



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

**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Paul Leonhardt, Planning & Zoning Manager  
**Date:** August 14, 2023  
**Subject:** Text Amendment Medical Cannabis Dispensaries

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**ITEM DESCRIPTION**

This item is a proposed text amendment to create a new use classification for medical cannabis dispensaries.

**DISCUSSION**

On February 13, 2023, the City Council issued a moratorium on medical cannabis dispensaries that will expire on September 14, 2023. The moratorium was issued in reaction to the State of Georgia issuing licenses for medical cannabis vendors who can now operate dispensaries. In the absence of a separate use category, dispensaries would be allowed as "other retail sales" in most zoning districts without use-specific restrictions.

In 2019, the State of Georgia passed legislation that allowed for the production, distribution, and dispensing of low THC oil to registered patients (HB 324 – Georgia’s Hope Act, 2019). The law created two pathways to legally dispense medical cannabis. The Georgia Access to Medical Cannabis Commission issues licenses to dedicated dispensaries. To this point two licenses for five dispensaries each are issued with the first locations open in Macon and Marietta. The State Board of Pharmacy is also tasked with creating dispensing licensing regulations for pharmacies, which has not progressed at this time.

The state law incorporates a minimum distance of 1,000 feet from public or private schools, early care or education programs, and places of worship, which the proposed text amendment will carry over into the Zoning Ordinance. It also specifically authorizes municipalities to use their zoning powers to create further regulations based on local needs.

Georgia’s medical cannabis program is less liberal than those of other states. The Georgia program limits cannabis oil to no more than 5% THC content (THC is the main active ingredient in cannabis) and only for 17 specified medical conditions. For comparison, recreational cannabis may have more than 19% THC content.

The staff has reached out to staff in Florida communities to identify concerns and experiences with existing medical cannabis facilities in that state. Typically, in suburban settings similar to Dunwoody, medical cannabis dispensaries will frequent in-line and free-

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standing retail buildings between 2,000 sf and 5,000 sf in size. The traffic impact is similar to other retail uses and no nuisances were reported.

The proposed text amendment would make medical cannabis dispensaries a permitted use in the same districts that allow other retail sales and add use-specific regulations. In addition to the state requirements, a two-mile distancing requirement between dispensaries will prevent clustering of facilities, but allow access to these services in the different parts of the city.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL**.

**PLANNING COMMISSION RECOMMENDATION**

In its June 13 meeting, the Planning Commission recommended approval of the text amendment by 4-3 vote. Vice Chair Harris and Commissioners Cameron, Gordon, and Shin voted in favor, while Chair O’Brien and Commissioners Brown and Edmundson voted against. The commission members voting against were in support of the use but would have recommended a reduction or elimination of the two-mile distance requirement between dispensaries.

**ATTACHMENTS**

- Ordinance
- Location Analysis Maps

**AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO DEFINE MEDICAL CANNABIS DISPENSARY USES AND CREATE USE REGULATIONS FOR SUCH USES;**

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

**WHEREAS**, the State of Georgia has created regulations for the cultivation, distribution, and dispensing of medical cannabis products; and

**WHEREAS**, the City of Dunwoody intends to make medical cannabis products available to its residents, if medically necessary; and

**WHEREAS**, medical cannabis is a controlled substance that requires heightened scrutiny to limit externalities; and

**WHEREAS**, the clustering of medical cannabis dispensary would concentrate such externalities and would be undesirable.

**NOW, THEREFORE**, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 27 is amended as follows:

**Section I:** That Chapter 27 of the City Code is further amended by amending Code Section 27-72, to be entitled "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 = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>											
<b>RESIDENTIAL</b>											
<b>Household Living</b>											
Detached house	-	P	-	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-		
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-		
<b>Group Living</b>											
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146	
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-		
Nursing home	P	P	-	-	-	-	-	-	P		
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-		
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-		

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Personal care home, community (8+ persons)	P	P	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Community living arrangement (1—4 persons)				P		P	P			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
<b>QUASI-PUBLIC AND INSTITUTIONAL</b>										
<b>Ambulance Service</b>	-	-	-	-	-	P	P	P	P	
<b>Club or Lodge, Private</b>	P	P	P	-	-	P	P	P	P	
<b>Cultural Exhibit</b>	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
<b>Educational Services</b>										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
<b>Hospital</b>	P	-	-	-	-	-	-	-	-	
<b>Place of Worship</b>	P	P	P	P	P	P	P	P	P	27-146
<b>Utility Facility, Essential</b>	E	E	P	E	E	P	P	P	P	27-151
<b>COMMERCIAL</b>										
<b>Adult Use</b>										
Body art service									P	P
Sexually oriented business	P	-	-	P	-	-	-		P	P
<b>Animal Services</b>										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
<b>Communication Services</b>										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	

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 = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>											



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Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
<b>Construction and Building Sales and Services</b>										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
<b>Eating and Drinking Establishments</b>										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
<b>Entertainment and Spectator Sports</b>										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
<b>Financial Services</b>										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
<b>Food and Beverage Retail Sales</b>										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	P [1]	-	P	P	P	P	P	P	P	
<b>Funeral and Interment Services</b>										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
<b>Lodging</b>										
	P	-	P	P	-	P	P	P	P	
<b>Medical Service</b>										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
<b>Office or Consumer Service</b>										
	P	P	P	P	P	P	P	P	P	

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<b>Parking, Non-accessory</b>	S	-	P	-	-	P	P	P	P	27-143
<b>Personal Improvement Service</b>										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
<b>Repair or Laundry Service, Consumer</b>										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
<b>Research and Testing Services</b>	P	-	P	P	-	-	-	P	P	
<b>Retail Sales</b>										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
<u>Medical cannabis dispensary</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>27-133.1</u>
Other retail sales	P [1]	-	P	P	P	P	P	P	-	
<b>Sports and Recreation, Participant</b>										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
<b>Vehicle and Equipment, Sales and Service</b>										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
<b>INDUSTRIAL</b>										
<b>Manufacturing and Production, Light</b>	-	-	-	-	-	-	-	P	P	
<b>Wholesaling, Warehousing and Freight Movement</b>										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
<b>AGRICULTURE AND TRANSPORTATION</b>										
<b>Agriculture</b>										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	

Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

[1] Within the O-I zoning district, other food and beverage sales and Other retail sales are limited as follows:

- a. Not permitted in any residential buildings or buildings with a residential component.
- b. Allowed only as an accessory use on the ground floor of a multi-story office or institutional building.
- c. Maximum floor area of the tenant suite is limited to 2,000 square feet.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015; Ord. No. 2019-05-08, § 1, 5-6-2019; Ord. No. 2020-03-04, § I, 3-9-2020; Ord. No. 2021-09-14, § III, 9-27-2021)

**Section II:** That Chapter 27 of the City Code is further amended by amending Code Section 27-104, Sub-Section (f) to be entitled "Uses", to read as follows:

Sec. 27-104. - Districts.

