

MEMORANDUM

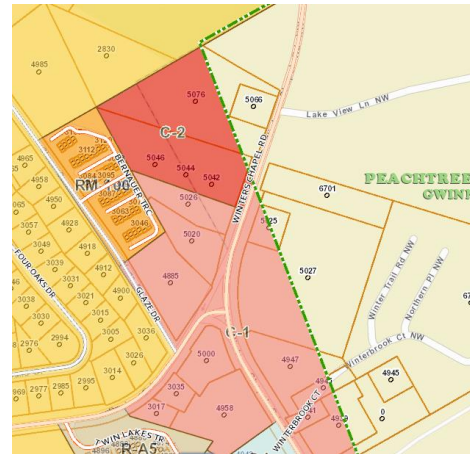
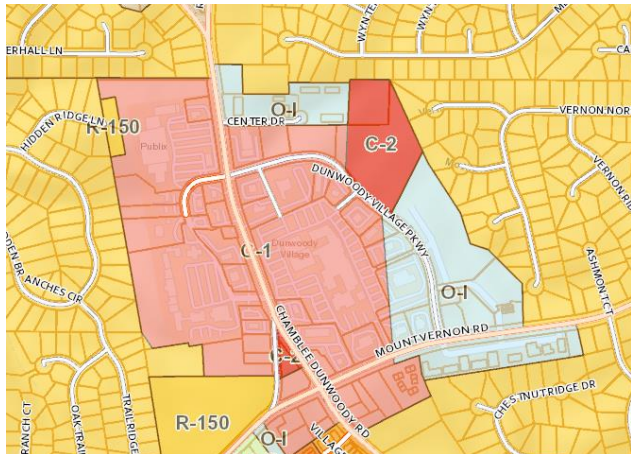
To: Mayor & City Council
From: Steve Foote, AICP
Date: June 8, 2015
Subject: Text Amendment: Change the classification of massage activities from Adult Service Facilities to Personal Improvement Services

BACKGROUND

The City of Dunwoody Zoning Ordinance currently considers massage activities as Adult Service Facilities and they are restricted to the C-2 and M zoning districts. As an ancillary use massage may be offered as part of a medical office. They are not permitted in any other zoning districts.

The only M district in Dunwoody is part of the I-285 right-of-way. There are three small C-2 zoned areas in Dunwoody, including two parcels in the Dunwoody Village Overlay District and two along Winters Chapel. There are approximately 18 businesses offering some type of massage use within the City of Dunwoody, including the Atlanta School of Massage. Most of these businesses are considered non-conforming.

Areas zoned C-2 are shown below.



The current discussion on massage activities was precipitated by a Business License sweep by Code Enforcement Staff and a separate request received by a new business trying to open a Day Spa (with massage) in Perimeter Mall. Neither site is zoned to allow massage.

ANALYSIS

Section 27-114(1) "Adult Use" of the Zoning Ordinance which contains the restrictions on massage uses is the result of original wording from DeKalb County and changes adopted in the 2013 re-write. Research by staff has not produced any reported complaints regarding the operation of massage or spa businesses in town.

Massage and Spa Establishments are regulated under the same Business and Occupation License regulations. Although they are similar in many ways, Day Spas (which often include

massages) and massage activities are treated differently in the Zoning Ordinance. Day Spas are listed under the use category of "Personal Improvement Services" (below):

- (14) *Personal improvement service. Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, day spas, esthetician services, yoga or dance studios, personal fitness training studios, driving schools and martial arts schools. Health clubs are classified under the "participant sports and recreation" use subcategory.*

The City of Woodstock considers massage in a category similar to the above. Staff believes that amending the Zoning Ordinance is warranted to recognize legitimate massage businesses and to meet the needs of Dunwoody residents. The proposed changes will not impact or alter the Business and Occupation regulations in Chapter 10, Article IX, Massage Establishments and Spas. This Chapter also limits the hours during which a Massage and Spa Establishment can operate from 7:00 a.m. to 10:00 p.m.

Along with this change staff is also proposing the eliminate the category of Adult Service Facility which has no relevant purpose under our Zoning Ordinance. In addition, the wording "and other 'typical' uses per 27-114(14)" is being inserted to recognize that all of the 'typical' uses stated therein are permitted in the same districts.

