

A RESOLUTION OF THE CITY OF JOHNS CREEK, GEORGIA TO IMPOSE A SIX-MONTH MORATORIUM ON ACCEPTING AND PROCESSING BUSINESS TAX CERTIFICATES AND BUILDING PERMIT APPLICATIONS, OR ISSUANCE OF CERTIFICATES OF OCCUPANCY, FOR VAPE SHOPS AND SMOKE SHOPS WHILE THE CITY COMPLETES A COMPREHENSIVE REVIEW OF ITS ZONING AND LAND USE REGULATIONS

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 a lounge area in the store to further promote and facilitate the active use of vape, nicotine, or alternative nicotine products, which the 2019 Text Amendment did not address; and

WHEREAS, the Mayor and City Council desires to protect the aesthetic and economic vitality of commercial zoning districts as well as real estate values within the City of Johns Creek by considering appropriate zoning and other regulations of vape shops and smoke shops; and

WHEREAS, the processing of business tax certificates, building permit applications and issuance of certificates of occupancy for vape shops and smoke shops within the City of Johns Creek, without first addressing the above factors, may have a permanent and significant negative impact on the nature and quality of the City of Johns Creek and on the health, safety, general welfare and comfort of its residents.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Johns Creek as follows:

1. “Smoke Shop” as used herein is defined as “any business principally dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to, cigarettes, cigars, e-cigarettes, hookahs, vapes, and/or vape-related products.” This definition shall not apply to grocery stores, gas stations or convenience stores.

2. "Vape Shop" as used herein is defined as "any business whose principal product line for retail sale is vape, vape-related products, or both."
3. The Mayor and City Council do hereby impose a moratorium on accepting and processing business tax certificates, building permit applications and issuance of certificates of occupancy for vape and smoke shops throughout the City of Johns Creek.
4. The moratorium imposed by this Resolution shall terminate after six months from the date of the adoption of the Resolution.
5. This Resolution shall be effective upon majority vote by the Mayor and City Council.

SO RESOLVED, this 30th day of August, 2021.

Approved:



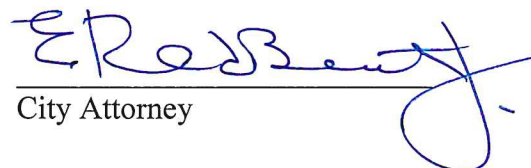
Michael E. Bodker, Mayor

ATTEST:



Allison Tarpley, City Clerk

Approved as to Form and Content:



City Attorney

