

PLANNING AND DEVELOPMENT MEMORANDUM
#11-13

May 12, 2011

TO: Honorable Joyce Downing and City Council Members

FROM: William Simmons, City Manager *WAS*
James Hayes, Director of Planning and Development *JH*

SUBJECT: CB-1749 / Massage Business Zoning

BACKGROUND INFORMATION

The Department of Planning and Development has completed some research that may be relevant to the City Council consideration of CB-1749 on May 12, 2011. Specifically, staff researched the acceptable locations for massage businesses as outlined in the City of Northglenn Zoning Ordinance. It is important to note that staff is using massage business and massage parlor interchangeably since the Zoning Ordinance does not distinguish between the two.

The existing Zoning Ordinance specifically outlines the exclusion (prohibition) of massage parlors along with a list of other land uses in the Restricted Retail Zone District, C-1, as follows:

Section 11-21-1. Exclusions. The following uses are excluded:

- (a) Establishments of the "drive-in" type, except banks.
- (b) Service stations, except as may be allowed as a permitted use, subject to the requirements set forth in Section 11-30-6(b)(2).
- (c) Sale of alcoholic beverages and liquors.
- (d) Storage and warehousing.
- (e) Theaters.
- (f) Physical, cultural and health services, gymnasiums, reducing salons, and **massage parlors**.

Many of the uses in the list above are specifically listed in more intensive Commercial districts (C-3, C-4, C-5) as a use by right, later in the ordinance. However, portion (f) of the above list, that mentions massage parlors, is never brought back in and mentioned as a use by right in any other district.

Out of all the exclusions listed above, Theaters are the only use by right that is brought back in at the next most intensive Commercial zone (C-3). The other are allowed as uses by right in zones C-4, C-5, and the Industrial zones.

From strictly a zoning perspective of looking at the negative externalities of the impact of the use on the surrounding area, it seems that a massage parlor would most act like a medical office, dental office, or hair/nail salon. Therefore, if they are expressly listed as excluded or prohibited

in a C-1 zone, one could make the interpretation to place them in C-3 and higher Commercial zones and, subsequently by reference, the Industrial zones.

Therefore, under current ordinances, the Department of Planning and Development is interpreting that massage businesses are a use by right in the C-3, C-4, C-5, and I-2 zone districts. This interpretation may be further clarified by future legislation action by the Planning Commission and City Council.

STAFF REFERENCE:

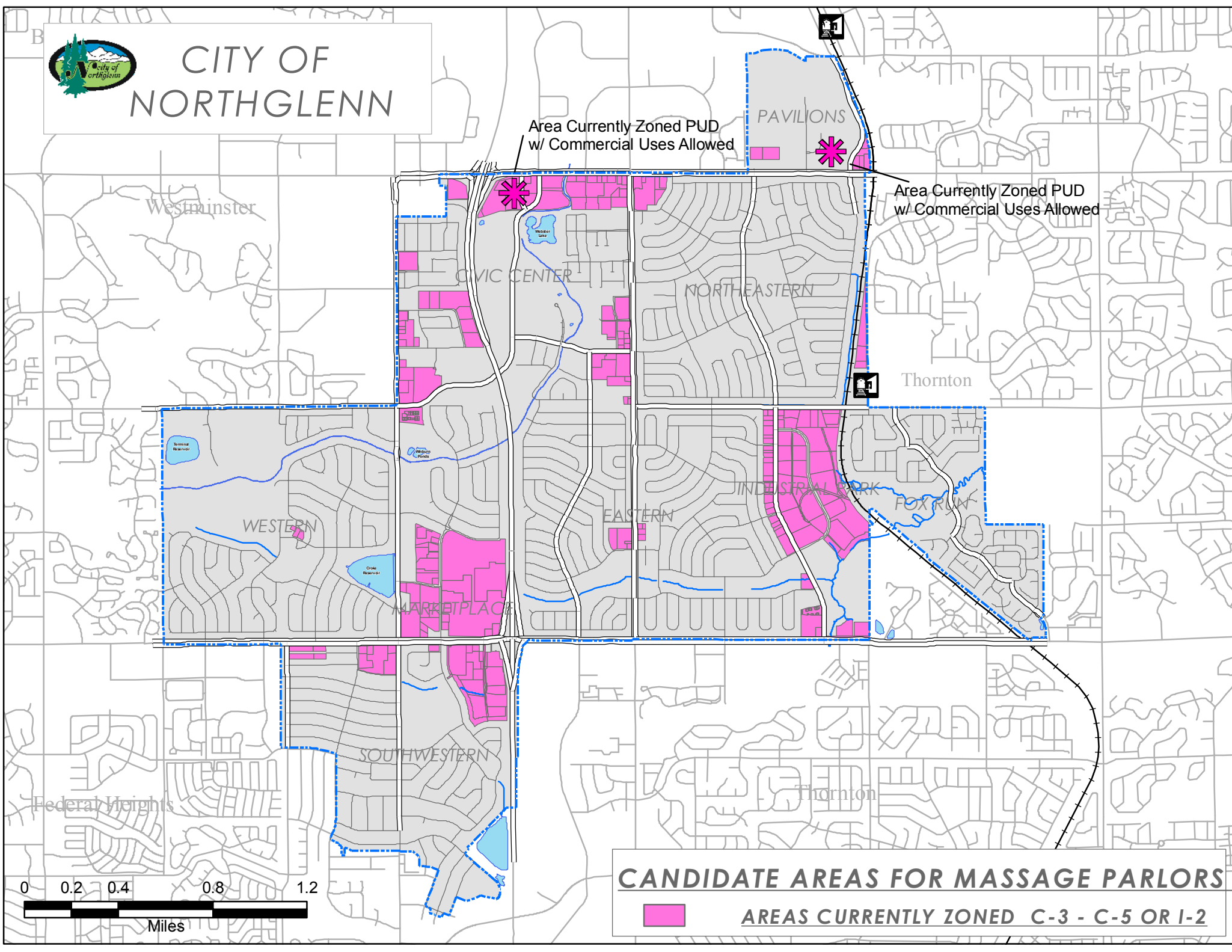
If Council members have any comments or questions they may contact James Hayes, jhayes@northglenn.org or at 303-450-8937.

ATTACHMENTS

Attachment A – Map of zone districts eligible for massage businesses as a use by right



CITY OF NORTHGLENN



Area Currently Zoned PUD
w/ Commercial Uses Allowed

PAVILIONS

Area Currently Zoned PUD
w/ Commercial Uses Allowed

Westminster

CIVIC CENTER

NORTHEASTERN

Thornton

Sumner Reservoir

WESTERN

MARKETPLACE

EASTERN

INDUSTRIAL PARK

FOX RIVER

SOUTHWESTERN

Federal Heights

Thornton

0 0.2 0.4 0.8 1.2

Miles

CANDIDATE AREAS FOR MASSAGE PARLORS



AREAS CURRENTLY ZONED C-3 - C-5 OR I-2