice that should be considered a part of the operation of a beauty shop;

WHEREAS, the current Land Development Code does not have definitions of “beauty shop” or “cosmetic tattooing”;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

WHEREAS, notice of this ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION 1. Paragraph f of Subsection 2 of Section 7.06.02 of Chapter 7 of the New Port Richey Land Development Code, pertaining to service-type special exceptions in the MF-30 high density residential district, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

f. Service-type, light business facilities such as restaurants, barbershops, beauty shops ~~salons~~, convenience stores, and gift shops;

SECTION 2. Section 2.01.00, of Chapter 2, of the New Port Richey Land Development Code, pertaining to definitions of terms, is hereby amended to amend the definition of “personal services”, as follows (strikeout text is deleted and underlined text is added):

Personal services: An establishment that primarily provides services generally involving the care of a person or a person's apparel, including but not limited to, barber shops, beauty shops ~~salons~~, nail salons, seamstress shops, shoe-repair shops, and excluding tattoo and body piercing establishments, dry cleaning, coin laundry and laundromats.

SECTION 3. Section 2.01.00, of Chapter 2, of the New Port Richey Land Development Code, pertaining to definitions of terms, is hereby amended to add the definition of “beauty shop” thereto, as follows (strikeout text is deleted and underlined text is added):

Beauty shop: An establishment that provides services performed on a person’s body designed to improve the person’s appearance, which may include hair styling, cutting, drying and coloring, facials, hair removal, manicures, pedicures, and cosmetic tattooing.

SECTION 4. Section 2.01.00, of Chapter 2, of the New Port Richey Land Development Code, pertaining to definitions of terms, is hereby amended to add the definition of “cosmetic tattooing” thereto, as follows (strikeout text is deleted and underlined text is added):

Cosmetic tattooing: The process of a state licensed tattoo artist applying tattoos to a person’s body that mimic the natural features of the human body damaged by aging, injury or a medical procedure, or that constitute permanent makeup or other enhancements to the natural features of the human face, such as the lips, eyes, cheeks and forehead. The application of tattoos that contain written words, numbers, symbols, images of objects or persons, or other graphic images shall not be considered cosmetic tattooing.

SECTION 5. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 6. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this ordinance may be renumbered to accomplish such codification, and that the word ordinance may be changed to “section” to accomplish such codification.

SECTION 8. This ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 2nd day of February, 2021.

The above and foregoing ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 16th day of February, 2021.

ATTEST:

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney
CA Approved 12/172020