

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024 5:03 p.m. Second Reading Public Hearing

TITLE: MESSAGE THERAPY CENTERS – NORTH BEACH USE REGULATIONS  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE 3, ENTITLED “OVERLAY DISTRICTS,” AT SECTION 7.3.10, ENTITLED “NORTH BEACH COMMERCIAL CHARACTER OVERLAY,” TO ESTABLISH REGULATIONS AND REQUIREMENTS FOR MESSAGE THERAPY CENTERS WITHIN THE OVERLAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the ordinance.

### **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 Land Use and Sustainability Committee (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.

### **ANALYSIS**

Massage therapy centers are defined as follows under the Land Development Regulations (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 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.
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.

#### **PLANNING BOARD REVIEW**

On June 27, 2023, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

#### **UPDATE**

On July 26, 2023, the City Commission approved the subject ordinance at First Reading, with no changes, and scheduled Second Reading / Adoption for September 13, 2023. The City Commission also waived the applicable fees based on the proposed amendment implementing best practices in urban planning.

On September 13, 2023, the item was deferred to December 13, 2023, 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. On September 5, 2024, the LUSC discussed the proposal and recommended that the City Commission adopt the ordinance at Second Reading, with an amendment to allow massage therapy centers at the first floor in commercial districts, subject to CUP approval. This amendment is included in the revised ordinance for Second Reading.

#### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 9/27/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

**FINANCIAL INFORMATION**

Not Applicable

**CONCLUSION**

The Administration recommends the City Commission adopt the ordinance.

**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**

5:03 p.m. 2nd Rdg, Massage Therapy Centers - North Beach Use Regs. (Fernandez) PL