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MEMORANDUM

To: Mayor and City Council

From: Michael Tuller, AICP, Community Development Director

Date: November 8, 2010

Subject: **Zoning Ordinance Text Amendment**

BACKGROUND

At the August 23 Mayor and City Council Meeting, Mayor Wright initiated a text amendment to modify the district regulations to allow health facilities as a use in several zoning districts. While "health facility" is specifically defined in the Zoning Ordinance, there are not provisions that allow the specific use in any zoning district. Health facility is defined in the ordinance as follows:

Health facility means a commercial or not-for-profit establishment which has as its sole purpose the improvement of health and physical fitness through special fitness and health equipment, facilities, and related educational programs, but specifically excluding adult service facilities. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

DISCUSSION

It has become apparent that the current City of Dunwoody Zoning Ordinance does not specifically allow health facilities in any zoning district. In the past, health facilities have been allowed based on the provisions that allow "commercial recreation and entertainment;" however, in the interest of clarity, it is recommended to specifically allow them in these same districts.

RECOMMENDATION

Amending the Zoning Ordinance would alleviate any ambiguity in the text as to which districts should allow health facilities. Staff recommends the ordinance be amended to allow health facilities in all zoning districts where commercial recreation and entertainment establishments are allowed, including: Office-Distribution (OD), Office-Commercial-Residential (OCR), Neighborhood Shopping (NS), Local Commercial (C-1), General Commercial (C-2), Industrial (M and M-2) Districts.

Community Council reviewed the item at their September meeting and voted to approve the text as written (4-0). The result of this review and discussion will be heard in November by the Mayor and City Council.

Planning Commission reviewed the amendment at their October 12 meeting. The Commission voted to approved the amendment 7-0.

Ken Wright Mayor

Denis Shortal City Council Post 1
 Adrian Bonser City Council Post 2
 Doug R. Thompson City Council Post 3

Robert Wittenstein City Council Post 4
 Danny Ross City Council Post 5
 John Heneghan City Council Post 6

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY
ADDING HEALTH FACILITIES AS PERMITTED USES IN CERTAIN ZONING DISTRICTS**

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

WHEREAS, the Dunwoody Zoning Ordinance currently allows commercial recreation and entertainment facilities in certain zoning districts, such as O-D, OCR, NS, C-1, C-2, M and M-2, which include health facilities as defined in the ordinance; and

WHEREAS, the City Council desires to explicitly and specifically allow "health facilities" as defined in the Zoning Ordinance to be allowed in those same zoning districts in order to better clarify those provisions; and

WHEREAS, A First Read of this Ordinance has been held on November 8, 2010 and a properly-advertised public hearing and Second Read of this Ordinance has been held on November 22, 2009; now

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: The following sections shall be added to Chapter 27, Article 2 of the City Code of Ordinances (Zoning Ordinance), being zoning district regulations of the City of Dunwoody Zoning Ordinance, Principal Uses and Structures provisions, to read as follows:

Sec. 27-886(11): "Health facilities."

Sec. 27-923(19): "Health facilities."

Sec. 27-953(12): "Health facilities."

Sec. 27-984(25): "Health facilities."

Sec. 27-1014(22): "Health facilities."

Sec. 27-1044(25): "Health facilities."

Sec. 27-1074(15): "Health facilities."

Section 2: This Amendment shall become effective immediately upon its adoption by the 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 22nd day of November, 2010.

Approved:

Ken Wright, Mayor

#F.10.

STATE OF GEORGIA
COUNTY OF DEKALB

ORDINANCE 2010-XX-XX

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney