

PART III-B MASSAGE ESTABLISHMENTS

9-309: PURPOSE AND INTENT

The City has not in the past been a primary location of several massage establishments, investigations have consistently found that the overwhelming majority of massage establishments are legitimate businesses, serving the needs of residents and clients from surrounding communities. However, from time to time, businesses have opened purporting to be massage establishments, only to be found later to be illicit operations that harm the public health, safety, and welfare, as well as casting a negative image for legitimate massage establishment businesses. Therefore, the purpose of Part III B is to ensure that massage establishments are operated in a manner conducive to the public health, safety, and welfare, and to protect and promote the business image of reputable massage therapy establishments.

9-310: MASSAGE ESTABLISHMENTS: ACCESSORY USES

From and after the effective date of this Ordinance, massage establishments shall only be permitted as a special accessory use to a principal use in the following zoning districts: C1, C2 C3 Districts and O1 District.

9-311: APPLICATION REQUIREMENTS

Any person seeking to obtain approval under this Chapter to operate an accessory massage establishment must, in addition to the application and supporting materials filed with the city business office for a business license, provide the following minimum information:

- A. Written authorization from principal business operator to apply for approval to operate an accessory massage establishment;
- B. Sketch plan of proposed massage establishment depicting, among other things:
 - 1. Number of massage therapy rooms or beds;
 - 2. Reception and waiting area;
 - 3. Bathroom facilities, if different from principal use; and
 - 4. Dimensions of space devoted to massage establishment, including (i) total square footage of such space, and (ii) certification that such space does not exceed 25% of the total gross floor area of the principal business, and
- C. Term of any lease or other occupancy arrangement with principal use operator.

9-312: BULK REGULATIONS

No massage establishment, including, without limitation, any reception area, waiting area, office area, and bathroom, shall occupy more than 25% of the gross floor area of the principal use.

9-313: SPECIAL NON-CONFORMING USE PROVISIONS

- A. Any lawfully existing massage establishment operating as a standalone business on the effective date of this ordinance may be continued so long as it remains otherwise lawful, subject to the regulations set forth in Subsection B below.
- B. No lawfully existing massage establishment operating as a standalone business on the effective date of this Ordinance shall be permitted to:
 - 1. Extend such use, including its accessory uses, to any structure or land area other than that occupied by such use on the effective date of this Ordinance or any amendment that causes such use to become nonconforming;
 - 2. Extend such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any amendment that causes such use to become nonconforming; and
 - 3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code, or any amendment that causes such use to become nonconforming.