

CITY COMMISSION AGENDA ITEM REPORT

DATE: September 14, 2022

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2514

AGENDA SECTION: **ORDINANCE(S) - FIRST READING**

TITLE: TO2514 - An Ordinance of the City Commission of the City of Tamarac, Florida, amending Chapter 10 of the City of Tamarac Code of Ordinances, entitled "Land Development Code" by amending Article 6 entitled "Rules of Construction and Definitions," by specifically amending Section 10-6.2, entitled "Use Categories and Use Types Defined", and Section 10-6.3, entitled "Other Terms Defined", to provide definitions for certain "Adult Entertainment Uses" identified in the city's land development code; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

RECOMMENDATION: The Director of Community Development recommends that the Mayor and City Commission adopt the proposed text amendment to Chapter 10, Article 6, Section 10-6.2 entitled "Use Categories and Use Types Defined" and Section 10-6.3 entitled "Other Terms Defined" in the City of Tamarac Code of Ordinances on First Reading at its September 14, 2022 meeting, and on Second Reading at its September 28, 2022 meeting (see attached Temporary Ordinance No. 2514).

BACKGROUND: Pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, local municipalities are empowered with broad home rule authority to adopt ordinances that provide for the health, safety, and welfare of the general public. To that end, the City's Code of Ordinances originally codified the classification of Adult Entertainment uses in 1975. As such, provisions for Business Tax Receipts for Adult Entertainment uses and their associated definitions are currently identified in Chapter 12 of the City's Code of Ordinances and have not been significantly amended since that time.

Prior to the rewrite of the City's Land Development Code in 2018, the regulatory zoning provisions for Adult Entertainment uses were outlined in the "Permitted Use Table" in Chapter 24 with the definitions provided for in Chapter 12. Per the previous regulations in effect at that time, Adult Entertainment uses were permitted as a Special Exception only in the B-3 (General Business) Zoning District. After the rewrite of the City's Land Development Code in 2018, Adult Entertainment uses were similarly codified in Section 10-3.2, Table 10-3.1 which pertains to "Allowed Uses" under the MU-C (Mixed Use-Corridor) Zoning District, and their associated classifications and definitions were listed under Section 10-6.2 "Use Categories and Use Types Defined" for organizational consistency. This provided for the Adult Entertainment Use, the subcategory of uses and the associated definitions to be located in one Chapter, which is Chapter 10 of the LDC.

As stated in the City's current Land Development Code, the MU-C zoning district is designed for the appropriate placement of entertainment uses of a commercial nature. The district is distinguished from the MU-N zoning district by its location, and normally adjoins an arterial roadway. The district is meant to accommodate higher-density residential and live/work uses in addition to providing residents and visitors with an opportunity to meet their daily service, entertainment, and open space needs.

Moreover, Adult Entertainment use and four (4) of the subcategory uses are defined in the City's current Land Development Code, leaving nine (9) of the listed subcategory uses undefined in the LDC. The amendment is necessary to provide for consistency and definitions of all the subcategory uses, updated where appropriate, and not just some which will further a more precise interpretation and administration of the Code. Below is the list of the subcategory uses as outlined in the LDC:

- • Body Rub or Bathhouse Establishment
- Adult Bookstore (Defined in 10-6.3.)
- Adult Motion Picture Theater ((Defined in 10-6.3)
- Adult Mini Motion Picture Theater (Defined in 10-6.3)
- Adult Cabaret or Theater (Defined in 10-6.3)
- Escort Service (Not Defined)
- Body Painting Studio (Not Defined)
- Encounter Parlor (Not Defined)
- Sex Consultation Business (Not Defined)
- Nude Photography Studio (Not Defined)

- Nude Modeling Business (Not Defined)
- Nude Dancing Studio (Not Defined)
- Dating Service (Not Defined)

To that end, Staff is proposing a text amendment to Section 10-6.2 specifically section 10-6.2(7)(a) which provides an overview of designated Adult Entertainment uses and the section will be further amended to reference Section 10-6.3 entitled "Other Terms Defined" which will update where appropriate, and cite specific definitions for each subcategory of the use. The amendment will provide for clarification in the designation of specific Adult Entertainment uses and allow the City to regulate these uses in a more effective manner.

ISSUE:

Article 6 of the City's Land Development Code (LDC) identifies and defines Adult Entertainment uses. Of the thirteen (13) subcategories of Adult Entertainment type uses enumerated in 6.2(7)(a) of the LDC, only four (4) are appropriately defined in the Other Terms Defined (10-6.3) section, thereby allowing for vagueness in interpretation relative to those subcategories not defined. As such, an amendment to the text of the Land Code Development is necessary to provide for a more precise interpretation of not just the 4 that's defined, but all the subcategory uses listed under the Adult Entertainment use.

STRATEGIC GOALS:

Goal #2 : Tamarac is Safe and People Know It

ATTACHMENTS:

[1-Memo Adult Definitions Text Amendment to LDC.doc](#)

[TO2514 - Ordinance Amending LDC Adult Use Definitions.\(137796910.1\)-C.docx](#)