(f) *Uses.* The following applies to all Perimeter Center districts.

- (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-104-6, table of permitted uses.
  - a. *Use categories.* Refer to [sections] 27-111 through 27-116.
  - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to [section] 27-111(4), use tables.
  - c. *Number of uses.* A lot may contain more than one use.
  - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
  - e. *Building type.* Each use shall be located within a permitted building type (refer to [section] 27-105, building types), unless otherwise specified.
- (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to [section] 27-104(b), PC-1 district through [section] 27-104(e), PC-4 district), utilize the following subcategories of uses, consisting of those uses listed in the table, right, that may contribute to the mix. Some permitted uses are not included.
  - a. *Lodging and residence subcategory.*
    - Household living
    - Group living
    - Lodging
  - b. *Civic subcategory.*

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- Club or lodge, private
- Cultural exhibit
- Educational services
- Hospital
- Place of worship
- c. *Office subcategory.*
  - Construction and building sales and service
  - Medical service
  - Office or consumer service
  - Research and testing services
- d. *Retail sales subcategory*
  - Retail sales
  - Food and beverage retail sales
- e. *Service use subcategory.*
  - Animal services
  - Day care
  - Repair or laundry services, consumer
  - Personal improvement services
  - Eating and drinking establishments
  - Financial services
  - Entertainment and spectator sports
  - Sports and recreation, participant

**Table of Permitted Uses**

USES	DISTRICTS				
	PC-1	PC-2	PC-3	PC-4	Reference
<i>P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd</i>					
<b>RESIDENTIAL</b>					
<b>Household Living</b>					
Detached house	—	—	—	P	
Attached house	—	P[1]	P[1]	P[1]	
Multi-unit building, rental	S	S	S	S	
Multi-unit building, owner-occupied	P	P	P	P	
Age-Restricted Multi-unit building, rental	S	S	S	S	

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Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
<b>Group Living</b>	—	S	S	S	
<b>QUASI-PUBLIC &amp; INSTITUTIONAL</b>					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	P	P	—	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	S	S	
Hospital	S	S	S	—	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	E	27-151
<b>COMMERCIAL</b>					
Animal Services	P	P	S	—	27-131
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	27-150
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services	P	P	P	—	
Eating and Drinking Establishments					
Food truck	P	P	P	—	27-138
Microbrewery	P	P	P	—	27-156
Wine specialty shop	P	P	P	—	27-157
Distillery	P	P	P	—	27-158
Other eating or drinking establishments	P	P	P	P	
Drive-through Facility	S	S	S	—	27-98(d)(8)
Entertainment and Spectator Sports					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Financial Services					
Banks, credit unions, brokerage and investment services	P	P	P	—	
Food and Beverage Retail Sales	P	P	P	—	
Funeral and Interment Services	P	P	P	—	
Lodging	P	P	P	S	
Medical Service	P	P	P	—	
Office or Consumer Service	P	P	P	—	
Parking, Non-accessory	S	S	S	S	27-98(d)(9)
Personal Improvement Service	P	P	P	—	
Repair or Laundry Service, Consumer	P	P	P	—	
Research and Testing Services	P	P	P	—	
Retail Sales					
<u>Medical Cannabis Dispensary</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>27-133.1</u>

<u>Other Retail Sales</u>	P	P	P	=	
Sports and Recreation, Participant					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Vehicle and Equipment, Sales and Service					
Gasoline sales	—	—	S	—	27-98(d)(7)
Vehicle sales and rental (indoor only)	P	P	P	—	27-154
Vehicle repair, minor	—	—	S	—	27-153
[1] Where more than 10% of the units are rental, a special land use permit is required					

(Ord. No. 2017-05-14, § 2(Exh. B), 5-22-2017; Ord. No. 2019-01-03, § I, 1-28-2019; Ord. No. 2020-03-04, § II, 3-9-2020; Ord. No. 2021-09-14, § VIII, 9-27-2021)

**Section III:** That Chapter 27 of the City Code is further amended by amending Code Section 27-107B, Sub-Section (f) to be entitled “Uses”, to read as follows:

Sec. 27-107B. - Districts.

(f) *Uses.* The following applies to all DV districts.

- (1) *Use table.* The following apply to the uses outlined in this section. Refer to figure 27-107B-6, use table.
  - a. *Use categories.* Refer to sections 27-111 through 27-116.
  - b. *Permitted and special uses.* Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to figure 27-107B-6, use tables.
  - c. *Number of uses.* A lot may contain more than one use.
  - d. *Principal and accessory uses.* Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
  - e. *Building type.* Each use shall be located within a permitted building type (refer to section 27-107D, building types), unless otherwise specified.
- (2) *Use subcategories.* For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-107B(b) through section 27-107B(e)), utilize the following subcategories of uses, consisting of those uses listed in the table, that may contribute to the mix. Some permitted uses are not included.
  - a. Lodging and residence subcategory.
    1. Household living.
    2. Group living.
    3. Lodging.
  - b. Civic subcategory.
    1. Club or lodge, private.
    2. Cultural exhibit.

