

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF  
ORDINANCES, APPENDIX A – ZONING TO REGULATE SMOKE SHOPS IN JOHNS  
CREEK**

**WHEREAS**, the Mayor and City Council of Johns Creek adopted a Text Amendment to the Zoning Ordinance (Ordinance 2019-07-16) in 2019, to limit the sale of vape and vape-related products as an accessory use in commercial zoning districts (C-1 and C-2) by allowing no more than 25% of the dedicated floor space for a business to sell or advertise the sale of vape and vape-related products; and

**WHEREAS**, the adopted text amendment has led to such businesses diversifying beyond the limited sale of vape and vape-related products, instead fashioning themselves as “Smoke Shops” to also sell cigarettes, cigars, e-cigarettes, hookahs, hookah accessories (glass, hoses, plates, foil, charcoal, tips, flavors, coal burners), water pipes, pipe cleaners, hemp wraps, grinders and trays, lighters, torches, and/or other tobacco paraphernalia or alternative nicotine products; and

**WHEREAS**, vape shops and smoke shops also include lounge areas in stores to further promote and facilitate the active use of vape, nicotine, or alternative nicotine products; and

**WHEREAS**, the Mayor and City Council desires to protect the health, safety, general welfare and comfort of its residents, as well as the aesthetic and economic vitality of commercial zoning districts within the City of Johns Creek by considering appropriate zoning and other regulations of vape shops and smoke shops.

**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 3.3.3.C.**

***Cigar Shop.*** Any business establishment that sells hand-rolled cigars, and derives at least 80 percent of its total annual gross sales from the sale of cigars and cigar-related products for consumption on or off the premises. Such retail establishments shall not advertise, display, store, sell or permit the on-premises use of:

- 1) Vape products, including electronic smoking devices, component parts or e-liquids;
- 2) Hookah pipes and products, glass pipes or bongs; or
- 3) Unrolled tobacco or machine rolled tobacco products.

**Section 3.3.19.S.**

***Smoke Shop.*** Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, vapes. This definition shall not include cigar shops, or any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

Such businesses shall be located within a retail shopping center and shall not be allowed within 200 yards of any Church, Temple or Place of Worship, Daycare, School, College, University or Government-owned Facilities or Properties, or within 500 yards of another Smoke Shop. Distance shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

**Section 9.1. C-1 Community Business District**

**Section 9.1.2.A. Permitted Uses.**

1. Amusements, Indoor
2. Art Galleries
3. Assembly Halls
4. Automotive Parking Lots
5. Automotive Specialty Shops
6. Catering, Carry-out and Delivery
7. Church, Temple or Other Place of Worship
8. Cigar Shops
9. Clinics
10. Convalescent Center/Nursing/Hospice
11. Day Care Facilities
12. Delicatessens
13. Financial Establishments
14. Funeral Homes
15. Garage, Automobile Repair except painting, body repair and overhaul of major components
16. Group Residences
17. Gymnasiums
18. Hotels
19. Health Club/Spa
20. Laundromats
21. Landscaping Business, Garden Center
22. Laundry and Dry Cleaning Shops
23. Lawn Service Businesses
24. Libraries
25. Communication Services
26. Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced.
27. Motels
28. Museums
29. Offices
30. Parking Garages/Decks
31. Parking Lots
32. Personal Care Homes, Congregate
33. Personal Services including barber, beauty
34. Pet Grooming (No overnight stay)
35. Photography Studios
36. Plant Nurseries

37. Printing Shops, Convenience
38. Repair Shops not involving any manufacturing on the site
39. Research Laboratories
40. Restaurants
41. Retail Stores or Shops
42. School of Business, Dance, Music or similar schools
43. Service Stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale.
44. Stadiums
45. Theaters
46. Recycling Centers, Collecting

**Section 9.1.2.B. Accessory Uses.**

*Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use. Automobile and/or moving truck rental may be used in accessory only to an associated permitted use. Not more than 45 percent of the floor area of a building or land may be devoted to storage incidental to primary uses.

**Section 9.2. C-2 Community Business District**

**Section 9.2.2.A. Permitted Uses.**

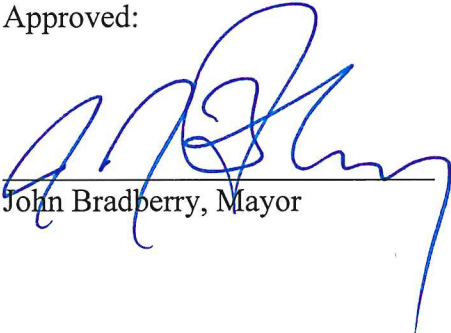
1. Any Use Permitted in the C-1 District
2. Automotive Garage
3. Automotive Repair Garage
4. Automobile & Light Truck Sales/Leasing
5. Batting Cage, Outdoor
6. Bowling Alley
7. Brewery
8. Car Wash
9. Check Cashing Establishment
10. Drive-in Theater
11. Garage, Automobile Repair
12. Landscaping Business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

**Section 9.2.2.B. Accessory Uses.**

*Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use.

SO RESOLVED, this 28<sup>th</sup> day of February, 2022.

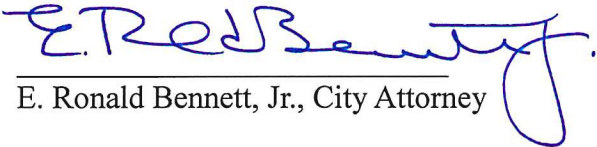
Approved:

  
John Bradberry, Mayor

ATTEST:

Approved as to Form:

  
Allison Tarpley, City Clerk

  
E. Ronald Bennett, Jr., City Attorney

