



## *City Council Staff Report*

**Meeting Date: October 18, 2021**

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**TO:** City of Marco Island City Council

**FROM:** Daniel J. Smith, AICP – Director of Community Affairs

**DATE:** October 8, 2021

**RE:** Land Development Code (LDC) amendment to Sec. 30-222, of the Commercial Intermediate (C-3) District, adding use code 812199 - other personal care services, which includes permanent makeup but tattoo parlors. Adding a definition to Sec. 30-10, defining Massage Parlor.

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### **APPLICANT:**

City of Marco Island

### **DESCRIPTION:**

The City Council has asked the Planning Board to review the use of “permanent makeup” which is currently not an allowed use in our Land Development Code (LDC).

The use code by the North American Industry Classification System (NAICS) is 812199. Along with permanent makeup, uses under this code also include day spas, electrolysis, ear piercing, steam baths, hair replacement, tanning salons, massage and tattoo parlors.

It is staff’s understanding that permanent makeup already has been a service given by commercial businesses on the Island. These businesses have brought this to the attention of the City Council. City Council asked that the Planning Board review this use and come back with a recommendation.

### **PLANNING BOARD:**

The Planning Board heard this item. There was discussion regarding permanent makeup, massage, and tattoo parlors, which would be allowed if 81299 was included in its entirety. The Planning Board voted 5-2 to add 81200 as an allowed use for Commercial Intermediate (C-3) Districts, excluding tattoo parlors. The Planning Board also recommended adding a definition for massage parlor to only include massage therapy.

### **ANALYSIS**

The Comprehensive Plan includes in the Future Land Use Element the following goal:

TO ENHANCE MARCO ISLAND’S QUALITY OF LIFE, ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN AND RESORT CHARACTER BY MANAGING GROWTH AND ASSURING A STABLE

**RESIDENTIAL COMMUNITY WITH SUFFICIENT BUSINESSES TO SERVE THE NEEDS OF RESIDENTS AND VISITORS:**

Staff believes use 812199, excluding massage and tattoo parlors, would further serve the needs of the Marco Island Community.

Pursuant to Section 30-62(c)(3)d. of the LDC, amendments to the LDC must be examined with regard to the need and justification for the change; and the relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies, of the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of the LDC and other city codes, regulations, and actions designed to implement the growth management plan.

The City staff finds that the need and justification for this proposed change is to provide for fair and consistent regulations that are easily enforced.

Objective 1.7 of the Future Land Use Element of the City's Comprehensive Plan provides: The city will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community's character.

Policy 1.7.2 The City will continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted Land Development Code.

The City's professional planning staff has reviewed the City's Comprehensive Plan and finds that this proposed Ordinance is consistent with the City's Comprehensive Plan and furthers the purposes of the LDC.

**STAFF RECOMMENDATION:**

Staff recommends the City Council approve the Planning Board's recommendation, excluding tattoo parlors, and include a definition of massage parlor to only include massage therapy.

The recommendation of approval to the City Council based on the below findings:

1. The amendment is consistent with the City's Comprehensive Plan, and in particular Future Land Use Element Objective 1.7.
2. The approval also is consistent with Goal 1 of the Future Land Use Element in providing sufficient businesses to serve the needs of the residents and visitors.

Daniel J. Smith, AICP

Director of Community Affairs