

DATE: August 27, 2019
TO: Mayor & City Council
FROM: Planning Director
SUBJECT: Zoning Ordinance Amendment
Articles 3, 4, 9 & 10 – Related to the manufacturing of alcoholic beverages,
tobacco stores and vape stores.



SUGGESTED ACTION

Approval of the ordinance amendments as discussed.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a scheduled public hearing on August 19, 2019. There were no public comments.

Planning Commission recommends APPROVAL of the amendment to Article 3, 4, 9, and 10 as presented by Staff on August 19, 2019. (5-0)

ISSUE

Planning staff has prepared recommended policy changes to several sections of the zoning ordinance pertaining to the manufacture and sale of alcoholic beverages as a result of recent changes to state law as well as tobacco and vape stores to address recent market changes and policy trends.

ORDINANCE

The Council of the City of Sugar Hill hereby ordains that the 2000 Zoning Ordinance of the City of Sugar Hill, Georgia shall be amended as follows:

By adding the following definitions to Article 3. Definitions, which shall be inserted within existing definitions in proper alphabetical order and shall read as follows:

Tobacco store: Shall mean any premises **dedicated** to the display, sale, distribution, delivery, offering, furnishing or marketing of tobacco or tobacco related products.

Tobacco-related products: Means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product. Including any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco or tobacco-related products such as pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. The term “tobacco-related product” exclude any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. Lighters and matches shall be excluded from the definition of tobacco-related products.

Vape store: Means any premises **dedicated** to the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.

Vape or vape juice: Means any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring and water, and can be used to deliver nicotine, synthetics or other substances to a person inhaling from the device.

Vape-related products: Means any product or device that employs an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine, synthetics, or other substances to a person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongs, electronic pipes and similar products or devices, whether manufactured, distributed, marketed, or sold as such.

**By adding Tobacco Store with associated restrictions to Article 4, Section 406.
Restrictions on principal uses, which shall read as follows:**

Use	Restrictions
Tobacco Store	<ol style="list-style-type: none"><li data-bbox="492 310 1474 457">1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco or tobacco-related products.<li data-bbox="492 491 1474 638">2. Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.<li data-bbox="492 672 1474 743">3. Shall not be located within 1,300 feet, measured property line to property line, from another tobacco store or vape store.<li data-bbox="492 777 1474 869">4. No operator or owner shall knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any tobacco store.

**By adding Vape Store with associated restrictions to Article 4, Section 406.
Restrictions on principal uses, which shall read as follows:**

Use	Restrictions
Vape Store	<ol style="list-style-type: none"><li data-bbox="407 1211 1474 1318">1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.<li data-bbox="407 1352 1474 1499">2. Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.<li data-bbox="407 1533 1474 1604">3. Shall not be located within 1,300 feet, measured property line to property line, from another vape store or tobacco store.<li data-bbox="407 1638 1474 1705">4. No operator or owner shall knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any vape store.

By adding “Tobacco Store” to Article 4, Table 4.1 which shall be allowed only by Special Use Permit with Restrictions (SU-R) within the General Business (BG) zoning district.

By adding “Vape Store” to Article 4, Table 4.1 which shall be allowed only by Special Use Permit with Restrictions (SU-R) within the General Business (BG) zoning district.

By deleting Paragraph 2. of Subsection D. Section 1002 Article 10 and replacing it with the following text which shall read as follows:

2. Prohibited Uses. Unless otherwise noted, the following uses shall be prohibited: Adult entertainment businesses/facilities; automotive sales lots and associated service facilities; automobile repair shops and tire stores including lubrication or tune up centers; truck stops; service stations; boarding and rooming houses; contractors equipment depot; restaurants with drive-through service; equipment rental; facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices; adult novelty retail stores; pawn shops; tattoo parlors; tobacco store; vape store; vehicle or emission inspections; warehousing; mini-warehouse/personal storage facilities; moving van or truck rental and taxi/limousine queue lots. If any of the above listed uses exist within the CBD prior to the adoption of this Ordinance, those uses shall, upon the adoption of this Ordinance become non-conforming uses, shall comply with and be governed by Article 8 of the Zoning Ordinance.

IT IS SO ORDAINED, this ____ day of _____, 2019.

Those voting in favor:

Those voting in opposition:

Mayor Pro Tem Susie Walker

Mayor Pro Tem Susie Walker

Council Member Taylor Anderson

Council Member Taylor Anderson

Council Member Marc Cohen

Council Member Marc Cohen

Council Member Curtis Northrup

Council Member Curtis Northrup

Council Member Brandon Hembree

Council Member Brandon Hembree

ATTEST:

City Clerk

Submitted to Mayor: ____/____/____

Steve Edwards, Mayor

Approved by Mayor, this _____ day of _____ 2019.

ORDINANCE

The Council of the City of Sugar Hill hereby ordains that the 2000 Zoning Ordinance of the City of Sugar Hill, Georgia shall be amended as follows:

Section 1002 CENTRAL BUSINESS DISTRICT OVERLAY

By adding Distillery with associated restrictions to Article 10, Section 1002. 4. Conditional uses, which shall read as follows:

4. Conditional uses. The following uses shall be permitted on all properties within the CBD provided the associated conditions are met.

Use:	Conditions
1. Single Family Residential	Shall be limited to townhome, row house, or zero lot-line building type. Refer to Appendix A. Minimum density=4 dwelling units per acre. maximum density=12 units per acre. Density shall be calculated by dividing the number of residential units by the difference in land area of the development in acres devoted to non-residential uses from the total site area. Where total property area=A. Non-residential area=N. Count of residential units=R. Density=R/(N-A)
2. Multi-Family Residential	Shall be limited to mid-rise, courtyard building type (Refer to Appendix A); Minimum FAR=2:1
3. Customary residential accessory structures and uses	Refer to Section 600. Accessory uses or Structures for location requirements and conditions.
4. Brew Pub	No outdoor storage. Shall be limited to restaurants that brew and sell 25% or more of their own beer for on-premise consumption.
5. Microbrewery	No outdoor storage. Must include a restaurant or tap room.
6. Craft Distillery	No outdoor storage. Must include a restaurant or taproom.

IT IS SO ORDAINED, this ____ day of _____, 2019.

Those voting in favor:

Those voting in opposition

Mayor Pro Tem, Susie Walker

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Council Member Brandon Hembree

Council Member Brandon Hembree

Council Member Marc Cohen

Council Member Marc Cohen

Council Member Curtis Northrup

Council Member Curtis Northrup

Council Member Taylor Anderson

Council Member Taylor Anderson

ATTEST:

City Clerk

Submitted to Mayor: ____/____/____

Approved by Mayor, this _____ day of _____ 2019.

Steve Edwards, Mayor