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- 3. Educational services.
  - 4. Hospital.
  - 5. Place of worship.
  - c. Office subcategory.
    - 1. Construction and building sales and service.
    - 2. Medical service.
    - 3. Office or consumer service.
    - 4. Research and testing services.
  - d. Retail sales subcategory.
    - 1. Retail sales.
    - 2. Food and beverage retail sales.
  - e. Service use subcategory.
    - 1. Animal services.
    - 2. Day care.
    - 3. Repair or laundry services, consumer.
    - 4. Personal improvement services.
    - 5. Eating and drinking establishments.
    - 6. Financial services.
    - 7. Entertainment and spectator sports.
- (3) *Live-work.*
- a. *Defined.* Accessory nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, or clients to visit.
  - b. *Use standards.* All live-work is subject to the following:
    - 1. Live-work is only allowed when the dwelling unit to which it is accessory has been approved in accordance with figure 27-107B-6, use table.
    - 2. Live-work is only allowed on the ground story of a building.
    - 3. At least one person must occupy the dwelling containing the live-work use as their primary place of residence.
    - 4. The live-work use may employ no more than two persons not living on the premises at any one time.
    - 5. No business storage or warehousing of material, supplies, or equipment is permitted outside of the dwelling containing the live- work use.
    - 6. The nonresidential use of the live-work use is limited to a use allowed in the DV district.
    - 7. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

USES	DISTRICTS				Reference
	DV-1	Dv-2	DV-3	DV-4	
<b>RESIDENTIAL</b>					

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<b>Household Living</b>					
Detached house	—	P[6]	—	—	
Attached house, rental	S	—	S	—	
Attached house, owner occupied	P	—	P	—	
Multi-unit building, rental	S[1]	S[1, 4]	S[1]	S[1]	
Multi-unit building, owner-occupied	S[1]	S[1, 4]	S[1]	S[1]	
Age-Restricted Multi-unit building, rental	P	P	P	P	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Live/work	See principal dwelling unit				27-107B(f)(3)
<b>Group Living</b>					
Party House	-	-	-	-	27-143.2
<b>QUASI-PUBLIC &amp; INSTITUTIONAL</b>					
Animal Services	S	S	—	P	
Microbrewery, wine, specialty shop, distillery, cidery	P[2]	—	—	P[2]	
<b>Communication Services</b>					
Telecommunications, antenna mounted to building or similar structure	A	A	A	A	
All other	P	P	P	P	
Standalone towers	S	S	S	S	
Construction and Building Sales and Services	P[2]	-	-	P[2]	
<b>Eating and Drinking Establishments</b>					
Food truck	P	P	-	P	27-138
Other eating and drinking establishments	P[2]	-	-	P[2]	
Drive-through facility	-	-	-	-	
<b>Entertainment and Spectator Sports</b>					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
<b>Financial Services</b>					
Brokerage and Investment services	P	P	-	P	
Banks, credit unions, savings and loan associations	P[3]	P[3]	-	P[3]	
Food and Beverage Retail Sales	P[2]	-	-	P[2]	
Funeral and Interment Services	-	-	-	-	
Lodging	P	P	-	P	
Medical Services	P	P	-	P	
Office or Consumer Service	P	P	-	P	
Parking, Non-accessory	P	P	-	P	27-107D(i)(5)
Parking Structures, Accessory or Non-Accessory	S[7]	S[7]	S[7]	S[7]	27-107D(i)(5)
Personal Improvement Service	P[2]	P[2]	-	P[2]	
Repair or Laundry Service, Consumer	P	P	-	P	
Research and Testing Services	P	P	-	P	
<b>Retail Sales</b>					
<u>Medical Cannabis Dispensary</u>	<u>P[2]</u>	<u>-</u>	<u>-</u>	<u>P[2]</u>	<u>27-133.1</u>



<u>Other Retail Sales</u>	P[2]	=	=	P[2]	
Sports and Recreation, Participant					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Vehicle and Equipment, Sales and Service					
Gasoline sales	-	-	-	-	
Vehicle sales and rental	P[5]	-	-	P[5]	27-154
Vehicle repair, minor	-	-	-	-	27-153

P = use permitted as of right

A = special administrative permit required

S = special land use permit required

[1] No more than 60 percent of dwelling units may have a floor area of less than 800 square feet.

[2] Individual establishments shall not exceed 50,000 square feet in gross floor area.

[3] Use shall not be located within 1,320 feet of the same use (as measured in a straight line from property line to property line), including any uses not within a DV district.

[4] Use shall not be located on the ground story along any public or private street. When the use is allowed on the ground story it must be set at least 30 feet behind the street-facing façade.

[5] No more than four vehicles for sale or rent may be displayed on site. All vehicles for sale or rent must be located in conditioned space.

[6] Detached houses shall be subject to the street façade design requirements of the townhouse building type. No other building type standards shall apply.

[7] A special land use permit is only required for accessory or non-accessory parking structures when any above-ground portion of such structure is located within 200 feet of a single-family residential zoning district. The use is permitted as of right in all other locations.

(Ord. No. 2020-11-23, Exh. A, 11-30-2020; Ord. No. 2021-09-12, § 1, 9-27-2021)

**Section IV:** That Chapter 27 of the City Code is further amended by amending Code Section 27-114, to be entitled "Commercial use category", to read as follows:

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. *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.
  - b. *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.

- (2) *Animal services.* The following are animal services use subcategories:
- a. *Animal care/boarding.* The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters.
  - b. *Animal grooming.* Grooming of companion animals. Typical uses include dog bathing and clipping salons and pet grooming shops.
  - c. *Animal hospital/veterinary clinic.* Typical uses include pet and veterinary clinics, dog and cat hospitals and animal hospitals.
- (3) *Communication services.* Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Typical uses include recording studios, television and radio studios and telecommunication towers and antennas.
- a. *Telecommunication facility.*
    1. *Telecommunications antenna.* Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
    2. *Telecommunications tower.* Any structure that is designed or constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "telecommunications tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures.
    3. *Alternative tower structure.* A telecommunications tower, the visual presence of which is camouflaged or concealed in the form of a clock tower, campanile, light pole, artificial tree or similarly camouflaged telecommunications antenna-mounting structure.
- (4) *Construction and building sales and services.* Establishments that provide services, supplies or equipment to construct, develop, repair maintain, or visually enhance a structure or premises. Typical uses include lumber yards, hardware stores, home improvement centers, equipment rental or sales, building contracting/construction businesses and janitorial services, pest control services, landscape maintenance contractors and window cleaning services. Hardware stores, paint stores and similar retail sales businesses that do not include any visible outdoor storage or display are classified under the "retail" use subcategory. Uses that involve only office or administrative functions with no on-site equipment or service vehicle storage are classified under the "office or consumer service" subcategory.
- (5) *Eating and drinking establishments.* Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include ice cream shops, bakeries, coffee shops, cafes, restaurants and bars.
- a. *Food truck.* A licensed motor vehicle or other mobile food dispensation unit that is temporarily parked outside of the right-of-way and in which food items are sold to the general public.
- (6) *Entertainment and spectator sports.* Provision of cultural, entertainment, athletic and other events to spectators, such as typically occurs in theaters, cinemas, auditoriums, special events facilities, stadiums and arenas.
- a. *Special events facility.* A meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, business conferences or similar activities, in which food and beverages may be served to guests.
- (7) *Financial services.* Financial or securities brokerage services. Typical uses include federally chartered banks, credit unions, savings and loan associations, consumer investment advisory businesses, pawn shops and check cashing establishments.

