



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: February 27, 2023

Subject: Temporary Moratorium Drug Rehabilitation Centers and Other Facilities for Treatment of Drug Dependency

ITEM DESCRIPTION

This item institutes a 180-day moratorium on drug rehabilitation centers and other facilities for treatment of drug dependency with an expiration date of August 16, 2023. The moratorium applies to any permits or licenses for drug rehabilitation centers or other facilities for treatment of drug dependency.

DISCUSSION

The City's zoning ordinance provides special requirements for special land use permits and zoning map amendments concerning drug rehabilitation centers or other facilities for treatment of drug dependency, including size requirements for newspaper ads and timing requirements for public hearings. References are in Sec. 27-331, Sec. 27-334, Sec. 17-356, and Sec. 27-358. However, neither use is incorporated in the use table nor defined, leading to unclear expectations and potential liabilities for the City.

The staff will use the moratorium period to review the State requirements, review best practice regulations, and identify potential impacts and externalities of drug rehabilitation centers and other facilities for treatment of drug dependency uses. The staff will then propose changes to the City's zoning ordinance that will have to be reviewed by the Planning Commission and the City Council.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

Resolution – Temporary Moratorium Drug Rehabilitation Centers and Other Facilities for Treatment of Drug Dependency

Lynn Deutsch Mayor
Eric Linton ICMA-CM City Manager
Sharon Lowery CMC City Clerk

Catherine Lautenbacher City Council Post 1
Rob Price City Council Post 2
Tom Lambert City Council Post 3

Stacey Harris City Council Post 4
Joe Seconder City Council Post 5
John Heneghan City Council Post 6

Packet page:...

**A RESOLUTION FOR A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF
NEW APPLICATIONS FOR BUSINESS LICENSES OR SPECIAL USE
APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND
DISTURBANCE SITE PLAN AND DESIGN REVIEW, OR OTHER PERMITS AND
LICENSES FOR DRUG REHABILITATION CENTERS AND OTHER FACILITIES
FOR TREATMENT OF DRUG DEPENDENCY**

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

WHEREAS, the State of Georgia has adopted a legal framework for the licensing of drug treatment and drug rehabilitation centers; and

WHEREAS, the City regulates businesses with potential negative externalities through a variety of measures, including but not limited to: minimum distance requirements, requiring heightened scrutiny through the Special Land Use Permit process, and exclusion of uses in specific zoning districts; and

WHEREAS, the City’s zoning ordinance is currently not adequately addressing zoning standards for drug rehabilitation centers and other facilities for treatment of drug dependency; and

WHEREAS, should the City identify potential impacts and externalities, and/or best practice regulations, the City intends to adopt ordinances that protect the public health, safety, and welfare of its citizens; and

WHEREAS, after review, the Mayor and Council have determined that it is in the best interest of the City to issue a Temporary Moratorium as set forth below.

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

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

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

Section 3. Notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody to the contrary, the moratorium on the filing, consideration, or approval of any new Applications for Business Licenses, Special Land Use

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2023-XX-XX

Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits and Licenses for drug rehabilitation centers and other facilities for treatment of drug dependency, the Temporary Moratorium shall remain in force and effect. For the purposes of this resolution, the terms drug rehabilitation centers and other facilities for treatment of drug dependency shall be interpreted similarly to their use in O.C.G.A. § 36-66-4 and shall include any organization predominately or exclusively providing wellness or treatment services to those dealing with diseases related to alcoholism or drug addiction.

- Section 4.** During the moratorium neither the City nor any of its departments or staff shall accept, process or review new applications for Applications for Business License, or for Special Land Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits and Licenses for cannabis businesses.
- Section 5.** This moratorium shall expire at **11:59 p.m. on September 14, 2023**, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody.
- Section 6.** The moratorium period adopted in the Temporary Moratorium is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals.
- Section 7.** This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed.
- Section 8.** The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2023-XX-XX

Approved:

Lynn Deutsch, Mayor

Attest:

Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

City Attorney