Proposed Amendment

Sec. 27-72. Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] [27-111\(4\)](#) for information about how to interpret the use table.

USES	DISTRICTS										Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M		
<i>P = use permitted as of right / A = special administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>											
COMMERCIAL											
Adult Use											
Adult service facility	-	-	-	-	-	-	-	-	P	P	
Body art service									P	P	
Sexually oriented business	P	-	-	P	-	-	-	-	P	P	27-149
Personal Improvement Service											
Barber shop, beauty shop, nail salon, massage and/or day spa establishments , estheticians, and other 'typical' uses per 27-114(14)	P	-	-	P	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	P	
Repair or Laundry Service, Consumer											

Sec. 27-114. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use category includes the following use subcategories.

(1) *Adult use.*

~~a. *Adult service facility.* A commercial establishment in which patrons are directly or indirectly charged a fee to engage in private, personal contact with employees, other patrons or personnel, primarily for entertainment purposes. Adult service facilities include massage establishments and steam rooms but do not include sexually-oriented businesses. Massage therapy provided as an ancillary activity to a medical service, use is not considered an adult service facility.~~

~~ab. *Body art service.* Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding or scarification. This definition does not include practices that are considered medical procedures by the Georgia Composite Medical Board, which may not be performed in a body art services establishment.~~

~~be. *Sexually oriented business.* An adult bookstore or adult video store, an adult cabaret, an adult motion picture theatre, a semi-nude model studio or a sexual device shop. See subsection 27-149(c) for additional definitions.~~

~~*****~~

(14) *Personal improvement service.* Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, ~~massage and/or day spas establishments~~, esthetician services, yoga or dance studios, personal fitness training studios, driving schools and martial arts schools. Health clubs are classified under the "participant sports and recreation" use subcategory.

~~a. For additional license and operational regulations applicable to Massage and Spa Establishments see Article IX. Massage Establishments and Spas.~~

Review and Approval Criteria

Chapter 27, Section 27-335 specifically identifies the following criteria to be applied by the department of planning, the Planning Commission, and the City Council in evaluating and deciding any application for a zoning ordinance text amendment.

(c) *Zoning ordinance text amendments.* The following review and approval criteria must be used in reviewing and taking action on all zoning ordinance text amendments:

- (1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and

The proposed text amendment is in conformity with the policy and intent of the Comprehensive Plan, whereby all character areas zoned commercially (except those zoned OIT and OD) would permit massage and spa establishments with the proposed change.

(2) Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.

The proposed text amendment re-addresses the appropriate districts and uses akin to massage therapy. The changes are required to change the policy that classifies massage establishments as “adult uses” to “personal improvement services.”

RECOMMENDATION FROM COMMUNITY COUNCIL

The Community Council heard the request amend the regulations related to massage uses during their April 9, 2015 meeting and following brief discussion recommended approval of the request (4 – 0) as presented by staff.

RECOMMENDATION FROM PLANNING COMMISSION

The Planning Commission heard the request to amend the regulations related to massage uses during their May 12, 2015 meeting and following brief discussion recommended approval of the request (4 – 1) as presented by staff.

STAFF RECOMMENDATION

Staff recommends City Council approve the proposed amendment.

**CITY OF DUNWOODY
MAY 12, 2015
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on May 12, 2015 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bob Dallas, Commission Member
 Bill Grossman, Commission Member
 Paul Player, Commission Member
 Heyward Wescott, Commission Member
 Rick Callihan, Commission Member

Also Present: Steve Foote, Community Development Director
 Rebecca Keefer, City Planner
 Andrew Russell, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

Kirk Anders and Renate Herod were absent.

C. MINUTES

1. Approval of Minutes from the April 21, 2015 Planning Commission Special Called Meeting

Commission Member Heyward Wescott motioned to approve Commission Member Bill Grossman seconded.

The motion was voted and passed (3 -0 -2). Paul Player and Rick Callihan abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Bob Dallas stated the Planning Commission's preferred start time is 7:00 pm and that the Commission voted 7-0 last month to keep a 7:00 pm start time.

Steve Foote responded to the Commission's questions regarding the scheduling of the meeting time for tonight's meeting. Steve stated that the City prefers that Planning Commission meetings be held at 6:00 pm.

Paul Player, Bill Grossman, Heyward Wescott and Rick Callihan stated they would prefer a 7:00 pm meeting start time. The Commission addressed questions to the public. Robert Wittenstein stated he would prefer a 7:00 pm start time.