- a. *Convenient cash business.* A check cashing establishment, precious metal broker other substantially similar business.
    - 1. *Check cashing establishment.* Check cashing establishment means any establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq.
    - 2. *Precious metal broker.* An establishment engaged in whole or in part in the business of buying gold, precious metals or jewelry.
  - b. *Pawn shop.* An entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this definition.
- (8) *Food and beverage retail sales.* Retail sale of food and beverages for off-premises consumption. Typical uses include groceries, liquor stores and wine stores.
- (9) *Funeral and interment services.* Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use subcategories:
- a. *Cemetery/columbarium/mausoleum.* Land or other facilities used for burial or interment of the dead, including pet cemeteries.
  - b. *Cremating.* Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums. (Note: cremating is also considered an accessory use to a cemetery, columbarium or mausoleum)
  - c. *Undertaking.* Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.
- (10) *Lodging.* Provision of lodging on a temporary basis, which may include incidental food, drink and other sales and services intended for the convenience of overnight guests. Lodging is most typically offered for transient occupancy for periods of less than one month duration. The following are lodging uses:
- a. *Bed and breakfast.* A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.
  - b. *Hotel/motel.* An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels and motels.
- (11) *Medical service.* Personal health services including prevention, diagnosis and treatment services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, including chiropractic offices, physical therapy offices, psychologist and psychiatrist offices, health maintenance organizations, blood banks and health centers.
- (12) *Office or consumer service.* Professional, governmental, executive, management or administrative offices. Typical uses include administrative offices, law offices, architectural and engineering firms, insurance companies, travel agencies, photography studios, tax preparation services and similar offices and consumer service businesses. Medical offices are included under the "medical services" use subcategory.
- (13) *Parking, non-accessory.* Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

- (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 spa 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.
- (15) *Repair or laundry service, consumer.* Provision of repair, dry cleaning or laundry services to individuals or households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning drop-off stations (with no on-premises dry cleaning), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.
- (16) *Research service.* An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such external impacts are classified as "manufacturing and production, light."
- (17) *Retail sales.* Businesses involved in the sale, lease or rent of new or used products or merchandise to consumers. Typical uses include drug stores, department stores, florists, quick-service copy shops, TV and electronics stores, jewelry stores, camera shops, bike shops, sporting goods stores, office supply stores, furniture stores and apparel stores.
- [a. Medical cannabis dispensary: A facility that is granted a license for the sale and distribution of medical cannabis products, as defined in O.C.G.A § 16-12-190 and elsewhere regulated by the State of Georgia](#)
- (18) *Sports and recreation, participant.* Provision of sports or recreation primarily by and for participants. (Spectators are incidental and nonrecurring). Examples include bowling alleys, health clubs, skating rinks, billiard parlors, driving ranges and miniature golf courses and batting cages.
- (19) *Vehicle and equipment sales and service.* Sales or rental of motor vehicles and repair and maintenance services for motor vehicles. The following are vehicle sales and service use subcategories:
- a. *Car wash.* A building or site containing facilities for washing automobiles. It may use automatic production line methods—a conveyor, blower, steam cleaning device, or other mechanical device—or provide space, water and equipment for hand washing, cleaning or detailing, whether by the customer or the operator.
- b. *Gasoline sales.* Uses engaged in retail sales of personal automobile and vehicle fuels including electric vehicle charging stations. Note: Level 1 (slow-charging) and level 2 (medium) battery charging stations are considered accessory uses and are not regulated as auto fueling stations. Gasoline sales uses may include retail sales activities, such as convenience stores.
- c. *Vehicle sales and rentals.* Sales of autos, trucks, motorcycles, trailers, recreational vehicles and boats, together with incidental maintenance activities. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.
- d. *Vehicle repair, minor.* A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services. Also includes vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

- e. *Vehicle repair, major.* Any vehicle repair activity other than "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to motor vehicles.
- f. *Vehicle storage and towing.* Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking tow-aways (tow lots), impound yards and fleet storage yards.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-8.40), 10-14-2013; Ord. No. 2015-06-13, § 2, 6-22-2015)

**Section V:** That Chapter 27 of the City Code is further amended by adding Code Section 27-133.1, to be entitled "Medical Cannabis Dispensary", to read as follows:

Sec. 27-133.1. – Medical Cannabis Dispensary.

