

## ORDINANCE NO. 2019-2150

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 7.08.01 OF CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO PERMITTED USES IN THE C2 GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING FOR AMENDMENT OF SECTION 7.09.01 THEREOF, PERTAINING TO PERMITTED USES IN THE HIGHWAY COMMERCIAL ZONING DISTRICT; PROVIDING FOR AMENDMENT OF SUBSECTION (32) OF SECTION 7.11.01 PERTAINING TO PERMITTED USES IN THE DOWNTOWN ZONING DISTRICT; PROVIDING FOR MASSAGE SALONS AS A PERMITTED USE THEREIN; PROVIDING FOR AMENDMENT OF SECTION 2.01.00, DEFINITIONS, TO ADD A DEFINITION FOR MASSAGE SALON; PROVIDING FOR REPEAL OF SECTION 13-226 OF THE CODE OF ORDINANCES PROVIDING FOR NON-REGULATION OF MASSAGE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, licensed massage salons provide a valuable service to the residents of the City;

WHEREAS, the current Land Development Code does not have specific standards relating to or defining massage salons;

WHEREAS, unlicensed massage operations or massage therapists are detrimental to the health safety and welfare of the residents of the City;

WHEREAS, notice of this Ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. Section 7.08.01 of Chapter 7 of the Land Development Code, pertaining to permitted uses in the C-2 General Commercial zoning district, is hereby amended as follows (strikeout text is deleted and underlined text is added):

### *7.08.01 Permitted uses*

1. All uses in the C-1 light general commercial zoning district to the maximum density.
2. Restaurants that provide dancing and live entertainment.
3. Establishments that provide sales of on-site and off-site consumption of alcoholic beverages.

4. Bowling alleys within a building. These bowling alleys shall not be within five hundred (500) feet of a residentially zoned district, unless such building can be constructed as to prevent the emission of sounds and vibrations that are emitted from such uses.
5. Garages and/or mechanical services.
6. Gas stations;
7. Restricted personal services;
8. Regional and community shopping centers and malls;
9. Music, radio and television stores and repair shops;
10. Swimming pools (commercial and private);
11. Churches, synagogues, temples or similar places of worship and their accessory uses;
12. Telecommunications towers; provided that such towers have not been abandoned (see Chapter 17 of the Land Development Code);
13. Massage Salon. ~~Other uses that are consistent and compatible with the intentions of this district, as approved by the development review committee.~~
14. All permitted uses in the office zoning district.
15. Urban agriculture (indoor crop production prohibited).
16. Medical marijuana treatment center dispensing facility.
17. Beer gardens, tap rooms and brewpubs.

SECTION II. Section 7.09.01 of Chapter 7 of the Land Development Code, pertaining to permitted uses in the Highway Commercial zoning district, is hereby amended as follows (strikeout text is deleted and underlined text is added):

*7.09.01 Permitted uses*

In the Highway Commercial District, the following land uses are permitted:

1. Theaters, businesses and professional offices, private or public schools, auto sales, repair and service establishments.
2. Any retail or wholesale business not specifically restricted or prohibited under this code.
3. Manufacturing and/or industrial business operations which are not prohibited under the provisions of this section.
4. Churches, synagogues, temples or similar places of worship and their accessory uses;
5. Restricted personal service uses.
6. Urban agriculture (indoor crop production prohibited).
7. Medical marijuana treatment center dispensing facility.
8. Beer gardens, tap rooms, brewpubs , nanobreweries, microbreweries and breweries.
9. Massage Salons. ~~All uses which further the adopted comprehensive plan, upon approval by the development review committee. The applicant shall demonstrate that the use is consistent with the comprehensive plan.~~

SECTION III. Subsection (32) of section 7.11.01 of Chapter 7 of the Land Development Code, pertaining to permitted uses in the Downtown zoning district, is hereby amended as follows (strikeout text is deleted and underlined text is added):

(32) Massage Salons ~~therapy (state licensed).~~

SECTION IV. Section 2.01.00, Definitions, of the New Port Richey Land Development Code is hereby amended to add the following definition thereto (strikeout text is deleted and underlined text is added):

Massage Salon. A business providing massages, as defined by state law, performed exclusively by Florida licensed massage therapists, including Swedish massage, trigger point therapy, deep tissue massage, sports massage, and stretching, with operating hours between 7:00 a.m. and 9:00 p.m., and which does not allow persons to sleep or reside on site. Such businesses may also employ Florida licensed cosmetologists to provide skin care services, including facials, chemical peels and microdermabrasion.

SECTION V. Section 13-226 of Chapter 13 of the Code of Ordinances, pertaining to regulation of massage establishments, is hereby repealed as follows (strikeout text is deleted and underlined text is added):

**Sec. 13-226. -- Regulation of Massage establishments subject to state law.**

~~It is not the intent of the city council to legislate with respect to matters of massage establishments. These matters are regulated by the state agency, the Department of Professional Regulation, Board of Massage, and State Law, Chapter 480, Florida Statutes.~~

SECTION VI. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION VII. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to "section" to accomplish such codification.

SECTION VIII. This Ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 5<sup>th</sup> day of February, 2019.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this 19<sup>th</sup> day of February, 2019.

ATTEST:

\_\_\_\_\_  
Judy Meyers, CMC, City Clerk

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Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: \_\_\_\_\_  
Timothy P. Driscoll, City Attorney