

---

**TO:** Honorable Mayor and City Council Members  
**FROM:** Diana Wheeler, Interim Community Development Director  
**DATE:** Submitted on July 15, 2024, for the First Presentation on July 22, 2024, Regular Council Meeting and for the Zoning Agenda on August 5, 2024, Regular Council Meeting

DocuSigned by:  
*Diana Wheeler*  
3C30A325FBE844C...

**AGENDA ITEM:** Consideration of RZ24-01 – A Text Amendment to the Unified Development Code for the City of Milton, Georgia to Prohibit the Sale of Consumable Hemp Products and/or Unregulated Marijuana Substitutes.

---

**DEPARTMENT RECOMMENDATION:** Approval

### EXECUTIVE SUMMARY

The City is concerned with proliferation of the sale of consumable hemp products in light of warnings from both the Food and Drug Administration and the Centers for Disease Control that these products have psychoactive and intoxicating properties similar to marijuana and are largely unregulated and may contain harmful chemicals and the City finds that the hazards occasioned by the selling of these products constitutes an emergency.

Manufacturers, distributors, and retailers of consumable hemp products argue that they are not subject to enforcement under ordinances prohibiting unregulated marijuana substitutes; and the City desires to obtain a more comprehensive understanding of the impact on the health, safety and welfare of its citizens by retailers, vendors, and other businesses selling consumable hemp products.

Staff has provided new definitions for "Retail Consumable Hemp Products" and "Unregulated Marijuana Substitutes Retail Shop" along with amended Use Charts contained in Article 8 of the Unified Development Code.

In addition to the new definitions, these uses and products are being proposed to be prohibited in all of the City as reflected in the Use Charts within the traditional zoning districts and both Crabapple and Deerfield Form Based Codes.

Staff have worked closely with the Milton Police Department and the City Attorney to ensure that the proposed text amendment will provide the ability to enforce and prosecute offenders.

The Mayor and City Council enacted a moratorium on May 6, 2024, to prohibit the opening of any new retail establishments related to unregulated marijuana substitutes and consumable hemp products while this text amendment is being processed. This will expire either when a new ordinance is adopted by the council or November 4, 2024, whichever occurs first.

## PUBLIC MEETINGS

The Community Development Department held the following meetings in relation to the subject text amendment:

Community Zoning Information Meeting (CZIM) – Tuesday, May 28, 2024 – No one attended this meeting held at City Hall.

Planning Commission Meeting - Wednesday, June 26, 2024 – The text amendment was presented by the Community Development Staff along with Police Chief Griffin to the Planning Commission. There was no one from the public in attendance at the meeting.

After a detailed discussion and deliberation, the Commission recommended Approval Conditional of RZ24-01 with the following comments/recommendations:

1. Include the term “unpackaged” with “prepackaged” in section “M” (Definition of Retail Consumable Hemp Product.
2. Correct the spelling of “plant” in section “M” (Definition of Retail Consumable Hemp Products”.
3. Correct the indents of the new definitions within the Use Tables.
4. Address possible future change to law regarding exceeding the legal limit of .3 percent.

Based upon the City Attorney's recommendation, Staff has replaced the “legal limit of .3 percent” to “legal limit as set in state law” in the definition of Retail Consumable Hemp Products.

## **FINDING AND FISCAL IMPACT**

There are none.

## **ALTERNATIVES**

The Mayor and City Council could vote to deny or amend the proposed text amendment presented by Staff.

## **LEGAL REVIEW**

Mr. Ken Jarrard, Ms. Karen Pachuta, and Mr. Paul Frickey (June and July 2024)

## **CONCURRENT REVIEW**

Mr. Steve Krokoff, City Manager

DocuSigned by:  
*Steven Krokoff*  
9E6DD808EBB74CF...

## **ATTACHMENT(S)**

Ordinance to Adopt newly created definitions and amended Use Charts.

Exhibit “A” – Amendment to the Unified Development Code for the City of Milton. Article 8 Use Provisions

**AN ORDINANCE TO AMEND ARTICLE 8 – USE PROVISIONS OF THE UNIFIED  
DEVELOPMENT CODE TO ADDRESS RETAIL CONSUMABLE HEMP PRODUCT AND  
UNREGULATED MARIJUANA SUBSTITUTES RETAIL SHOP USES**

**BE IT ORDAINED** by the City Council of the City of Milton, GA while in a regularly called council meeting on August 5, 2024, at 6:00 p.m. as follows:

**SECTION 1.** That the amendment of Article 8 Use Provisions as it relates to Retail Consumable Hemp Products and Unregulated Marijuana Substitutes Retail Shops attached hereto as Exhibit "A" as if fully set forth herein;

**SECTION 2.** That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

**SECTION 3.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 5<sup>th</sup> day of August, 2024.

\_\_\_\_\_  
Peyton Jamison, Mayor

Attest:

\_\_\_\_\_  
Tammy Lowit, City Clerk

# **Article 8. Use Provisions**

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																				
Use Category	Zoning Districts (Excludes Form-Based Codes)																			
Specific Use	AG-1	R-1	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	TR	A	A-L	NUP	CUP	O-I	C1	MIX	Definition/ Standards
																				source not found.
<a href="#">Retail Consumable Hemp Products</a>																				<a href="#">Sec. 8.5.14.M</a>
<a href="#">Unregulated Marijuana Substitutes Retail Shop</a>																				<a href="#">Sec. 8.5.14.N</a>
All vehicular, as listed below:																				Sec. Error! Reference source not found.
Automobile and light truck sales/leasing																				Sec. Error! Reference source not found.
Automotive garage																		P		Sec. Error! Reference source not found.
Automotive specialty shop																		P		Sec. Error! Reference source not found.
Car wash, principal																		P	P	Sec. Error! Reference source not found.
Gasoline station																		P		Sec. Error! Reference source not found.
Parking																	P	P	P	Sec. Error! Reference source not found.
Repair garage, automobile																				Sec. Error! Reference source not found.
Repair garage, truck and heavy equipment																				Sec. Error! Reference source not found.
Service station																		P	P	Sec. Error! Reference source not found.

