

DATE: June 2nd, 2022; *Updated 6/10/2022*
TO: Mayor & Council
FROM: Planning Director
SUBJECT: Zoning Ordinance Amendment, ZOA 22-001
Massage Establishment

SUGGESTED ACTION

Conduct public hearing and table action until July meeting.
Adopt resolution extending moratorium until August 31st, 2022.

Summary of Proposed Changes

Planning staff recommends massage establishments be required to have a special use permit with restrictions and capping the number of allowed massage establishments within the city limits to six (6).

Planning Commission Recommendation & Public Comment

Planning Commission conducted a public hearing on 5/16/2022 and recommends approval as presented.

Amber Chambers commented with suggestions for the city to consider establishing a licensing requirement for any establishment not licensed by the State and limiting the operating hours for the facility and mentioned City of Roswell instituted similar regulations to curb establishments that could present law enforcement problems. Planning Director Kaipō Awana indicated the city would be following up in addition to the zoning ordinance amendment with amendments to the City Code pertaining to business hours and other regulatory requirements.

As of 6/10/2022, coordinated review by planning staff and city attorney is still underway. Planning staff and city attorney recommend conducting the required public hearings as advertised and tabling the decision for city council action until the July 2022 meeting. We recommend extension of the moratorium through the end of August to allow the planning and development department and business office staff to coordinate on updating application forms and related processes.

Section 405. Requirements for approval of a temporary use permit.

- a. Written permission of the property owner is provided.
- b. Shall not be located within 50 feet of any public right-of-way.
- c. Adequate parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property.
- d. A temporary use permit is applied for and approved by the City Manager.
- e. All other requirements for licenses and regulations of the City of Sugar Hill shall be met.
- f. Unless otherwise specified, no such temporary use permit shall be issued within six (6) months of approval for a prior temporary use permit on the same property.
- g. Unless otherwise specified, a temporary use permit shall expire after 20 days; however, a ten (10) day extension may be granted by the City Manager.

Section 406. Restrictions on principal uses.

Any use shown on Table 4.1 with the codes “A-R”, “SU-R” or “T-R” shall be subject to the restrictions contained in this section, unless otherwise noted or specifically waived as a condition of zoning. These restrictions shall apply in any zoning district where each particular use is shown as an allowed use with restrictions (A-R), a special use with restrictions (SU-R) or temporary use with restrictions (T-R).

Use	Restrictions
Adult day center.	The facility must be properly licensed through the Georgia Department of Community Health and shall comply with all applicable federal and state regulations.
Adult entertainment establishment.	1. An adult entertainment establishment shall be located no closer than 1,000 feet from another parcel of land with an adult entertainment establishment.
	2. An adult entertainment establishment shall be located on property which is no closer than 1,000 feet from any parcel of land which is zoned for residential use.
	3. An adult entertainment establishment shall be located no closer than 1,000 feet from any parcel of land upon which any establishment licensed to sell alcoholic beverages in the City of Sugar Hill.

	3. A buffer strip at least ten (10) feet wide shall be provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
Massage Establishment	1. There shall be no more than six (6) massage establishments allowed within the city limits at any given time.
Microbrewery	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. Shall be limited to a brewery that produces less than 15,000 barrels of beer.
Mobile building.	Temporary while permitted or special uses are under construction. Not to exceed six months.
Mobile home park.	1. Location. A mobile home park shall front for a sufficient distance to provide safe access upon a State Highway, a Major Thoroughfare, a Collector Street or a local access road paralleling an expressway and shall have access and egress only on such road.
	2. Street Access Requirements. The entrance road to a Mobile Home District development shall have a minimum right-of-way width of 60 feet with a minimum pavement width of 28 feet. The entrance road shall have a turning radius from the highway of at least 30 feet and the entrance road shall extend at least 100 feet into the Mobile Home District development.
	3. Size. A Mobile Home District development shall have a minimum buildable area of at least 20 contiguous acres.
	4. Density. A Mobile Home District development shall have a density of not more than six (6) mobile home lots per buildable acre.
	5. Mobile Home Lots. Each mobile home shall be located on a separate mobile home lot as shown on a development plan for the Mobile Home Park meeting the following:
	a. Each mobile home lot or space shall be directly accessible from an approved internal paved park driveway not less than twenty (20) feet in width. No direct access to mobile home lots or spaces from public streets shall be permitted.

