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4 **EXHIBIT 1**
5 **ORDINANCE 2017 -**
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8 **AN ORDINANCE OF THE MAYOR AND CITY**
9 **COMMISSION OF THE CITY OF HALLANDALE BEACH,**
10 **FLORIDA, AMENDING THE ZONING AND LAND**
11 **DEVELOPMENT REGULATIONS IN CHAPTER 32,**
12 **ARTICLE IV, DIVISION 25, "MASSAGE SERVICES" TO**
13 **ESTABLISH DISTANCE SEPARATION REQUIREMENTS**
14 **AND OTHER REGULATORY PROVISIONS RELATING TO**
15 **MASSAGE ESTABLISHMENTS; PROVIDING FOR**
16 **CODIFICATION; PROVIDING FOR CONFLICT;**
17 **PROVIDING FOR SEVERABILITY; AND PROVIDING FOR**
18 **AN EFFECTIVE DATE.**
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22 **WHEREAS**, in 2013, the Florida legislature amended the Massage Passage Act,
23 pursuant to House Bill 7005 by creating new regulations to curb illegal activity related to
24 massage establishments; and
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26 **WHEREAS**, in an effort to further thwart criminal activity related to massage
27 establishments and eliminate the clustering of criminal activity along major corridors, City
28 Administration has determined that the regulations relating to massage establishments
29 should be revised to require a distance separation requirement; and
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31 **WHEREAS**, City Administration sponsored a text amendment to establish the
32 distance separation requirement; and
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34 **WHEREAS**, on November 30, 2016, the Planning and Zoning Board reviewed the
35 proposed text amendment at a duly noticed public hearing and have forwarded its
36 recommendation of approval to the City Commission; and
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38 **WHEREAS**, the City Commission finds the amendment to be in the best interest
39 of the citizens of Hallandale Beach; and
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41 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
42 **CITY OF HALLANDALE BEACH, FLORIDA:**
43

44 **Section 1.** That, Article IV, Division 25 Section 32-779 entitled "Massage
45 Services" of the Zoning and Land Development Regulations is hereby amended as
46 follows:
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49 **Sec. 32-779. - Massage services.**

50 (a) No establishment shall be permitted to provide massage services within the city
51 without a massage therapy services certificate issued pursuant to ~~section 7-454~~
52 section 7-461 Article XIII. "Massage ~~services~~ Services" of chapter 7, "Businesses."

53

54 (b) Definitions. For the purposes of this regulation, the words, terms and
55 phrases shall have the meanings ascribed to them in this section, except where the
56 context clearly indicates a different meaning.

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58 1. *Massage Establishment.* Massage Establishment shall be
59 defined as delineated in Section 7-461 of the City of Hallandale Beach
60 Code of Ordinances.

61

62 2. *Salon Mall.* Salon Mall shall mean retail and personal service
63 centers comprised of multiple suites controlled by a single landlord or
64 business owner. Suites are individually leased and operated by
65 independently owned professional salons or licensed professionals.
66 Services typically include, but are not limited , barbering, hair styling,
67 nail care, makeup application, skin care, facials, hair removal,
68 massage, and other cosmetic related services.

69

70 (b) Nonconforming uses which provide massage services. Businesses which
71 provide massage services, in existence prior to the effective date of this division, but
72 now in violation of chapter 32 of the Code shall be permitted to continue for a period
73 not to exceed 18 months from the date of adoption of this division unless terminated
74 earlier for any reason or discontinued for a period of 90 days or more. Buildings or
75 premises devoted to nonconforming massage services shall not be increased,
76 enlarged, or extended. Buildings or premises devoted to nonconforming massage
77 establishment uses shall not be altered in any way except to be changed to a
78 conforming use. For purposes of this section, alteration shall mean any change,
79 addition, or modification in construction or occupancy. Normal maintenance and
80 repair shall be permitted.

81

82 (d) *Distance Separation Requirements* There shall be a 2,500 linear foot distance
83 separation requirement between one massage establishment and another massage
84 establishment. All massage establishments shall adhere to any and all state law
85 requirements and shall abide by the following provisions:

86

87 1. All massage establishments shall ensure that all massage therapists shall
88 post in an easily viewable conspicuous place his/her state and local licenses.

89

90 2. Should the city establish a Certificate of Use requirement for businesses,
91 all massage establishments must apply for a Certificate of Use pursuant to the
92 City's Code of Ordinances. The massage establishment shall post in an easily
93 viewable conspicuous place its Certificate of Use.

94
95 3. The following massage establishments and services are exempt from the
96 aforementioned distance separation requirement:

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98 a. Massage establishments located on the premises of a 75 room or
99 more hotel, licensed health care facility, and licensed health care clinic;

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101 b. Licensed massage therapists operating during a special event which
102 has received the required approvals from the City of Hallandale Beach;

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104 c. Accessory use massage establishments which meet all of the
105 following criteria:

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107 i. Customarily associated with the main principal use (i.e. Nail
108 Shop, Beauty salon, cosmetic services).

109 ii. Utilize no more than 25% of the floor area of the principal use.

110 iii. Exterior signage is not permitted.

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112 d. Salon Malls of a minimum of 2,500 square feet which meet all of the
113 following criteria:

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115 i. All massage therapists shall have and maintain and keep
116 active all state and local licenses. Said licenses shall be posted in an
117 easily viewable conspicuous location. Prior to leasing suites to
118 individual salons, landlords shall verify that the suite tenants and
119 salon professionals have and maintain all applicable state and local
120 licenses.

121
122 ii. The number of suites leased to licensed massage therapists
123 shall be limited to a maximum of 25 percent of the overall number of
124 suites.

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126 iii. A maximum of two licensed massage therapists shall only be
127 permitted per suite.

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129 iv. Once established in the City, a Certificates of Use shall be
130 required for landlords or business owners operating Salon Malls, and
131 for individual salon suites and licensed professionals.

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133 (e). Any other provision of this Code to the contrary notwithstanding, there shall be no
134 variances of the above distance requirements granted for any reason.

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Section 2. Codification. That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

Section 3. Severability. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. Conflict. That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. Effective Date. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED on 1st reading on _____ 2017.

PASSED AND ADOPTED on 2nd reading on _____ 2017.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY COMMISSION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK
APPROVED AS TO LEGAL SUFFICIENCY and
FORM

V. LYNN WHITFIELD
CITY ATTORNEY