

ORDINANCE NO. _____

(14-T-27)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS AND OTHER REGULATORY PROVISIONS RELATING TO MASSAGE ESTABLISHMENTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, over the last few years Florida has seen an increase in human trafficking as noted in the 2010 Statewide Strategic Plan on Human Trafficking (the "report") conducted by the Human Rights at Florida State University; and

WHEREAS, Florida is the third most popular American destination for human traffickers, and the report listed massage parlors as sites where trafficking occurs; and

WHEREAS, in 2013, the Florida legislature amended the Massage Passage Act, pursuant to House Bill 7005 by creating new regulations to curb illegal activity related to massage establishments; and

WHEREAS, in an effort to further thwart criminal activity related to massage establishments and eliminate the clustering of criminal activity along major corridors such as Federal Highway, Hollywood Boulevard, and State Road 7, staff has determined that the regulations relating to massage parlors/establishments should be revised to require a distance separation requirement; and

WHEREAS, the Zoning and Land Development Regulations provide that an application for a zoning text change of regulatory controls may be filed; and

WHEREAS, on June 12, 2014, the Planning and Development Board reviewed the proposed text amendment at a duly noticed public hearing and have forwarded its recommendation of approval to the City Commission; and

WHEREAS, the City Commission following review and public hearing, accepts such recommendations as set forth herein and finds them to be in the best interest of the citizens of Hollywood; and

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

WHEREAS, Section 166.041(3)(c)(2), Florida Statutes, requires that the local governing body shall hold two advertised public hearings on the proposed ordinance and at least one hearing shall be held after 5:00 PM, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Article 3, Section 3.23 entitled "Distance Separation Requirements" of the Zoning and Land Development Regulations is hereby created as follows:

ARTICLE 3: GENERAL PROVISIONS

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§ 3.23 Distance Separations Requirements.

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F. There shall be a 2,500 linear foot distance separation requirement between a massage establishment and another massage establishment. All massage establishments shall adhere to any and all state law requirements and shall abide by the following provisions:

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

2. All massage establishments apply for a Certificate of Use pursuant to the City's Code of Ordinances. The massage establishment shall post in an easily viewable conspicuous place its Certificate of Use.

The following massage establishments and services are exempt from the aforementioned distance separation requirement:

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

2. Licensed massage therapists operating during a special event which has received the required approvals from the City of Hollywood;

3. Accessory use massage establishments which meet all of the following criteria:

- a. Customarily associated with the main principal use.
- b. Utilize no more than 25% of the floor area of the principal use.
- c. Exterior signage is not permitted.

4. Salon Malls. For the purposes of this regulation, Salon Malls shall be defined as retail and personal service centers comprised of multiple suites controlled by a single landlord or business owner. Suites are individually leased and operated by independently owned professional salons or licensed professionals. Services typically include, but are not limited , barbering, hair styling, nail care, makeup application, skin care, facials, hair removal, massage, and other cosmetic related services.

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

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

b. The number of suites leased to licensed massage therapists shall be limited to a maximum of 25 percent of the overall number of suites.

c. A maximum of two licensed massage therapists shall only be permitted per suite.

d. Certificates of Use shall be required for landlords or business owners operating Salon Malls, and for individual salon suites and licensed professionals.

All distance separations shall be measured linearly, from closet property line to closet property line, by an actual or imaginary straight line upon the ground or in the air. Any other provision of this Code to the contrary notwithstanding, there shall be no variances of the above distance requirements granted for any reason.

Section 2: 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: 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.

ORDINANCE FOR MASSAGE ESTABLISHMENTS.

Section 4: 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: That the City Commission, pursuant to Section 166.041(3)(c) F.S., elects, by a majority plus one vote, to conduct the second reading prior to 5:00 p.m. at a regularly scheduled City Commission public hearing.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY