



## ORDINANCE 734

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING CHAPTER 11, SECTION 296, SUBSECTION B) 6) OF THE CODE OF ORDINANCES; AMENDING THE DEFINITION OF MASSAGE PARLOR; AMENDING CHAPTER 24, SECTION 24-188, SUBSECTION A) OF THE CODE OF ORDINANCES; ADDING LICENSED MASSAGE THERAPISTS TO THE LIST OF AUTHORIZED GENERAL USES IN THE C-2 COMMERCIAL ZONING DISTRICT; AMENDING CHAPTER 24, SECTION 24-188, SUBSECTION C) OF THE CODE OF ORDINANCES; AMENDING THE LIST OF EXCLUSIONS IN THE C-2 COMMERCIAL ZONING DISTRICT BY DELETING LICENSED MASSAGE THERAPIST AS AN EXCLUDED USE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

**Section 1.** That Chapter 11, Section 11-296, Subsection (B) (6) of the Code of Ordinances is hereby amended to read as follows:

- 6) *Massage parlor*: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration or fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas. *Massage parlors do not include massage therapists, as described in Chapter 24, Section 24-188(A)(45) of this Code.*

**Section 2.** That Chapter 24, Section 24-188, Subsection A) of the Code of Ordinances is hereby amended to read as follows:

- A) **General Uses:** General uses allowed in the C-2 Zoning District are as follows:
  - 1) *Automobile service station, provided, all storage tanks shall be below the surface of the ground;*
  - 2) *Automotive service centers including tire sales, repair and alignment, muffler sales, oil change/lubrication services, and brake services;*



## ORDINANCE 734

- 3) *Auto parts store;*
- 4) *Animal hospital, kennel or veterinary clinic;*
- 5) *ATM machines, banks and financial institutions provided that they are secondary and incidental to a primary use that is authorized as a general use herein;*
- 6) *Barber shop and/or beauty parlor;*
- 7) *Bakery shop;*
- 8) *Bicycle repair shop and sales;*
- 9) *Bookstore;*
- 10) *Building material sales;*
- 11) *Carpet & Floor Coverings;*
- 12) *Catering establishment;*
- 13) *Clinic for medical, dental, chiropractic, or eye care services;*
- 14) *Clothing store;*
- 15) *Convenience Store;*
- 16) *Eating establishments including restaurants, cafes, cafeterias, ice cream/frozen yogurt parlors, and delicatessens. (See definitions, Section 24-1);*
- 17) *Electric appliance, audio/video, computer stores and repair shops;*
- 18) *Furniture Store;*
- 19) *Florist shop;*
- 20) *General Merchandise Store;*
- 21) *Grocery store;*
- 22) *Hardware store;*
- 23) *Home Improvement Store;*



## ORDINANCE 734

- 24) *Jewelry store;*
- 25) *Nursery or garden center;*
- 26) *Office Supply Store;*
- 27) *Office for corporate/business use or for professional services, including insurance offices, real estate offices, medical offices, legal offices, CPA or bookkeeping office, newspaper publisher, tag agencies, and public facilities, provided that such uses shall be limited to two-story buildings; Office buildings in existence as of October 19, 2004 and which exceed the two-story limitation, shall not be considered non-conforming and shall not be subject to the provisions of Division 5 of this Chapter.*
- 28) *Package store;*
- 29) *Parcel or mail service;*
- 30) *Painting and decorating shop;*
- 31) *Pharmacy or drug store;*
- 32) *Photographers or artist's studio;*
- 33) *Plumbing shop;*
- 34) *Pool, spa and patio sales;*
- 35) *Print shop;*
- 36) *Retail shop, sales or showroom, but not including automobile, motorcycle or boat sales;*
- 37) *Shoe/leather goods sales and repair;*
- 38) *Sporting Goods Store;*
- 39) *Tailor shop;*
- 40) *Toy Store;*
- 41) *Travel agency;*



## ORDINANCE 734

- 42) *Video, Audio, TV, Furniture, Equipment, or Appliance rental store:*
- 43) *Business or commercial schools of dancing, music, or martial arts academies that are less than 5,000 square feet in gross floor area. (Ord. No. 710, §1, 08-04-2015)*
- 44) *Fitness centers that are less than 5,000 square feet in gross floor area. (Ord. No. 710, §1, 08-04-2015)*
- 45) *Massage therapist duly licensed by the State of Oklahoma, provided that such service is an accessory use only. The conviction of any massage therapist employed by the service for any crime involving moral turpitude shall be grounds for revocation of the business' occupancy permit.*
- 46) *Accessory buildings, structures and uses customarily incident to the above uses provided there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to any permitted use. Any building may have not more than forty (40) percent of its floor area devoted to accessory uses.*

**Section 3.** That Chapter 24, Section 188, Subsection C) is hereby amended to read as follows:

**C) Exclusions:** Uses that are specifically excluded from the C-2 Commercial District include, but are not limited to, the following:

- 1) *Abortion Clinics;*
- 2) *Adult Bookstores;*
- 3) *Adult Entertainment Establishments;*
- 4) *Alcoholic Beverage Establishment meaning any beer or wine establishment, or bottle club, which has been licensed by the Alcoholic beverage Law Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises. (State Law Reference --Title 37 O.S. §§ 518.3, as amended.)*
- 5) *Bed & Breakfast;*



## ORDINANCE 734

- 6) *Bingo & Similar Gaming Operations;*
- 7) *Manufacturing & Assembly Facility;*
- 8) *Pool or Billiard Hall;*
- 9) *Palm Reader, Tea Reader, Card Reader, Psychic, Fortune Teller, or other Similar Spiritualist;*
- 10) *Storage & Warehousing Facility;*
- 11) *Telemarketing, call centers;*
- 12) *Tattoo Parlor & Body Piercing Establishment;*
- 13) *Vocational School, Business College, Public or Private Schools.*

**Section 4.**     **Repealer Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5.**     **Severability Clause.** If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance

**Section 6.**     **Emergency Clause.**     **WHEREAS,** it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force from and after its adoption.



## ORDINANCE 734


PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 15<sup>th</sup> day of January, 2018, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).

  
\_\_\_\_\_  
DAVE BENNETT, MAYOR

ATTEST

  
\_\_\_\_\_  
Bruce K. Stone,  
City Clerk

APPROVED AS TO FORM AND LEGALITY this 15th day of January, 2018.

  
\_\_\_\_\_  
Leslie V. Batchelor, City Attorney  
Jeff Sabin, Asst.