

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

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

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

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

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

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

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

**ADDITIONS – underlined**

**DELETIONS – ~~strikethroughs~~**

**Sec. 27-809. Accessory Uses and Structures**

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

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

(2) Parking lot and parking garage.

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

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

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

- ~~(6)(3)~~ Signs are allowed in accordance with the provisions of the City's Sign Ordinance and this Chapter.

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

**Sec. 27-810. Special Permits.**

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

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

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- ~~(i) Restaurant (excluding drive-through restaurant), provided all such uses shall be located on the floor at grade level.~~

- ~~(j) Retail use where accessory to a high-rise apartment building or high-rise office building.~~

**Section 3:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_\_ day of August, 2010.

**Approved:**

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Ken Wright, Mayor

**ATTEST:**

**Approved as to Form and Content:**

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Sharon Lowery, City Clerk  
(Seal)

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Brian Anderson, City Attorney