

ORDINANCE No. 725

(Development Department No: 2016TA-17)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE", TITLE 1., "ADMINISTRATION", CHAPTER 110., "DEFINITIONS."; AND CHAPTER 240. "GENERAL USE REGULATIONS", ARTICLE 1., "PERMITTED AND PROHIBITED USES", SECTION 240-1., "TABLE OF PERMITTED AND PROHIBITED USES", AND ARTICLE 3. "SUPPLEMENTAL USE STANDARDS", SECTION 240-13. "SUPPLEMENTAL USE PROVISIONS"; AND CHAPTER 250., "OFF-STREET PARKING AND LOADING STANDARDS.", ARTICLE 1., "OFF-STREET PARKING STANDARDS.", BY EDITING AND DELETING CERTAIN USES AND PROVISIONS, AND BY ADDING CERTAIN NEW USES AND PROVISIONS, AND FOR ALL OTHER LAWFUL PURPOSES.

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA THAT THE PROVISIONS OF PART II, "CODE OF ORDINANCES" APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE", BE AMENDED AS FOLLOWS:

PART I

The provisions of Title 1, "Administration", Chapter 110, "Definitions", Section 110-3. "Definitions", shall be amended by deleting in its entirety the following definition:

~~"Massage therapy establishment: Any establishment where a massage therapist administers a massage to another person for compensation, and all massage therapists are licensed as qualified professionals by the Georgia Board of Massage Therapy."~~

and inserting the following definitions in alphabetic order within Section 110-3:

"Massage establishment: See City of Chamblee Code of Ordinances, Chapter 22, 'Business', Article VIII, 'Massage and Spa Establishments', Sec. 22-301 'Definitions.'"

"Spa establishment: See City of Chamblee Code of Ordinances, Chapter 22, 'Business', Article VIII, 'Massage and Spa Establishments', Sec. 22-301 'Definitions.'"

PART II

The provisions of Title 2, "Land Use and Zoning", Chapter 240. "General Use Regulations", Article 1., "Permitted And Prohibited Uses", Section 240-1., "Table of Permitted and Prohibited Uses", shall be amended as follows:

Amend line "5.20 Massage Therapy Establishment (licensed by the state)" as follows:

"5.20 ~~Massage Therapy~~-Establishment (licensed by the state)", and indicate that it shall be a Permitted use subject to Supplemental Use Standards of Section 240-13, as indicated with the symbol "S", in the following zoning districts: "CC", "CVC", "VC", "TOD", "MU-BC", "I" and "IT".

PART III

The provisions of Title 2, "Land Use and Zoning", Chapter 240. "General Use Regulations", Article 1., "Permitted And Prohibited Uses", Section 240-1., "Table of Permitted and Prohibited Uses", shall be amended as follows:

Add a new line "5.28 Spa Establishment", and indicate that it shall be a Permitted use subject to Supplemental Use Standards of Section 240-13, as indicated with the symbol "S", in the following zoning districts: "CC", "CVC", "VC", "TOD", "MU-BC", "I" and "IT".

PART IV

The provisions of Title 2, "Land Use and Zoning", Chapter 240. "General Use Regulations", Article 1., "Permitted And Prohibited Uses", Section 240-1., "Table of Permitted and Prohibited Uses", subparagraph (a)(3)i. shall be amended as follows:

"i. Adult Massage Establishment, see definition in Chapter 110 under 'Adult entertainment Establishment,' this ~~is~~ does not refer to a 'Massage ~~therapy~~ establishment,'² or "spa establishment." see definition in Chapter 110."

PART V

The provisions of Chapter 240, "Supplemental Use Standards", Section 240-13. "Supplemental Use Provisions", Sub-Section (e) "Services", paragraph (4) "Massage therapy establishment [5.20]", shall be amended as follows:

"(4) ~~Massage therapy~~-establishments [5.20].

~~"Massage therapy establishments shall require all massage therapists to be licensed as administered by the Georgia Board of Massage Therapy. Establishments shall meet all requirements of the Georgia Massage Therapy Act, O.C.G.A. Sec. 43-24A. See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, 'Massage and Spa Establishments' for applicable regulations".~~

PART VI

The provisions of Chapter 240, "Supplemental Use Standards", Section 240-13. "Supplemental Use Provisions", Sub-Section (e) "Services", shall be amended by adding a new paragraph (6) "Spa Establishment [5.28]", as follows:

"(6) Spa establishment [5.28].

~~"Massage therapy establishments shall require all massage therapists to be licensed as administered by the Georgia Board of Massage Therapy. Establishments shall meet all requirements of the~~

Georgia Massage Therapy Act, O.C.G.A. Sec. 43-24A See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, 'Massage and Spa Establishments' for applicable regulations".

PART VII

The provisions of Chapter 250., "Off-street parking and loading standards.", Article 1., "Off-street parking standards", Section 250-2., "Minimum number of parking spaces required.", sub-section (a), paragraph (3) "Minimum Parking Space Requirements Table" shall be edited as follows:

Land Use	Minimum Parking Space Requirement
"5.20 Massage therapy establishment (licensed by the State)"	"1 space per 250 sq. ft."

PART VIII

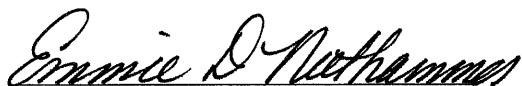
The provisions of Chapter 250., "Off-street parking and loading standards.", Article 1., "Off-street parking standards", Section 250-2., "Minimum number of parking spaces required.", sub-section (a), paragraph (3) "Minimum Parking Space Requirements Table" shall be amended by adding a row for the following additional "Land Uses" with respective entries for "Minimum Parking Space Requirements" as follows:

Land Use	Minimum Parking Space Requirement
"5.28 Spa Establishment"	"1 space per 250 sq. ft."

PART IX

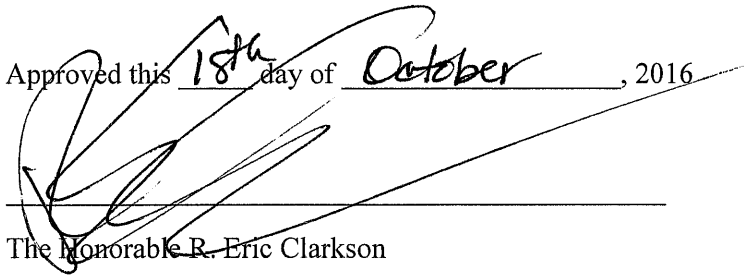
It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member Robson with a motion that the same be adopted. Said motion was seconded by Council member Hogan. Same was then put to a vote and 3 Council members voted in favor of the Ordinance and 2 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 18 day of October, 2016.



Emmie D. Niethammer, City Clerk, City of Chamblee, Georgia

Approved this 18th day of October, 2016



The Honorable R. Eric Clarkson
Mayor, City of Chamblee, Georgia

Approved as to form:



City Attorney

First Reading: September 20, 2016

Second Reading: October 18, 2016