



# AGENDA REPORT

To: Planning Commission  
From: Kimberly Greer, Interim Community Development Director  
Agenda: July 9, 2019 Planning Commission Meeting  
Item: Text Amendment (A-19-001) Regulating Vape and Vape-related Products

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## Item Summary

With an increase in the number of vape shops in Johns Creek, the Mayor and City Council initiated a Text Amendment (A-19-001) to the City of Johns Creek Zoning Ordinance to add related definitions and limit the floor area dedicated to sale or advertisement of vape or vape-related products to no more than twenty-five percent (25%).

## Background

Electronic cigarettes (e-cigarettes) are battery-operated devices that vaporize flavored liquid which typically contains nicotine. Stores specializing in the sale of e-cigarettes and related products are commonly referred to as vape shops. Responding to a growth in the number of vape shops in Johns Creek, Council has discussed possible regulation during Work Sessions on April 22, May 6, and May 20, 2019. At the June 3, 2019 Council meeting, Council reached consensus to initiate a Text Amendment to the Zoning Ordinance, as well as to amend Chapter 34 "Offenses and Miscellaneous Provisions" of the City Code.

## Analysis

Based on existing regulations, vape shops are considered "Retail Stores or Shops," which is a permitted use in Community Business Districts (C-1 and C-2). In order to regulate vape shops, Staff recommends two amendments to the Zoning Ordinance:

1. Add definitions for "vape shop," "vape or vape juice" and "vape-related products" to Article III "Definition."

### *Section 3-3 – Definitions.*

3.3.22. V.

Vape Shop. Any business whose principal product line for retail sale is vape, vape-related products, or both. Principal means that vape, vape-related products, or both constitute at least twenty-five percent of the aggregate retail sales of the business.

Vape or Vape Juice. Any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product.

Vape-related Products. Any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine, synthetics, or illegal substances to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongos and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe.

2. Add a maximum percentage threshold to ensure no more than 25% of the floor area of a business premises in C-1 or C-2 Zoning Districts may be devoted to the sale or advertisement for sale of vape or vape-related products.

**Section 9.1.2(B) Accessory Uses [C-1 Community Business District]**

*Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. 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. Not more than twenty-five percent of the floor area of a business premises may be devoted to the sale or advertisement for sale of vape or vape-related products.*

**Section 9.2.2(B) Accessory Uses [C-2 Community Business District]**

*Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use and dwellings may be used for a home occupation. Not more than twenty-five percent of the floor area of a business premises may be devoted to the sale or advertisement for sale of vape or vape-related products.*

## **Recommendation**

Staff recommends amending Article III "Definition" and Article IX "Community Business Districts" of the Zoning Ordinance to better regulate vape shops within Johns Creek.