Medical cannabis dispensaries are subject to the following distance requirements:

- (1) 1,000-foot distance from places of worship, public or private schools, daycare facilities, and daycare centers, measured in a straight line from property line to property line
- (2) Two miles distance from other medical cannabis dispensaries, measured in a straight line from property line to property line
- (3) Medical cannabis sales accessory to general full-range pharmacies, as regulated by the State Board of Pharmacy, shall be permitted regardless of these distance requirements.
- (4) No consumption of cannabis products shall be allowed on the property of a medical cannabis dispensary

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Approved:

\_\_\_\_\_  
Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2023-XX-XX**

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Sharon Lowery, City Clerk (Seal)

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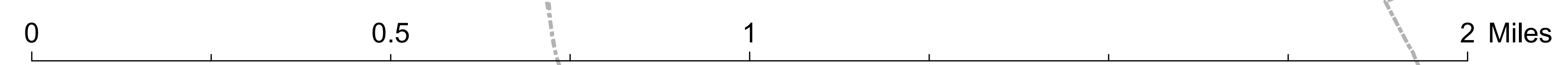
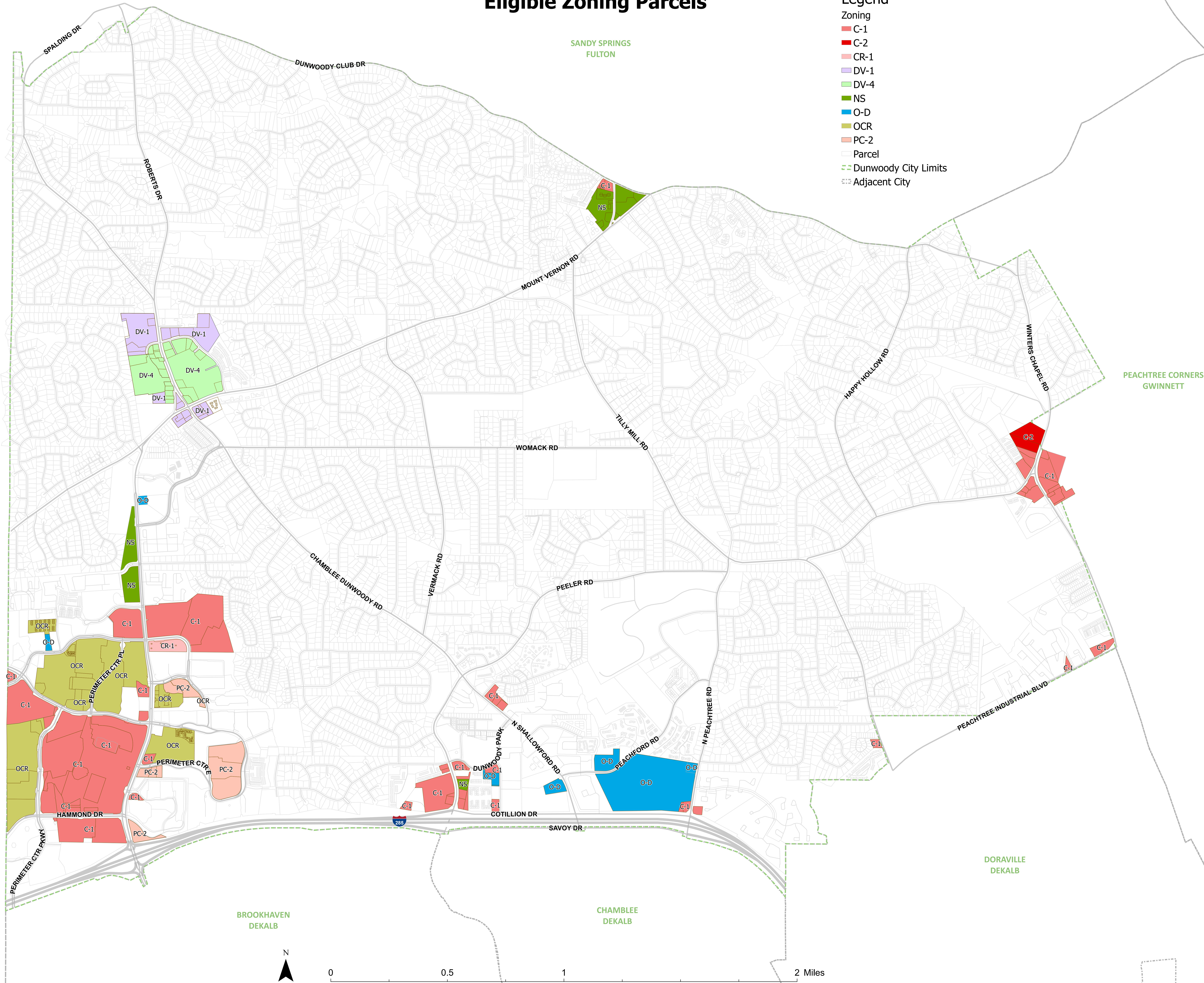
City Attorney



# Eligible Zoning Parcels

## Legend

- Zoning
- C-1
- C-2
- CR-1
- DV-1
- DV-4
- NS
- O-D
- OCR
- PC-2
- Parcel
- Dunwoody City Limits
- Adjacent City

