



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: July 10, 2023
Subject: Text Amendment for Residential Substance Abuse Treatment Centers

ITEM DESCRIPTION

This item is a proposed text amendment to create a new use classification for residential substance abuse treatment centers

DISCUSSION

On February 27, 2023, the City Council issued a moratorium on drug rehabilitation centers and other facilities for treatment of drug dependency that will expire on August 16, 2023. This was caused by a conflict in the zoning ordinance. While there were references in Sec. 27-331, Sec. 27-334, Sec. 27-356, and Sec. 27-358, the use was not included in the use table nor was it defined in the Zoning Ordinance, leading to unclear expectations and potential liabilities for the City. This text amendment fills this gap by defining the use, and incorporating it into the use table. It also renames the use as residential substance abuse treatment centers to provide additional clarification.

The definition for substance abuse treatment centers is inclusive of both drug and alcohol abuse and distinguishes programs with a residential component from those without a residential component. Services without a residential component will be regulated as medical services, similar to medical offices for different practitioners. Those with a residential component will be regulated like transitional housing facilities. Similar to those facilities, residential substance abuse treatment centers can be a short-term or long-term living situation but are generally not a permanent housing option. This also matches the existing language in the above referenced sections of the Zoning Ordinance as well as the Code of Georgia (§ 36-66-4) where both types of uses are grouped together.

People with substance addiction issues and undergoing a supervised rehabilitation program are considered a protected class and are included as individuals with disabilities under the Americans with Disabilities Act. While local governments can regulate facilities providing services for these groups, the regulations cannot be stricter than those for similar uses. The proposed text amendment accomplishes this by providing the same approval standards as for transitional housing facilities.



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

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

PLANNING COMMISSION RECOMMENDATION

In its June 13 meeting, the Planning Commission recommended approval of the text amendment by unanimous 7-0 vote. Commissioners requested staff review of the use definition and title. The staff has since changed the use name from “drug rehabilitation center, or other facility for treatment of drug dependency” to “residential substance abuse treatment center” and has made subtle clarifying changes to the definition that have since been reviewed by legal counsel.

ATTACHMENTS

Ordinance

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO DEFINE RESIDENTIAL SUBSTANCE ABUSE TREATMENT CENTERS 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, drug rehabilitation centers or other facilities for treatment of substance dependency provide important services to Dunwoody residents; and

WHEREAS, residents with substance addiction issues and undergoing a supervised rehabilitation program are protected under federal law, including the Americans with Disability Act; and

WHEREAS, the City of Dunwoody intends to permit such uses in its zoning districts citywide with permitting requirements similar or less stringent to comparable uses.

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 27-57, to be entitled "Uses allowed", to read as follows:

Sec. 27-57. - Uses allowed.

The following table identifies uses allowed in residential zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS			Supplemental Regulations
	R-150 R-100 R-85 R-75 R-60 R-50	RA-5 RA-8	RM-150 RM-100 RM-85 RM-75 RM-HD	
<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>				
RESIDENTIAL				
Household Living				
Detached house	P	P	P	27-147
Attached house	-	P	P	27-132
Multi-unit building	-	-	P	27-142
Group Living				
Convent or monastery	S	S	S	

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

Fraternity or sorority	-	-	P	
Nursing home	-	-	P	
<u>Residential substance abuse treatment center</u>	-	-	<u>S</u>	<u>27-358</u>
Personal care home, family (1—4 persons)	S	S	S	
Personal care home, group (5—7 persons)	S	S	S	
Personal care home, community (8+ persons)	-	-	S	
Child caring institution (1—6 persons)	-	-	P	
Community living arrangement (1—4 persons)	P	P	P	
Shelter, homeless	-	-	S	27-140
Supportive living	-	-	P	
Transitional housing facility	-	-	S	27-140
Party House	-	-	-	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL				
Day Care				
Day care facility, adult (6 or fewer persons)	S	S	P	27-137
Day care facility, adult (7 or more)	-	-	P	27-137
Day care facility, child (6 or fewer persons)	S	S	P	27-137
Day care facility, child (7 or more)	-	-	P	27-137
Educational Services				
Kindergarten	-	-	P	27-141
Schools, private elementary, middle or senior high	S	S	S	27-148
Place of Worship	S	S	S	27-146
Utility Facility, Essential	E	E	E	27-151
COMMERCIAL				
Communication Services				
Telecommunication antenna, co-located	P	P	P	27-150
Telecommunication tower	-	-	S	27-150
Funeral and Interment Services				
Cemetery, columbarium, or mausoleum	S	S	S	
Lodging				
Bed and breakfast	S	S	S	27-133
Sports and Recreation, Participant				
Neighborhood recreation club	S	S	S	
AGRICULTURE				
Agriculture				
Community garden	P	P	P	27-135

(Ord. No. 2013-10-15, § 1(Exh. A § 27-4.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. [2022-01-02](#), § I, 1-10-2022)

Section II: 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>											
RESIDENTIAL											
Household Living											
Detached house	-	P	-	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	-	
Group Living											
Convent and monastery	P	P	-	P	-	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	-	P	
<u>Residential substance abuse treatment center</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>27-358</u>
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	-	
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
QUASI-PUBLIC AND INSTITUTIONAL											
Ambulance Service	-	-	-	-	-	P	P	P	P		
Club or Lodge, Private	P	P	P	-	-	P	P	P	P		
Cultural Exhibit	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			
Educational Services											
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		

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
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
Communication Services										
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>											
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	
Construction and Building Sales and Services											
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		
Eating and Drinking Establishments											
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	-		
Entertainment and Spectator Sports											
Auditorium or stadium	-	-	-	-	-	-	-	P	P		
Drive-in theater	-	-	-	-	-	-	-	P			
Movie theater	-	-	-	P	-	-	-	P	-		
Special events facility	-	P	-	-	-	P	P	P	-		

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

Financial Services										
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
Food and Beverage Retail Sales										
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	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging										
	P	-	P	P	-	P	P	P	P	
Medical Service										
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	
Office or Consumer Service										
	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory										
	S	-	P	-	-	P	P	P	P	27-143
Personal Improvement Service										
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	
Repair or Laundry Service, Consumer										
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	
Research and Testing Services										
	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	P [1]	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
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	-	

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
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
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
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 III: 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.*
 - 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				Reference
	PC-1	PC-2	PC-3	PC-4	
<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>					
RESIDENTIAL					
Household Living					
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	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Group Living					
<u>Residential substance abuse treatment center</u>	<u>—</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>27-358</u>
<u>Other group living</u>	<u>—</u>	<u>S</u>	<u>S</u>	<u>S</u>	
QUASI-PUBLIC & INSTITUTIONAL					
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
COMMERCIAL					
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	—	

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

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	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					

Section IV: 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.
 - 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:

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

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	
RESIDENTIAL					
Household Living					
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)
Group Living					
<u>Residential substance abuse treatment center</u>		<u>S</u>	<u>S</u>	<u>S</u>	27-358
Party House	-	-	-	-	27-143.2

USES	DISTRICTS				Reference
	DV-1	Dv-2	DV-3	DV-4	
<u>Other group living</u>		<u>S</u>	<u>S</u>	<u>S</u>	
QUASI-PUBLIC & INSTITUTIONAL					
Animal Services	S	S	—	P	
Microbrewery, wine, specialty shop, distillery, cidery	P[2]	—	—	P[2]	
Communication Services					
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]	
Eating and Drinking Establishments					
Food truck	P	P	-	P	27-138
Other eating and drinking establishments	P[2]	-	-	P[2]	
Drive-through facility	-	-	-	-	
Entertainment and Spectator Sports					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Financial Services					
Brokerage and Investment services	P	P	-	P	

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

USES	DISTRICTS				Reference
	DV-1	Dv-2	DV-3	DV-4	
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	
Retail Sales	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

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

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 V: That Chapter 27 of the City Code is further amended by amending Code Section 27-112, to be entitled "Residential use category", to read as follows:

Sec. 27-112. - Residential use category.

