



## Legislation Details (With Text)

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<b>Type:</b>	Conference Session Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	5/4/2022	<b>In control:</b>		Town Council Work Session	
<b>On agenda:</b>	6/13/2022	<b>Final action:</b>			
<b>Title:</b>	Continuation of Discussion for Making Massage Therapy a Conditional Use Instead of a By-Right Use				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 1. Existing Town Code - ARTICLE 11. C1 LOCAL COMMERCIAL ZONE REGULATIONS, 2. 2. Existing Town Code - Chapter 22 MASSAGE SALONS HEALTH CLUBS ETC.				

Date	Ver.	Action By	Action	Result
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### Subject:

Continuation of Discussion for Making Massage Therapy a Conditional Use Instead of a By-Right Use

### BACKGROUND SUMMARY :

Massage therapy is a permitted use in the Town's commercial and transitional zoning districts. It is a conditional use in the single-family detached residential districts. The use was changed from conditional to by-right in February 2000 in the commercial zoning districts and was changed from conditional to by-right in the Transitional zoning district in 2012. Town Staff has identified approximately 20 licensed businesses in the Town that offer massage therapy services. Chapter 18 (Zoning) defines a massage therapist as the following:

*Massage therapist means one who practices massage therapy and complies with the application, investigation and training requirements of sections 22-5, 22-6, and 22-7, and the sanitation, hygiene and environment requirements applicable to health clubs as set forth in sections 22-10, 22-11, and 22-12; except such operation commenced in a residential zone shall not be required to comply with section 22-12.*

Massage therapy, aside from being regulated by the zoning ordinance, is also regulated under Chapter 22 (Massage, Salons, Health Clubs, etc.) of the Town Code. Chapter 22 regulates the permit and license requirements and procedures for obtaining and renewing a massage therapy license.

Town Council last discussed this item at the April 18, 2022 conference session. Town Council discussed amending Chapter 22, in addition to amending Chapter 18. If the Town's zoning ordinance is amended to require a conditional use permit for the massage therapy use, any new massage therapy business will require review by the Planning Commission and approval by the Board of Zoning Appeals.

### OVERVIEW :

An amendment to the zoning ordinance requires referral to the Planning Commission. The Planning Commission must hold an advertised public hearing and make a recommendation to the Town Council. To move forward, the Town Council must then hold an advertised public hearing and advertise the intent to adopt the ordinance.

An amendment to Chapter 22 will require approval by the Town Council, but will not require referral to the Planning Commission.

**SUMMARY/STAFF IMPRESSIONS :**

It is at the discretion of the Town Council to amend the zoning ordinance to require a conditional use permit for massage therapy or to amend Chapter 22 of the Town Code.

**RECOMMENDATION :**

If Town Council decides to amend the zoning ordinance, they must refer the matter to the Planning Commission and must set and hold a Public Hearing at a Town Council meeting.