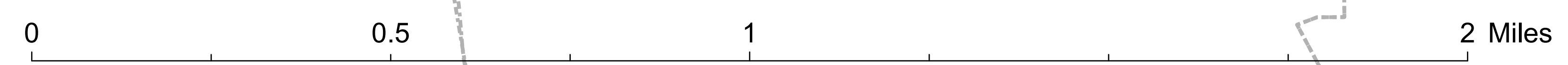
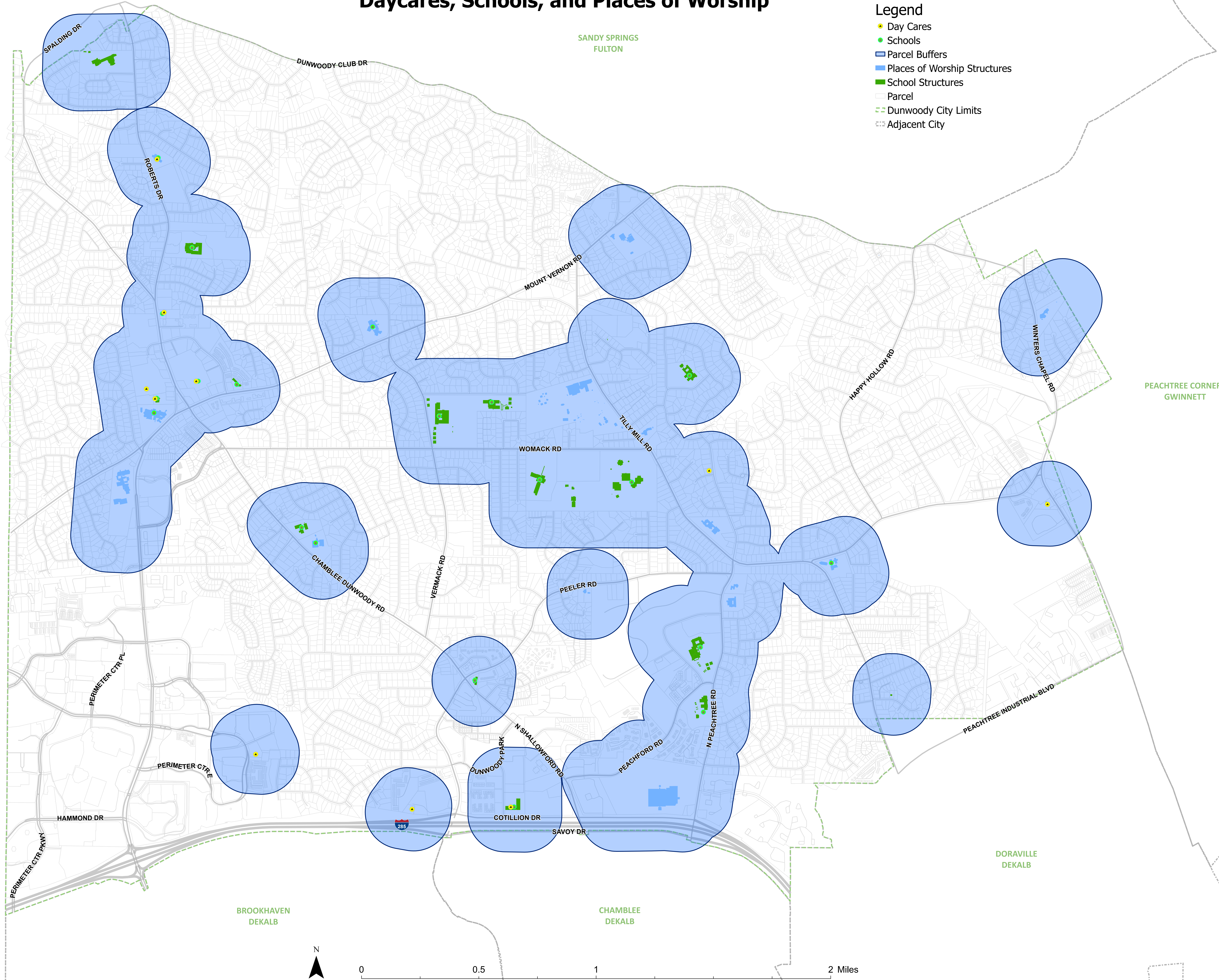




# Daycares, Schools, and Places of Worship

## Legend

- Day Cares
- Schools
- Parcel Buffers
- Places of Worship Structures
- School Structures
- Parcel
- Dunwoody City Limits
- Adjacent City

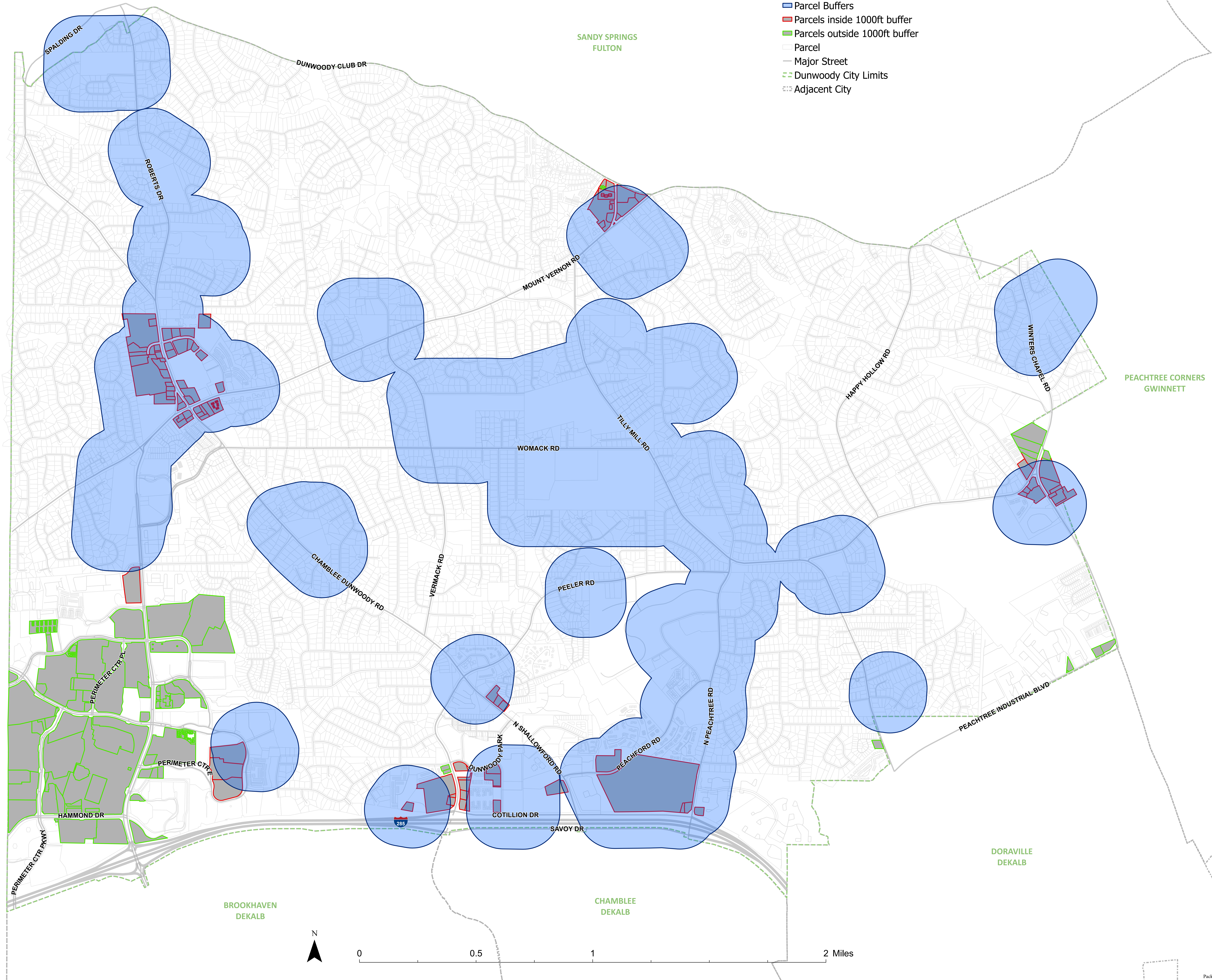




# Permissible Parcels

## Legend

- Parcel Buffers
- Parcels inside 1000ft buffer
- Parcels outside 1000ft buffer
- Parcel
- Major Street
- Dunwoody City Limits
- Adjacent City



