

PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: The Office of the City Manager **DATE:** March 2, 2017

SUBJECT: TR 2017-02 Public Hearing to consider amendments to Section 118-

1, Definitions, and 118-631, Table of Permitted Uses, of the North Richland Hills Zoning Ordinance regarding massage establishment,

acupuncture clinic, reflexology clinic, and foot spa.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

Revision is proposed to the Zoning Ordinance related to <u>Section 118-1 Definitions</u>, and <u>Section 118-631 Table of Permitted Uses</u>. The revisions would add definitions for massage establishment, acupuncture clinic, and reflexology clinic/foot spa, and assign these uses as permitted by right or by special use permit in various zoning districts.

GENERAL DESCRIPTION:

In 2016, an interdepartmental task force began discussing the rise in the number of massage establishments in the city. Through these discussions, the task force identified the need for possible revisions to the standards and regulations contained in Chapter 18 (Businesses) and Chapter 118 (Zoning) of the Code of Ordinances as they relate to massage establishments.

The existing business regulations were created in the 1970s and do not reflect current industry standards and practices. An updated set of procedures and standards will be considered by City Council on March 27, 2017.

This update also includes consideration of proposed revisions to the zoning regulations as they relate to a massage establishment, acupuncture clinic, and reflexology clinic/foot spa. Text revisions such as these are considered periodically to ensure that the zoning code is aligned with City goals and policies, is current with technology and industry changes, and that vague or unclear language is eliminated.

The proposed revisions are described in detail below.



Section 118-1 Definitions

The uses under consideration are not currently defined in the zoning ordinance. New definitions are proposed for each use to differentiate clearly among each land use type.

- Massage establishment means a place of business that advertises or offers
 massage therapy or other massage services as defined herein and is licensed by
 the state of Texas in accordance with Chapter 455 of the Texas Occupations
 Code, and Title 25 of the Texas Administrative Code, as amended, including
 establishments variously known as massage parlors, and similar derivations.
 This term does not include beauty parlors or barber shops duly licensed by the
 State, or licensed hospitals, medical clinics, or licensed physical therapy facilities.
- Acupuncture clinic means a place of business that advertises or offers acupuncture and is licensed by the Texas State Board of Acupuncture Examiners in accordance with Chapter 205 of the Texas Occupations Code, as amended.
- Reflexology clinic/foot spa means a place of business that advertises or offers
 reflexology services associated with the application of pressure with thumb and
 finger techniques to reflexive areas of the lower one-third of the extremities, feet,
 hands, and outer ears based on reflex maps.

Section 118-631 Table of Permitted Uses

Currently, the table of permitted uses treats massage therapy and acupuncture clinic as a similar land use type. The proposed revisions would separate the two uses and change the name <u>massage therapy</u> to <u>massage establishment</u>, which is the name used in state licensing standards. A massage establishment would remain permitted by right in the C-1 and C-2 zoning districts, and require approval of a special use permit in the O-1 and LR districts.

The remaining uses would be grouped as a similar land use type. These uses would require approval of a special use permit in the districts noted above.

The existing and proposed land use tables are shown below. For clarity, other uses and the residential districts are not shown.

EXISTING														
										TC	TC	TC	TC	
	01	LR	C1	C2	oc	I1	I2	U	AG	Е	G	Ctr	Cor	FC
Massage Therapy / Acupuncture Clinic		S	Р	Р										В

PROPOSED														
										TC	TC	TC	TC	
	01	LR	C1	C2	oc	I1	I2	U	AG	E	G	Ctr	Cor	FC
Massage Establishment	S	Р	Р	Р								S	Р	В
Acupuncture Clinic Reflexology Clinic Foot Spa	S	S	S	S									S	В



CITY COUNCIL: The City Council will consider this request at the March 27, 2017, meeting following a recommendation by the Planning and Zoning Commission.

RECOMMENDATION:

Approve TR 2017-02.