



## Cover Memorandum/Staff Report

File #: 26-0653

Agenda Date: 6/2/2026

Item #: 7.B.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Giannotes, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 2, 2026

RESOLUTION NO. 97-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.3(ZB)(6) OF THE LAND DEVELOPMENT REGULATIONS, APPROVING A WAIVER TO ALLOW A TATTOO ESTABLISHMENT TO OPERATE WITHIN 750 FEET OF ANOTHER TATTOO ESTABLISHMENT, FOR THE PROPERTY LOCATED AT 271 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 97-26, a waiver request to the frequency limitations to allow VT Studios Delray Inc. to operate a tattoo establishment at 271 NE 6<sup>th</sup> Avenue within 750 feet of another tattoo establishment.

### **Background:**

Vatican Tattoo Studio Delray is an existing tattoo establishment located at 325 NE 2nd Avenue, Suite #103. The business has been in operation in the city for approximately 10 years. A tattoo establishment is permitted as a principal use within the Central Business District (CBD) Central Core Sub-district. The applicant is proposing to relocate the business and is requesting approval to operate a tattoo establishment at 271 NE 6th Avenue, which is located within the 750-foot separation requirement established in LDR Section 4.3.3(ZB)(6). The current location (325 NE 2nd Avenue, Suite #103) is within 954 feet of another tattoo establishment, and the proposed location (271 NE 6th Avenue) is approximately 366 feet (approximate) from another tattoo establishment measured property line to property line, and 588 feet (approximate) from the property line midpoint to door.

Pursuant to **LDR Section 4.3.3(ZB)(6)**, "Whether allowed as a principal use, tattoo establishments and/or tattooing shall be located no more than one per block or within 750 feet of another such use, as measured from lot line to lot line in a straight line." Pursuant to **LDR Section 4.3.4(ZB), Tattooing and tattoo establishments**, *It is the intent of this section to permit Tattooing and Tattoo Establishments, which are expressive activities protected by the U.S. Constitution, pursuant to reasonable time, place, and manner restrictions which are narrowly tailored to protect: the unique character and aesthetic of the City of Delray Beach's award-winning, family-friendly, historic downtown and neighborhoods and renowned beach resort community; property interests and rights; the public health, safety, and welfare; and the administration of local laws.* Vatican Tattoo Studio Delray is located less than 750 feet from the Fantastic Damage Tattoo Gallery within the 200 block of NE 4<sup>th</sup> Avenue. Therefore, the applicant has requested a waiver from **LDR Section 4.3.3(ZB)(6)**.

The following regulations apply to the use to limit potential negative impacts:

**LDR Section 4.3.4(ZB)(3&4):**

*(3) Hours of operation. Tattoo establishments are limited to operating between 8:00 a.m. to 10:00 p.m.*

*(4) Visibility of tattooing. Tattooing shall not be visible from a public right-of-way public land, public open space or any private property open to the public, including common areas.*

To approve the waiver, the Commission must make the following findings:

**LDR Section 2.4.11(B)(5), Waivers: Findings, prior to granting a waiver, the granting body shall make findings that the granting of the waiver:**

*(a) Shall not adversely affect the neighboring area;*

*(b) Shall not significantly diminish the provision of public facilities;*

*(c) Shall not create an unsafe situation; and,*

*(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

*(e) Within the CBD, the following additional findings apply:*

*1. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*

*2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*

*3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.*

*4. The waiver shall not reduce the quality of civic open spaces provided under this code.*

The applicant justification statement is attached.

Although the proposed tattoo establishment is located within the 750' limit to another existing tattoo business, the businesses are not on the same block, and are separated from each other by NE 5th Ave. and NE 6th Ave, the north and southbound streets comprising Federal Highway in the downtown (see attached map). The surrounding block structure is compact and characterized by closely spaced commercial storefronts, which is typical of this district. The locations are not visible to each other. The separation provided remains sufficient to avoid an over-concentration of the use. Tattoo studios are generally low-impact establishments with limited turnover, minimal noise, and few significant adverse effects on surrounding properties. The proposed location also complies with the requirement that tattoo establishments shall not be located within 300 feet of an established school or places of worship, as measured from the nearest point of the building of the place of business, location, or establishment to the nearest point of the school grounds in use as a part of the school facility or house of worship.

**City Attorney Review:**

Resolution No. 97-26 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Resolution No. 97-26 will be effective immediately, if approved.