SANDY SPRINGS  
FULTON

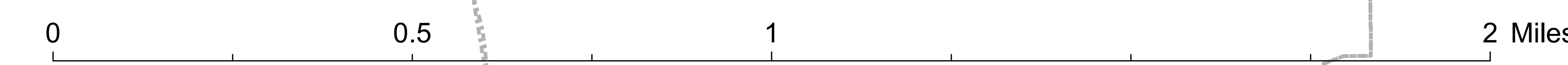
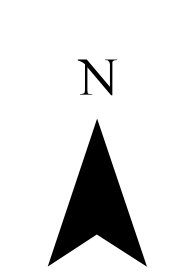
SANDY SPRINGS  
FULTON

PEACHTREE CORNERS  
GWINNETT

DORAVILLE  
DEKALB

BROOKHAVEN  
DEKALB

CHAMBLEE  
DEKALB

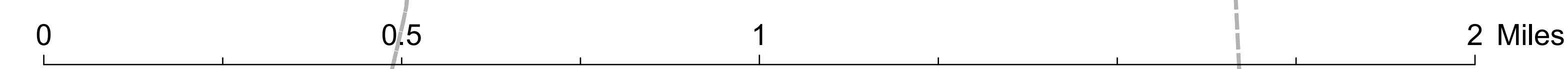
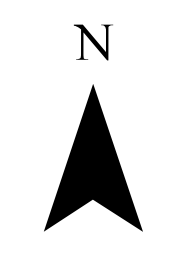
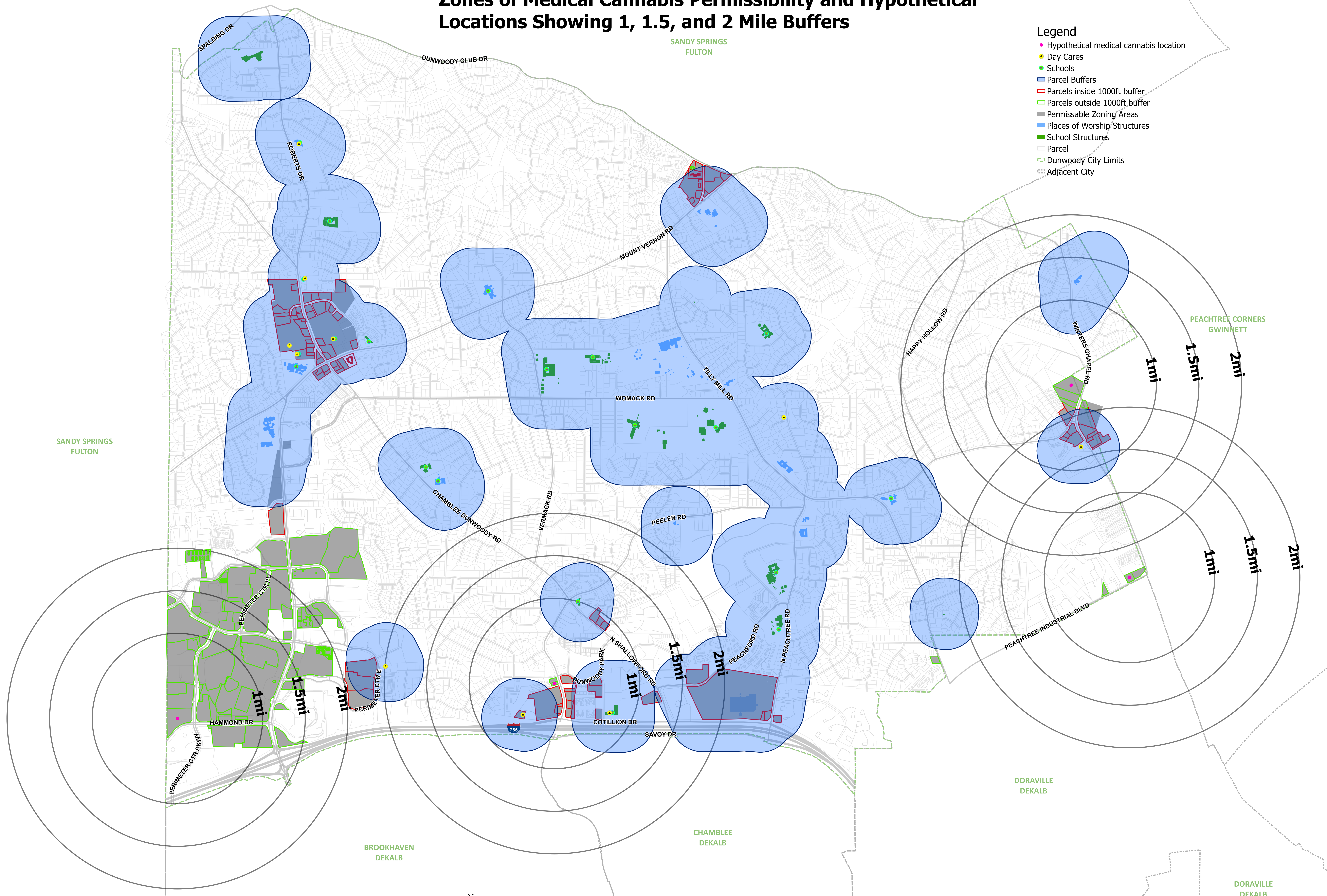




# Zones of Medical Cannabis Permissibility and Hypothetical Locations Showing 1, 1.5, and 2 Mile Buffers

## Legend

- Hypothetical medical cannabis location
- Day Cares
- Schools
- Parcel Buffers
- Parcels inside 1000ft buffer
- Parcels outside 1000ft buffer
- Permissible Zoning Areas
- Places of Worship Structures
- School Structures
- Parcel
- Dunwoody City Limits
- Adjacent City







