

ORDINANCE NO. 2021 _____

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF GLEN ROSE, TEXAS, BY AMENDING APPENDIX A, SCHEDULE OF USES (E) “COMMERCIAL USES” AND SEC. 14.02.005 “DEFINITIONS” IN CHAPTER 14 “ZONING” OF THE CITY’S CODE OF ORDINANCES TO ALLOW MASSAGE THERAPY IN ZONES “B-1” (RESTRICTED COMMERCIAL DISTRICT), “B-2” (GENERAL COMMERCIAL DISTRICT), AND “I” (INDUSTRIAL DISTRICT) AND IN ZONE “B-3” (CENTRAL BUSINESS DISTRICT) WITH A SPECIFIC USE PERMIT; PROVIDING SAVINGS, REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose is a Type A General Law Municipality;

WHEREAS, §51.001 of the Texas Local Government Code (TLGC) grants the governing body of municipalities the authority to adopt ordinances;

WHEREAS, Chapter 211 of the TLGC establishes a municipality’s authority to regulate zoning;

WHEREAS, an individual desires to operate a Licensed Massage Therapy business, but currently such is not included in Appendix A, Schedule of Uses (e) “Commercial uses” of Chapter 14 “Zoning” of the City’s Code of Ordinances;

WHEREAS, it has been determined Appendix A, Schedule of Uses (e) “Commercial uses” should be amended to include Licensed Massage Therapy and to allow that use in Zones “B-1” (Restricted Business District), “B-2” (General Business District), and “I” (Industrial District) and in Zone “B-3” (Central Business District) with a Specific Use Permit;

WHEREAS, it has also been determined to add a definition for Licensed Massage Therapy in Sec. 14.02.005 “Definitions” of the City’s Code of Ordinances;

WHEREAS, pursuant to the requirements of the City’s Zoning Ordinance, notice of a Public Hearing before the Planning and Zoning Commission concerning amending the Schedule of Uses was published in the City’s Official Newspaper;

WHEREAS, at a meeting held on June 1, 2021, immediately following the aforementioned Public Hearing, the City’s Planning and Zoning Commission voted to recommend Chapter 14 “Zoning” of the City’s Code of Ordinances be amended to include Licensed Massage Therapy in Appendix

A, Schedule of Uses (e) “Commercial uses” and to include a definition for Licensed Massage Therapy in Sec. 14.02.005 “Definitions”;

WHEREAS, pursuant to the requirements of the City’s Zoning Ordinance, notice of a Public Hearing before the City Council concerning the addition of Licensed Massage Therapy to the Schedule of Uses in Chapter 14 “Zoning” of the City’s Code of Ordinances was published in the City’s Official Newspaper and said Public Hearing was conducted on June 8, 2021; and,

WHEREAS, pursuant to §51.001 of the TLGC, in the lawful exercise of the powers granted to it and for the good government, peace, and order of the City, the City Council has decided to amend Chapter 14 “Zoning” of the City’s Code of Ordinances to incorporate the changes recommended by the City’s Planning and Zoning Commission.

NOW THEREFORE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:

**SECTION 1 (OF 7)
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2 (OF 7)
AMENDING APPENDIX A. SCHEDULE OF USES**

Appendix A. Schedule of Uses (e) “Commercial uses” of Chapter 14 “Zoning” of the City’s Code of Ordinances shall be amended to include the following:

Commercial Uses:	R-1	R-2	R-2M	R-3	R-4	MH	B-1	B-2	B-3	I	Parking
Licensed Massage Therapy							X	X	S	X	

SECTION 3 (OF 7)
AMENDING SEC. 14.02.005 DEFINITIONS

Sec. 14.02.005 “Definitions” of the City’s Code of Ordinances shall be amended to include the following definition:

Licensed massage therapy. A health care service performed by someone currently licensed by the Texas Department of Licensing and Regulation to perform massage therapy. Massage therapy means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage. The term includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. Massage therapy may include the use of oil, lubricant, salt glows, heat lamps, hot and cold packs, or tub, shower, jacuzzi, sauna, steam or cabinet baths. Massage therapy is a health care service when the massage is for therapeutic purposes, and a licensed massage therapist may receive referrals from a physician to administer massage therapy.

SECTION 4 (OF 7)
SAVINGS/REPEALING CLAUSE

Appendix A, Schedule of Uses and Sec. 14.02.005 “Definitions” of Chapter 14 of the City’s Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5 (OF 7)
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6 (OF 7)

PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

**SECTION 7 (OF 7)
EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage and publication.

PASSED AND APPROVED this the 8th day of June, 2021.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Stephanie Ritchie, City Secretary