The residential use category includes uses that provide living accommodations to one or more persons.

- (1) *Household living category.* Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Dwelling units rented whole or in part for periods of less than one calendar month are not included in the household living category. They are considered a form of lodging (subsection 27-114(10)).
 - a. *Detached house.* A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.
 - b. *Attached house.* A residential building containing two or more dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.
 - c. *Multi-unit building.* A residential building, other than an attached house building, containing two or more dwelling units that share common walls and/or common floors/ceilings.
 - d. *Mixed-use building, vertical.* A building in which commercial uses occupy the ground floor and dwelling units occupy one or more upper floors.
- (2) *Group living.* Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

- a. *Nursing home.* An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.
 - b. *Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. Personal care homes cannot provide nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel, or admit and retain residents who need continuous medical or nursing care.
 - 1. *Personal care home—Family.* A personal care home that offers care to at least one but not more than four persons.
 - 2. *Personal care home—Group.* A personal care home that offers care to at least five but not more than seven persons.
 - 3. *Personal care home—Community.* A personal care home that offers care to eight or more persons.
 - c. *Shelter, homeless.* The provision of overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.
 - d. *Supportive living.* Four or more dwelling units in a single building or group of buildings that are de-signed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and that does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.
 - e. *Transitional housing facility.* The provision of long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance.
 - f. *Child-caring institution.* Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes, and that is licensed by the state department of human resources as a child caring institution.
 - g. *Community living arrangement.* Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the department [of] behavioral health and developmental disabilities (DBHDD).
 - h. *Residential substance abuse treatment center.* Establishment predominantly or exclusively providing wellness or treatment services to those dealing with alcoholism or drug addiction or with diseases related to either. These establishments include a residential or lodging component with overnight stays, whether short- or long-term. Similar establishments not offering overnight stays shall be regulated as medical services.
- (3) *Party house.* A single unit detached, single unit attached, or multi-unit dwelling, including all accessory structures and the dwelling unit's curtilage, which is used for the purpose of hosting a commercial event. See subsection 27-143.2 for additional definitions.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-8.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. [2022-01-02](#), § V, 1-10-2022)

Section VI: That Chapter 27 of the City Code is further amended by amending Code Section 27-331, to be entitled "Public hearing notices", to read as follows:

Sec. 27-331. - Public hearing notices.

- (a) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing. In the case of proposed amendments initiated by a party other than the city, the notice must also identify the location of the subject property and the property's existing and proposed zoning classification.
- (b) *Written (mailed) notice.* Written notice is required for all proposed amendments initiated by a party other than the city. The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days before the date of the planning commission public hearing and not more than 45 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed amendment and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* For all proposed amendments initiated by a party other than the city, a public hearing notice sign must be placed in a conspicuous location on the subject property at least 15 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.
- (d) *Special requirements for residential substance abuse treatment centers and halfway houses~~drug treatment and dependency facilities~~.* When a proposed zoning map amendment relates to or will allow the location or relocation of a halfway house or a residential substance abuse treatment center,~~drug rehabilitation center, or other facility for treatment of drug dependency,~~ all published, written and posted notices of the public hearing to be held by the mayor and city council must include a prominent statement that the proposed zoning map amendment relates to or will allow the location or relocation of a halfway house,or residential substance abuse treatment center~~drug rehabilitation center, or other facility for treatment of drug dependency.~~ The published notice must be at least six-column inches in size and may not be located in the classified advertising section of the newspaper.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-18.60), 10-14-2013)

Section VII: That Chapter 27 of the City Code is further amended by amending Code Section 27-334, to be entitled "City council public hearing and decision", to read as follows:

Sec. 27-334. - City council public hearing and decision.

- (a) Upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on proposed amendments. Following the close of the public hearing, the mayor and city council must act by simple majority vote to approve the proposed amendment, approve the proposed amendment with conditions or deny the proposed amendment based on the applicable review and approval criteria of section 27-335. The mayor and city council are also authorized to defer action on the proposed amendment or allow the applicant to withdraw the proposed amendment without prejudice.

