

ORDINANCE #001- 22

AN ORDINANCE AMENDING CHAPTER VII – PERFORMANCE ZONING STANDARDS, ARTICLE V – USE DISTRICTS AND REGULATIONS, SECTION 7.505 OF THE LAND DEVELOPMENT CODE; TO ALLOW “MASSAGE THERAPIST” AS A PERMITTED USE IN THE LI ZONE AND “MASSAGE THERAPY ESTABLISHMENT” AS A CONDITIONALLY PERMITTED USE IN THE LIGHT INDUSTRIAL (LI) ZONE.

(ZONE TEXT AMENDMENT #001-22 – CITYWIDE)

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, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the City Council of the City of Woodstock, Georgia desires to amend Chapter VII, Article V, Section 7.505 of the Code of Woodstock, Georgia as set forth herein.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WOODSTOCK HEREBY ORDAINS, by the lawful authority vested in them as follows:

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."

² O.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 hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code Section.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 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 allowing “Message Therapist” as a permitted use in the LI zone, as set forth below:

Uses	GC	GC-VMU	NC	LI	HI	OSI	R1/R2	R3	R4	R5	CV	RD	OS
Massage Therapist (R)	P*9	P*9	P*9	P*9									

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 allowing “Message Therapy Establishment” (R) as a conditionally permitted use in the LI zone, as set forth below:

Uses	GC	GC-VMU	NC	LI	HI	OSI	R1/R2	R3	R4	R5	CV	RD	OS
Massage Therapy Establishment (R)	C*9	C*9	C*9	C*9									

Section 3. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 4. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 14 OF November, 2022.

First Reading Date: October 24, 2022

Second Reading Date: November 14, 2022

Michael Caldwell

MICHAEL CALDWELL, MAYOR
CITY OF WOODSTOCK, GEORGIA

Elle Taylor

ELLE TAYLOR, CLERK
CITY OF WOODSTOCK

REVIEWED FOR LEGAL CONTENT

Eldon Basham

ELDON L. BASHAM
CITY ATTORNEY