



CITY OF DUNWOODY
41 Perimeter Center East, Suite 250
Phone: 678.382.6800 • Fax: 770.396.4828
www.dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council

From: Howard J. Koontz, City Planner

Date: August 9, 2010

Subject: Text amendment to City of Dunwoody Zoning Ordinance

BACKGROUND

At the direction of the Mayor and City Council at their regularly scheduled meeting on April 12, staff presents the following proposal to amend the City of Dunwoody Zoning Ordinance: an amendment to the text of Section 27-809 and Section 27-810, which contain provisions for the Office-Institution Zoning District.

DISCUSSION

Currently, retail and service uses are not permitted by right as “stand-alone” uses in the O-I district. Staff recommends the Zoning Ordinance text be amended in two ways: (1) to allow retail uses more freedom to establish in O-I districts, and (2) to allow restaurant as a Special Land Use Permit in O-I. The Special Land Use Permit Application would need to be heard before the Community Council, Planning Commission, and Mayor and City Council prior to approval. Staff has attached for you a copy of the proposed amendments to the code section allowing for this change.

Permitting a retail or restaurant use could extend the use of existing office buildings and provide additional amenities to employees and residents in the area. The peak times of the retail and restaurant could compliment those of the office uses, so shared parking would be ideal for these uses.

RECOMMENDATION

After discussion, Community Council voted on the amendment at their June 10 meeting and approved the motion 6-0 with the recommendation that Section 27-809(3) includes a provision to restrict restaurants to the ground level. That text is indicated below in blue.

Planning Commission discussed that the amendments impeded the tradition of using Office-Institution zoning districts to act as a buffer between commercial and residential districts by allowing more retail and restaurants. The Commission voted to deny the amendment 6-0.

Sec. 27-809. Accessory Uses and Structures.

The following accessory uses of land and structures shall be authorized in the O-I (Office-Institution) District:

- (1) Ambulance service, where accessory to a hospital.
- (2) Parking lot and parking garage.
- ~~(3) Restaurant, where accessory to a hotel or motel.~~
- ~~(4) Retail liquor store where accessory to a hotel, motel or high-rise office building.~~
- ~~(5) (3) Retail use where accessory to a high-rise apartment building or high-rise office building; provided that all such uses shall be located on the ground floor of such high-rise building and shall be entered from the interior lobby of said building, and said accessory retail uses shall be designed and sealed to meet the needs of the tenants of the building and their guests.~~
- ~~(6) (4) Signs are allowed in accordance with the provisions of the City's Sign Ordinance and this Chapter.~~

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Sec. 27-810. Special Permits.

The following uses and structures shall be authorized only by permits of the type indicated:

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- (3) *Special land use permit from City Council:*
 - (a) Building exceeding five (5) stories in height.
 - (b) Heliport.
 - (c) Shelter for homeless persons.
 - (d) Stations and terminal for bus and rail passenger service.
 - (e) Transitional housing facility.
 - (f) High-rise apartment development but if the property line for the high-rise apartment development abuts any parcel of land that is zoned for any single family detached residential district classification, then the maximum height of any structure in the high-rise apartment development described in this subsection shall not exceed thirty-five (35) feet.
 - (g) High-rise apartment development but if the property line for the high-rise apartment development abuts any parcel of land that is zoned for any single family attached residential district classification, then the maximum height of any structure in the high-rise apartment development described in this subsection shall not exceed forty (40) feet.
 - (h) High-rise apartment development.
 - (i) Restaurant (excluding drive-through restaurant).

**AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27
(ZONING ORDINANCE) TO PERMIT CERTAIN RETAIL OR RESTAURANT USE
IN OFFICE-INSTITUTION ZONING DISTRICTS**

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 Ordinance, codified as Chapter 27 of the City of Dunwoody Code of Ordinances, currently does not permit "stand-alone" retail and service uses in the Office-Institutional (O-I) Zoning Districts; and

WHEREAS, the City Council believes that it would improve the commercial atmosphere and preserve the health, safety and welfare of the citizens of the City, if additional amenities are provided to employees and residents in O-I Zoning Districts, and reduce the amount of automobile traffic utilized during and after working hours by employees driving through congested streets of the City for the purpose of partaking in retail and restaurant services during the day; and

WHEREAS, the first read of this ordinance occurred on August 9, 2010 and a properly advertised public hearing and second read of this ordinance occurred on August 23, 2010.

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

Section 1: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be amended by revising Article II (District Regulations), Division 23 (O-I District), Section 27-809 to read as follows:

ADDITIONS – underlined

DELETIONS – ~~strikethroughs~~

Sec. 27-809. Accessory Uses and Structures

The following accessory uses of land and structures shall be authorized in the O-I (Office-Institution) District:

(1) Ambulance service, where accessory to a hospital.

(2) Parking lot and parking garage.

~~(3) Restaurant, where accessory to a hotel or motel.~~

~~(4) Retail liquor store where accessory to a hotel, motel or high-rise office building.~~

(5)(3) Retail use where accessory to a high-rise apartment building or high-rise office building, ~~provided that all such uses shall be located on the ground floor of such high-rise building and shall be entered from the interior lobby of said building, and said accessory retail uses shall be designed and sealed to meet the needs of the tenants of the building and their guests.~~

(6)(4) Signs are allowed in accordance with the provisions of the city's Sign Ordinance and this Chapter.

Section 2: Chapter 27 of the City of Dunwoody Code of Ordinances shall be amended by revising Article II, Division 23, Section 27-810 (Special Permits) by adding subsection (3)(i) to read as follows:

Sec. 27-810. Special Permits.

The following uses and structures shall be authorized by permits of the type indicated:

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(3) *Special land use permit from City Council:*

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STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2010-08-XX

ATTEST:

Sharon Lowery, City Clerk
(Seal)

Approved as to Form and Content:

Brian Anderson, City Attorney