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**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Paul Leonhardt, Planning & Zoning Manager  
**Date:** February 13, 2023  
**Subject:** Temporary Moratorium Medical Cannabis

**ITEM DESCRIPTION**

This item institutes a 180-day moratorium extension to the existing moratorium that expires on March 18, 2023 with a new expiration date of September 14, 2023. The moratorium applies to any permits or licenses for medical cannabis businesses.

**DISCUSSION**

The State of Georgia has created laws that allow for the production, distribution, and sale/dispensing of medical cannabis products. Legal challenges to the State’s licensing process appear completed now and businesses are starting to search for locations. Interest in Dunwoody will likely be for dispensaries.

Currently, the City has no regulations for medical cannabis businesses. The staff will use the moratorium period to review the State requirements, review best practice regulations, and identify potential impacts and externalities of medical cannabis uses. Should the staff find cause for new code requirements, it will 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 Medical Cannabis

**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 CANNABIS BUSINESSES**

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 growing, distribution, and selling of cannabis products for medical purposes; 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, legalized cannabis businesses either do not yet exist, or are new, in the State of Georgia, and the City wishes to study potential impacts and externalities of these uses, and codify best practice regulations; 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 Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and

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Design Review or other Permits and Licenses for cannabis businesses, the Temporary Moratorium shall remain in force and effect. Cannabis business shall mean any organization engaged in the growing, production, distribution, or sale or dispensing of cannabis or low THC oil or low THC oil-containing products or similar products as defined in GA Code § 16-12-200.

- 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:

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Lynn Deutsch, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

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City Attorney