

ORDINANCE NUMBER 5503-2018

AN ORDINANCE AMENDING CHAPTER VII (PERFORMANCE ZONING STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING USE/ZONING DISTRICT MATRIX

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.505 of the Land Development Code, as amended, is hereby further amended by deleting the uses of, “Spa,” “Massage Therapy (R)” and “Bodywork Therapy (R)”

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

²O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

Section 2. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.505 of the Land Development Code, as amended, is hereby further amended by adding the use of “Spa Establishment” as follows:

Use	General Commercial (GC)	Downtown - Central Business District (DT-CBD)	Downtown - General Commercial (DT-GC)	Downtown - Residential Office (DT-RO)
Spa Establishment (R)	P*9	P*9	P*9	P*9

Section 3. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.505 of the Land Development Code, as amended, is hereby further amended by adding the use of “Bodywork Therapy” as follows:

Use	General Commercial (GC)	Downtown - Central Business District (DT-CBD)	Downtown - General Commercial (DT-GC)	Downtown - Residential Office (DT-RO)
Bodywork Therapy (R)	C*9			

Section 4. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.505 of the Land Development Code, as amended, is hereby further amended by adding the use of “Massage Therapist” as follows:

Use	General Commercial (GC)	Downtown - Central Business District (DT-CBD)	Downtown - General Commercial (DT-GC)	Downtown - Residential Office (DT-RO)
Massage Therapist (R)	P*9	P*9	P*9	P*9

Section 5. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.505 of the Land Development Code, as amended, is hereby further amended by adding the use of “Massage Therapy Establishment” as follows:

Use	General Commercial (GC)	Downtown - Central Business District (DT-CBD)	Downtown - General Commercial (DT-GC)	Downtown - Residential Office (DT-RO)
Massage Therapy Establishment (R)	C*9			

Section 6. That Chapter VII – Performance Zoning Standards, Article V – Use Districts and Regulations, Section 7.506 (9) of the Land Development Code, as amended, is hereby further amended by deleting the uses of massage therapy and bodywork therapy and replacing as follows:

“spa establishment, bodywork therapy, massage therapist, and massage therapy establishment”

Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 26 DAY OF November, 2018.

1st Reading: 10/22/18 2nd Reading: 11/26/18



 DONNIE HENRIQUES, MAYOR



 RHONDA L. PEZZELLO, CLERK