E. UNFINISHED BUSINESS

1. RZ 15-021: Cypress Communities, LLC, applicant, on behalf of owner, CQ Dunwoody Village Court, LLC, seeks permission to rezone property currently zoned Office-Institution (O-I) District to Multi-dwelling Residential District (RM-100) to allow for construction of an 81-unit townhome development. The subject property consists of two parcels: tax parcel 18-366-060-61 located at 1530 Dunwoody Village Parkway, Dunwoody, GA 30338, and tax parcel 18-366-060-65 located at 1536 Dunwoody Village Parkway, Dunwoody, GA 30338.

Bob Dallas introduced the item and opened the public hearing.

Rebecca Keefer presented on behalf of staff and recommended approval with exhibits and conditions.

Steve Foote spoke on behalf of staff and made additional clarifications.

Carl Westmoreland, representative of the applicant, spoke on behalf of the application. Carl addressed the changes that were made to the site plan and landscape plan since the April Planning Commission meeting. Carl addressed pending agreements with adjacent property owners. Carl responded to the Commission's questions and to comments made by the public. Carl stated he is in communication with DHA regarding their agreement.

Robert Wittenstein spoke on behalf of the Dunwoody Homeowner's Association as their President, in support of the application. Robert stated the DHA believes the proposed project is good for Dunwoody, that the applicant has worked very hard to accommodate the neighbors' requests, and that the proposed development is in line with the Dunwoody Village Master Plan was put together. Robert clarified his comment at the April Planning Commission meeting regarding the obligations the applicant has for following recommendations of the Design Review Advisory Committee.

Richard Krohn, 1422 Mockwell Ct, spoke in opposition to the application. Richard stated that he opposes multi-family housing in the proposed location.

Robert Miller, 1332 Martina Drive, spoke in opposition to the application. Robert stated that he objects to these proceedings because believes they are not in compliance with procedural due process requirements, the proposed site plan does not meet the policy and intent of the Comprehensive Plan, and that the floor plans do not meet the Comprehensive Plan's goal of providing housing options targeted at empty nesters. Robert proposed that 90% of units should have the master bedroom and kitchen on the same floor, one bathroom that is framed to ADA standards with a zero entry shower, kitchen layout and wider hallways designed to ADA standards, and doorways on main level to have a minimum clear opening of 32".

Bill Grossman asked questions of the applicant related to whether there will be a model unit, the installation and code requirements of elevators, and what the minimum spacing between any sidewalk and a building is, and pointed to the sidewalk along building 72. Bill asked

whether the applicant is willing to include an elevator in the model unit, and whether the elevator cost he anticipated took into account the city's code requirements for elevators that open into a garage.

Heyward Wescott asked questions of the applicant and staff regarding phasing, issues with the dumpster and neighboring office properties, and code issues pertaining to having an elevator in a garage. Heyward stated he would like to see green space between units 72 and 73 instead of parking spaces. Heyward commended the changes that the applicant has made to the site plan around the mail kiosk.

Rick Callihan asked staff about the Comprehensive Plan calling for 2 story units as a transitional buffer toward the back of the property.

Bob Dallas asked the applicant whether any units accommodate master bedroom, living room and kitchen on the same floor, and whether he could build some larger units there that could accommodate that. Bob asked questions of grading at the townhomes proposed along Dunwoody Village Parkway. Bob commended the applicant for removing the parking from the area in front of the open space between units 72 and 73.

Lonnie Moss, applicant, responded to the Commission's questions. Lonnie stated that having the kitchen, living room and master bedroom on the same floor would not be possible with these units. Lonnie stated that he envisions three or four steps down to the sidewalk along Dunwoody Village Parkway. Lonnie stated the foundations can be adjusted to make sure there are a few steps down to the sidewalk at those units.

Bill Grossman motioned to deny. Rick Callihan seconded.

The motion was voted and failed (2 - 3). Heyward Wescott, Bob Dallas and Paul Player dissented.

Heyward Wescott motioned to approve with the following conditions:

- 1. The elevation of the front of the units along Dunwoody Village Parkway shall be at grade.**
- 2. The area along the private drive between units 72 and 73 will remain open space.**
- 3. An elevator will be included in the model unit.**

Paul Player seconded.

