

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.

WHEREAS, MG Delray Holdings, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.18 acres located at 271 NE 6th Avenue (“the Property”) situated on the east side of NE 6th Avenue, south of NE 3rd Street and north of NE 2nd Street, as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Central Business (CBD) District wherein tattoo establishments are permitted uses; and

WHEREAS, the City of Delray Beach, Florida (“City”) received a waiver request application (PZ-000632-2026) from Owner to allow a proposed tattoo establishment to operate within 750 feet of another tattoo establishment; and

WHEREAS, Section 4.3.3(ZB)(6) of the Land Development Regulations (“LDR”) limits more than one tattoo establishment from being located within 750 feet of another tattoo establishment as measured from lot line to lot line; and

WHEREAS, the application proposes a tattoo establishment located within 750 feet of the tattoo establishment, Fantastic Damage Tattoo Gallery; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make a finding that the granting of the waivers:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities; and
- (c) Shall not create an unsafe situation; and
- (d) Do not result in the grant of a special privilege in that the same waivers would be granted under a similar circumstance on other property for another applicant or owner.

WHEREAS, LDR Section 2.4.11(B)(5)(e), which govern waivers from development standards in the CBD, also require the approving body to make a finding that the granting of the waiver:

- (a) Shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls;
- (b) Shall not allow the creation of significant incompatibilities with nearby buildings or uses of land;
- (c) Shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan; and

(d) Shall not reduce the quality of civic open spaces provided under this code.

WHEREAS, on June 2, 2026, the City Commission considered the waiver request to LDR Section 4.3.3(ZB)(6), to allow for the operation of a tattoo establishment within 750 feet of another tattoo establishment and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings that the requested waiver (1) does not adversely affect the neighboring area; (2) does not significantly diminish the provision of public facilities; (3) does not create an unsafe situation; and (4) 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.

Section 3. The City Commission makes positive findings that the requested waiver (1) does not result in an inferior pedestrian experience along a Primary Street; (2) does not allow the creation of significant incompatibilities within nearby buildings or uses of land; (3) does not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and (4) does not reduce the quality of civic open spaces provided under this code.

Section 4. The City Commission approves the waiver request to LDR Section 4.3.3(ZB)(6) to allow a tattoo establishment to operate at the Property, as more particularly described in Exhibit "A."

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to VT Studios Delray, Inc, 325 NE 2nd Ave, Suite 103, Delray Beach, Florida, 33444.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

\_\_\_\_\_  
Alexis Givings, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**Exhibit "A"**  
**LEGAL DESCRIPTION**

Lot 13, less the East five feet (5') thereof Block 106, Map of the Town of Linton (now Delray Beach), according to the plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida.