

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members
FROM: Eric Carpenter, City Manager
DATE: September 5, 2024
TITLE: MESSAGE THERAPY REGULATIONS – NORTH BEACH

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the item and provide any applicable recommendations to the Mayor and City Commission (City Commission).

BACKGROUND/HISTORY

On September 14, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred a proposed amendment regarding commercial district use regulations in North Beach (C4 X) to the LUSC and the Planning Board. On March 1, 2023, the LUSC discussed a proposed ordinance regulating certain uses in North Beach and moved it to the Planning Board.

The LUSC also bi-furcated and continued the discussion pertaining to potential regulations for massage therapy centers to the May 10, 2023 LUSC meeting. On May 10, 2023, the LUSC endorsed the proposed ordinance pertaining to the regulation of massage therapy centers in North Beach and recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

On June 27, 2023, the Planning Board held a public hearing and transmitted the proposed ordinance pertaining to the regulation of massage therapy centers in North Beach to the City Commission with a favorable recommendation (6-0). The subject ordinance was approved at First Reading on July 26, 2023, with no changes. Additionally, in accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code (LDRs), the City Commission waived the applicable application fees based upon the legislation implementing best practices in urban planning.

On September 13, 2023, Second Reading of the ordinance was deferred to the December 13, 2023, meeting of the City Commission, with no discussion. On December 13, 2023, the item was deferred to January 31, 2024, with no discussion, and on January 31, 2024, the item was deferred to April 3, 2024, with no discussion. The item was not reached at the April 3, 2024, meeting and was moved to the May 15, 2024 meeting.

On May 15, 2024, at the request of the item sponsor, the City Commission referred the item to the LUSC (R5 G). On June 10, 2024 the item was deferred to a future LUSC meeting.

ANALYSIS

Massage therapy centers are defined as follows under LDRs of the City Code:

Massage therapy center means an establishment that offers, sells, or provides

manipulations of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device: and may include bathing, hydrotherapy, thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body.

The current regulations in the Art Deco/MiMo Commercial Character Overlay incorporate regulations that are applicable to the Ocean Terrace/Harding Town Site area of the overlay which limit the hours of massage therapy centers from 7:00 a.m. to 9:00 p.m., in order to minimize potential negative impacts from such establishments.

The proposed ordinance (attached) would make the restrictions on hours applicable to the entire North Beach Commercial Character Overlay. In addition, the ordinance provides additional regulations regarding the permitted locations of massage therapy centers as follows:

Permitted Use Locations

1. State certified schools for obtaining a massage therapy license.
2. Multi-family residential buildings, apartment hotels, suite hotels or hotels with at least 50 rooms, as an accessory use.
3. Fitness centers, gyms and wellness centers, as a component of the main use.
4. State licensed medical offices and clinics, such as physical therapy centers.

Conditional Use Locations

1. Within office buildings located in a commercial district, TC district, or TC-C district, provided the massage therapy center is located above the first floor.
2. Within multi-family residential buildings, apartment hotels, suite hotels or hotels with less than 50 units.

In all other locations in North Beach, massage therapy centers would be prohibited.

When properly regulated and operated, massage therapy centers provide beneficial services to the community, and the proposed regulations are intended to better define locations for massage therapy centers to operate.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends that the Land Use and Sustainability Committee endorse the item and provide any applicable recommendations to the City Commission.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Massage Therapy Regulations - North Beach