Key: P=Permitted Use A=Administrative Permit W=Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	Crabapple Form-Based Code						
	T2	T3	T4-R [1]	T4	T4-O [2]	T5	Definition/ Standards
Garden center					P	P	Sec. Error! Reference source not found.
Pawnshop							Sec. Error! Reference source not found.
Retail package distilled spirit store						U	Sec. Error! Reference source not found.
Retail package malt beverage/ wine store				P	P	P	Sec. Error! Reference source not found.
Specialty gift shop				P	P	P	Sec. Error! Reference source not found.
Vape shop							Sec. Error! Reference source not found.
<a href="#">Retail Consumable Hemp Products</a>							<a href="#">Sec. 8.5.14.M</a>
<a href="#">Unregulated Marijuana Substitutes Retail Shop</a>							<a href="#">Sec. 8.5.14.N</a>
All vehicular, as listed below:							Sec. Error! Reference source not found.
Automobile and light truck sales/leasing						W	Sec. Error! Reference source not found.
Automotive garage					P	P	Sec. Error! Reference source not found.
Automotive specialty shop							Sec. Error! Reference source not found.
Car wash, principal					P	P	Sec. Error! Reference source not found.
Gasoline station					W	W	Sec. Error! Reference source not found.
Parking				W	W	W	Sec. Error! Reference source not found.
Repair garage, automobile					P	P	Sec. Error! Reference source not found.
Repair garage, truck and heavy equipment							Sec. Error! Reference source not found.

Key: P=Permitted Use A=Administrative Permit W=Warrant U=Use Permit Empty Cell=Prohibited								
Use Category Specific Use	Deerfield Form-Based Code							
	T2 [1]	T3	T4	T4-P [3]	T4-O	T5 [2]	T6	Definition/ Standards
								source not found.
Craft beer and/or wine market				U	U	U	U	Sec. Error! Reference source not found.
Equine garment fabrication	U							Sec. Error! Reference source not found.
Flea market and second-hand surplus retailers								Sec. Error! Reference source not found.
Garden center					P	P	P	Sec. Error! Reference source not found.
Pawnshop						W	W	Sec. Error! Reference source not found.
Retail package distilled spirit store				U		U	U	Sec. Error! Reference source not found.
Retail package malt beverage/ wine store				P	P	P	P	Sec. Error! Reference source not found.
Specialty gift shop			P	P	P	P	P	Sec. Error! Reference source not found.
Vape shop								Sec. Error! Reference source not found.
<a href="#">Retail Consumable Hemp Products</a>								<a href="#">Sec. 8.5.14.M</a>
<a href="#">Marijuana Substitutes Retail Shop</a>								<a href="#">Sec. 8.5.14.N</a>
All vehicular, as listed below:								Sec. Error! Reference source not found.
Automobile and light truck sales/leasing						W	W	Sec. Error! Reference source not found.

Sec. 8.5.14. Commercial Uses

## Article 8. Use Provisions

### M. Retail Consumable Hemp Products

#### 1. Defined

Any retail shop that prepares or sells prepackaged consumable hemp products, irrespective of the quantity or percentage of retail space dedicated to such products. Hemp means the Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 concentration that does not exceed the legal limit as set in state law. For purposes of this section, hemp products mean all products with a total delta-9 concentration that does not exceed the legal limit as set in state law that are derived from, or made by, processing hemp plants or plant parts and that are prepared in a form for commercial sale. Consumable hemp products are products intended to be ingested, absorbed, or inhaled by humans or animals. This definition applies to individuals or business entities possessing, or eligible to possess, a retail consumable hemp establishment license issued by the Georgia Department of Agriculture pursuant to O.C.G.A. § 2-23-1 et seq., the "Georgia Hemp Farming Act", as may be periodically amended.

### N. Unregulated Marijuana Substitutes Retail Shop

#### 1. Defined

Any retail shop that prepares or sells unregulated marijuana substitutes. Unregulated marijuana substitutes shall mean and refer to any compounds or substances, whether described as tobacco, herbs, incense, spice, aromatherapy incense, bath salts, potpourri, herbal smoking blends, plant food, or aromatic substance that may cause or is marketed to cause a sense of euphoria, novelty aromatic, or any blend combination thereof, regardless of whether the compound or substance or blend of compounds or substances is marketed to be smoked, injected, inhaled or ingested by humans or for human consumption, that: (a) is not currently or hereinafter regulated as a Schedule 1 controlled substance under Georgia law; (b) is privately compounded, with the specific intent to circumvent the criminal penalties for synthetic cannabinoids under Georgia law; and (c) when smoked, injected, inhaled or ingested emulate, simulate or mimic the effects of marijuana or synthetic cannabinoids through chemical changes such as the addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a substituent. This definition applies to individuals and businesses preparing or selling products as described with the definitions in section 32-114(a) of the Milton Code of Ordinances.