

**BILL NO. 2007-5**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO ALLOW THE USE "ACCESSORY MASSAGE" AS AN ACCESSORY USE IN CERTAIN ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Allows the use "accessory massage" as an accessory use in certain zoning districts.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to indicate that the use "Massage Establishment" is not permitted as an accessory use in the P-R, N-S, O and C-D Zoning Districts. In order to reflect the amendment, the row for the use "Massage Establishment" as it appears in the "Retail and Personal Services" element of the Land Use Tables is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Massage Establishment													[A]	[A]	[A]	[A]	S	S	S	S	C
<b>Description:</b> A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. <u>This use does not include the use "accessory massage," as defined in this Title.</u>																					
<b>Conditional Use Regulations:</b> <ol style="list-style-type: none"> <li>The use shall comply with all applicable requirements of LVMC Title 6.</li> <li>The use must be located on a secondary thoroughfare or larger.</li> <li>The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.</li> <li>The use may not be located within 1000 feet of any other massage establishment.</li> <li>The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m.</li> </ol>																					
<b>Minimum Special Use Permit Requirements:</b> <ol style="list-style-type: none"> <li>The use shall comply with all applicable requirements of LVMC Title 6.</li> <li>The use must be located on a secondary thoroughfare or larger.</li> <li>The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.</li> <li>The use may not be located within 1000 feet of any other massage establishment.</li> <li>The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.</li> </ol>																					
<b>On-site Parking Requirement:</b> Two spaces for each massage room, massage table or massage chair, with a minimum of six spaces required.																					

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Accessory Massage" is permitted as an accessory use in the P-R, N-S, O, C-D, C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the Retail and Personal Services" element of the Land Use Tables is amended to add thereto a new row for the use, reading as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Message, Accessory													A	A	A	A	A	A	A	A	A
<b>Description:</b> The performing of massage therapy or therapeutic massage that: <ol style="list-style-type: none"> <li>1. Is accessory to a principal permitted use that is one of the following:               <ol style="list-style-type: none"> <li>a. A medical office or physical rehabilitation clinic;</li> <li>b. A fitness and health center;</li> <li>c. A country club or golf course clubhouse;</li> <li>d. A hotel with more than one hundred rooms; or</li> <li>e. A facility similar in nature to any of the facilities listed above;</li> </ol> </li> <li>2. Does not occupy more than 150 square feet of space; and</li> <li>3. Is not advertised on any exterior signage.</li> </ol>																					
<b>On-site Parking Requirement:</b> No additional parking required beyond that which is required for the principal use(s) on the site.																					

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the use "Massage Establishment" to read as follows:

"Massage Establishment" means a facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. The term does not include the use "accessory massage," as defined in this Title.

SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding, at the appropriate place, a new definition for the term "Accessory Massage," to be listed for alphabetical purposes as "Massage, Accessory," reading as follows:

"Massage, Accessory" means the performing of massage therapy or therapeutic massage that:

- (1) Is accessory to a principal permitted use that is one of the following:
  - (a) A medical office or physical rehabilitation clinic;

- (b) A fitness and health center;
  - (c) A country club or golf course clubhouse;
  - (d) A hotel with more than one hundred rooms; or
  - (e) A facility similar in nature to any of the facilities listed above;
- (2) Does not occupy more than one hundred fifty square feet of space; and
- (3) Is not advertised on any exterior signage.

SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2007.

APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed      1-23-07  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2007, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2007, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_  
9 VOTING "NAY": \_\_\_\_\_  
10 ABSENT: \_\_\_\_\_

12 APPROVED:

14 By \_\_\_\_\_  
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:  
17 \_\_\_\_\_  
18 BARBARA JO RONEMUS, City Clerk

28