



DATE: December 23, 2019
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Zoning Ordinance Amendment
Articles 3, 4, 9 & 10 – Related to the sale of cannabidiol,
tobacco and vape products.

SUGGESTED ACTION

Approval of the ordinance amendments as discussed.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a scheduled public hearing on November 18, 2019. There were no public comments.

Planning Commission recommends APPROVAL of the amendment. (2-1, Julie Adams abstained)

ISSUE

Planning staff has prepared recommended policy changes to several sections of the zoning ordinance pertaining to the sale of cannabidiol, tobacco and vape products.

Attachments:

Ordinance markup. (Deletions shown in ~~stricken text~~. Additions indicated by double underline.)

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:

Cannabidiol: Shall mean a phytocannabinoid derived from the hemp plant which does not exceed the federally defined THC level for hemp and which is devoid of psychoactive activity.

Cannabidiol store: Shall mean any premises used for the display, sale, distribution, delivery, offering, furnishing or marketing of cannabidiol or cannabidiol related products.

Cannabidiol-related products: Means any product in cream, oil, liquid, capsule, gummy, gel, balm, or any other form containing cannabidiol which is intended for human or animal consumption or topical application. 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 cannabidiol or cannabidiol-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.

Tobacco store: Shall mean any premises used for 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 used for the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.

Vape or vape juice: Means any substance that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring and water, and can be used to deliver nicotine, cannabidiol, 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 bongos, electronic pipes and similar products or devices, whether manufactured, distributed, marketed, or sold as such.

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

| Use | Restrictions |
|-------------------|--|
| Cannabidiol Store | <ol style="list-style-type: none">1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be used for the display, sale, distribution, delivery, offering, furnishing, or marketing of cannabidiol or cannabidiol-related products.2. Sales from cannabidiol or cannabidiol-related products shall not exceed twenty-five percent (25%) of the business's aggregate retail sales.3. 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.4. Shall not be located within 1,300 feet, measured property line to property line, from another cannabidiol store, tobacco store or vape store.5. <u>Only the display, sale, distribution, delivery, offering, furnishing or marketing of Cannabidiol or cannabidiol-related products from GA-licensed hemp producers properly licensed in accordance with all federal, state and local regulations shall be allowed.</u> |

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">1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be used for the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco or tobacco-related products.2. Sales from tobacco or tobacco-related products shall not exceed twenty-five percent (25%) of the business's aggregate retail sales.3. 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.

4. Shall not be located within 1,300 feet, measured property line to property line, from another tobacco store or vape store.
5. 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">1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be used for the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.2. Sales from vape or vape-related products shall not exceed twenty-five percent (25%) of the business's aggregate retail sales.3. Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), child care childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.4. Shall not be located within 1,300 feet, measured property line to property line, from another vape store or tobacco store.5. 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 "Cannabidiol Store, Tobacco Store and 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 adding "Tobacco Store" to Article 4, Table 4.2 which shall be Allowed with Restrictions \(A-R\) within the General Business \(BG\) zoning district as an accessory use.](#)

[By adding Tobacco Store with associated restrictions to Article 4, Section 407. Restrictions on accessory uses, which shall read as follows:](#)

Use

Restrictions

Tobacco Store

1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be used for the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco or tobacco-related products.
2. Sales from tobacco or tobacco-related products shall not exceed ten percent (10%) of the business's aggregate retail sales.
3. 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.
4. Shall not be located within 1,300 feet, as measured by the most direct route off travel on ground starting at the nearest public entrance of the tobacco store in a straight line to the nearest project access improvement(s), sidewalk, parking area, street, road or highway along the most direct route to the nearest public entrance of the nearest tobacco store, vape store or cannabidiol store.
5. 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 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~~ body art establishment; cannabidiol store; 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 _____, 2020.

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 _____ 2020.