

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF
ORDINANCES, APPENDIX A – ZONING, TO REGULATE MEDICAL CANNABIS
DISPENSARIES IN JOHNS CREEK**

WHEREAS, in 2015, the Georgia General Assembly approved House Bill 1, allowing for registered patients with qualifying conditions and their caregivers to possess up to 20 fluid ounces of low-THC oil with a doctor’s certification; and

WHEREAS, in 2017, the Georgia Senate passed Senate Bill 16 to expand qualifying medical conditions covered by House Bill 1; and

WHEREAS, in 2019, House Bill 324 was enacted to provide for licensed and regulated cultivation, production, and dispensation of low-THC oils; and

WHEREAS, in 2021, Senate Bill 195 took effect to provide for new treatment and delivery methods for medical cannabis, revising provisions relating to the dispensation of low-THC oil products, and permitting medical cannabis producers to obtain state dispensation licenses; and

WHEREAS, the current State law allows a total of 30 dispensaries statewide, and many are expected to be clustered around Metro Atlanta; and

WHEREAS, the State currently enforces a 1000-foot buffer from medical cannabis dispensaries to any public or private school, early care and education program, church, synagogue or other place of worship, as measured from property boundary to property boundary; and

WHEREAS, the Mayor and City Council desire to protect the health, safety, general welfare and comfort of its residents and to regulate for the safe and legal distribution of medical cannabis with minimal impact upon neighborhoods and residential areas.

NOW THEREFORE, the Mayor and City Council of the City of Johns Creek hereby ordain that Appendix A – Zoning, Article III “Definitions” and Article IX “Community Business Districts” are amended as follows:

Section 3.3.13.M.

Medical Cannabis Dispensaries. Any business establishment that sells and distributes medical cannabis products, as defined in O.C.G.A. § 16-12-190 or related products as defined in O.C.G.A. § 16-12-200(15).” This definition shall not include any bona fide full-service pharmacy that holds a dispensing license as authorized by O.C.G.A. § 16-12-206(b). All medical cannabis dispensaries shall adhere to all applicable state and local laws, rules, regulations, and ordinances, including, but not limited to, O.C.G.A. §§16-12-200 to 16-12-236 and the rules and regulations promulgated by the Georgia Access to Medical Cannabis Commission.

No medical cannabis dispensaries shall be allowed within 2,000 feet of any residential dwelling, residential substance abuse diagnostic or treatment facility, any licensed drug or alcohol rehabilitation facility, religious institution or Place of Worship, Early Care and Education Program as defined in O.C.G.A. § 20-1A-2, Public or Private School, College or University, Governmental

Facility or Park, and not within 3 miles of another medical cannabis dispensary. Distance shall be measured by a straight line without regard to intervening structures or objects, from the front door of the medical cannabis dispensary to the closest point on a boundary of any parcels containing a residential dwelling, Church, Temple or Place of Worship, Early Care and Education Program, School, College, University, Government Facility or Park, or another Medical Cannabis Dispensary.

Section 9.2. C-2 Community Business District

Section 9.2.2.A. Permitted Uses.

1. Any Use Permitted in the C-1 District
2. Automotive Garage
3. Automotive Repair Garage
4. Automobile & Light Truck Sales/Leasing
5. Batting Cage, Outdoor
6. Bowling Alley
7. Brewery
8. Car Wash
9. Check Cashing Establishment
10. Drive-in Theater
11. Garage, Automobile Repair
12. Landscaping Business
13. Lawn Service Business
14. Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing.
15. Medical Cannabis Dispensary
16. Pawn Shop
17. Plant Nursery
18. Plumbing Shop associated with retail sales
19. Radio and Television Stations
20. Service Establishments
21. Skating Rink
22. Smoke Shop
23. Tinsmithing Shop associated with retail sales

SO RESOLVED, this _____ day of _____, 2023.

Approved:

John Bradberry, Mayor

ATTEST:

Approved as to Form and Content:

Allison Tarpley, City Clerk

Richard Carothers, City Attorney

(Seal)