- (b) When a proposed zoning map amendment relates to or will allow the location or relocation of a halfway house ~~or a residential substance abuse treatment center, drug rehabilitation center, or other facility for treatment of drug dependency~~, the mayor and city council public hearing must be held at least six months before and not more than nine months before the date of final action on the application.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-18.90), 10-14-2013)

Section VIII: That Chapter 27 of the City Code is further amended by amending Code Section 27-356, to be entitled "Public hearing notices", to read as follows:

Sec. 27-356. - Public hearing notices.

- (a) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing; the location of the subject property; and the property's existing and proposed zoning and use.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days before the date of the planning commission public hearing and not more than 45 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least 15 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.
- (d) *Special requirements for ~~drug treatment and dependency facilities~~ residential substance abuse treatment centers and halfway houses.* When a proposed special land use permit relates to or will allow the location or relocation of a halfway house ~~or a residential substance abuse treatment center, drug rehabilitation center, or other facility for treatment of drug dependency~~, all published and posted notices of the public hearing to be held by the mayor and city council must include a prominent statement that the proposed special land use permit relates to or will allow the location or relocation of a halfway house ~~, drug rehabilitation center, or other facility for treatment of drug dependency or residential substance abuse treatment center~~. The published notice must be at least six-column inches in size and may not be located in the classified advertising section of the newspaper.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.60), 10-14-2013)

Section IX: That Chapter 27 of the City Code is further amended by amending Code Section 27-358, to be entitled "City council public hearing and decision", to read as follows:

Sec. 27-358. - City council public hearing and decision.

- (a) Upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on the special land use permit application. Following the close of the public hearing, the mayor and city council must act by simple majority vote to approve the special land use permit, approve the special land use permit with conditions or deny the special land use permit based on the applicable review and approval criteria of section 27-359. The mayor and city council are also authorized to defer action on the special land use permit or allow the applicant to withdraw the special land use permit without prejudice.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2023-XX-XX

(b) When a proposed special land use permit relates to or will allow the location or relocation of a halfway house ~~or a residential substance abuse treatment center drug rehabilitation center, or other facility for treatment of drug dependency~~, the mayor and city council public hearing must be held at least six months before and not more than nine months before the date of final action on the application.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.80), 10-14-2013)

SO ORDAINED, this ____ day of _____, 2023.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney



City of Dunwoody Georgia

Text Amendment – Residential Substance Abuse Treatment Centers

July 10, 2023

Packet page:...

Current Regulations

- Facilities are referenced as “drug rehabilitation centers” and “other facilities for treatment of drug dependency” are referenced by multiple code sections, including Sec. 27-331, Sec. 27-334, Sec. 27-356, and Sec. 27-358
 - Procedural sections that require a public hearing to be held at least six months and not more than nine months before the final action for rezonings and special land use permit actions and provide increased notice requirements
- Use is neither defined in code nor included in the use table
- City Council issued moratorium through August 16, 2023

Proposed Regulations

- People with substance addiction issues and undergoing a supervised rehabilitation program are considered a protected class under the ADA
- Outpatient services without residential component will be regulated as medical offices
- Proposed regulations follow existing standards for transitional housing facilities
 - Similar land use impacts as short- or long-term living situations, but not permanent housing
 - Matches state law, where both uses are grouped together: Code of Georgia § 36-66-4