The motion was voted and passed (3 - 2). Bill Grossman and Rick Callihan dissented.

- 2. Text Amendments City of Dunwoody City Code Chapter 27 Related to Meeting Process.**

Bob Dallas introduced the item and opened the public hearing.

Steve Foote presented on behalf of staff and recommended approval of the text amendment. Steve responded to the Commission's questions.

Robert Wittenstein, 1146 Bordeaux Court, spoke in support of the application.

Bill Grossman asked questions of staff. Bill proposed that a single staff member attend the initial applicant-initiated meeting.

Rick Callihan asked staff who initiated the amendment. Rick stated the Community Council serves as a farm system for filling other Board seats.

Bob Dallas stated that the dialogue that takes place in formal meetings is critical and questioned whether a developer-led meeting can achieve that goal. Bob suggested that the applicant be required to publish notice of the applicant-initiated meeting in the legal organ of the city, so interested parties who may not live within the 500 foot radius would be informed.

Paul Player voiced concern that less reputable developers or attorneys could mislead the public at the developer-initiated meetings.

Bob Dallas called Robert Wittenstein up to speak. Robert suggested that the DHA be the appropriate venue for developer-led meetings. He pointed to the example of the Dunwoody Village Townhome application which came before the DHA and worked out issues early on in the process.

Heyward Wescott motioned to approve with the addition that the applicant advertise the applicant-initiated meeting in the city's legal organ. Bill Grossman seconded.

The motion was voted and passed (4 - 1). Rick Callihan dissented.

F. NEW BUSINESS

- 1. Text amendments to the City of Dunwoody City Code Chapter 27 to Change the Classification of Massage Activities.**

Bob Dallas introduced the item and opened the public hearing.

Steve Foote presented on behalf of staff and recommended approval of the text amendment.

Wendy Pearson, the owner of Escentual Body, spoke in favor of the proposed text amendment, and responded to questions from the Commission. Sherise Law, the owner of Pure Aesthetics and Skincare, 1745 Old Spring House Lane, spoke in favor of the application. Sherise stated the Board of Cosmetology is the group who inspects her business.

Robert Wittenstein, 1146 Bordeaux Court, spoke in support of the application, and stated the current model is outdated.

Heyward Wescott motioned to approve. Bill Grossman seconded.

The motion was voted and passed (4 - 1). Rick Callihan dissented.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMISSION COMMENT

Bob Dallas asked procedural questions of staff regarding scheduling.

Bob Dallas welcomed new Planning Commission Member Rick Callihan.

Heyward Wescott thanked City Council Members Jim Riticher, Terry Nall and Denny Shortal for attending.

J. ADJOURN

DRAFT

**CITY OF DUNWOODY
APRIL 9, 2015
COMMUNITY COUNCIL MINUTES**

The Community Council of the City of Dunwoody held a Meeting on April 9, 2015 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Suite 103, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Norb Leahy, Chair
 Deborah G. Shendelman, Community Council Member
 Brian Sims, Community Council Member
 Sam Verniero, Community Council Member

Also Present: Steve Foote, AICP
 Rebecca Keefer, City Planner
 Andrew R. Russell, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present except Rick Callihan and Richard Grove.

C. MINUTES

1. Approval of Minutes from the July 10, 2014 Community Council Meeting.

Norb Leahy motioned to approve. Sam Verniero seconded.

The motion was voted and passed (4 - 0)

4.2. Approval of Minutes from the March 12, 2015 Community Council Meeting.

Deborah G. Shendelman motioned to approve. Sam Verniero seconded.

The motion was voted and passed (4 - 0)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. CP 15-051: Cypress Communities, LLC applicant on behalf of CO Dunwoody Village Court, LLC, seeks permission to amend the Dunwoody Village Master Plan section of the Comprehensive Plan Land Use Map from Small-Scale Office to For-Sale Residential, to allow for the construction of townhomes at 1536 Dunwoody Village Parkway, Dunwoody, GA 30338, tax parcel 18 366 060 65, as part of an 81-unit townhome development with 1530 Dunwoody Village Parkway, tax parcel 18 366 060 61, to the north.

Norb Leahy opened the public meeting.

Rebecca Keefer presented on behalf of staff. Rebecca stated that the need for an amendment to the comp plan was initially not identified by staff. Rebecca stated that on the plan submitted by the applicant it is not identified as a separate parcel, making it not easily identifiable when looking at the future land use map.