# City of Dunwoody Georgia

## Text Amendment – Medical Cannabis Dispensaries

July 10, 2023

# State Regulations

## HB 324 – Georgia’s Hope Act (2019)

- Allows for production, distribution, and dispensing of low THC oil to registered patients
- Establishes two pathways to legally dispense medical cannabis
  - Georgia Access to Medical Cannabis Commission: In July of 2022, approved the first two licenses for five dedicated dispensaries each in Georgia. Ultimately, expected to license six operators with a total of 30 dispensaries statewide
  - State Board of Pharmacy: Develops dispensing licensing regulations for pharmacies. No clear timeline for rules as of 2023
- Minimum distance of 1,000 feet from public or private schools, early care or education programs, and places of worship

# State Regulations

- Local governments specifically authorized to use zoning powers to regulate based on local needs
- Truelieve (one licensee) has opened locations in Marietta, Macon, and Pooler
- Botanical Sciences (second licensee) has not announced locations yet

# Medical vs Recreational Cannabis

- Georgia only legalized low THC (THC is the main active ingredient in cannabis) oil with no more than 5% THC content and only for specified medical purposes
- By comparison, recreational cannabis can have THC content of more than 19%
- Requires medical doctor's consultation and registration with the state
- Medical care only given for 17 specific medical conditions
- Likely, legal dispensaries will only capture a certain percentage of the currently illegal market:
  - Reduced THC content and variety
  - Likely more expensive than illegal market
  - Overly strict regulations can shift market share towards illegal market: Estimated 68% of total cannabis sales in Massachusetts are illegal

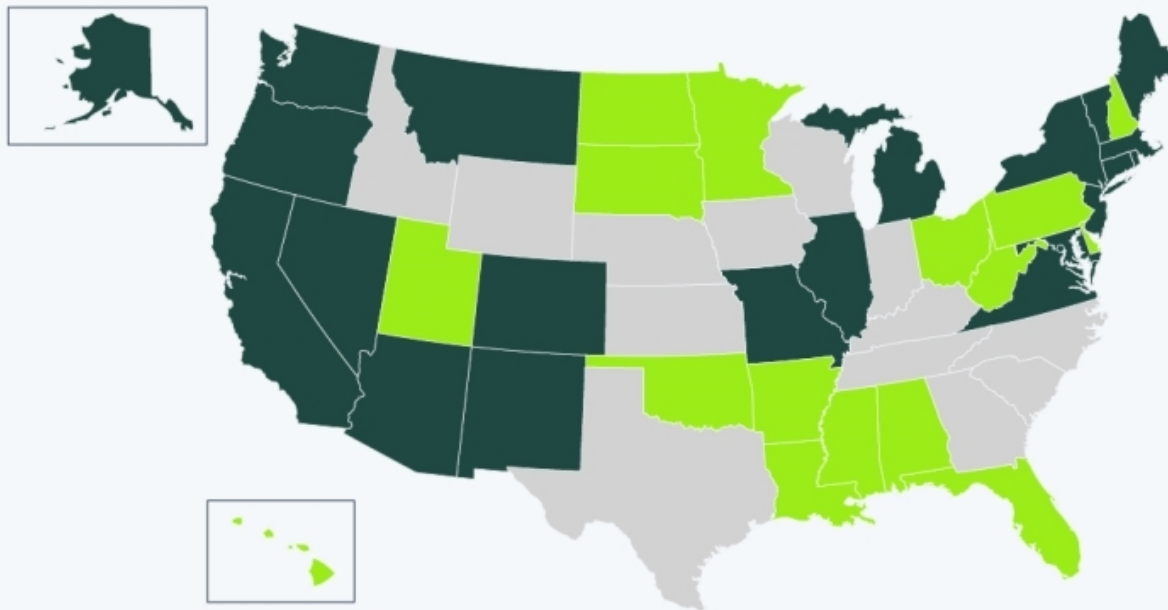


# The State of Marijuana Legalization in the U.S.



Laws on recreational and medical marijuana use in the United States

■ Legal recreational & medical use   ■ Medical use only



As of Nov 9, 2022. Some states not highlighted allow limited medical marijuana access.

Sources: NORML

- Georgia’s low THC oil is called CBD oil in other states. CBD is a non-toxicating compound of cannabis
- Georgia’s medical cannabis program is not considered a full-fledged medical cannabis program



# Florida Experiences

- Community Development reached out to seven municipalities in Florida to gain experiences about medical marijuana dispensaries; obtained feedback from four
- Medical marijuana legal in Florida since 2014; rules more permissive than Georgia's
- Dispensaries prefer small retail spaces between 2,000 sf and 5,000 sf, often inline retail suites or freestanding retail/restaurant buildings
- Traffic impact similar to pharmacies
- No reported nuisances



# First Dispensary in Metro Atlanta

220 Cobb Parkway N



# Regulatory Considerations

- State of Georgia has decided that medical cannabis is a valuable medical resources to its residents
  - Only 30 locations statewide; burdensome regulations may push businesses to surrounding communities
- Likely few negative impacts:
  - Positive experiences from Florida communities
  - Georgia laws stricter than those of neighboring states
- Permitted use vs special use: staff recommends permitted use
  - Special use really intended for uses that requires additional conditions, e.g. landscape buffers, operating hours, design standards
  - Medical cannabis dispensaries typically do not cause increased impacts when compared to typical retail spaces

# Use Standards

- Permitted use in OCR, NS, C-1, CR-1, C-2, PC-1, PC-2-, PC-3, DV-1, DV-4: similar to other retail sales
- Minimum distance requirements in accordance with state law: Minimum distance of 1,000 feet from public or private schools, early care or education programs, and places of worship
- For comparison: package liquor stores cannot be within 300 feet of places of worship, 600 feet of schools, and 600 feet of other liquor package stores
- Minimum distance requirement from other medical cannabis dispensaries to prevent clustering (2 miles)
- Language that prevents consumption on the premises



### Zones of Medical Cannabis Permissibility and Hypothetical Locations Showing 1, 1.5, and 2 Mile Buffers

