

[Bracketed] and/or ~~strickethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

Adopted: 5/21/08
Effective: 6/16/08

BILL NO. _____

SUMMARY - An Ordinance to amend the Unified Development Code to modify requirements for massage establishments. (T30-1713-07.5.21.08. RIR)

ORDINANCE NO. **3645**
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTER 30.44, TABLE 30.44-1 TO MODIFY REQUIREMENTS FOR MASSAGE ESTABLISHMENTS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.44 (Uses), Table 30.44-1, of the Clark County Code is hereby amended to read as follows:

Uses	SLUCM CODE	Residential Districts											Commercial Districts				Manufacturing/Industrial Districts			Miscellaneous Districts					
		R-U	R-A	RE	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5	CRT	C-P	C-1	C-2	M-D	M-1	M-2	O-S	H-2	P-F	RVP	U-V	H-1
Adult Uses	5900 5800																C								
<p>Conditional Use Subject to an Administrative Design Review Application:</p> <ol style="list-style-type: none"> Must be located within the Adult Use Overlay District as described in Section 30.48.530 and as shown on Map #13 in Appendix G. Must comply with all requirements listed in Chapter 30.48 Part H (Adult Use Overlay) and Section 30.76.080 (Nonconforming Adult Uses). Adult uses shall only be approved within an existing or approved building upon which construction has commenced. <u>Message is not permitted in conjunction with Adult Uses.</u> <p>These conditions shall not be waived or varied. (Ord. 2899 § 4, 5/2003)</p>																									
Message - See also "Home Occupation"	1110 6510	A	A									[S,] A	[S,] A	[S,] A	S,A	[S,] A	[S,] A			[S,] A			S,A	S,A	
<p>All Message Establishments (Principal and Accessory), but excluding those operating on the premises of a resort hotel as defined in 30.08, shall be limited to the hours of operation from 8 a.m. to 9 p.m.</p> <p>Special Use in C-2, U-V and H-1 when a principal use Subject to:</p> <ol style="list-style-type: none"> A minimum two hundred (200) foot setback from any residential use. A one thousand foot (1,000') separation between each use. <p>Within the U-V district, must be part of a mixed-use development (See Section 30.40.310 and Chapter 30.48 Part J).</p> <p>Accessory Use Subject to: (Message establishments that do not satisfy any one of the standards listed in 1-3 below shall be considered a principal use and shall be subject to special use permit requirements.)</p> <ol style="list-style-type: none"> [When] Operating in conjunction with [accessory to] a resort hotel, beauty salon, health club, country club, golf course and accompanying club house, or retreat <u>and</u> [2.]When accessory to resort hotel] A maximum of 25% of public floor area to be used for massage; <u>or</u> [3] Operating [When accessory] in conjunction with [to] a state licensed health care provider as defined in NRS 629.031; <u>or</u> [4] Operating [When accessory to] in conjunction with a massage school as part of the curriculum of the school per Chapter 394 Nevada Administrative Code. <p>NOTE:</p> <ul style="list-style-type: none"> None of the requirements within these subsections can be waived or varied. Not permitted in conjunction with adult uses. [(This condition cannot be waived or varied.)] See "Adult Uses" Chapter 7.08 of the Clark County Code regulates massage and prohibits massage in conjunction with alcohol sales and/or consumption, which [These regulations] cannot be waived or varied (see Business License Department). (Ord. 3296 § 5 (part), 10/2005; Ord. 2711 § 1, 1/2002) 																									

SECTION 2. An existing, licensed, massage establishment shall not be subject to the new requirements imposed by this Ordinance, and shall be treated as a nonconformity in accordance with Clark County Code Chapter 30.76 (Nonconformities), except that, the hours of operation may be imposed at a public hearing if the Approval Authority determines that imposition of the hours of operation is appropriate based upon evidence of changed circumstances presented at the hearing.

SECTION 3. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks; on 6/16/08. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

PROPOSED on the _____ day of _____, 2008

PROPOSED By: _____

PASSED on the _____ day of _____, 2008

VOTE:

AYES:

NAYS:

ABSTAINING:

ABSENT:

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
Chair

ATTEST:

SHIRLEY B. PARRAGUIRRE, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2008.