Carl Westmoreland, 3343 Peachtree Road, representative of the applicant, presented on behalf of the application. Carl introduced Lonnie Moss, applicant. Carl responded to the Council's questions. Carl stated that the DHA and the developers have been very careful to address the rental issue, and that the legal agreement states that it is binding on the successors, successors entitled, etc., and is signed by the developer and the DHA. He said that the agreement states that a limitation on the number of rental units at any one time to 8 units will be incorporated into the Homeowners' Association documents and provided to the City of Dunwoody Community Development Department prior to issuance of a C.O. for the development. Therefore it is enforceable by the city as well as by the DHA.

Norb Leahy asked questions of the applicant. Norb asked staff questions regarding where the comp plan calls for green space in the Village.

Robert Wittenstein, resident, 1146 Bordeaux Court, spoke and recommended approval of the application on behalf of DHA. Robert stated that in the view of DHA, it is in the best interest of the city for the piece of property at issue to be residential. Robert stated that if the applicant does not follow through with the DHA contract, then the DHA will sue them.

Pat Eubank, resident, 4804 Leeds Court, spoke in opposition to the proposed plan because it conflicts the Comprehensive Plan the city has adopted.. Pat voiced concerns over the loss of small-scale office space in the area, and the possibility of displacing small-scale offices. Pat voiced concerns over the viability of DHA's legal agreement with the applicant, and the possibility of many units becoming rentals. Pat voiced concerns over senior housing options, the viability of the installation of elevators in units, and the need for more green space to be incorporated into the development.

Sam Verniero asked staff why the need for a comp plan amendment was initially not requested of the applicant by staff. Sam voiced concerned that \$450,000 is too high of a price point.

Brian Sims asked the applicant what would happen to the project if the comp plan amendment is not successful.

Carla Masecar, resident, 4570 Kings Down Way, spoke in opposition to the application.

Lonnie Moss, applicant, stated that the price point is mid \$400,000's to \$450,000's. Lonnie responded that he has not closed on the property.

Deborah G. Shendelman voiced concern that on page 26 of the Vision and Framework Plan, it calls for housing options for young professionals, and that the young professional demographic has not been addressed and discussed at all through this process, nor has it been addressed during the rezoning process.

Deborah G. Shendelman motioned to approve. Brian Sims seconded.

The motion was voted and passed (4 - 0)

- 2. Text amendments to the City of Dunwoody City Code Chapter 27 to consider recent actions by the Georgia State Legislature related to medicinal marijuana.

Norb Leahy opened the public meeting.

Steve Foote presented on behalf of staff and stated that the need for action by the city has gone away and is no longer an issue.

- 3. Text amendments to the City of Dunwoody City Code Chapter 27 regarding massage activities.

Norb Leahy opened the public meeting.

Steve Foote presented on behalf of staff.

Robert Wittenstein, resident, 1146 Bordeaux Court, spoke in favor.

Sam Verniero motioned to approve. Brian Sims seconded.

The motion was voted and passed (4 - 0)

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMUNITY COUNCIL COMMENT
- J. ADJOURN

Approved by:

Chairman

Attest:

Secretary

CHAPTER 27 ZONING ORDINANCE ⁽¹⁾

DIVISION 2. NONRESIDENTIAL AND MIXED-USE ZONING DISTRICTS

Sec. 27-72. Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] [27-111\(4\)](#) for information about how to interpret the use table.

USES	DISTRICTS										Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M		
<i>P = use permitted as of right / A = special administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>											
COMMERCIAL											
Adult Use											
Adult service facility	-	-	-	-	-	-	-	-	P	P	
Body art service									P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P		27-149
Office or Consumer Service	P	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	P	27-143
Personal Improvement Service											
Barber shop, beauty shop, nail salon, massage and/or spa establishments, day spa, estheticians, and other 'typical' uses per 27-114(14)	P	-	-	P	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	P	
Repair or Laundry Service, Consumer											

Sec. 27-114. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use category includes the following use subcategories.