A=Allowed by right
A-R=Allowed with restrictions

SU=Special use permit required
SU-R=Special use permit required and subject to restrictions

TU=Temporary use permit required
T-R=Temporary use and subject to restrictions

Principal Uses	Zoning Districts												
	AF	RS150, RS175, RS200	RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2	
Kennel.	A-R									A	A	A	
Laboratory, medical or dental.										A	A	A	
Laboratory, research and testing.										A	A	A	
Landfill.												SU-R	
Lodge, dormitory, fraternal and social organization with housing.					A-R								
Lodge, fraternal and social organization, no housing.							A	A	A	A	A	A	
Machine shop.										A	A	A	
Manufactured home. (Refer to "Mobile home" in Section 405.)						A-R							
Manufacturing, outdoor.												A	
Massage establishment.								SU-R	SU-R				
Mausoleum.												A	
Meat processing or packaging except slaughtering, poultry killing, packing and dressing.											A	A	
Metal smelting, forging works.												A	
Microbrewery.									SU-R	A-R	A-R	A-R	
Mini-warehouse, personal storage warehouse.								SU	SU	A	A	A	
Mobile building.								A-R	A-R	A-R	A-R	A-R	
Mobile home.						A-R							
Mobile home park.						A-R							
Mobile home or mobile building leasing or sales (new and used).											A	A	
Mortuary.												A	
Movie studio.										A	A	A	
Museum.							A	A	A	A	A	A	
Music store.								A	A				
Music studio.								A	A				
Newspaper and printing facility.									A	A	A	A	
Nursing and convalescent home.							A	A	A				
Office, professional or business.							A	A	A	A	A	A	
Orphanage.					A								
Outdoor storage yard, except junkyard or salvage operation.											A-R	A-R	
Paper or pulp mill.												SU	
Park and other similar public and semi-public building and land use.	A	A	A	A	A	A	A	A	A	A	A	A	
Parking lot and garage.							SU	SU	SU	SU	SU	SU	

Table 4.1 - Permitted Uses

CITY OF SUGAR HILL

**RESOLUTION
MORATORIUM ON MASSAGE OR SPA ESTABLISHMENTS**

WHEREAS, the Mayor and City Council of the City of Sugar Hill, Georgia are committed to utilizing available resources to promote the preservation and improvement of the health, welfare, and public safety of the citizens of the City of Sugar Hill; and

WHEREAS, the Mayor and City Council of the City of Sugar Hill are committed to protecting the health and welfare of its citizens through the regulation of its massage or spa establishments; and

WHEREAS, the Mayor and City Council of the City of Sugar Hill believe it is in the best interest of the citizens of Sugar Hill to provide for the proper regulations and controls on massage or spa establishments located in the municipal boundaries; and

WHEREAS, the City of Sugar Hill has received two applications for new massage establishments within a two-month time period; and

WHEREAS, in reviewing these applications for new massage establishments certain inconsistencies have been found to exist between the city's regulations for massage or spa establishments and the current Georgia Massage Therapy Practice Act; and

WHEREAS, the Mayor and City Council of the City of Sugar Hill seek to review portions of the city ordinances and draft new ordinances related to the regulation of Massage or Spa Establishments.

NOW THEREFORE it is hereby resolved and ordained that the Mayor and City Council of the City of Sugar Hill place a temporary moratorium on the issuance of any special use permits, zoning approvals, certificates of occupancy, occupational tax certificates, or other permits or approvals for Massage or Spa Establishments within the municipal boundaries of the City of Sugar

Hill through and including August 31, 2022.

IT IS FURTHER RESOLVED that no Massage or Spa Establishments may operate in the City of Sugar Hill during that time without receiving a special use permit, other zoning approvals, and the issuance of any other required permits or approvals unless said Massage or Spa Establishment was in lawful operation as of the date of the adoption of this Resolution or had submitted an application for a special use permit or other zoning approval with the Department of Planning and Development, which had been accepted as complete, prior to the adoption of this Resolution.

IT IS FURTHER RESOLVED that this temporary moratorium shall not affect any special use permits, zoning approvals, certificates of occupancy, occupational tax certificates, or other permits or approvals that were issued by the City prior to the adoption of this Resolution, if any.

IT IS FURTHER RESOLVED AND ORDAINED that this Resolution and temporary moratorium shall become effective immediately upon its adoption by the Mayor and Council.

IT IS SO RESOLVED this ____ day of June 2022, by the Mayor and Council of Sugar Hill, Georgia.

Brandon Hembree, Mayor

Attest:

Jane Whittington, City Clerk