



4800 Ashford Dunwoody Road  
Dunwoody, Georgia 30338  
dunwoodyga.gov | 678.382.6700

**To: Mayor and Council**

**From: Richard McLeod, Director of Community Development**

**Date: November 9, 2020**

**Subject: Resolution to end the Temporary Moratorium for the Dunwoody Village Overlay**

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## **ITEM DESCRIPTION**

Resolution to end the temporary Moratorium for the Dunwoody Village Overlay if the Village code passes.

## **BACKGROUND**

Staff has been working since January of 2019 with TSW of Atlanta on the planning and rewrite of the Overlay and the master plan. Staff and TSW does have a draft version of the code written and has presented it to the public. Staff will be bringing it to City Council on November 9, 2020 for a vote.

The City Council vote on the Dunwoody Village Master Plan and Dunwoody Village Zoning Regulations will provide policy on zoning matters within the Dunwoody Village and no further restriction will be necessary.

## **RECOMMENDATION**

Approval if the Village code passes.

**A RESOLUTION AMENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL USE APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND DISTURBANCE SITE PLAN AND DESIGN REVIEW OR OTHER PERMITS FOR ANY CONSTRUCTION IN THE VILLAGE OVERLAY DISTRICT**

WHEREAS, the Mayor and City Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety and welfare of citizens of the City of Dunwoody (“City”); and

WHEREAS, the City currently has a Dunwoody Village Overlay District (“Village Overlay”) which has been adopted over the Dunwoody Village area of the City as defined in the Village Overlay (“Village Overlay Area”); and

WHEREAS, a copy of the current Village Overlay is attached hereto as Exhibit “A”; and

WHEREAS, on January 13, 2020, the Mayor and Council voted to amend the Temporary Moratorium regarding the Village Overlay to exempt other eating and drinking establishments, health clubs, and medical offices/clinics from the moratorium; and

WHEREAS, after a period of analysis and input from the City Council, City Staff and the public, a proposed amendment to the Village Overlay has been completed and is prepared to move through the zoning process for anticipated adoption by the City (“Village Overlay Amendment”); and

WHEREAS, on December 9, 2019, the Mayor and Council enacted a Temporary Moratorium regarding Village Overlay Area to prohibit the filing of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits such moratorium will allow the City the opportunity to move the Village Overlay Amendment through the zoning process to receive public input and for the City council to consider the Village Overlay Amendment for adoption; and

WHEREAS, the COVID-19 Pandemic has created a State of Emergency that has not allowed for the proper public engagement; and

WHEREAS, after review, the Mayor and Council have determined that it is in the best interest of the City to amend the Temporary Moratorium as set forth below to exempt certain uses from the Temporary Moratorium.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:**

**Section 1.** The Amendment to the Temporary Moratorium imposed herein incorporates the findings and statements set forth in the preceding “whereas” clauses. Basket page.

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clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution.

**Section 2.** This Amendment becomes effective immediately upon adoption of this resolution.

**Section 3.** Notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody to the contrary, the moratorium on the filing, consideration, or approval of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits in the Village Overlay Area, the Temporary Moratorium shall remain in force and effect; provided that, from the date of this Amendment forward, the following uses shall be exempt from the moratorium:

1. Other eating and drinking establishment; and
2. Health Club; and
3. Medical Office/Clinic
4. Interior remodeling for the purpose of complying with the Governor's executive order on social distancing.

**Section 4.** During the moratorium neither the City nor any of its departments or staff shall accept, process or review new applications for Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits within the Village Overlay Area regarding the uses set out in the moratorium.

**Section 5.** This moratorium shall expire at **11:59 p.m. on December 3, 2020**, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody.

**Section 6.** The moratorium period adopted in the Temporary Moratorium is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals.

**Section 7.** This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed.

**Section 8.** The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

Approved:

**STATE OF GEORGIA  
CITY OF DUNWOODY**

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\_\_\_\_\_  
Lynn Deutsch, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

\_\_\_\_\_  
City Attorney

**A RESOLUTION ENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL USE APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND DISTURBANCE SITE PLAN AND DESIGN REVIEW OR OTHER PERMITS FOR ANY CONSTRUCTION IN THE VILLAGE OVERLAY DISTRICT**

**WHEREAS**, the Mayor and City Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety and welfare of citizens of the City of Dunwoody (“City”); and

**WHEREAS**, the City currently has a Dunwoody Village Overlay District (“Village Overlay”) which has been adopted over the Dunwoody Village area of the City as defined in the Village Overlay (“Village Overlay Area”); and

**WHEREAS**, a copy of the current Village Overlay is attached hereto as Exhibit “A”; and

**WHEREAS**, on January 13, 2020, the Mayor and Council voted to amend the Temporary Moratorium regarding the Village Overlay to exempt other eating and drinking establishments, health clubs, and medical offices/clinics from the moratorium; and

**WHEREAS**, after a period of analysis and input from the City Council, City Staff and the public, a proposed amendment to the Village Overlay has been completed and is prepared to move through the zoning process for anticipated adoption by the City (“Village Overlay Amendment”); and

**WHEREAS**, on December 9, 2019, the Mayor and Council enacted a Temporary Moratorium regarding Village Overlay Area to prohibit the filing of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits such moratorium will allow the City the opportunity to move the Village Overlay Amendment through the zoning process to receive public input and for the City council to consider the Village Overlay Amendment for adoption; and

**WHEREAS**, after review, the Mayor and Council have determined that it is in the best interest of the City to end the Temporary Moratorium; and

**WHEREAS**, the City Council is scheduled to vote on the Dunwoody Village Master Plan and the proposed Dunwoody Village Zoning Regulations on November 9, 2020; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:**

**Section 1.** The Amendment to end the Temporary Moratorium imposed incorporates the findings and statements set forth in the preceding “whereas” clauses and such clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution.

**Section 2.** This Amendment becomes effective immediately upon adoption of this resolution.

**Section 3.** The City Council vote on the Dunwoody Village Master Plan and proposed Dunwoody Village Zoning Regulations provides policy on zoning matters within the Dunwoody Village and no further restriction are deemed necessary.

Approved:

\_\_\_\_\_  
Lynn Deutsch, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

\_\_\_\_\_  
City Attorney

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CITY OF DUNWOODY**

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