



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** March 27, 2017

SUBJECT: TR 2017-02, Ordinance No. 3452, 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:

Revisions are proposed to the Zoning Ordinance related to Section 118-1 Definitions, and Section 118-631 Table of Permitted Uses. 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 1970's and do not reflect current industry standards and practices. An updated set of procedures and standards is an associated item on the March 27, 2017, City Council meeting agenda.

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 massage therapy to massage establishment, which is the name used in state licensing standards. A massage establishment would be permitted by right in the LR, C-1, C-2, and TC (Town Center) Core zoning districts, and require approval of a special use permit in the O-1 and TC Center 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 O-1, LR, C-1, C-2, and TC Core districts.

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

EXISTING															
	O1	LR	C1	C2	OC	I1	I2	U	AG	TC E	TC G	TC Ctr	TC Cor	FC	
Massage Therapy / Acupuncture Clinic		S	P	P										B	

PROPOSED															
	O1	LR	C1	C2	OC	I1	I2	U	AG	TC E	TC G	TC Ctr	TC Cor	FC	
Massage Establishment	S	P	P	P								S	P	B	
Acupuncture Clinic Reflexology Clinic Foot Spa	S	S	S	S									S	B	

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the March 2, 2017, meeting and voted 5-0 to recommend approval.



RECOMMENDATION:

Approve Ordinance No. 3452.