Proposed Regulations

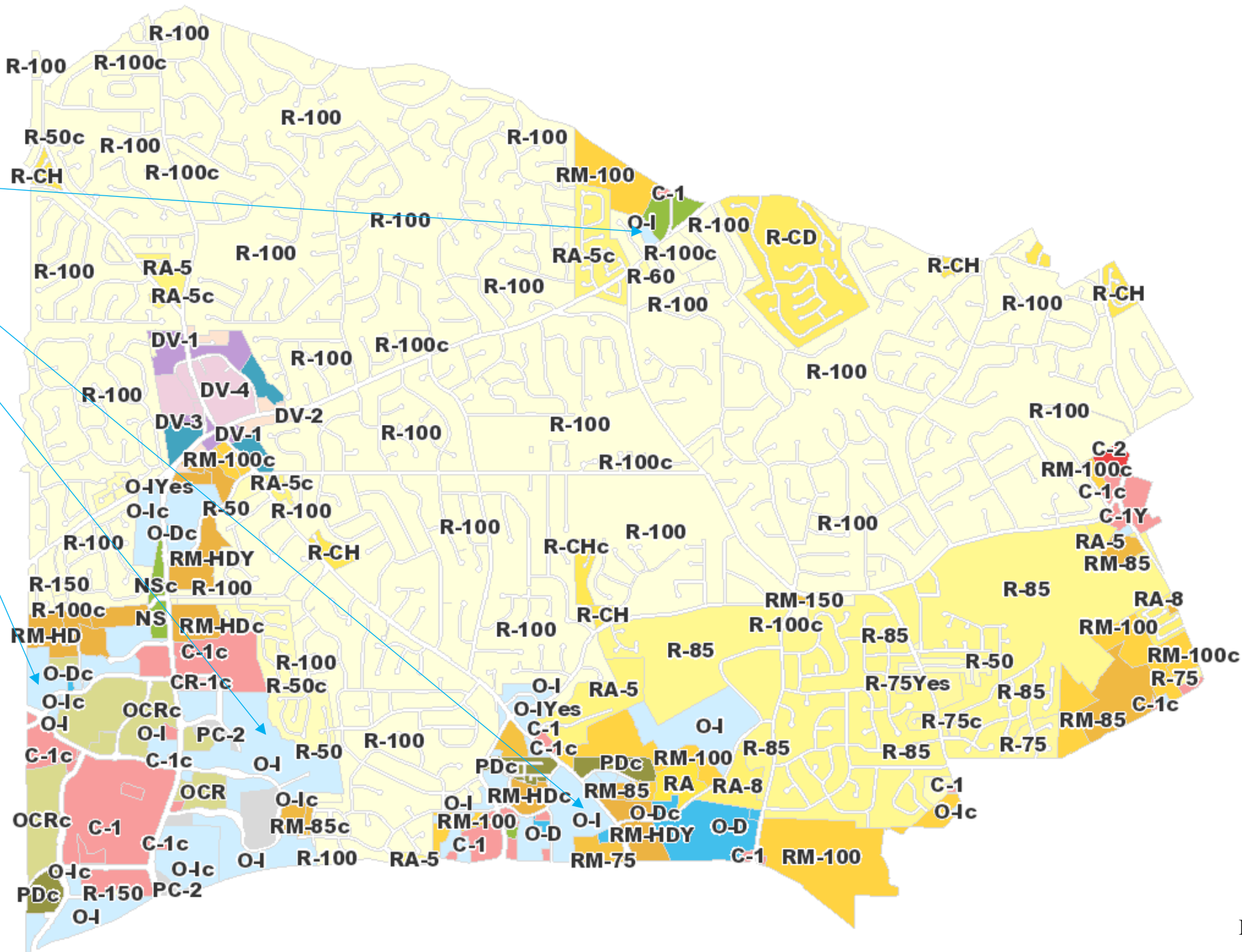
Definition:

- Establishment predominantly or exclusively providing wellness or treatment services to those dealing with alcoholism or drug addiction or with diseases related to either. These establishments include a residential or lodging component with overnight stays, whether short- or long-term. Similar establishments not offering overnight stays shall be regulated as medical services.

