ORDINANCE NO. O-2019-XXX

3 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF 4 OAKLAND PARK, FLORIDA, AMENDING CHAPTER 24 OF THE 5 CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT 6 CODE", BY SPECIFICALLY AMENDING ARTICLE III, SECTION 7 24-41, ENTITLED "MASTER BUSINESS LIST" TO ADD DISTANCE 8 SEPARATION REQUIREMENTS FOR THE "MASSAGE AND 9 HEALTH SPA, STATE LICENSED" BUSINESS LISTING TYPE; 10 PROVIDING FOR **SEVERABILITY:** PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING 11 FOR AN EFFECTIVE DATE. 12

WHEREAS, Objective 1.7, Policy 1.7.3 of the City of Oakland Park Comprehensive Plan, seeks to ensure compatibility with adjacent and surrounding uses and to establish different intensities of commercial development through the Land Development Code and associated zoning ordinances; and

WHEREAS, a proposal was heard and considered before the Planning and Zoning
Advisory Board of the City of Oakland Park, Florida, on May 6, 2019 to modify Section 24-41,
Master Business List to add distance separation requirements for the "Massage and Health Spa,
State Licensed" Business Listing type, and at the said public hearing all objections, if any,
were heard; and

WHEREAS, the City Commission finds it to be in the best interest of the residents and property owners of the City to amend Section 24-41 of the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

- 27 <u>Section 1</u>. The foregoing "Whereas" clauses are hereby ratified and confirmed as being
 28 true and correct and are hereby made a part of this Ordinance upon adoption thereof.
- 29 <u>Section 2</u>. Chapter 24, "Land Development Code," Article III, Sec. 24-41 (C). Master
 30 Business List is hereby amended as follows:
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Business Listing	Prohibited	NB	B-1	B-2	B-3	1- 1	PRZD	FHOD	PRD
Massage and health spa, state licensed		P <u>15</u>	P <u>15</u>	P <u>15</u>	P <u>15</u>			C <u>15</u>	C <u>15</u>

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<u>Section 3.</u> Chapter 24, "Land Development Code," Article III, Sec. 24-41. (E) – Master
 Business List Definitions is hereby amended to add a definition for the term "Massage and Health
 Spa, State Licensed" between the existing definitions for the terms "Massage Establishment" and
 "Medical Cannabis Treatment Center or Dispensing Facility" as follows:

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38 Massage and health spa, state licensed. Massage and health spa, state licensed means a 39 site or premises, or portion thereof, wherein a licensed massage therapist practices massage, 40 and which meets the requirements of F.S. § 480.043, as may be amended from time to time, and Chapter 64B7-26, F.A.C. et seq., as may be amended from time to time, and Chapter 24, 41 42 Oakland Park Land Development Code, Section 24-41 (C) & (D), as may be amended from time to time. This definition shall not be construed to include a hospital, nursing home, medical clinic, 43 44 or the office of a physician, surgeon, physical therapist, chiropractor or osteopath duly licensed 45 by this state.

46 <u>Section 4.</u> If any clause, section or other part of this Ordinance shall be held by any Court 47 of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part 48 shall be considered as eliminated and in no way affecting the validity of the other provisions of 49 this Ordinance.

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51 <u>Section 5.</u> All Ordinances or parts of Ordinances in conflict herewith are hereby repealed
 52 to the extent of such conflicts.
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54 <u>Section 6.</u> It is the intention of the City Commission of the City of Oakland Park, that the 55 provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the 56 City of Oakland Park, Florida, and the Sections of this Ordinance may be renumbered, re-lettered 57 and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase 58 in order to accomplish such intention.

60 <u>Section 7.</u> This Ordinance shall be effective upon its passage and adoption by the City 61 Commission of the City of Oakland Park.

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5			HE CITY OF OAKLAND PARK, FLOI	RIDA, ON FIRST
3	READING, THIS_	DAY OF	., 2019.	
)) 2		CITY OF OAKLAND	PARK, FLORIDA	
3		MAYOR SARA GUE	VREKIAN	
5 5 7		M. SPARKS		
		J. BOLIN M. CARN T. LONERCAN		
		T. LONERGAN S. GUEVREKIAN		
			COMMISSION OF THE CITY OF C G, THIS DAY OF	
		CITY OF OAKLAND	PARK, FLORIDA	
		MAYOR SARA GUE	VREKIAN	
		M. SPARKS J. BOLIN		
		M. CARN T. LONERGAN S. GUEVREKIAN		
	ATTEST:			
	RENEE M. SHRC	OUT, CMC, CITY CLERK		
				Page 3 of 4
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107 LEGAL NOTE:
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109 I hereby certify that I have approved the form of this Ordinance (O-2019-XXX):
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DOUALD L DOODL CITLE ATTODNEY

113 DONALD J. DOODY, CITY ATTORNEY

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