



Conditional Use Permit Application

Massage Parlor

P.O. Box 1479, Pelham, Alabama 35124 | 205.620.6543

sproctor@pelhamalabama.gov

APPLICANT: _____ PHONE: _____

ADDRESS: _____ EMAIL: _____

BUSINESS TYPE: _____ BUSINESS NAME: _____

All massage parlor business uses are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.

1. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above, and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
2. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and shall make the final decision regarding the granting of a permit and issuance of an applicable business license.

DESCRIPTION OF ALL SERVICES OFFERED: _____

ADDITIONAL REQUIREMENTS FROM APPENDIX A; ARTICLE XV, SECTION 14:

1. Purpose. The general purpose and intent of these regulations are to protect public health, safety, and general welfare by requiring that all massage parlors conform to Shelby County health and safety regulations pertaining to massage parlors and to city regulations that will minimize impacts to surrounding properties.
2. Applicability. For the purposes of this section, the standards of this section apply to new establishments of massage parlors. An establishment is considered new when no previous massage parlor business existed at that location for a period of 90 consecutive days or greater immediately preceding the filing date of an application for a permit under this section. Any properly licensed massage parlor business legally operating at the effective date of this ordinance that is not in compliance with this section shall be considered a legal nonconforming use and shall be subject to the provisions of Article XXVI (Nonconforming Uses of Lands and Buildings) of this ordinance.
3. Discontinuance and termination. Any massage parlor, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid city business license for more than 90 consecutive days; or ceases to be licensed by the State of Alabama or any other applicable licensing authority shall be considered a termination of the use and all privileges and rights held therein.
4. Definitions. As used in this section, the following words and phrases will have the following meanings:
 - a. *Massage parlor*. Any building, room, place, or establishment other than a regularly licensed hospital or dispensary where nonmedical, nonsurgical, non-osteopathic, and non-chiropractic manipulative exercises, massages, or procedures are practiced upon the human body or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone, not a physician, surgeon, osteopath, chiropractor, or certified massage therapist certified by the state in accordance with the Alabama Massage Therapy Licensure Act of 1996.

- b. The definition shall not include the practice of massage in any licensed hospital or nursing home, nor by a physician, surgeon, chiropractor, or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur or professional athlete or athletic team or school athletic program, nor by any Alabama State licensed physical therapist.
- c. The term "massage parlor" shall not include a spa, wellness center, health club, beauty salon, gymnasium, or other businesses providing health, beauty, medical, or physical fitness services in which massages are incidental and one of a series of services provided.

5. Locational requirements.

- a. No massage parlor (as described and detailed within this section) established after the date of this section shall be located within 2,500 linear feet of any other massage parlor. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed business to the closest property line that is already occupied by these businesses.
- b. No massage parlor shall be located within 500 feet of a residentially zoned district, as measured by a straight line from the property line of the site of the proposed business to the property line of the closest residentially zoned property.
- c. No massage parlor shall be located within 500 feet of a public building, public or private school, daycare center, nursery, preschool, park or playground, church, or place of worship, as measured by a straight line from the property line of the site of the proposed business to the property line of the property that is occupied by one of the uses.

6. Development and operational standards.

- a. Hours of operation. The hours of operation shall be limited to the hours between 9:00 a.m. and 6:00 p.m.
- b. No massage parlor shall have an entrance or exit way providing a direct passageway to any type of business, residence, or living quarters.
- c. Every massage parlor shall display a legible sign not larger than permitted by the city zoning ordinance, upon which sign the words "licensed masseur" or "licensed masseuse" or both shall conspicuously appear thereon. Such sign shall contain letters no less than three inches in height and shall be displayed in such a manner that the words "licensed masseur" or "licensed masseuse" may be readily observed or read by persons upon entering the premises occupied by any massage parlor.
- d. Any massage parlor permitted under the provisions of this section shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the county health department. Any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available for inspection by the county health department for the purpose of assuring compliance with such health rules, regulations, and requirements.
- e. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.
- f. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any license under this section permits any massage parlor to be so used.
- g. Each massage parlor as herein defined shall be open for inspection by the police department at all times.

7. Other requirements.

- a. All massage parlor business uses are required to obtain a conditional use permit issued by the Pelham City Council upon the recommendation of the Pelham Planning Commission. The permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 - i. The Pelham Planning Commission shall hold a public hearing, notice of which will be given, for the consideration of the additional rules and regulations described above and comments from the applicant(s) and other interested parties will be heard. After completing an applicable public hearing, the Pelham Planning Commission will vote on a recommendation to make to the Pelham City Council and then submit its recommendation and report.
 - ii. The Pelham City Council will also hold a public hearing considering the additional rules and regulations described above, as well as any requested exceptions, and shall make the final decision regarding the granting of a permit and issuance of an applicable business license.

b. No permit to conduct or operate a massage parlor shall be granted unless the applicant shall first furnish proof from a physician licensed to practice medicine in the State of Alabama, bearing a date not more than 20 days prior to the date of application, that each masseur, masseuses, and other employees or attendants applying or administering massages are free of any contagious, infectious, or communicable disease.

REQUIRED ITEMS:

- SITE PLAN
- ARCHITECTURAL FLOOR PLAN
- \$300.00 FEE
- STATEMENT THAT THE USE MEETS ALL LOCATION REQUIREMENTS

SIGNATURE OF APPLICANT

DATE

OFFICE USE ONLY

SUBMITTAL DATE: _____

P&Z RECOMMENDATION: ___ YES ___ NO

DATE: _____

CITY COUNCIL APPROVAL: ___ YES ___ NO

DATE: _____

PERMIT #: _____