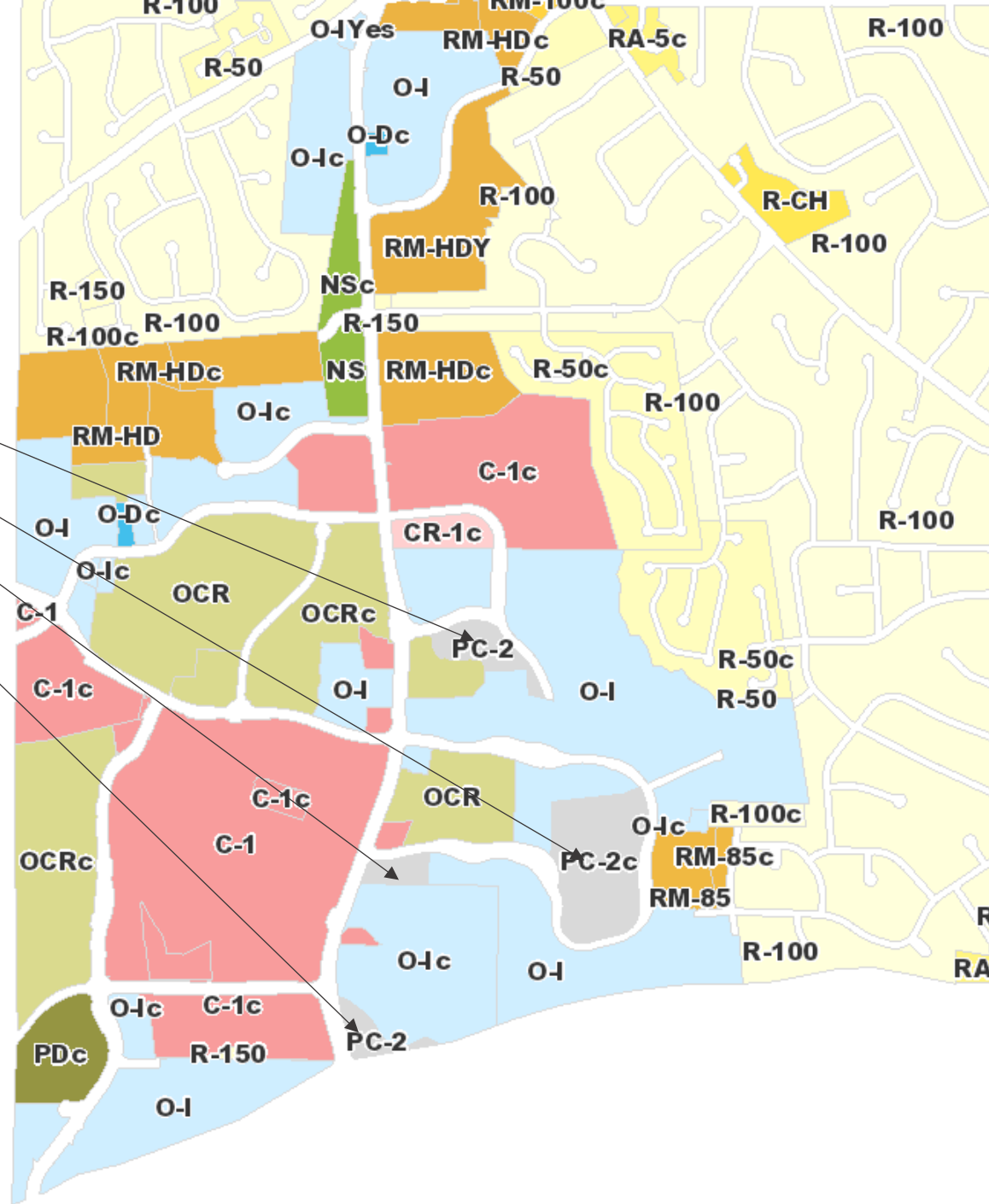
Proposed Regulations

- Permitted use:
 - C-1, CR-1, C-2
- Special use:
 - RM
 - O-I, O-I-T
 - PC-2, PC-3, PC-4
 - DV-2, DV-3, DV-4