(1) *Adult use.*

~~a. *Adult service facility.* A commercial establishment in which patrons are directly or indirectly charged a fee to engage in private, personal contact with employees, other patrons or personnel, primarily for entertainment purposes. Adult service facilities include massage establishments and steam rooms but do not include sexually-oriented businesses. Massage therapy provided as~~

~~an ancillary activity to a medical service, use is not considered an adult service facility.~~

~~ab. *Body art service.* Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding or scarification. This definition does not include practices that are considered medical procedures by the Georgia Composite Medical Board, which may not be performed in a body art services establishment.~~

~~be. *Sexually oriented business.* An adult bookstore or adult video store, an adult cabaret, an adult motion picture theatre, a semi-nude model studio or a sexual device shop. See subsection 27-149(c) for additional definitions.~~

~~*****~~

(14) *Personal improvement service.* Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, day spas, esthetician services, massage and/or spa establishments, yoga or dance studios, personal fitness training studios, driving schools and martial arts schools. Health clubs are classified under the "participant sports and recreation" use subcategory.

a. For additional license and operational regulations applicable to Massage and Spa Establishments see Article IX. Massage Establishments and Spas.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2015-XX-XX

AN ORDINANCE OF THE CITY OF DUNWOODY REVISING CERTAIN PROVISIONS OF ZONING ORDINANCE (CHAPTER 27 OF THE CITY CODE) RECATEGORIZING THE USE CATEGORY FOR MASSAGE ESTABLISHMENTS AND SPAS; AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody Zoning Code currently categorizes Massage Establishments as "Adult Use" while categorizing Spa Establishments as a "Personal Improvement" service; and

WHEREAS, the City's regulatory mechanism for massage parlors in Article IX of Chapter 10 of the City Code treats Massage and Spa Establishments as a similar way, applying the same regulations to both; and

WHEREAS, as a result of the City's current categorization of Massage Establishments, the majority of the City's Massage Establishments are located in a non-conforming zone; and

WHEREAS, in order to provide consistency of regulation and allow for the proper operation of legitimate massage establishments in the City, the Mayor and City Council desire to revise said Zoning Regulations; and

WHEREAS, the Mayor and City Council have conducted a properly-advertised Public Hearing prior to adoption of this Ordinance.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning) of the City of Dunwoody Code is hereby revised by amending Article II (Zoning Districts), Sections 27-72 (Uses Allowed) to read as follows:

Sec. 27-72. Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
<i>P = use permitted as of right / A = special administrative permit req'd / E = special</i>										

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2015-XX-XX

<i>exception req'd / S = special land use permit req'd</i>										
COMMERCIAL										
Adult Use										
Adult service facility	-	-	-	-	-	-	-	P	P	
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Personal Improvement Service										
Barber shop, beauty shop, nail salon, <u>massage and/or day spa establishments</u> , estheticians, <u>and other 'typical' uses per 27-114(14)</u>	P	-	-	P	P	P	P	P	P	<u>27-114(14)</u>
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										

Section 2: Chapter 27 (Zoning) of the City of Dunwoody Code is hereby further revised by amending Article III (Uses and Use Specific Regulations), Section 27-114 (Commercial Use Category) to read as follows:

Sec. 27-114. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use category includes the following use subcategories.

(1) *Adult use.*

~~a. Adult service facility. A commercial establishment in which patrons are directly or indirectly charged a fee to engage in private, personal contact with employees, other patrons or personnel, primarily for entertainment purposes. Adult service facilities include massage establishments and steam rooms but do not include sexually oriented businesses. Massage therapy provided as an ancillary activity to a medical service, use is not considered an adult service facility.~~

ab. *Body art service.* Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing,

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2015-XX-XX

branding or scarification. This definition does not include practices that are considered medical procedures by the Georgia Composite Medical Board, which may not be performed in a body art services establishment.

be. Sexually oriented business. An adult bookstore or adult video store, an adult cabaret, an adult motion picture theatre, a semi-nude model studio or a sexual device shop. See subsection 27-149(c) for additional definitions.

.....
.....

(14) *Personal improvement service.* Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, massage and/or day spas establishments, esthetician services, yoga or dance studios, personal fitness training studios, driving schools and martial arts schools. Health clubs are classified under the "participant sports and recreation" use subcategory.

a. For additional license and operational regulations applicable to Massage and Spa Establishments see Chapter 10, Article IX of this Code, Massage Establishments and Spas.

Section 2: This Amendment shall become effective upon approval by the Mayor and City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2015.

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Office of City Attorney