



City of Hallandale Beach City Planning and Zoning Board Agenda Cover Memo

Primary Application Type:	CODE AMENDMENT	Hearing Date:	November 30, 2016		
Additional Applications:	N/A	Public Hearing:	YES	NO	
			X		
Code Section & General Title:	32-779 Distance Separation Requirements	Quasi-Judicial:	YES	NO	
				X	
Applicant:	City of Hallandale Beach	Workshop:	YES	NO	
				X	
Application #	LDC-16-03827	Advertisement Type Required:	DISPLAY	REGULAR	N/A
			X		
Staff Recommendation:		Approve	Approve w/Conditions		Reject
		X			
Applicant Request:	City Administration is proposing to amend the Zoning and Land Development Code to require 2,500 linear feet of distance separation between massage establishments in the City of Hallandale Beach.				
The subject application has been reviewed and processed pursuant to policies and regulations contained within: <ul style="list-style-type: none"> ▪ City of Hallandale Beach Comprehensive Plan ▪ City of Hallandale Beach Code of Ordinances ▪ Broward County Land Use Plan 		Strategic Plan Priority Area:			
		<input checked="" type="checkbox"/> Safety <input type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal			
Sponsor Name:	Keven R. Klopp, Development Services Director	Prepared By:	Althea Jefferson, AICP, Planning & Zoning Manager		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS IN CHAPTER 32, ARTICLE IV, DIVISION 25, "MASSAGE SERVICES" TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS AND OTHER REGULATORY PROVISIONS RELATING TO MASSAGE ESTABLISHMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background:

The practice of Massage is regulated by Chapter 480, Florida Statutes and by Administrative Rules, which implement this law. The City of Hallandale Beach Code of Ordinances provides local regulations for massage services in Chapter 7. In 2012, Governor Rick Scott signed HB 7005 into law, which brought forth changes to Chapter 480. The changes included regulatory provisions for hours of operation.

On May 1, 2013, the City Commission directed staff to review the existing ordinance on Massage Parlors and make recommendations regarding the possible regulation of hours of operations for massage parlors. Ordinance 2014-20 was adopted by the City Commission on June 4, 2014.

Why Action is Necessary

Pursuant to Chapter 2-231 of the City's Code of Ordinances, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission with regard to Zoning and Land Development Code Amendments.

Current Situation

While the 2014 changes effectively implemented the state laws, City Administration has asked for additional requirements as it relates to distance separation and zoning regulations.

Analysis

The proposed ordinance is found to be consistent with City's Comprehensive Plan. Specific Future Land Use Element (FLUE) goals, objectives, and policies to reflect consistency are noted below:

FLUE GOAL 1: To provide a coordinated and compatible mix of land uses which encourages a high quality of life meeting the social, economic and physical needs of the present and future population of Hallandale Beach, while insuring reasonable environmental protection and timely and efficient provision of services.

FLUE OBJECTIVE 1.2: Land Use Compatibility: Continuously review and reevaluate existing and potential land use conflicts and recommend solutions, in order to enhance land use compatibility and quality of life.

FLUE POLICY 1.3.3: The City shall maintain land development regulations intended to preserve and protect existing single-family neighborhoods from the negative impacts of incompatible land uses and nuisances.

The Zoning and Land Development Code, Article IV, Division 25 - "Massage Services", addresses massage services, but doesn't currently provide distance separation requirements.

The following is a summary of the proposed draft ordinance:

1. Establishes a definition for Salon Mall.
2. Establishes a 2,500 linear foot distance separation requirement for massage establishments.
3. Exempts the following from the distance separation requirement:
 - a. Salon Malls;
 - b. Licensed Massage Therapist services offered during a city approved special event (temporary use event);
 - c. Massage establishments located on the premises of a 75 room or more hotel, a licensed health care facility, or a licensed health care clinic; and,
 - d. Accessory use massage establishments without signage that use no more than 25% of the floor area of the principal use.
4. Prohibits a variance to the distance separation requirement for massage establishments.

Recommendation:

Staff recommends approval of the proposed Ordinance and Application LDC-16-03827 (Exhibit 1), which establishes a 2,500 linear foot distance separation requirement between massage establishments in the City of Hallandale Beach.

Proposed Action:

A member of the Planning and Zoning Board shall make a motion to:

- ☐ Recommend the City Commission **APPROVE** the proposed ordinance and Application LDC-16-03827; or,
- ☐ Recommend the City Commission **APPROVE** the proposed ordinance and Application LDC-16-03827 **WITH CHANGES**, as proposed by the Board; or,
- ☐ Recommend the City Commission **NOT APPROVE** the proposed ordinance and Application LDC-16-03827.

Once Planning and Zoning Board action is taken, the ordinance will then be presented to the City Commission for consideration and approval at two separate hearings.

Attachments:

Exhibit 1- Proposed Ordinance