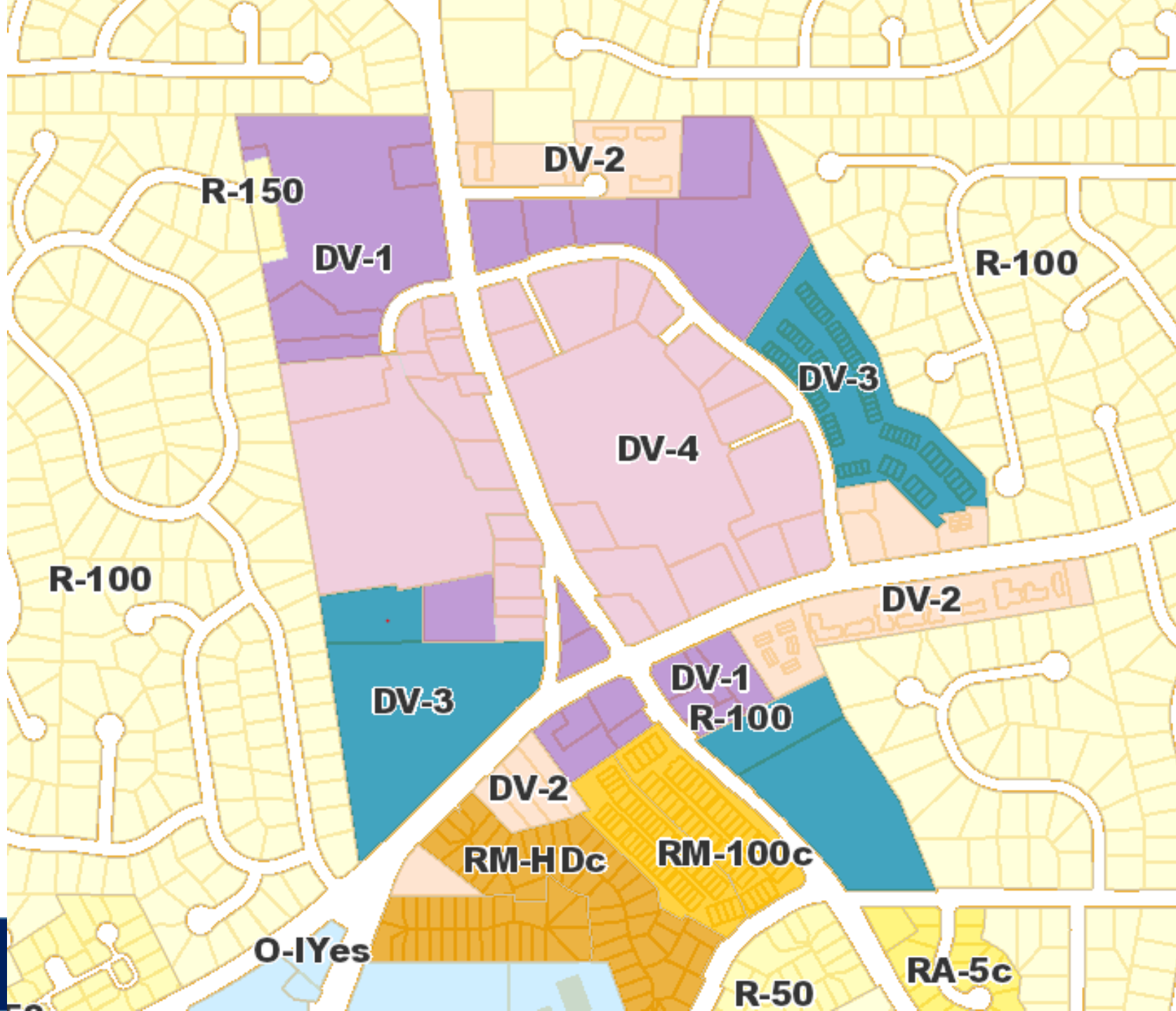
O-I, O-I-T



PC-2, PC-3, PC-4



DV-2, DV-3, DV-4



Proposed Regulations

- Permitted use:
 - C-1, CR-1, C-2
- Special use:
 - RM
 - O-I, O-I-T
 - PC-2, PC-3, PC-4
 - DV-2, DV-3, DV-4