

<b>UDC Section and Title (if applicable):</b>
29-1.11(a) Definitions - General 29-3.3 Use Specific Standards <i>Standard (v) included for reference- no revisions proposed but will be part of the 2/18/21 discussion</i>
<b>Purpose of Text Amendment</b>
<p>Note: Personal services are a permitted use in the M-N, M-C, M-DT, M-BP and IG zones subject to Use-Specific Standard (v). Personal services require a conditional use permit (CUP) in the Mixed-Use Office (M-OF) District. Physical fitness centers are permitted in the M-N, M-C, M-DT, M-BP and IG zones. There are presently no use-specific standards for the office or physical fitness uses, and none are proposed at this time.</p> <p>Staff routinely reviews business license applications for businesses seeking to open up a business (or renew an existing license). Staff checks the use of the business against the zone in which the business is desired to be located to ensure the use is permitted in the zone. A common interpretation discussion is when and whether spa/esthetic/therapeutic services would fall under a medical office or a personal service, and respectively, either require a CUP or be permitted in the M-OF zone. A related interpretation discussion is how to classify uses (and related scale considerations) which have aspects of a personal service, a medical office, and/or a physical fitness center (gym). Business license requests by pilates and yoga studios/practitioners have shown a variety of business models (most would fall under a physical fitness center, as proposed herein, but some are one-on-one and include medical credentials). Spa services are only references in the code in terms of small animals, not persons. The intent of the following revisions is to provide more clarity for use definitions.</p>
<b>Current Text:</b>
<p>29-1.1 Definitions</p> <p><i>Office.</i> A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, planners, accountants, insurance agents, brokers, consultants, or real estate agents; data processing; sales offices; artists; writers; physicians, dentists, chiropractors or other licensed medical professionals, including outpatient treatment of alcohol and drug abuse. This use does not include facilities meeting the definition of a research and development laboratory or any facility where display, sales or rental of goods occurs on more than an incidental basis related to the primary office function.</p> <p>...</p> <p>Personal services, <i>general.</i> Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer after the goods have been treated or processed at that location or other locations. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale, and incidental retail sales of products used on the premises to patrons. This use includes but is not limited to barber and beauty shops; dry cleaning, laundering, pressing, and dyeing establishments; coin-operated laundries; photographic service shops and studios; repair of household appliances; shoe repair shops, garment storage facilities, rental service, and bicycle repair shop and offices as defined within this UDC. Outdoor storage, display, or service areas are not permitted.</p> <p>...</p> <p>Physical fitness <i>center.</i> An indoor facility where individuals participate in exercise, weight reduction,</p>

physical therapy, or similar activities designed to improve and preserve physical fitness, but not including any use that meets the definition of a community center or another use in this chapter

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#### 29-3.3 Use Specific Standards

(v) *Primary use of land and buildings:* Personal services, *general*. In the M-OF, M-N, M-C, and M-DT districts, this use may not involve the use of explosive or hazardous materials.

### Proposed Text Amendment:

#### 29-1.1 Definitions

**Office.** A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, planners, ~~accountants~~, insurance agents, brokers, consultants, or real estate agents; data processing; sales offices; artists; writers; physicians, dentists, chiropractors, **counselors** or other licensed medical professionals, including outpatient treatment of alcohol and drug abuse, **and estheticians or massage therapists performing services under the direct supervision of a licensed medical professional**. This use does not include facilities meeting the definition of a research and development laboratory or any facility where display, sales or rental of goods occurs on more than an incidental basis related to the primary office function.

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**Personal services, general.** Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer after the goods have been treated or processed at that location or other locations. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale, and incidental retail sales of products used on the premises to patrons. This use includes but is not limited to barber and beauty shops; **nail salons; spa services not meeting the definition of an office as defined in this chapter;** dry cleaning, laundering, pressing, and dyeing establishments; coin-operated laundries; photographic service shops and studios; repair of household appliances; shoe repair shops, garment storage facilities, rental service, and bicycle repair shop ~~and offices as defined within this UDC~~. Outdoor storage, display, or service areas are not permitted

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**Physical fitness center.** An indoor facility where individuals participate in exercise, weight reduction, ~~physical therapy~~, or similar activities designed to improve and preserve physical fitness, but not including any use that meets the definition of a community center or another use in this chapter. **Includes pilates and yoga studios and any other wellness-promoting activity offered to groups and/or not by appointment that does not meet the definition of another use as defined in this chapter.**

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#### 29-3.2 Permitted Use Table

(v) *Primary use of land and buildings:* Personal services, *general*. In the M-OF, M-N, M-C, and M-DT districts, this use may not involve the use of explosive or hazardous materials.