

ORDINANCE NO. 3452

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1 AND 118-631 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO MASSAGE ESTABLISHMENT, ACUPUNCTURE CLINIC, REFLEXOLOGY CLINIC, AND FOOT SPA; ESTABLISHING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to ensure that massage establishments, acupuncture clinics, reflexology clinics, and foot spas are appropriately located within the community and sensitive to the neighborhood context; and,

WHEREAS, after a study, review, and discussion of the rise in the number of massage establishments in the city determined the need for revisions to the standards and regulations concerning such establishments; and

WHEREAS, the City's zoning ordinance does not reflect current industry terminology pertaining to massage establishments, acupuncture clinics, reflexology clinics, and foot spas; and,

WHEREAS, the Planning and Zoning Commission has after conducting a public hearing has made its recommendation for the following amendment to the zoning ordinance; and,

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

Section 1: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following definitions to Section 118-1 Definitions of Chapter 118 of the North Richland Hills Code of Ordinances:

“ ...

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 2: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by deleting the “Massage therapy / acupuncture clinic” land use in Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances.

Section 3: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the “Massage establishment” and “Acupuncture clinic | Reflexology clinic | Foot spa” land uses in Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“
...

[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses. P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary		SECTION 118-631: TABLE OF PERMITTED USES													
	Conditions	NON-RESIDENTIAL DISTRICTS								TOWN CENTER				Freeway	
		O-1	LR	C-1	C-2	OC	I-1	I-2	U	AG	Edge	General	Center		Core
G. RETAIL AND SERVICE USES															
Massage establishment		S	P	P	P								S	P	B
Acupuncture clinic Reflexology clinic Foot spa		S	S	S	S									S	B

...”

Section 4: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

Section 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 6: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Section 7: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in

the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

Section 9: This ordinance shall be in full force and effect upon publication as required by Section 8 herein.

AND IT IS SO ORDAINED.

Passed on this 27th day of March, 2017.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Maleshia Farmer, City Attorney

Approved as to content:

Clayton Comstock, Planning Manager